

1 [Tolling Agreement - San Mateo County]

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3 **Resolution approving an agreement between the City and County of San Francisco and**
4 **the County of San Mateo tolling the statute of limitations for an action or claim**
5 **challenging the San Francisco Local Hiring Policy for Construction based on the**
6 **California Environmental Quality Act.**

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8 WHEREAS, The San Francisco Local Hiring Policy for Construction, Administrative
9 Code subsection 6.22(G) (the "Policy"), establishes mandatory local hiring requirements for
10 certain City public work or improvement projects advertised for bids on or after March 25,
11 2011; and

12 WHEREAS, The Office of Economic and Workforce Development ("OEWD") and the
13 County of San Mateo have negotiated a memorandum of understanding ("MOU") with the
14 County of San Mateo regarding the application of the Policy for construction projects located
15 within San Mateo County, a copy of which is on file with the Clerk of the Board of Supervisors
16 in File No. 110490, which is hereby declared to be part of this resolution as if set forth fully
17 herein; and

18 WHEREAS, The MOU is subject to approval by the Board of Supervisors under a
19 separate resolution; and

20 WHEREAS, During negotiations regarding the MOU, San Mateo County expressed its
21 intent to retain any right to bring a legal challenge to the Policy based on the California
22 Environmental Quality Act ("CEQA Claim"), and while the City denies any validity to the CEQA
23 Claim, to facilitate agreement under the MOU, OEWD was willing to consider providing for
24 San Mateo County to retain such a right under certain circumstances; and

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1 WHEREAS, OEWD and the County of San Mateo have negotiated an agreement
2 tolling the statute of limitations for an action or claim challenging the Policy based on the
3 California Environmental Quality Act ("Tolling Agreement"), a copy of which is on file with the
4 Clerk of the Board of Supervisors in File No. 110491, which is hereby declared to be part of
5 this resolution as if set forth fully herein; and

6 WHEREAS, Among other provisions, the Tolling Agreement provides that either party
7 may terminate the Agreement by providing 90 days' written notice to the other party; now,
8 therefore, be it

9 RESOLVED, That the Board of Supervisors hereby approves the Tolling Agreement
10 with the County of San Mateo in substantially the form of the Tolling Agreement on file with
11 the Clerk of the Board of Supervisors.

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