

1 [Settlement of Lawsuit]
2

3 **Ordinance authorizing settlement of the lawsuit entitled Bayshore Sanitary District v.**
4 **City and County of San Francisco, et al., filed on November 21, 2007, in San Francisco**
5 **Superior Court, Case No. 07-469434. Pursuant to the proposed settlement, the City will**
6 **execute a revenue refund adjustment for the Bayshore Sanitary District's sewer**
7 **services billings in the amount of \$407,000. In return, the Bayshore Sanitary District**
8 **will implement measures to ensure that future errors in measuring wastewater flow are**
9 **promptly detected and corrected and limit its recovery of any overcharges due to**
10 **equipment error in the future.**

11 Be it ordained by the People of the City and County of San Francisco:

12 Section 1. Findings:

13 (1) On November 21, 2007, plaintiff Bayshore Sanitary District filed a lawsuit in San
14 Francisco Superior Court entitled "Bayshore Sanitary District v. City and County of San
15 Francisco et al." The complaint alleged causes of action for: (1) breach of contract; (2)
16 negligence; (3) money had and received; (4) money paid; (5) declaratory relief; and (6)
17 accounting. The lawsuit claimed that, due to a faulty meter at the Carlyle Pump Station, the
18 City overcharged plaintiff for sewer services from 1997 through 2006.

19 (2) In settlement of plaintiff's lawsuit, the parties have negotiated an agreement,
20 pursuant to which the City will execute a revenue refund adjustment in the amount of
21 \$407,000 for plaintiff's sewer services billings. In return, plaintiff, at its own expense, will
22 implement measures designed to ensure that errors in measuring wastewater flow are
23 promptly detected and corrected in the future. Plaintiff will also limit its recovery of any future
24 overcharges due to equipment error to one year prior to the date the error has been corrected.
25 A copy of the settlement agreement is contained in Board File No. 100691.

1 Section 2. The above-named lawsuit was filed in San Francisco Superior Court on
2 November 21, 2007, and the following parties were named in the lawsuit: Plaintiff Bayshore
3 Sanitary District; Defendants the City and County of San Francisco, and the San Francisco
4 Public Utilities Commission.

5 Section 3. The Board of Supervisors approves and authorizes the City's execution,
6 delivery, and performance of the settlement agreement.

7
8 APPROVED AS TO FORM AND
RECOMMENDED:

9 DENNIS J. HERRERA
10 City Attorney

11 

12 DANNY CHOU
13 Deputy City Attorney

RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

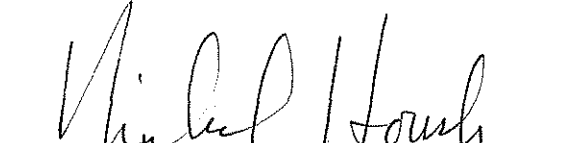
14 
15 EDWARD HARRINGTON
16 General Manager

17 FUNDS AVAILABLE:

18 
19 BEN ROSENFELD
20 Controller

21 Index Code: 470101
22 Subobject: 05312

APPROVED:

23 
24 SECRETARY
25 SAN FRANCISCO PUBLIC UTILITIES
COMMISSION



City and County of San Francisco
Tails
Ordinance

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

File Number: 100691

Date Passed: July 13, 2010

Ordinance authorizing settlement of the lawsuit entitled Bayshore Sanitary District v. City and County of San Francisco, et al., filed on November 21, 2007, in San Francisco Superior Court, Case No. 07-469434. Pursuant to the proposed settlement, the City will execute a revenue refund adjustment for the Bayshore Sanitary District's sewer services billings in the amount of \$407,000. In return, the Bayshore Sanitary District will implement measures to ensure that future errors in measuring wastewater flow are promptly detected and corrected and limit its recovery of any overcharges due to equipment error in the future.

June 29, 2010 Board of Supervisors - PASSED, ON FIRST READING

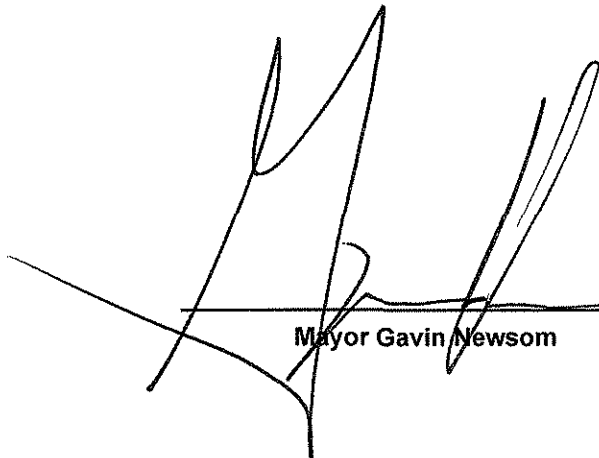
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

July 13, 2010 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 100691

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
7/13/2010 by the Board of Supervisors of the
City and County of San Francisco.



Mayor Gavin Newsom



Angela Calvillo
Clerk of the Board

July 23, 2010

Date Approved