

BOARD of SUPERVISORS



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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

### GOVERNMENT AUDIT AND OVERSIGHT COMMITTEE

#### SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Norman Yee, Chair  
Government Audit and Oversight Committee

FROM: Erica Major, Assistant Committee Clerk

DATE: December 7, 2015

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, December 8, 2015

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, December 8, 2015. This item was acted upon at the Government Audit and Oversight Committee Meeting on December 3, 2015 at 10:30 a.m., by the votes indicated.

**Item No. 69**                      **File No. 150985**

Ordinance authorizing settlement of the lawsuit filed by John Russo Industrial Sheetmetal, Inc., a California corporation, dba JRI, Inc. ("JRI") against the City and County of San Francisco for \$2,100,000 and other material terms; the lawsuit was filed on June 17, 2010, in Alameda County Superior Court Case No. HG10520625, entitled JRI, Inc. v. City and County of San Francisco, et al., related to the contract for the manufacture and delivery of two Aircraft Rescue Fire Fighting vehicles for use at San Francisco International Airport ("Airport"); other material terms of said settlement include that the City will convert the prior termination of JRI's contract for default to a termination for convenience; for five years, JRI will not bid on any Airport contracts, including as a subcontractor, or challenge any Airport procurements; and the parties mutually release all claims relating to the contract or the lawsuit.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Norman Yee - Aye  
Supervisor Julie Christensen - Aye  
Supervisor London Breed - Aye

Committee Report Memo  
December 7, 2015  
File No 150985  
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cc: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Rick Caldeira, Legislative Deputy Director  
Jon Givner, Deputy City Attorney

File No. 150985 Committee Item No. 10  
Board Item No. 09

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date December 3, 2015

Board of Supervisors Meeting Date DECEMBER 8, 2015

Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>COMMITTEE REPORT REQUEST - 11/24/2015</u> |
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Completed by: Erica Major Date November 25, 2015  
Completed by: JMM Date DECEMBER 7, 2015

1 [Settlement of Lawsuit - John Russo Industrial Sheetmetal, Inc., dba JRI, Inc. - \$2,100,000]

2  
3 **Ordinance authorizing settlement of the lawsuit filed by John Russo Industrial**  
4 **Sheetmetal, Inc., a California corporation, dba JRI, Inc. ("JRI") against the City and**  
5 **County of San Francisco for \$2,100,000 and other material terms; the lawsuit was filed**  
6 **on June 17, 2010, in Alameda County Superior Court Case No. HG10520625, entitled**  
7 **JRI, Inc. v. City and County of San Francisco, et al., related to the contract for the**  
8 **manufacture and delivery of two Aircraft Rescue Fire Fighting vehicles for use at San**  
9 **Francisco International Airport ("Airport"); other material terms of said settlement**  
10 **include that the City will convert the prior termination of JRI's contract for default to a**  
11 **termination for convenience; for five years, JRI will not bid on any Airport contracts,**  
12 **including as a subcontractor, or challenge any Airport procurements; and the parties**  
13 **mutually release all claims relating to the contract or the lawsuit.**

14  
15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. Pursuant to Charter section 6.102(5), the Board of Supervisors hereby  
17 authorizes the City Attorney to settle the action entitled JRI, Inc. v. City and County of San  
18 Francisco, et al., Alameda County Superior Court Case No. HG10520625, by the payment of  
19 \$2,100,000. As detailed in the settlement agreement, the other material terms of the  
20 settlement include:

21 a. The City will convert the prior termination of JRI's contract for default to a  
22 termination for convenience.

23 b. For five years, JRI will not bid on any Airport contracts, including as a  
24 subcontractor, or challenge any Airport procurements.

1 c. During that five-year period, except as otherwise required by law or court  
2 order, the parties will direct their employees and agents to respond, if asked, about the  
3 contract, litigation, or its resolution, by stating only, "The City and County of San Francisco  
4 and John Russo Industrial Sheetmetal, Inc. agree that they have amicably resolved their  
5 dispute regarding Contract No. 72271 and this contract is terminated for convenience and not  
6 for default."

7 d. The parties mutually release all claims relating to the Contract or the  
8 Action.

9 Section 2. The above-named action was filed in Alameda County Superior Court on  
10 June 17, 2010 by plaintiff John Russo Industrial Sheetmetal, Inc., a California corporation,  
11 d/b/a JRI, Inc. against defendants the City and County of San Francisco and the San  
12 Francisco International Airport.

