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[Tolling Agreement - San Mateo County]

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

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

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

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

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

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.



City and County of San Francisco

Tails

Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110491

Date Passed: June 21, 2011

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

June 20, 2011 Land Use and Economic Development Committee - RECOMMENDED AS COMMITTEE REPORT

June 21, 2011 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110491

I hereby certify that the foregoing Resolution was ADOPTED on 6/21/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

Date Approved