

1 [Settlement of Unlitigated Claim - FMC Corporation - City to Receive \$425,000]

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3 **Resolution approving settlement of the unlitigated claim filed by the City and County of**
4 **San Francisco against FMC Corporation for \$425,000; the claim involves compensation**
5 **for environmental contamination caused by FMC Corporation.**

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7 WHEREAS, FMC Corporation ("FMC") has agreed to the settlement of an unlitigated
8 claim by the City and County of San Francisco ("City") against FMC, calling for FMC's
9 payment of \$425,000 to the City; and

10 WHEREAS, This unlitigated claim arises from increased costs the City's Public Utilities
11 Commission incurred on the Water System Improvement Program's Bay Division Pipeline
12 Reliability Upgrade Project ("Increased Project Costs") as a result of environmental
13 contamination caused by FMC; and

14 WHEREAS, FMC has agreed to pay the City \$425,000 in exchange for the City's full
15 and final release of its claim against FMC for the Increased Project Costs; and

16 WHEREAS, This settlement and release is limited to the City's claim for the Increased
17 Project Costs and expressly excludes any other claims that the City has or may have in the
18 future against FMC arising from environmental contamination; and

19 WHEREAS, FMC and the City agree that each should bear its own costs and fees; and

20 WHEREAS, The San Francisco Public Utilities Commission recommends the
21 settlement; now, therefore, be it

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1 RESOLVED, That pursuant to Section 10.24 of the Administrative Code, the Board
2 hereby approves settlement of the unlitigated claim by FMC's payment to the City of
3 \$425,000.
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5 APPROVED:

6 DENNIS J. HERRERA
7 City Attorney

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10 ELAINE O'NEIL
11 Deputy City Attorney
12 Construction and Public Contracting
13 Team Leader


RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

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16 HARLAN L. KELLY, JR.
17 General Manager of the San Francisco
18 Public Utilities Commission

APPROVED:

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21 DONNA HOOD
22 Commission Secretary
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City and County of San Francisco
Tails
Resolution

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

File Number: 160246

Date Passed: April 19, 2016

Resolution approving settlement of the unlitigated claim filed by the City and County of San Francisco against FMC Corporation for \$425,000; the claim involves compensation for environmental contamination caused by FMC Corporation.

April 07, 2016 Government Audit and Oversight Committee - RECOMMENDED..

April 19, 2016 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160246

I hereby certify that the foregoing Resolution was ADOPTED on 4/19/2016 by the Board of Supervisors of the City and County of San Francisco.

for Angela Calvillo
Clerk of the Board

Mayor

4/27/16

Date Approved