

1 [Settlement of Lawsuit - Bay Area Air Quality Management District - \$31,400]

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3 **Ordinance authorizing settlement of the lawsuit filed by The People of the State of**
4 **California, by and through the Bay Area Air Quality Management District, against the**
5 **City and County of San Francisco for \$31,400; the lawsuit was filed on March 27, 2012,**
6 **in San Francisco Superior Court, Case No. CPF-12-512078; entitled The People of the**
7 **State of California, by and through the Bay Area Air Quality Management District v. The**
8 **City and County of San Francisco; other material terms of said settlement are that the**
9 **settlement is a stipulated civil penalty that is allocated between the Fire Department**
10 **(\$30,000), subject to Board of Supervisors approval, and the Municipal Transportation**
11 **Agency (\$1,400), subject to Municipal Transportation Agency approval.**

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

14 Section 1. Pursuant to Charter section 6.102(5), the Board of Supervisors hereby
15 authorizes the City Attorney to settle the action entitled The People of the State of California,
16 by and through the Bay Area Air Quality Management District v. The City and County of San
17 Francisco, San Francisco Superior Court, Case No. CPF-12-512078 by the payment of
18 \$30,000 as a stipulated civil penalty by the San Francisco Fire Department, along with the
19 payment of \$1,400 as a stipulated civil penalty by the San Francisco Municipal Transportation
20 Agency.

21 Section 2. The above-named action was filed in San Francisco Superior Court on
22 March 27, 2012, and the following parties were named in the lawsuit: The People of the State
23 of California, by and through the Bay Area Air Quality Management District, and The City and
24 County of San Francisco.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

RONALD P. FLYNN
Chief of Complex and Affirmative Litigation

FUNDS AVAILABLE:

BEN ROSENFELD
Controller

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RECOMMENDED:

SAN FRANCISCO FIRE DEPARTMENT

JOANNE HAYES-WHITE
Chief of Department

APPROVED:

MAUREEN CONEFREY
Secretary, Fire Commission