

1 [Tolling Agreement - Sunol Valley Facilities]

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3 **Resolution approving a Tolling Agreement to toll the statutes of limitations for the**  
4 **Alameda County District Attorney to bring potential claims against the Public Utilities**  
5 **Commission's Sunol Valley Water Treatment Facility and Sunol Valley Chloramination**  
6 **Facility/San Antonio Pump Station.**

7  
8 WHEREAS, The San Francisco Public Utilities Commission owns and operates the  
9 Sunol Valley Water Treatment Facility and Sunol Valley Chloramination Facility/San Antonio  
10 Pump Station located in Alameda County ("Sunol Facilities"); and

11 WHEREAS, The Alameda County District Attorney's Office has identified potential  
12 violations and enforcement actions regarding the Sunol Facilities, a list of which is described  
13 in paragraph three of the Tolling Agreement Between the City and County of San Francisco  
14 and the San Francisco Public Utilities Commission and the People of the State of California  
15 Tolling Statutes of Limitations ("Tolling Agreement"), on file with the Clerk of the Board of  
16 Supervisors in File No. 150674; and

17 WHEREAS, The City and Alameda County District Attorney's Office have agreed to  
18 attempt to negotiate a resolution between the parties of potential claims without the expense  
19 of litigation; and

20 WHEREAS, The Alameda County District Attorney's Office has expressed concern that  
21 the delay associated with negotiating a settlement should not be considered in calculating  
22 applicable limitations periods for potential claims; and

23 WHEREAS, To facilitate an efficient and mutually beneficial resolution of potential  
24 claims associated with the Sunol Facilities and to avoid the need for potentially unnecessary  
25 litigation, the Public Utilities Commission and Alameda County District Attorney's Office have

1 agreed that the limitations period for any potential litigation related to the Sunol Facilities shall  
2 be tolled and Alameda County District Attorney's Office shall not pursue claims or causes of  
3 action against the City until termination of the agreed to tolling period. This agreement is set  
4 forth in the Tolling Agreement, on file with the Clerk of the Board of Supervisors in File No.  
5 150674; now, therefore, be it

6 RESOLVED, That the Board of Supervisors authorizes the City to agree that the  
7 statute of limitations for the Alameda County District Attorney's Office to file an action against  
8 the City with respect to any claim arising out of the Sunol Facilities shall be tolled as of the  
9 Effective Date of the Tolling Agreement pursuant to the termination provisions therein; and, be  
10 it

11 FURTHER RESOLVED, That the Board of Supervisors hereby approves the tolling  
12 provisions in the Tolling Agreement, Section 3, contained in Board of Supervisors File No.  
13 150674 and authorizes the City Attorney to enter into such Agreement on behalf of the City  
14 and County of San Francisco.

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**City and County of San Francisco**  
**Tails**  
**Resolution**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 150674

**Date Passed:** July 21, 2015

Resolution approving a Tolling Agreement to toll the statutes of limitations for the Alameda County District Attorney to bring potential claims against the Public Utilities Commission's Sunol Valley Water Treatment Facility and Sunol Valley Chloramination Facility/San Antonio Pump Station.

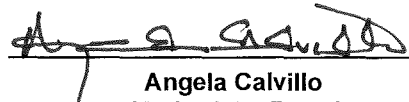
July 09, 2015 Government Audit and Oversight Committee - RECOMMENDED..


July 21, 2015 Board of Supervisors - ADOPTED

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee  
Excused: 1 - Campos

File No. 150674

I hereby certify that the foregoing Resolution was ADOPTED on 7/21/2015 by the Board of Supervisors of the City and County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

  
Mayor

7/30/15  
Date Approved