

1 [Covenant Not to Sue.]

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3 **Resolution authorizing the Executive Officer to enter into a covenant not to sue with**
4 **the City and County of San Francisco, the San Francisco Local Agency Formation**
5 **Commission, the City of Brisbane, and the Coalition for Lower Utility Bills.**

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7 WHEREAS, the covenant not to sue relates to a special election to be held in the City and County of
8 San Francisco and in the City of Brisbane on November 6, 2001, on a proposal to form a Municipal
9 Utility District (MUD) for the City and County of San Francisco and the City of Brisbane to be known
10 as the “San Francisco-Brisbane Municipal Utility District;” and

11 WHEREAS, Public Utilities Code Section 11652 requires the San Francisco Board of
12 Supervisors to canvas the returns of the November 6, 2001 special election on the proposal to form a
13 MUD, and to order and declare the district created and established of the public agencies and territory
14 in which a majority of those who voted on the proposition in favor of the creation of the district; and

15 WHEREAS, different legal opinions have been rendered regarding the meaning of Public
16 Utilities Code Section 11652 and whether a MUD would be created and established in San Francisco
17 only if the voters in San Francisco vote in favor of the formation of the district at the November 6,
18 2001, special election, but the voters in Brisbane vote against the proposal; now, therefore, be it

19 RESOLVED, That in the event a majority vote in favor of the MUD is not cast by the
20 voters in Brisbane, the City of Brisbane will not be included in the proposed MUD, and the parties
21 hereby covenant not to sue to obtain any result to the contrary, regardless of the vote cast on the
22 measure by the voters in San Francisco.

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