

1 (Approval of Hold Harmless Agreement)

2 AUTHORIZING THE PORT OF SAN FRANCISCO TO HOLD THE CITY OF VALLEJO  
3 HARMLESS FROM ALL CLAIMS ARISING FROM A COOPERATIVE AGREEMENT FOR  
4 CONSTRUCTION OF A NEW PUBLIC FERRY TERMINAL AT PIER 43, FISHERMANS'  
5 WHARF

6  
7 WHEREAS, Charter Section B3.581 empowers the San Francisco Port Commission with the  
8 power and duty to use, conduct, maintain, manage, regulate and control the Port area of San  
9 Francisco; and

10 WHEREAS, The City of Vallejo's ferry program is one of the most successful programs on  
11 San Francisco Bay with a fleet of two high speed catamarans and a third conventional vessel  
12 providing service between Vallejo, downtown San Francisco and Pier 39; and

13 WHEREAS, To accommodate its growing ferry fleet, the City of Vallejo secured \$1.6 million  
14 in funding from the Federal Highway Administration and \$400,000 from the California  
15 Transportation Commission for the construction of a public ferry terminal at Pier 43, Fishermans'  
16 Wharf; and

17  
18 WHEREAS, The City of Vallejo has proposed that once the terminal is designed and  
19 constructed, the Port of San Francisco will take over the ownership, maintenance and operation of the  
20 terminal; and

21 WHEREAS, The City of Vallejo and the Port have negotiated a "Cooperative Agreement"  
22 governing the terms of each party in the design, construction and management of the public ferry  
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1 terminal at Pier 43. A copy of the Cooperative Agreement is on file with the Clerk of the Board of  
2 Supervisors in File No. 98-1363 ; and

3 WHEREAS, The Cooperative Agreement includes an indemnity clause requiring the Port to  
4 hold harmless the City of Vallejo as provided below:

5 The Port of San Francisco shall indemnify and hold harmless the City of Vallejo,  
6 its officers, officials, directors, employees, agents and volunteers from and against  
7 all claims, damages, losses and expenses including attorneys fees arising out of the  
8 construction and implementation of the Project described herein, caused in whole  
9 or in part by an negligent actor omission of the Port of San Francisco, any  
10 contractor or subcontractor, anyone directly or indirectly employed by any of them  
11 for whose acts any of them may be liable, except where caused by the active  
12 negligence, sole negligence or willful misconduct of the City of Vallejo.”

13  
14 WHEREAS, On June 9,1998, by Resolution the San Francisco Port Commission approved the  
15 Cooperative Agreement pending approval of the indemnification provision by the San Francisco  
16 Board of Supervisors. A copy of Resolution 98-52 is on file with the Clerk of the Board of  
17 Supervisors in File No. 98-1363 ; now, therefore be it

18  
19 RESOLVED, That the San Francisco Board of Supervisors hereby authorizes the Port of San  
20 Francisco to agree to hold the City of Vallejo harmless from all claims arising out of or connected to  
21 the construction and management of the public ferry terminal at Pier 43, pursuant to the Cooperative  
22 Agreement executed by the Port Director, as authorized by the San Francisco Port Commission.  
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Adopted - Board of Supervisors, San Francisco August 24, 1998

Ayes: Supervisors Ammiano Bierman Brown Leno Medina Newsom  
Yaki Yee

Absent: Supervisors Katz Kaufman Teng

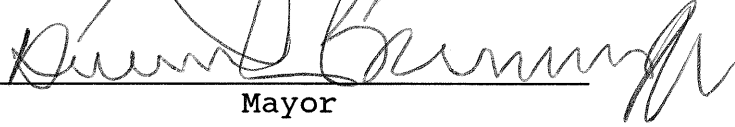
I hereby certify that the foregoing resolution  
was adopted by the Board of Supervisors  
of the City and County of San Francisco

File No.  
98-1363

AUG 28 1998

Date Approved

  
Clerk

  
Mayor