File No. <u>210986</u>

Committee Item No. <u>10</u> Board Item No. <u>7</u>

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

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

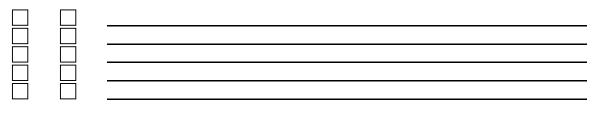
 Date:
 Oct. 19, 2021

Cmte Board

		Motion
H	H	Resolution
		Ordinance
		Legislative Digest
		Budget and Legislative Analyst Report
\Box	\Box	Youth Commission Report
\square	\square	Introduction Form
\square		Department/Agency Cover Letter and/or Report
\square		MOU
\square	\square	Grant Information Form
\square	\square	Grant Budget
\square		Subcontract Budget
\square		Contract/Agreement
\square	\square	Form 126 – Ethics Commission
\square	Π	Award Letter
\square	Ħ	Application

Public Correspondence

OTHER



Prepared by:	John Carroll	Date:	Oct. 1, 2021
Prepared by:	John Carroll	Date:	Oct. 15, 2021
Prepared by:	John Carroll	Date:	

FILE NO. 210986

ORDINANCE NO.

1	[Settlement of Lawsuit - Malcolm Davis - \$470,000]		
2			
3	Ordinance authorizing partial settlement of the lawsuit filed by Malcolm Davis against		
4	the City and County of San Francisco for \$470,000; the lawsuit was filed on August 20,		
5	2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled <u>David Alfaro,</u>		
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 \$470,000 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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1	APPROVED AS TO FORM AND RECOMMENDED:	RECOMMENDED:
2	DENNIS J. HERRERA	SAN FRANCISCO PUBLIC UTILITIES
3	City Attorney	COMMISSION
4	/s/ Meredith B. Osborn	
5	MEREDITH B. OSBORN Chief Trial Deputy	MICHAEL CARLIN Acting General Manager
6	FUNDS AVAILABLE:	APPROVED:
7		
8	<u>/s/Ben Rosenfield</u> BEN ROSENFIELD	<u>/s/</u> DONNA HOOD
9	Controller	Secretary, Public Utilities Commission
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