

1 [Settlement of Lawsuit and Supplemental Appropriation - Encompass Insurance Company -
2 \$1,250,000]

3 **Ordinance authorizing settlement of the lawsuit filed by Encompass Insurance**
4 **Company against the City and County of San Francisco for \$1,250,000; the lawsuit was**
5 **filed on April 2, 2014, in San Francisco Superior Court, Case No. CGC-14-538395;**
6 **entitled Encompass Insurance Company v. City and County of San Francisco, et al.; the**
7 **lawsuit involves alleged property damage arising from the break of the Public Utilities**
8 **Commission's water transmission pipeline on 15th Avenue between West Portal**
9 **Avenue and Wawona Street in San Francisco; and appropriating \$1,250,000 from the**
10 **Water Enterprise fund balance for such purpose.**

11
12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
14 authorizes the City Attorney to settle the action entitled Encompass Insurance Company v.
15 City and County of San Francisco, et al., San Francisco Superior Court, Case No. CGC-14-
16 538395 by the payment of \$1,250,000. The lawsuit involves alleged property damage from
17 the break of the SFPUC's water transmission pipeline on 15th Avenue between West Portal
18 Avenue and Wawona Street in San Francisco.

19 Section 2. The above-named action was filed in San Francisco Superior Court on April
20 2, 2014, and the following parties were named in the lawsuit: Plaintiff: Encompass Insurance
21 Company; Defendants: City and County of San Francisco, Precision Engineering, Inc.

22 Section 3. The Board herein appropriates \$1,250,000 from the Water Enterprise fund
23 balance for use by the San Francisco Public Utilities Commission for purposes of settling the
24 litigation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

CHERYL ADAMS
Chief Trial Deputy

FUNDS AVAILABLE:

BEN ROSENFELD
Controller

RECOMMENDED:

PUBLIC UTILITIES COMMISSION

HARLAN L. KELLY
General Manager

APPROVED:

DONNA HOOD
Secretary, Public Utilities Commission

n:\lit\li2016\141137\01115427.docx