

File No. 150005

Committee Item No. 9

Board Item No. 8

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date January 15, 2015

Board of Supervisors Meeting

Date January 27, 2015

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Memorandum of Understanding (MOU)            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 - Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Vacancy Notice                               |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Information Sheet                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

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Completed by: Alisa Somera

Date January 9, 2015

Completed by: Alisa Somera

Date January 22, 2015

1 [Settlement or Policy Limits Demand of Unlitigated Claim - Precision Engineering, Inc. - City to  
2 Demand or Receive \$11,000,000]

3 **Resolution approving settlement of the unlitigated claim of the City and County of San**  
4 **Francisco against Precision Engineering, Inc., and its carriers for \$11,000,000; or**  
5 **alternatively authorizing the City Attorney to make a binding policy limits demand.**  
6

7 WHEREAS, The City has a potential cause of action and claim against Precision  
8 Engineering, Inc. ("Precision") for damages arising from a City water main break that  
9 discharged water in the area of the 2600 and 2700 blocks of 15th Avenue and the 300 and  
10 400 blocks of Wawona Street on February 27, 2013 ("Wawona Incident"); and

11 WHEREAS, The City Attorney has proposed settlement of the claim, calling for the  
12 payment of \$11,000,000 from Precision to the City, representing payment of Precision's  
13 insurance policy limits; and

14 WHEREAS, Should Precision reject that proposed settlement, the City Attorney seeks  
15 authority to make a policy limits demand against Precision, which would result in a binding  
16 settlement agreement if accepted by Precision; now, therefore, be it

17 RESOLVED, That pursuant to Section 10.24(b) of the Administrative Code, the City  
18 Attorney is hereby authorized to settle this unlitigated claim against Precision with Precision's  
19 payment of \$11,000,000 to the City; or alternatively, if Precision rejects the settlement  
20 demand, the City Attorney is authorized to make a policy limits demand of \$11,000,000  
21 against Precision. If either the currently proposed settlement or the alternative policy limits  
22 demand is accepted, settlement of the unlitigated claim will include the following terms:

- 23 • Precision shall pay the City all reasonable attorney's fees and costs incurred  
24 defending and/or prosecuting matters arising from the Wawona Incident through the  
25 date of settlement;

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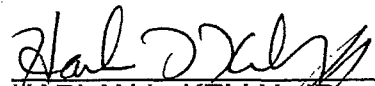
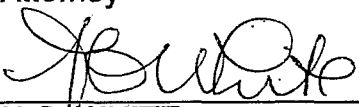
- The City shall defend, indemnify, and hold Precision harmless from all remaining third-party claims arising from the Wawona Incident;
- Precision shall cooperate fully with the City in all remaining claims and litigation arising from the Wawona Incident;
- The City reserves all rights to pursue claims against Precision for latent defects and remaining warranties in Precision's construction project work.

APPROVED AS TO FORM AND RECOMMENDED:

RECOMMENDED:

DENNIS J. HERRERA  
City Attorney

SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION



JOHN G. WHITE  
Deputy City Attorney

HARLAN L. KELLY JR.  
General Manager, San Francisco Public  
Utilities Commission

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**LEGISLATION RECEIVED CHECKLIST**

Date 12/22/14

File Number (if applicable) \_\_\_\_\_

- Legislation for Introduction (NEW)                      ▶▶▶ Legislation Clerk
- Legislation Pending in Committee (AMENDED)            ▶▶▶ Committee Clerk
- Legislation for Board Agenda (AMENDED)                ▶▶▶ Dep Clerk, Legislative Div

**Supervisor, Mayor, and Departmental Submittals**

**Grant Ordinance**

- Legislation:** Original and 2 hard copies and 1 electronic copy in word format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Back-up materials:** 2 full sets (see below) and 1 electronic copy in pdf format\*
  - Cover letter (original and 1 hard copy)
  - Grant budget/application
  - Grant information form, including disability checklist
  - Letter of Intent or grant award letter from funding agency
  - Contract, Leases/Agreements (if applicable)
  - Ethics Form 126 (if applicable)\*Word format
- E-Copy of legislation/back-up materials:** Sent to BOS.Legislation@sfgov.org

**Ordinance**

- Legislation:** Original and 2 hard copies and 1 electronic copy in word format
- Signature:** City Attorney (For Settlement of Lawsuits - City Attorney, Department Head, Controller, Commission Secretary)
- Back-up materials:** 2 hard copies (see below) and 1 electronic copy in pdf format
  - Cover letter (original and 1 hard copy)
  - Settlement Report/Agreement (for settlements)
  - Other (Explain)
- E-Copy of legislation/back-up materials:** Sent to BOS.Legislation@sfgov.org

**Grant Resolution**

- Legislation:** Original and 2 hard copies and 1 electronic copy in word format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Back-up materials:** 2 hard copies (see below) and 1 electronic copy in pdf format\*
  - Cover letter (original and 1 hard copy)
  - Grant budget/application
  - Grant information form, including disability checklist
  - Letter of Intent or grant award letter from funding agency
  - Contract, Leases/Agreements (if applicable)
  - Ethics Form 126 (if applicable)\*Word format
- E-Copy of legislation/back-up materials:** Sent to BOS.Legislation@sfgov.org

**Resolution**

- Legislation:** Original and 2 hard copies and 1 electronic copy in word format
- Signature:** None (Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)
- Back-up materials:** 2 full sets (see below) and 1 electronic copy in pdf format
  - Cover letter (original and 1 hard copy)
  - Settlement Report/Agreement (for settlements)
  - Other (Explain)
- E-Copy of legislation/back-up materials:** Sent to BOS.Legislation@sfgov.org

Joy Perez 554-3869  
Name and Telephone Number

City Attorney  
Department