File No. 210987

Committee Item No. <u>11</u> Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

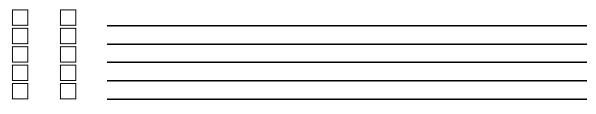
AGENDA PACKET CONTENTS LIST

**Committee:** <u>Government Audit and Oversight</u> **Board of Supervisors Meeting:**  Date: Oct. 7, 2021
Date:

## **Cmte Board**

|                        |           | Motion                                       |
|------------------------|-----------|--|
| $\square$              |           | Resolution                                   |
| $\overline{\boxtimes}$ | $\square$ | Ordinance                                    |
|                        |           | Legislative Digest                           |
| H                      | H         | Budget and Legislative Analyst Report        |
| H                      | H         | 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                                 |
|                        |           | Application                                  |
|                        |           | Public Correspondence                        |

## OTHER



| Prepared by: | John Carroll |  |
|--------------|--------------|--|
| Prepared by: | John Carroll |  |
| Prepared by: | John Carroll |  |

| Date: | Oct. 1, 2021 |  |
|-------|--------------|--|
| Date: |              |  |
| Date: |              |  |
|       |              |  |

FILE NO. 210987

ORDINANCE NO.

| 1  | [Settlement of Lawsuit - John and Janice Gumas - \$225,000]                                      |  |  |
|----|--|--|--|
| 2  |  |  |  |
| 3  | Ordinance authorizing partial settlement of the lawsuit filed by John and Janice Gumas           |  |  |
| 4  | against the City and County of San Francisco for \$225,000; the lawsuit was filed on             |  |  |
| 5  | August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled               |  |  |
| 6  | David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse           |  |  |
| 7  | condemnation arising out of flooding damage during major rainstorms in December of               |  |  |
| 8  | 2014; this settlement relates only to the diminution of real property value claims of            |  |  |
| 9  | plaintiffs John and Janice Gumas, and does not include claims for property loss or for           |  |  |
| 10 | attorney's fees, 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 plaintiffs John and Janice Gumas, |  |  |
| 15 | the action entitled David Alfaro, et al. v. City and County of San Francisco, San Francisco      |  |  |
| 16 | Superior Court, Case No. CGC-15-547492 by the payment of \$225,000 to plaintiffs John and        |  |  |
| 17 | Janice Gumas. The lawsuit involves inverse condemnation arising out of flooding damage           |  |  |
| 18 | during major rainstorms 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 plaintiffs John and Janice Gumas. The        |  |  |
| 24 | parties 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.    |  |  |

City Attorney BOARD OF SUPERVISORS

| 1  | The parties will subsequently and separately address all claims for statutory attorney's fees |
|----|---|
| 2  | relating to this action.  |
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| 1  | APPROVED AS TO FORM AND<br>RECOMMENDED:  | RECOMMENDED:                                 |
|----|--|--|
| 2  |  |  |
| 3  | DENNIS J. HERRERA<br>City Attorney       | SAN FRANCISCO PUBLIC UTILITIES<br>COMMISSION |
| 4  | /s/ Meredith B. Osborn                   |  |
| 5  | MEREDITH B. OSBORN<br>Chief Trial Deputy | MICHAEL CARLIN<br>Acting General Manager     |
| 6  | FUNDS AVAILABLE:                         | APPROVED:                                    |
| 7  | /s/Ben Rosenfield                        | /s/  |
| 8  | BEN ROSENFIELD                           | DONNA HOOD                                   |
| 9  | Controller                               | Secretary, Public Utilities Commission       |
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