

1 [Settlement of Unlitigated Claim - Asiana Airlines - City to Receive \$3,450,000]

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3 **Ordinance authorizing settlement of an unlitigated claim by the City and County of San**
4 **Francisco against Asiana Airlines for a payment of \$3,450,000 by Asiana Airlines to the**
5 **City, appropriating funds from the settlement to the City Attorney's Office to pay the**
6 **City's attorneys' fees and legal expenses, and allocating funds from the settlement to**
7 **the Airport to pay the Airport's costs; other material terms of the settlement include**
8 **payment by Asiana Airlines to the City's aviation insurer, the City's acceptance of the**
9 **site cleanup performed by contractors to Asiana Airlines and approved by the San**
10 **Francisco Bay Regional Water Quality Control Board, the City's agreement not to**
11 **originate a lawsuit against the aircraft manufacturer, and mutual release of claims**
12 **arising out of the July 6, 2013 crash of Asiana Airlines Flight 214; the City made its**
13 **claim on July 16, 2013.**

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

16 Section 1. Pursuant to Charter, Section 6.102(5), and Administrative Code, Section
17 10.24(b), the Board of Supervisors hereby authorizes the City Attorney to settle the unlitigated
18 claim by the City and County of San Francisco against Asiana Airlines arising out of the July
19 6, 2013 crash of Asiana Airlines Flight 214. The settlement includes the following terms, as
20 set forth more fully in the settlement agreement between the parties: (1) payment of
21 \$3,450,000 by Asiana Airlines to the City; (2) payment by Asiana Airlines to the City's aviation
22 insurer separate from and in addition to the settlement payment to the City; (3) the City's
23 acceptance of the site cleanup performed by contractors to Asiana Airlines and approved by
24 the San Francisco Bay Regional Water Quality Control Board; (4) the City's covenant not to
25 originate a lawsuit against the aircraft manufacturer, with the reservation of all rights in the


1 event the City is served with any claim or action initiated by any party; and (5) except for those
2 rights reserved by the City, and following Asiana's payment of the settlement amount, the
3 parties will mutually release all claims arising out of the July 6, 2013 crash of Flight 214.

4 Section 2. The City and County of San Francisco submitted the claim to Asiana
5 Airlines on July 16, 2013, for damages arising out of the crash of Asiana Airlines Flight 214 on
6 July 6, 2013. There are no other parties to the claim.

7 Section 3. Settlement proceeds of \$1,200,859.88 are hereby appropriated in a like
8 amount to the City Attorney's Office to fund the City's attorneys' fees and legal expenses
9 related to this settlement agreement and litigation matters between the City and County and
10 third parties concerning the crash of Asiana Flight 214 on July 6, 2013. Settlement proceeds
11 of \$1,642,466.29 are hereby allocated in a like amount to the Airport to fund the costs of
12 recovery from the crash of Asiana Flight 214 on July 6, 2013. The remaining proceeds of the
13 settlement may be appropriated by the Board of Supervisors in a future ordinance.

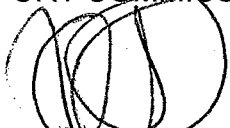
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15 APPROVED AS TO FORM AND
16 RECOMMENDED:

17 DENNIS J. HERRERA
18 City Attorney


19 
20 _____
21 SHERYL L. BREGMAN
22 Airport General Counsel

RECOMMENDED:

AIRPORT COMMISSION

23 
24 _____
25 JOHN L. MARTIN
Airport Director

FUNDS APPROPRIATED:

26 
27 _____
28 BEN ROSENFELD
29 Controller

APPROVED:

30 
31 _____
32 JEAN CARAMATTI
33 Secretary, Airport Commission

LEGISLATION RECEIVED CHECKLIST

Date 4/4/16 File Number (if applicable) 160306

- Legislation for Introduction (NEW) ▶▶▶ Legislative Clerk
- Legislation Pending in Committee (AMENDED) ▶▶▶ Committee Clerk
- Legislation for Board Agenda (AMENDED) ▶▶▶ Deputy Clerk

Supervisor, Mayor, and Departmental Submittals

Grant Ordinance

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Grant budget/application
 - Grant information form, including signed disability checklist
 - Letter of Intent or grant award letter from funding agency
 - Contract, Leases/Agreements (if applicable)
 - Ethics Form 126 (if applicable) in **Word** format
 - Other support documents as identified in the cover letter and legislation
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Ordinance

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** City Attorney (For Settlement of Lawsuits - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Settlement Report/Agreement (for settlements)
 - Other support documents as identified in the cover letter and legislation
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Grant Resolution

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Grant budget/application
 - Grant information form, including signed disability checklist
 - Letter of Intent or grant award letter from funding agency
 - Contract, Leases/Agreements (if applicable)
 - Ethics Form 126 (if applicable) in **Word** format
 - Other support documents as identified in the cover letter and legislation
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Resolution

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** None (Note: Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Settlement Report/Agreement (for settlements)
 - Other support documents as identified in the cover letter and legislation
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Joy Perez 554-3869 City Attorney
 Name and Telephone Number Department