

1 [Accept-Expend Gift.]

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3 Resolution authorizing the Department of Public Works (DPW) to accept a gift in the amount
4 of \$100,000 from American Express to plant approximately 1,000 trees on Sunset Boulevard
5 allowing the use of the City’s corporate seal under certain conditions, and allowing the
6 Director of Public Works to sign an agreement that includes provisions for alternative dispute
7 resolution.

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9 WHEREAS, American Express Travel Related Services Company, Inc. (“American
10 Express”) and participating merchants located within eight major cities are joining together in
11 a marketing program to support tree planting efforts; and,

12 WHEREAS, American Express is offering to give the Department of Public Works
13 \$100,000 for planting of approximately 1,000 trees on Sunset Boulevard, under certain
14 conditions, including that American Express has the City’s permission reproduce and publish
15 city seal in marketing materials related to their national tree planting program, that the gift
16 from American Express be acknowledged through placement of a plaque at the tree planting
17 site, and that the City and American Express agree to submit any disputes, claims, or
18 controversies arising out of the terms of this gift or the planting of the trees to alternative
19 dispute resolution, beginning with mediation and ending in binding arbitration; and,

20 WHEREAS, the City has the potential to receive an additional \$200,000 that would be
21 used for training of youth at the Log Cabin Ranch in tree care, planting and maintenance
22 based upon the number of eligible American Express card transactions from September 22,
23 2008 through October 31, 2008 in each of eight cities participating in the program; and,

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1 WHEREAS, DPW wishes to obtain approval from the Board of Supervisors to accept
2 the gift of up to \$100,000 for the planning of trees on Sunset Boulevard from American
3 Express; and,

4 WHEREAS, DPW wishes to obtain approval from the Board of Supervisors to accept
5 the gift of up to \$200,000 for youth training at Log Cabin Ranch, should it be offered to the
6 City by American Express; and,

7 WHEREAS, Section 1.6 of the Administrative Code provides that the use of the
8 corporate seal of the City and County of San Francisco shall be for purposes directly
9 connected with official business of the City and County and those matters approved by the
10 Board of Supervisors by resolution; and

11 WHEREAS, the Board of Supervisors must approve the any agreement to allow the
12 City to agree to binding arbitration; now, therefore, be it

13 RESOLVED, That DPW is hereby authorized to accept a gift from American Express of
14 up to \$300,000 for tree planting and youth training from American Express; and be it

15 FURTHER RESOLVED, That American Express is hereby allowed to use a likeness of
16 the City's corporate seal on the American Express San Francisco tree planting program web
17 page, fliers relating to the program distributed at street fairs or delivered to San Francisco
18 neighborhoods; print advertisements relating to the program in newspapers distributed in San
19 Francisco; and, additional consumer marketing tools that mention the program, in channels or
20 out of home media materials related to its tree planting program, during the months of
21 September and October 2008 provided they receive advance approval for specific uses of the
22 seal by the Clerk of the Board of Supervisors; and be it

23 FURTHER RESOLVED, That the Director of Public Works is hereby authorized to
24 enter into an agreement with American Express that provides for alternative dispute
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1 resolution, including binding arbitration of any issues arising out of the terms or performance
2 of this gift;and be it

3 FURTHER RESOLVED, That the Department of Public Works may acknowledged the
4 gift from American Express through placement of a plaque at the tree planting site.

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Recommended:

Department Head

Approved:_____

Mayor

Approved:_____

Controller