

1 [Settlement of Lawsuit - David Alfaro, et al. - \$3,626,444.85]

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3 **Ordinance authorizing final settlement of the lawsuit filed by David Alfaro, et al. against**
4 **the City and County of San Francisco for \$3,626,444.85; the lawsuit was filed on August**
5 **20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David**
6 **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 claims for statutory attorney's fees, costs and**
9 **interest and completely resolves the litigation.**

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

12 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
13 authorizes the City Attorney to settle claims for statutory attorney's fees, costs and interest as
14 to all Plaintiffs and completely resolves the action entitled David Alfaro, et al. v. City and
15 County of San Francisco, San Francisco Superior Court, Case No. CGC-15-547492 by the
16 payment of \$3,626,444.85 to plaintiffs and their counsel. The lawsuit involves inverse
17 condemnation arising out of flooding damage during major rainstorms in December of 2014.

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

21 Section 3. This is the final piece of a three-step settlement of the action. It resolves all
22 claims for statutory costs, interest, and attorney's fees due to all Plaintiffs. The parties have
23 previously, separately settled the personal and real property damage claims of all property
24 owners and diminution in value claims of all property owners in this action (see Board
25

1 Ordinance No. 112-18, on file with the Clerk of the Board of Supervisors in File No. 180307).

2 This settlement completely resolves the litigation.

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4 APPROVED AS TO FORM AND
RECOMMENDED:

RECOMMENDED:

5

6 DAVID CHIU
City Attorney

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

7

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

/s/
DENNIS HERRERA
General Manager

8

9 FUNDS AVAILABLE:

APPROVED:

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/s/ Ben Rosenfield
BEN ROSENFELD
Controller

/s/
DONNA HOOD
Secretary, Public Utilities Commission

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Ordinance

File Number: 220191

Date Passed: April 12, 2022

Ordinance authorizing final settlement of the lawsuit filed by David Alfaro, et al. against the City and County of San Francisco for \$3,626,444.85; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms in December of 2014; this settlement relates only to the claims for statutory attorney's fees, costs and interest and completely resolves the litigation.

March 17, 2022 Government Audit and Oversight Committee - RECOMMENDED

April 05, 2022 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

April 12, 2022 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai and Walton
Excused: 1 - Stefani

File No. 220191

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/12/2022 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Handwritten signature of London N. Breed
London N. Breed
Mayor

4/22/22
Date Approved