

1 [Municipal Utility District Covenant Not to Sue.]

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3 **Resolution approving the Municipal Utility District Covenant Not to Sue.**

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5 WHEREAS, the San Francisco Local Agency Formation Commission (SF LAFCO)  
6 adopted a resolution directing the SF LAFCO Executive Officer to enter into a covenant not to  
7 sue on its behalf with the City and County of San Francisco, the City of Brisbane and the  
8 Coalition for Lower Utility Bills; and

9 WHEREAS, differing legal opinions have been rendered regarding the meaning of  
10 Public Utilities Code Section 11652 and whether a Municipal Utility District should be created  
11 and established in San Francisco only if the voters in San Francisco vote in favor of the  
12 formation of the district at the November 6, 2001 special election, but the voters in Brisbane  
13 vote against the proposal; and

14 WHEREAS, the covenant not to sue provides that if a majority vote is obtained in favor  
15 of a Municipal Utility District in San Francisco, but not in the City of Brisbane, the Municipal  
16 Utility District shall be formed in San Francisco, and the parties shall not sue to obtain a  
17 contrary result; and,

18 WHEREAS, this covenant not to sue includes the SF LAFCO, City and County of San  
19 Francisco, and the Coalition for Lower Utility Bills, and a separate covenant not to sue will be  
20 developed by the City of Brisbane to be entered into with the SF LAFCO, City and County of  
21 San Francisco, and the Coalition for Lower Utility Bills; and

22 WHEREAS, on file with the Clerk of the Board of Supervisors in the SF LAFCO file is  
23 the covenant not to sue which is hereby declared to be a part of this resolution as if set forth  
24 fully herein; now, therefore, be it

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1           RESOLVED, that the City and County of San Francisco enter into the covenant not to  
2 sue with the SF LAFCO and the Coalition for Lower Utility Bills, and hereby authorize the  
3 Deputy Clerk to sign the covenant on its behalf.

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