

1 [Authorizing Agreement with J.P. Morgan Electronic Financial Services, Inc.]

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3 **Resolution authorizing an agreement with J. P. Morgan Electronic Financial Services,**
4 **Inc. to facilitate the use of state-issued Electronic Benefits Transfer cards at the**
5 **Alemanya Farmer's Market.**

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7 WHEREAS, Under an exclusive agreement with the State of California, J. P. Morgan
8 Electronic Financial Services, Inc. manages the issuance of United States Department of
9 Agriculture Food and Nutrition Services food stamp benefits to recipients in the State,
10 including the state-issued Electronic Benefits Transfer Cards; and

11 WHEREAS, California Government Code Section 6159c requires a City to obtain
12 authorization from its city council before accepting debit cards or electronic funds transfers for
13 payment of any charge due the city; and

14 WHEREAS, The Real Estate Department, which operates the Alemanya Farmer's
15 Market, wishes to ensure that food stamp recipients have easy access to fresh, nutritious and
16 wholesome foods through the Farmer's Market; and

17 WHEREAS, The Real Estate Department, wants to enter into a no cost agreement with
18 J. P. Morgan Financial Services, Inc. to enable food stamp benefit recipients to use state-
19 issued Electronic Benefits Transfer Cards when making purchases at the Alemanya Farmer's
20 Market; and

21 WHEREAS, Under Charter Section 9.118 the Board of Supervisors is required to
22 approve an agreement if the term exceeds ten years; and

23 WHEREAS, the term of the Agreement with J.P. Morgan Financial Services, Inc. might
24 exceed ten years; and

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1 WHEREAS, the Agreement with J. P. Morgan Financial Services, Inc. requires the City
2 to indemnify J. P. Morgan Financial Services, Inc., the Issuer of the Electronic Benefit
3 Transfer Cards, and the State of California for any loss, liability, damage, fee or expense,
4 including reasonable attorneys' fees (collectively, "Loss") arising out of all breaches of the
5 Agreement by the City or any claims by any other party if and to the extent a court of
6 competent jurisdiction determines such loss resulted from the negligent acts or omissions of
7 the City and to indemnify J. P. Morgan Financial Services, Inc. for any Loss incurred because
8 of the negligent or willful acts of the City regarding the use, possession, operation, storage
9 and condition of Point of Sale terminal equipment provided to the City under the Agreement;
10 now, therefore be it

11 RESOLVED that this Resolution satisfies the requirements of California Government
12 Code Section 6159c and San Francisco Charter Section 9.118; and be it

13 FURTHER RESOLVED, That the Board of Supervisors authorizes the Department of
14 Real Estate to enter into an agreement with J. P. Morgan Electronic Financial Services, Inc. in
15 a form substantially similar to the draft agreement on file in Board of Supervisor's File
16 No._____. in order to facilitate the use of Electronic Benefits Transfer Cards at the Alemany
17 Farmer's Market.

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19 APPROVED:

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21 _____
22 Steve Legnitto
23 Director of Property
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