

1 [Tolling Agreement - San Mateo County District Attorney - Statutes of Limitation - California
2 Health and Safety Code Violations]

3 **Resolution approving a Tolling Agreement to toll the statutes of limitation for San
4 Mateo County District Attorney to bring potential claims against San Francisco
5 International Airport for California Health and Safety Code violations.**

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7 WHEREAS, The City and County of San Francisco ("City"), by and through its Airport
8 Commission, owns and operates San Francisco International Airport located in
9 unincorporated San Mateo County ("SFO"); and

10 WHEREAS, The San Mateo County District Attorney's Office has identified potential
11 violations by and enforcement actions against SFO arising from violations of California Health
12 and Safety Code, Sections 25100 and 25280 ("H&SC Violations"), as stated in the Tolling
13 Agreement between the People of the State of California and the City and County of San
14 Francisco ("Tolling Agreement"), on file with the Clerk of the Board of Supervisors in File No.
15 251122; and

16 WHEREAS, The City and San Mateo County District Attorney's Office have agreed to
17 attempt to negotiate a resolution between the parties of potential claims without the expense
18 of litigation; and

19 WHEREAS, The San Mateo County District Attorney's Office has expressed concern
20 that the time associated with negotiating a settlement should not be considered in calculating
21 applicable limitations periods for potential claims; and

22 WHEREAS, To facilitate an efficient and mutually beneficial resolution of potential
23 claims associated with SFO's potential H&SC Violations and to avoid the need for potentially
24 unnecessary litigation, the City and San Mateo County District Attorney's Office have agreed
25 that the limitations period for any potential litigation related to SFO's potential H&SC

1 Violations shall be tolled; this agreement is set forth in the Tolling Agreement contained in
2 Board of Supervisors File No. 251122; now, therefore, be it

3 RESOLVED, That the Board of Supervisors authorizes the City to agree that the
4 statute of limitations for the San Mateo County District Attorney's Office to file an action
5 against the City with respect to any claims arising out of SFO's potential H&SC Violations
6 shall be tolled for a one-year period starting on the effective date of the Tolling Agreement,
7 under the terms set forth in the Tolling Agreement; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors hereby approves the tolling
9 provisions in the Tolling Agreement, Section 1, contained in Board of Supervisors File No.
10 251122 and authorizes the City Attorney to enter into such Agreement on behalf of the City
11 and County of San Francisco.

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