

File No. 101600

Committee Item No. 14  
Board Item No. 16

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

Committee: Rules

Date 2/17/11

Board of Supervisors Meeting

Date 3/1/11

#### 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 Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <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"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

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Completed by: Linda Wong  
Completed by: L.W.

Date 2/14/11  
Date 2/18/11

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Settlement of Lawsuit - National Union – Receipt of \$925,000]

2  
3 **Ordinance authorizing settlement of the lawsuit entitled *City and County of San***  
4 ***Francisco v. National Union, etc., et al.*, United States District Court, N.D. Cal., Case No:**  
5 **CV-103385-SI, arising from an insurance dispute involving policies issued by National**  
6 **Union Fire Insurance Company of Pittsburgh and sister company Chartis Specialty**  
7 **Insurance Company to the San Francisco Public Utilities Commission, calling for**  
8 **payment of \$925,000 from National Union to the City and County of San Francisco and**  
9 **including other material terms of said settlement; and appropriating settlement**  
10 **proceeds.**

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

12 Section 1. The City Attorney is hereby authorized to settle the action entitled *City and*  
13 *County of San Francisco v. National Union, etc., et al.*, United States District Court, N.D. Cal.,  
14 Case No: CV-103385-SI, by payment of \$925,000 from National Union Fire Insurance  
15 Company of Pittsburgh, PA ("National Union") to the City and County of San Francisco. In  
16 addition, the settlement shall contain the following material terms: (1) National Union will have  
17 no further obligations under Policy Nos. 9331863, 9332415, 9333054, 7043168 and Chartis  
18 Specialty Insurance Company ("Chartis") will have no further obligations under Excess Liability  
19 Policy No. 7411476 ("Policies") for claims arising out of or related to the following actions:  
20 *Mitchell Engineering v. City and County of San Francisco*, U.S.D.C., Northern District of  
21 California, Case No. CV 08-4022 - SI; *Thunder Electric Inc. v. Mitchell Engineering, Inc., et al.*,  
22 California Superior Court, San Francisco County, No. CGC - 06-458051; *Mitchell Engineering,*  
23 *Inc. v. City and County of San Francisco*, California Superior Court, San Francisco County, No.  
24 CGC-07-468361; *Mitchell Engineering v. City and County of San Francisco, et al.*, California  
25

1 Superior Court, Alameda County, No. RG 0733 9056; *Bay Area Reinforcing v. Mitchell*  
2 *Engineering/Obayashi Corporation*, California Superior Court, Santa Clara County, No. 1-08-  
3 CV-116915; *City and County of San Francisco v. Mitchell Engineering*, California Superior  
4 Court, San Francisco County, No. CGC-07-465522; and *Mitchell Engineering v. City and*  
5 *County of San Francisco*, California Superior Court, San Francisco County, No. CGC-07-  
6 465524, and any other action or claim by Mitchell Engineering against San Francisco ("related  
7 litigation"); (2) the City and County of San Francisco will defend, indemnify, and hold harmless  
8 National Union and Chartis with respect to any claims asserted by current and/or former  
9 employees of the San Francisco Public Utilities Commission ("SFPUC") Michael Quan, Alan  
10 Wong, or Anthony Irons arising under the Policies with respect to the related litigation; (3) All  
11 parties will execute a mutual release; (4) the City and County of San Francisco will dismiss all  
12 claims with prejudice, and all parties will bear their own fees and costs; and (5) In any action  
13 seeking to enforce the settlement, the prevailing party shall recover reasonable attorneys' fees  
14 and costs.

15 Section 2. Settlement proceeds of \$925,000 are herein appropriated in a like amount  
16 to fund the SFPUC's attorneys fees and legal expenses related to this settlement agreement,  
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1 or to litigation matters between the City and County of San Francisco and Mitchell  
2 Engineering concerning SFPUC projects or actions.

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APPROVED AS TO FORM AND  
RECOMMENDED:

DENNIS J. HERRERA  
City Attorney

See File for Signature  
LOUISE SIMPSON  
Deputy City Attorney

FUNDS AVAILABLE:

See File for Signature  
BEN ROSENFELD  
Controller

RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION

See File for Signature  
EDWARD HARRINGTON  
General Manager, San Francisco Public  
Utilities Commission

APPROVED:

See File for Signature  
Secretary, Public Utilities Commission