

FILE NO. 982042

RESOLUTION NO. 1069-98

1 [Hold Harmless Provision]

2 APPROVING HOLD HARMLESS PROVISIONS FOR THE WASTEWATER AGENCY
3 RESPONSE NETWORK AND WATER AGENCY RESPONSE NETWORK OMNIBUS
4 MUTUAL AID AGREEMENTS

5 WHEREAS, California Government Code, section 895, authorizes cities and other
6 public entities to enter consensual mutual aid agreements under which the entities agree to
7 perform functions, services or acts with or for other participating public entities; and,

8 WHEREAS, this provision also authorizes public entities, as part of these agreements,
9 to provide for contribution or indemnification by any or all of the public entities that are parties
10 to the agreement upon liability arising out of the performance of the agreement; and,

11 WHEREAS, the Public Utilities Commission has entered into a mutual aid agreement,
12 providing for mutual assistance among water agencies in times of emergency; and,

13 WHEREAS, the Water Pollution Control Division of the Public Utilities Commission
14 desires to enter into a similar mutual aid agreement, providing for mutual assistance among
15 local wastewater agencies in times of emergency; and

16 WHEREAS, these agreements include two hold harmless provisions providing that
17 agencies receiving aid will fully indemnify and hold harmless those agencies providing the aid
18 and separately providing that agencies rendering or receiving aid will indemnify and hold
19 harmless all other signatory agencies whose only involvement is through participation in
20 executing and approving the Agreement; and,

21 WHEREAS, The consent of the Board of Supervisors is a necessary prerequisite to the
22 execution of the hold harmless provisions for the benefit of the other parties in the
23 Agreements detailed above; now, therefore, be it

24 RESOLVED, that the Board of Supervisors hereby authorizes the Public Utilities
25 Commission to enter into the Wastewater Agency Response Network Omnibus Mutual Aid

PUBLIC UTILITIES COMMISSION
BOARD OF SUPERVISORS

1 Agreement which includes hold harmless provisions providing that: (1) agencies borrowing
2 equipment, supplies or personnel shall assume the defense of, fully indemnify and hold
3 harmless other agencies lending equipment, personnel or supplies from all claims, loss,
4 damage, injury and liability directly or indirectly arising from the borrowing agencies work
5 under the agreement, and (2) in the event of a liability, claim, demand, action or proceeding
6 arising out of the rendering of assistance through the agreement, the parties involved in
7 rendering or receiving assistance will indemnify and hold ^{harmless} each signatory whose only
8 involvement in the transaction or occurrence which is the subject of such claim, action,
9 demand or other proceeding, is the execution and approval of the agreement; and be it

10 FURTHER RESOLVED, that the Board of Supervisors hereby ratifies the action
11 previously taken by the Public Utilities Commission in signing the Water Agency Response
12 Network Omnibus Mutual Aid Agreement containing hold harmless provisions similar to those
13 mentioned above.



City and County of San Francisco

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

Tails

Resolution

File Number: 982042

Date Passed:

Resolution approving hold harmless provisions for the Wastewater Agency Response Network and Water Agency Response Network Omnibus Mutual Aid Agreements.

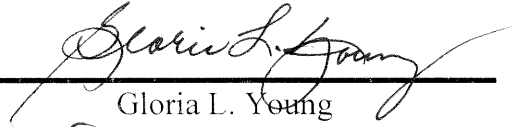
December 21, 1998 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom,
Yaki, Yee

Absent: 1 - Teng

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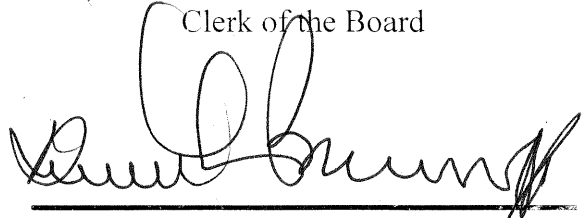
I hereby certify that the foregoing Resolution was ADOPTED on December 21, 1998 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

DEC 24 1998

Date Approved



Mayor Willie L. Brown Jr.