Ordinance authorizing the Public Utilities Commission and the City Attorney's Office to approve settlements of claims or litigation arising out of the January 25, 2016, landslide between Casitas Avenue and Miraloma Drive, for amounts exceeding $25,000 per claim, notwithstanding Administrative Code, Sections 10.22, 10.22-1, and 10.22-2, for amounts up to $1,000,000 and not to exceed $5,000,000 in total, if the Controller certifies availability of funds, and subject to periodic reporting to the Board of Supervisors Government Audit and Oversight Committee.

NOTE: Additions are single-underline italics Times New Roman; deletions are strike-through italics Times New Roman.

Board amendment additions are double-underlined; Board amendment deletions are strikethrough normal.

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

Section 1. Findings. On January 25, 2016, at approximately 4 p.m., earth movement occurred in the 200 block of Casitas Avenue in San Francisco, eventually affecting six residential properties on Casitas Avenue and Miraloma Drive, resulting in damage to personal and/or real property (the "January 25th Event"). The cause and scope of damages continue to be investigated, and the City is not by this action admitting liability or responsibility for the January 25th Event. The purpose of this legislation is to establish an expedited settlement procedure to facilitate the timely resolution of claims or litigation arising from the January 25th Event to enable prompt payment to those affected, if and when recommended by the City Attorney and approved by the San Francisco Public Utilities Commission.

Section 2. Notwithstanding San Francisco Administrative Code Sections 10.22 et. seq., which require Board of Supervisors approval of each settlement of a litigated or
unlitigated claim in excess of $25,000 and require Board of Supervisors approval of each
settlement with a minor in excess of $5,000, the Board hereby authorizes litigated or
unlitigated claims arising out of the January 25th Event to be settled and compromised on the
written recommendation of the Public Utilities Commission ("SFPUC"), with the written
approval of the City Attorney, for settlement amounts in excess of $25,000. The amount of
any single claim settlement pursuant to this authority may not exceed $1,000,000, and the
total amount of such claims settlements may not exceed a total of $5,000,000 for all such
settlements; provided, however, that the Board of Supervisors may by resolution increase the
$5,000,000 limit, or approve individual claims pursuant to the Administrative Code provisions.
In all cases, the Controller must first certify that sufficient funds are available from the proper
funds or appropriation to pay each claim as compromised and settled. The SFPUC and City
Attorney shall submit periodic reports to the Board of Supervisors Government Audit and
Oversight Committee on the settlement of claims or litigation arising out of the January 25th
Event, and the SFPUC and City Attorney shall make additional reports at such times as
directed by the Chair of the Government Audit and Oversight Committee.

Section 3. Effective Date. This ordinance shall become effective 30 days after
enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

[Signature]

NOREEN AMBROSE
Utilities General Counsel

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Supervisor Yee
BOARD OF SUPERVISORS
Ordinance authorizing the Public Utilities Commission and the City Attorney's Office to approve settlements of claims or litigation arising out of the January 25, 2016, landslide between Casitas Avenue and Miraloma Drive, for amounts exceeding $25,000 per claim, notwithstanding Administrative Code, Sections 10.22, 10.22-1, and 10.22-2, for amounts up to $1,000,000 and not to exceed $5,000,000 in total, if the Controller certifies availability of funds, and subject to periodic reporting to the Board of Supervisors Government Audit and Oversight Committee.

May 19, 2016 Government Audit and Oversight Committee - RECOMMENDED.

June 07, 2016 Board of Supervisors - PASSED, ON FIRST READING
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

June 14, 2016 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160511

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/14/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved

6/24/16