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APPROVED AS TO FORM AND  
RECOMMENDED:

DENNIS J. HERRERA  
City Attorney

  
\_\_\_\_\_

ELAINE O'NEIL  
Deputy City Attorney  
Construction and Public Contracting  
Team Leader

FUNDS AVAILABLE:

  
\_\_\_\_\_

BEN ROSENFELD  
Controller

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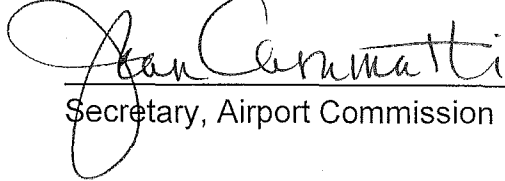
RECOMMENDED:

SAN FRANCISCO AIRPORT COMMISSION

  
\_\_\_\_\_

JOHN L. MARTIN  
Airport Director

APPROVED:

  
\_\_\_\_\_

Secretary, Airport Commission

ORIG - COB  
GAO, Leg Reg

Member, Board of Supervisors  
District 7



City and County of San Francisco

NORMAN YEE


RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
NOV 24 PM 4:01

AK

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DATE: 11/24/2015

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Norman Yee   
Chairperson

RE: Government Audit and Oversight Committee  
COMMITTEE REPORTS

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Pursuant to Board Rule 4.20, as Chair of the Government Audit and Oversight Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on December 8, 2015, as Committee Reports:

**151192 Agreement - Owners' Association for Administration/Management of Greater Rincon Hill Community Benefit District**

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the established property-based Community Benefit District known as the "Greater Rincon Hill Community Benefit District," pursuant to California Streets and Highways Code, Section 36651, for a period commencing upon Board approval, through June 30, 2030.

**151108 Agreement - Owners' Association for Administration/Management of Yerba Buena Community Benefit District**

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the established property-based Community Benefit District known as the "Yerba Buena Community Benefit District," pursuant to California Streets and Highways Code, Section 36651, for a period commencing upon Board approval, through June 30, 2030.

**151189 Agreement - Owners' Association for Administration/Management of Dogpatch & Northwest Potrero Hill Green Benefit District**

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the established property-based Green Benefit District known as the "Dogpatch & Northwest Potrero Hill Green Benefit District," pursuant to California Streets and Highway Code, Section 36651, for a period commencing upon Board approval, through June 30, 2025.

**151065 Mills Act Historical Property Contract - 722 Steiner Street**

Resolution approving a Mills Act historical property contract between The Trust of Côme Lague and Charlene Li, the owners of 722 Steiner Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor to execute the historical property contract.

**151066 Mills Act Historical Property Contract - 807 Montgomery Street**

Resolution approving a Mills Act historical property contract between 807 Montgomery, LLC, the owners of 807 Montgomery Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor to execute the historical property contract.

**151067 Mills Act Historical Property Contract - 761 Post Street**

Resolution approving a Mills Act historical property contract between RLJC San Francisco LP, the owners of 761 Post Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor to execute the historical property contract.



**150985 Settlement of Lawsuit - John Russo Industrial Sheetmetal, Inc., dba JRI, Inc. - \$2,100,000]**

Ordinance authorizing settlement of the lawsuit filed by John Russo Industrial Sheetmetal, Inc., a California corporation, dba JRI, Inc. ("JRI") against the City and County of San Francisco for \$2,100,000 and other material terms; the lawsuit was filed on June 17, 2010, in Alameda County Superior Court Case No. HG10520625, entitled JRI, Inc. v. City and County of San Francisco, et al., related to the contract for the manufacture and delivery of two Aircraft Rescue Fire Fighting vehicles for use at San Francisco International Airport ("Airport"); other material terms of said settlement include that the City will convert the prior termination of JRI's contract for default to a termination for convenience; for five years, JRI will not bid on any Airport contracts, including as a subcontractor, or challenge any Airport procurements; and the parties mutually release all claims relating to the contract or the lawsuit.

**151163 Settlement of Lawsuit - New Cingular Wireless, LLC, Donald Sipple, John Simon, Kark Simonsen, and Christopher Jacobs - \$3,038,832**

Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless, LLC, Donald Sipple, John Simon, Karl Simonsen, and Christopher Jacobs against the City and County of San Francisco for \$3,038,832; the lawsuit was filed on May 27, 2011, in Los Angeles Superior Court, Case No. BC462270; entitled Donald Sipple, et al. v. City Of Alameda, et al.; other material terms of said settlement are dismissal of the cross-complaint filed by the City and County of San Francisco against New Cingular Wireless, LLC, and AT&T Mobility, LLC.



