File No. 160932 Committee Item No. <u>18</u> Board Item No. 8 Board Item No.

Date September 15, 2016

Date SEPTEMBER 97 Jul 6

COMMITTEE/BOARD OF SUPERVISORS

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Public Correspondence

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[Settlement of Lawsuit and Supplemental Appropriation - Civil Service Employees Insurance Company - \$439,500]

ORDINANCE NO.

Ordinance authorizing settlement of the lawsuit filed by Civil Service Employees Insurance Company against the City and County of San Francisco for \$439,500; the lawsuit was filed on April 2, 2014, in San Francisco Superior Court, Case No. CGC-14-538389; entitled <u>Civil Service Employees Insurance Company v. City and County of San</u> <u>Francisco, et al.</u>; 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 \$439,500 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 <u>Civil Service Employees Insurance</u> <u>Company v. City and County of San Francisco, et al.</u>, San Francisco Superior Court, Case No. CG-14-538389 by the payment of \$439,500. 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: Civil Service Employees Insurance Company; Defendants: City and County of San Francisco, Precision Engineering, Inc.

Section 3. The Board herein appropriates \$439,500 from the Water Enterprise fund balance for use by the San Francisco Public Utilities Commission for purposes of settling the litigation.

City Attorney BOARD OF SUPERVISORS

1 APPROVED AS TO FORM AND **RECOMMENDED: RECOMMENDED:** 2 **DENNIS J. HERRERA** PUBLIC UTILITIES COMMISSION City Attorney 3 lo 4 CHERYL ADAMS HARLAN L. KELL 5 **Chief Trial Deputy General Manager** FUNDS AVAILABLE 6. **APPROVED:** 7 Anna Aloo, 8 BEN ROSENFIL DØNNA HOOD Controller Secretary, Public Utilities Commission 9 10 n:\lit\li2016\141160\01109732.docx 11 12 3 14 15 16 17 18 19 20 21 22 23 24 25 **City Attorney BOARD OF SUPERVISORS** 464

EGISLATION RECEIVED CHECKLIST Date File Number (if applicable) 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) 1 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) Dr Supporting documents: 1 full set, and separate pdf copies of each in email K Cover letter (original) Settlement Report/Agreement (for settlements) [] Other support documents as identified in the cover letter and legislation X1 E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org 124 Grant Resolution C(7"\ [] 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 rν [] Cover letter (original) [] Grant budget/application 30 [] Grant information form, including signed disability checklist ယ္ [] Letter of Intent or grant award letter from funding agency [] Contract, Leases/Agreements (if applicable) [] Ethics Form 126 (if applicable) in Word format 1 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 None (Note: Required for Settlement of Claims - City Attorney, [1] Signature: 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 Department Name and Telephone Number Clerk's Office/Forms/Legislation Received Checklist (1/2015) for more help go to: sfbos.org/about the board/general/legislative process handbook