

1 [Tolling and Standstill Agreement - Yosemite Slough Environmental Claims]

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3 **Resolution approving a Tolling and Standstill Agreement to toll the statute of**  
4 **limitations and forbear the City and other parties that are potentially responsible for**  
5 **environmental contamination at Yosemite Slough from taking action with respect to**  
6 **claims related to costs or expenses arising from the Yosemite Slough Superfund Site.**  
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8 WHEREAS, Yosemite Slough is an inlet channel tidally connected to the San Francisco  
9 Bay located between the Hunters Point Naval Shipyard and the Candlestick Point State  
10 Recreational Area that contains contaminated sediments identified by the United States  
11 Environmental Protection Agency (EPA); and

12 WHEREAS, EPA has designated Yosemite Slough as a site that will be investigated  
13 and cleaned up under the Comprehensive Environmental Response, Compensation, and  
14 Liability Act of 1980 ("CERCLA"), 42 U.S.C. Sections 9601, *et seq.* (the "Site"); and

15 WHEREAS, EPA has named the City as a Potentially Responsible Party (PRP) liable  
16 under CERCLA for the Site cleanup along with numerous other private and public entities, a  
17 complete list of whom is contained in Board of Supervisors File No. 140375; and

18 WHEREAS, In January 2014 EPA issued a final Engineering Evaluation/Cost Analysis  
19 that includes a proposed remedy for a cleanup project at the Site; and

20 WHEREAS, The City and certain other PRPs have agreed to participate in a non-  
21 binding mediation process with a third-party neutral mediator in an attempt to fairly and  
22 equitably allocate potential liabilities in connection with the Site; and

23 WHEREAS, Some PRPs have expressed concerns that delay associated with  
24 participation in the mediation should not be considered in calculating applicable limitations  
25

1 periods for potential claims between participants and that the mediation participants should  
2 agree not to pursue claims against any other participant during the mediation process; and

3 WHEREAS, To facilitate an efficient and mutually beneficial resolution of potential  
4 claims associated with the Site and to avoid the need for potentially unnecessary litigation,  
5 participants in the mediation are asked to agree that the limitations period for any potential  
6 litigation related to the Site shall be tolled and no participant shall pursue claims or causes of  
7 action against any other participant until termination of the mediation process. This tolling and  
8 standstill agreement is set forth in the Yosemite Slough Superfund Site Mediation Agreement  
9 (“Mediation Agreement”), Section IV, on file with the Clerk of the Board of Supervisors in File  
10 No. 140375; now, therefore, be it

11 RESOLVED, That Board of Supervisors authorizes the City to agree that the statute of  
12 limitations for any party to the Mediation Agreement to file an action against the City with  
13 respect to any claimed costs or expenses arising out of the Site shall be tolled as of the  
14 Effective Date of the Mediation Agreement pursuant to the termination provisions therein; and,  
15 be it

16 FURTHER RESOLVED, That Board of Supervisors authorizes the City to agree that  
17 until expiration or termination of the Mediation Agreement it will not pursue against any other  
18 participant to the Mediation Agreement any claims or causes of action under any statute or  
19 common law relating to the matters the Mediation Agreement is designed to resolve; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors hereby approves the tolling and  
21 standstill provisions in the Mediation Agreement, Section IV, contained in Board of  
22 Supervisors File No. 140375 and authorizes the City Attorney to enter into such Agreement on  
23 behalf of the City and County of San Francisco.



**City and County of San Francisco**  
**Tails**  
**Resolution**

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

**File Number:** 140375

**Date Passed:** December 09, 2014

Resolution approving a Tolling and Standstill Agreement to toll the statute of limitations and forbear the City and other parties that are potentially responsible for environmental contamination at Yosemite Slough from taking action with respect to claims related to costs or expenses arising from the Yosemite Slough Superfund Site.

May 15, 2014 Rules Committee - RECOMMENDED..

June 03, 2014 Board of Supervisors - RE-REFERRED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

December 03, 2014 Rules Committee - RECOMMENDED..

December 09, 2014 Board of Supervisors - ADOPTED

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Tang, Wiener and Yee  
Absent: 1 - Mar

File No. 140375

I hereby certify that the foregoing  
Resolution was ADOPTED on 12/9/2014 by  
the Board of Supervisors of the City and  
County of San Francisco.

Angela Calvillo  
Clerk of the Board

  
\_\_\_\_\_  
Mayor

12/17/2014  
\_\_\_\_\_  
Date Approved