

File No. 210985

Committee Item No. 9

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight

Date: Oct. 7, 2021

Board of Supervisors Meeting:

Date: _____

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- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
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- Public Correspondence

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Prepared by: John Carroll

Date: Oct. 1, 2021

Prepared by: John Carroll

Date: _____

Prepared by: John Carroll

Date: _____

1 [Settlement of Lawsuit - Malcolm Davis - \$215,000]

2
3 **Ordinance authorizing partial settlement of the lawsuit filed by Malcolm Davis against**
4 **the City and County of San Francisco for \$215,000; the lawsuit was filed on August 20,**
5 **2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro,**
6 **et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation**
7 **arising out of flooding damage during major rainstorms in December of 2014; this**
8 **settlement relates only to the diminution of real property value claims of plaintiff**
9 **Malcolm Davis, and does not include claims for property loss or for attorney's fees,**
10 **costs and interest.**

11
12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
14 authorizes the City Attorney to settle in part, and only as to plaintiff Malcolm Davis, the action
15 entitled David Alfaro, et al. v. City and County of San Francisco, San Francisco Superior
16 Court, Case No. CGC-15-547492 by the payment of \$215,000 to plaintiff Malcolm Davis. The
17 lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms
18 in December of 2014.

19 Section 2. The above-named action was filed in San Francisco Superior Court on
20 August 20, 2015. This is an action brought by owners or occupants of several dozen
21 properties located in San Francisco against defendant City and County of San Francisco.

22 Section 3. This is a partial settlement of the action. It resolves the diminution of real
23 property value claims of commercial property owning plaintiff Malcolm Davis. The parties
24 have previously, separately settled the personal and real property damage claims of all
25 property owners and diminution in value claims of residential property owners in this action

1 (see Board Ordinance No. 204-18, on file with the Clerk of the Board of Supervisors in File
2 No. 180633). The parties will subsequently and separately address all claims for statutory
3 attorney's fees relating to this action.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

/s/ Meredith B. Osborn
MEREDITH B. OSBORN
Chief Trial Deputy

FUNDS AVAILABLE:

/s/Ben Rosenfield
BEN ROSENFELD
Controller

RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

/s/
MICHAEL CARLIN
Acting General Manager

APPROVED:

/s/
DONNA HOOD
Secretary, Public Utilities Commission

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