| File No. | 160933 | Committee Item No. | 19 |
|----------|--------|--------------------|----|
| _ | | Board Item No. | 9 |

COMMITTEE/BOARD OF SUPERVISORS

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| Committee: | Government Audit and Oversight | Date September 15, 2016 |
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| Board of Su | pervisors Meeting | Date SEPTEMBER 24, Bu 6 |
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| | Motion | |
| | Resolution | |
| | Ordinance | |
| Ä Ä | Legislative Digest | |
| H H | Budget and Legislative Analyst Re | port · |
| H H | Youth Commission Report | |
| | Introduction Form | |
| H H | Department/Agency Cover Letter a | nd/or Report |
| | MOU | nator Report |
| Η Η | Grant Information Form | |
| H H. | | • |
| HH | Grant Budget | |
| H | Subcontract Budget | |
| | Contract/Agreement | |
| | Form 126 – Ethics Commission | |
| | Award Letter | • |
| | Application | |
| | Public Correspondence | |
| OTHER | (Use back side if additional space i | s needed) |
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[Settlement of Lawsuit and Supplemental Appropriation - Encompass Insurance Company - \$1,250,000]

Ordinance authorizing settlement of the lawsuit filed by Encompass Insurance
Company against the City and County of San Francisco for \$1,250,000; the lawsuit was
filed on April 2, 2014, in San Francisco Superior Court, Case No. CGC-14-538395;
entitled Encompass Insurance Company v. City and County of San Francisco, et al.; the
lawsuit involves alleged property damage arising from the break of the Public Utilities
Commission's water transmission pipeline on 15th Avenue between West Portal
Avenue and Wawona Street in San Francisco; and appropriating \$1,250,000 from the
Water Enterprise fund balance for such purpose.

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

Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled Encompass Insurance Company v. City and County of San Francisco, et al., San Francisco Superior Court, Case No. CGC-14-538395 by the payment of \$1,250,000. The lawsuit involves alleged property damage from the break of the SFPUC's water transmission pipeline on 15th Avenue between West Portal Avenue and Wawona Street in San Francisco.

Section 2. The above-named action was filed in San Francisco Superior Court on April 2, 2014, and the following parties were named in the lawsuit: Plaintiff: Encompass Insurance Company; Defendants: City and County of San Francisco, Precision Engineering, Inc.

Section 3. The Board herein appropriates \$1,250,000 from the Water Enterprise fund balance for use by the San Francisco Public Utilities Commission for purposes of settling the litigation.

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| APPROVED AS TO FORM AND RECOMMENDED: | RECOMMENDED: |
|--------------------------------------|--|
| DENNIS J. HERRERA City Attorney | PUBLIC UTILITIES COMMISSION |
| CHERYL ADAMS Chief Trial Deputy | MARLAN L. KELLY General Manager |
| FUNDS AVAILABLE! | APPROVED: |
| - All A | Monn Hood |
| BEN ROSENFIELD / Controller | DONNA HOOD Secretary, Public Utilities Commission |

City Attorney
BOARD OF SUPERVISORS

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| <u>/ LEGISLATION RECEIVED CHECKLIST</u> | | | | | |
|---|---|---|--|--|--|
| Date8/20 | File Number | (if applicable) | | | |
| [] Legislation Pe [] Legislation for | Introduction (NEW) ending in Committee (AMENDI Board Agenda (AMENDED) | ➤ ➤ Deputy 0 | ee Clerk Clerk | | |
| | Supervisor, Mayor, and D | epartmental Submittal | 5 | | |
| [] Signature: [] Supporting [] Cover le [] Grant bu [] Grant in [] Letter of [] Contrac [] Ethics F | Department Head, Mayor of documents: 1 full set, an etter (original) udget/application formation form, including sign f Intent or grant award letter from 126 (if applicable) in Woodupport documents as identified | or the Mayor's designee, pl d separate pdf copies of e ed disability checklist om funding agency icable) rd format d in the cover letter and leg | us the Controller each in email | | |
| [] E-Copy of | legislation/supporting docu | ments: Sent to BOS.Leg | islation@sfgov.org | | |
| Signature: Supporting Cover le Settlem [] Other s [] E-Copy of | Head, Controller, Commis- g documents: 1 full set, an etter (original) nent Report/Agreement (for secupport documents as identifie legislation/supporting documents | ent of Lawsuits - City Attori sion Secretary) nd separate pdf copies of e ttlements) d in the cover letter and leg | ney, Department each in email gislation | | |
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Clerk's Office/Forms/Legislation Received Checklist (1/2015) for more help go to: sfbos.org/about the board/general/legislative process handbook

Department