

File No. 221174

Committee Item No. 7

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date: December 1, 2022

Board of Supervisors Meeting: \_\_\_\_\_ Date: \_\_\_\_\_

#### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU – CBA FY2022-2024 - Clean
- MOU – CBA FY2022-2024 - Redline
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

#### OTHER

- MYR Memo 111522 \_\_\_\_\_
- \_\_\_\_\_
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Prepared by: Stephanie Cabrera

Date: November 23, 2022

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Settlement of Unlitigated Claims against Sunset Scavenger Company, et al. - San Francisco  
2 Refuse Ratepayers to Receive \$25,000,000 Credit to Offset Cost of Living Adjustments and  
3 Rate Increases]

4 **Resolution approving the settlement of pre-litigation claims against Sunset Scavenger**  
5 **Company, Golden Gate Disposal & Recycling Company, Recology San Francisco, and**  
6 **Recology Properties Inc. through the acceptance of a \$25,000,000 reimbursement to**  
7 **San Francisco ratepayers; the claims involve alleged retention of profits above the 9**  
8 **percent target profit approved in the 2017 public rate setting process, and the timing**  
9 **and appropriateness of cost of living adjustments to rates; additional material terms of**  
10 **the settlement are that rental costs of select real properties will not be passed through**  
11 **to ratepayers once acquisition costs are paid, and ratepayers will be reimbursed for up**  
12 **to approximately \$26,000,000 in rental payments in the event that those properties are**  
13 **no longer available for the benefit of San Francisco refuse ratepayers.**

14  
15 WHEREAS, The City and County of San Francisco has initiated pre-litigation claims  
16 against Sunset Scavenger Company (“RSS”), Golden Gate Disposal & Recycling Company  
17 (“RGG”), Recology San Francisco (“RSF”), and Recology Properties Inc. (“Recology  
18 Properties”) for reimbursement to ratepayers of rents and credits against cost-of-living  
19 adjustments and rate increases; and

20 WHEREAS, The claims involve allegations that RSS, RGG, and RSF are not entitled to  
21 cost-of-living increases as a result of their collection of profits above the target profit approved  
22 in 2017; and

23 WHEREAS, The Controller’s Office has recommended settlement of the claims through  
24 (1) acceptance of a \$25,000,000 credit to ratepayers; (2) the use of specified real property

1 rent-free once acquisition costs are paid; and (3) reimbursement of rent paid by ratepayers in  
2 the event of certain real property sales; now, therefore, be it

3 RESOLVED, That pursuant to Administrative Code, Section 10.22, the Board of  
4 Supervisors hereby authorizes the City Attorney to settle and compromise the claims by (1)  
5 acceptance of a \$25,000,000 credit to ratepayers; (2) the use of specified real property rent-  
6 free once acquisition costs are paid; and (3) reimbursement of rent paid by ratepayers in the  
7 event of certain real property sales.

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