

File No. 160246 Committee Item No. 14
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date April 7, 2016

Board of Supervisors Meeting Date _____
Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

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Completed by: Erica Major Date April 1, 2016
Completed by: _____ Date _____

1 [Settlement of Unlitigated Claim - FMC Corporation - City to Receive \$425,000]

2
3 **Resolution approving settlement of the unlitigated claim filed by the City and County of**
4 **San Francisco against FMC Corporation for \$425,000; the claim involves compensation**
5 **for environmental contamination caused by FMC Corporation.**

6
7 WHEREAS, FMC Corporation ("FMC") has agreed to the settlement of an unlitigated
8 claim by the City and County of San Francisco ("City") against FMC, calling for FMC's
9 payment of \$425,000 to the City; and

10 WHEREAS, This unlitigated claim arises from increased costs the City's Public Utilities
11 Commission incurred on the Water System Improvement Program's Bay Division Pipeline
12 Reliability Upgrade Project ("Increased Project Costs") as a result of environmental
13 contamination caused by FMC; and

14 WHEREAS, FMC has agreed to pay the City \$425,000 in exchange for the City's full
15 and final release of its claim against FMC for the Increased Project Costs; and

16 WHEREAS, This settlement and release is limited to the City's claim for the Increased
17 Project Costs and expressly excludes any other claims that the City has or may have in the
18 future against FMC arising from environmental contamination; and

19 WHEREAS, FMC and the City agree that each should bear its own costs and fees; and

20 WHEREAS, The San Francisco Public Utilities Commission recommends the
21 settlement; now, therefore, be it

22 ///

23 ///

1 RESOLVED, That pursuant to Section 10.24 of the Administrative Code, the Board
2 hereby approves settlement of the unlitigated claim by FMC's payment to the City of
3 \$425,000.
4

5 APPROVED:

6 DENNIS J. HERRERA
7 City Attorney

8 

9 ELAINE O'NEIL
10 Deputy City Attorney
11 Construction and Public Contracting
12 Team Leader

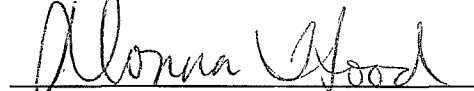
RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

13 

14 HARLAN L. KELLY, JR.
15 General Manager of the San Francisco
16 Public Utilities Commission

APPROVED:

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18 DONNA HOOD
19 Commission Secretary
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LEGISLATION RECEIVED CHECKLIST

Date 3/11/16 File Number (if applicable) 60246

- Legislation for Introduction (**NEW**) ▶▶▶ Legislative Clerk
- Legislation Pending in Committee (**AMENDED**) ▶▶▶ Committee Clerk
- Legislation for Board Agenda (**AMENDED**) ▶▶▶ Deputy Clerk

Supervisor, Mayor, and Departmental Submittals

Grant Ordinance

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Grant budget/application
 - Grant information form, including signed disability checklist
 - Letter of Intent or grant award letter from funding agency
 - Contract, Leases/Agreements (if applicable)
 - Ethics Form 126 (if applicable) in **Word** format
 - Other support documents as identified in the cover letter and legislation
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Ordinance

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** City Attorney (For Settlement of Lawsuits - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Settlement Report/Agreement (for settlements)
 - Other support documents as identified in the cover letter and legislation
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Grant Resolution

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Grant budget/application
 - Grant information form, including signed disability checklist
 - Letter of Intent or grant award letter from funding agency
 - Contract, Leases/Agreements (if applicable)
 - Ethics Form 126 (if applicable) in **Word** format
 - Other support documents as identified in the cover letter and legislation
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Resolution

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** None (Note: Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Settlement Report/Agreement (for settlements)
 - Other support documents as identified in the cover letter and legislation
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Jay Perez 554-3869 City Attorney
 Name and Telephone Number Department