

File No. 101600

Committee Item No. 14
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 2/17/11

Board of Supervisors Meeting

Date _____

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 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: _____

Date 2/14/11
Date _____

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

10
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*
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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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4 APPROVED AS TO FORM AND
5 RECOMMENDED:

6 DENNIS J. HERRERA
7 City Attorney

RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

7

8 See File for Signature
9 LOUISE SIMPSON
10 Deputy City Attorney

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

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11 FUNDS AVAILABLE:

APPROVED:

12 See File for Signature
13 BEN ROSENFELD
14 Controller

See File for Signature
Secretary, Public Utilities Commission

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