

1 [Settlement of Claims, Litigation, and Appropriation - SFPUC Water Pipeline Break - 15th
2 Avenue and Wawona Street - Not to Exceed \$4,000,000]

3 **Ordinance authorizing the Public Utilities Commission (SFPUC) and the City Attorney's**
4 **Office to approve settlements of claims or litigation arising out of the February 27,**
5 **2013, accidental break of the SFPUC's water transmission pipeline on 15th Avenue**
6 **between West Portal Avenue and Wawona Avenue in San Francisco for amounts**
7 **exceeding \$25,000 per claim, notwithstanding Administrative Code, Section 10.22**
8 **et.seq., subject to a total amount not to exceed \$4,000,000 if the Controller certifies**
9 **availability of funds, and subject to periodic reporting to the Board of Supervisors**
10 **Rules Committee; and appropriating \$4,000,000 from the Water Enterprise fund balance**
11 **for such purpose.**

12 NOTE: Additions are *single-underline italics Times New Roman*;
13 deletions are ~~*strike-through italics Times New Roman*~~.
14 Board amendment additions are double-underlined;
15 Board amendment deletions are ~~strike through normal~~.

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

17 Section 1. Findings. On February 27, 2013, at approximately 3 AM, a San Francisco
18 Public Utilities Commission (SFPUC) 16" water transmission pipeline, located between West
19 Portal Avenue and Wawona Street, ruptured in front of 2733 15th Avenue, and approximately
20 twenty-five residential properties were affected when the water flow overwhelmed catch
21 basins in the area, resulting in damage to personal and/or real property (the "February 27th
22 Accident"). The purpose of this legislation is to establish an expedited settlement procedure
23 to facilitate the timely resolution of claims or litigation arising from the February 27th Accident
24 to enable prompt payment to those affected.

1 Section 2. Notwithstanding San Francisco Administrative Code Sections 10.22 et.
2 seq., which require Board of Supervisors approval of each settlement of a litigated or
3 unlitigated claim in excess of twenty five thousand (\$25,000), the Board hereby authorizes
4 litigated or unlitigated claims arising out of the February 27th Accident to be settled and
5 compromised on the written recommendation of the San Francisco Public Utilities
6 Commission, with the written approval of the City Attorney, for settlement amounts in excess
7 of \$25,000. The total amount may not exceed four million (\$4,000,000) dollars for all such
8 settlements; provided, however, that the Board of Supervisors may by resolution increase the
9 \$4,000,000 limit. In all cases, the Controller must first certify that sufficient funds are available
10 from the proper funds or appropriation to pay each claim as compromised and settled. At
11 least once every six (6) months, the SFPUC and City Attorney shall submit periodic reports to
12 the Board of Supervisors Rules Committee on the settlement of claims or litigation arising out
13 of the February 27th Accident, and the SFPUC and City Attorney shall make additional reports
14 at such times as directed by the Chair of the Rules Committee.

15 Section 3. The Board herein appropriates four million (\$4,000,000) dollars from the
16 Water Enterprise fund balance for use by the SFPUC for purposes of settlement of claims or
17 litigation arising out of the February 27th Accident.

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1 Section 4. Effective Date. This ordinance shall become effective 30 days from the
2 date of passage.

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4 APPROVED AS TO FORM AND
RECOMMENDED:

RECOMMENDED:

5 DENNIS J. HERRERA
6 City Attorney

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

7
8 NOREEN AMBROSE
Utilities General Counsel

9 HARLAN L. KELLY, JR.
General Manager

10 FUNDS AVAILABLE:

11
12 BEN ROSENFELD
Controller

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