

1 [Settlement of Unlitigated Claim - Bay Area Air Quality Management District - \$42,125]

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3 **Resolution approving settlement of the unlitigated claim filed by the Bay Area Air**
4 **Quality Management District (BAAQMD) against the City and County of San Francisco**
5 **for \$42,125; the claim involves the resolution of notices of violation issued by the Bay**
6 **Area Air Quality Management District to the City and County of San Francisco**
7 **concerning alleged violations of testing requirements governing onsite boilers at the**
8 **Hall of Justice facility located at 850 Bryant Street; other material terms of the**
9 **settlement include the resolution of all claims between BAAQMD and the City and**
10 **County of San Francisco with regard to the dispute, with each party to bear their own**
11 **costs.**

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13 WHEREAS, On July 9, 2021, the Bay Area Air Quality Management District (BAAQMD)
14 issued notices of violation to the City and County of San Francisco (City) concerning the City's
15 alleged violation of periodic testing regulations governing onsite boilers at the Hall of Justice
16 Facility located at 850 Bryant; and

17 WHEREAS, The alleged violations have since been addressed and remedied; and

18 WHEREAS, BAAQMD has agreed to not seek formal enforcement, electing to instead
19 resolve the notices of violation through settlement, which includes the resolution of all claims
20 between the City and BAAQMD, and the City's payment to BAAQMD of a civil penalty in the
21 amount of \$42,125; and

22 WHEREAS, City and BAAQMD agree that each should bear its own costs and fees;

23 and

24 WHEREAS, The City and County of San Francisco Real Estate Division recommends
25 the settlement; now, therefore, be it

1 RESOLVED, That pursuant to Section 10.22 of the Administrative Code, the Board of
2 Supervisors hereby authorizes the settlement of the unlitigated claim by the City's payment to
3 BAAQMD of \$42,125.

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1 APPROVED:

2 DAVID CHIU
3 City Attorney

4 /s/ CAROL WONG
5 CAROL WONG
6 Team Leader

7 FUNDS AVAILABLE:

8 /s/ Michelle Allersma for Greg Wagner
9 GREG WAGNER
10 Controller

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RECOMMENDED:

/s/
CARMEN CHU
City Administrator