

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 15<sup>th</sup> Avenue**  
6 **between West Portal Avenue and Wawona Street 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 ~~strikethrough-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 27<sup>th</sup>  
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 27<sup>th</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> 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  
5 RECOMMENDED:

6 DENNIS J. HERRERA  
7 City Attorney

8   
9 \_\_\_\_\_  
10 NOREEN AMBROSE  
11 Utilities General Counsel

RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION

12   
13 \_\_\_\_\_  
14 HARLAN L. KELLY, JR.  
15 General Manager

16 FUNDS AVAILABLE:

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18 \_\_\_\_\_  
19 BEN ROSENFELD  
20 Controller

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City and County of San Francisco  
Tails  
Ordinance

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

File Number: 130465

Date Passed: June 11, 2013

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

May 22, 2013 Budget and Finance Sub-Committee - RECOMMENDED

June 04, 2013 Board of Supervisors - PASSED, ON FIRST READING

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

June 11, 2013 Board of Supervisors - FINALLY PASSED

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

File No. 130465

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/11/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

Mayor

6/12/13

Date Approved