

1 [Settlement Of Lawsuit]
2 AUTHORIZING SETTLEMENT OF THE LAWSUIT FILED BY THE CITY AND COUNTY OF
3 SAN FRANCISCO AND THE ENVIRONMENTAL LAW FOUNDATION AGAINST MATCO-
4 NORCA FOR \$10,000, WHICH WILL BE DIVIDED AS FOLLOWS: \$5,000 AS PARTIAL
5 REIMBURSEMENT TO THE ENVIRONMENTAL LAW FOUNDATION FOR ITS COSTS IN
6 PROSECUTING THIS ACTION, \$2,500 AS PARTIAL REIMBURSEMENT TO THE CITY AND
7 COUNTY OF SAN FRANCISCO FOR ITS COSTS IN PROSECUTING THIS ACTION, AND
8 \$2,500 INTO A *CY PRES* FUND TO SUPPORT PROJECTS TO IMPROVE WATER
9 QUALITY IN THE STATE OF CALIFORNIA; THE LAWSUIT WAS FILED ON DECEMBER 28,
10 1999 IN THE SUPERIOR COURT OF CALIFORNIA FOR THE CITY AND COUNTY OF SAN
11 FRANCISCO, CASE NO. 308832; ENTITLED THE PEOPLE OF THE STATE OF
12 CALIFORNIA BY AND THROUGH SAN FRANCISCO CITY ATTORNEY LOUISE H. RENNE,
13 ET AL., V. MATCO-NORCA, ET AL.; OTHER MATERIAL TERMS OF SAID SETTLEMENT
14 ARE: (1) PRIOR TO AUGUST 1, 2000, MATCO-NORCA SHALL PROVIDE A PROPOSITION
15 65 "HAND TAG" WARNING SIGN SECURELY AFFIXED ON ALL BRASS BALL SHUT OFF
16 VALVES IT MANUFACTURES AND INTENDED FOR SALE OR USE IN CALIFORNIA
17 WHOSE NSF TEST STATISTIC Q FOR LEAD LEACHED INTO WATER IS GREATER THAN
18 5 MICROGRAMS PER LITER; (2) AS OF AUGUST 1, 2000, ALL BRASS BALL SHUT OFF
19 VALVES MANUFACTURED BY MATCO-NORCA AND INTENDED FOR SALE OR USE IN
20 CALIFORNIA SHALL HAVE A NSF TEST STATISTIC Q FOR LEAD LEACHED INTO
21 WATER THAT IS LESS THAN OR EQUAL TO 5 MICROGRAMS PER LITER; (3) BY
22 AUGUST 1, 2000, MATCO-NORCA SHALL SUBMIT A CERTIFICATE OF COMPLIANCE TO
23 THE ENVIRONMENTAL LAW FOUNDATION THAT BRASS BALL SHUT OFF VALVES IT
24 MANUFACTURES AND INTENDED FOR SALE OR USE IN CALIFORNIA ARE IN
25 COMPLIANCE WITH THE TERMS OF THIS AGREEMENT; (4) MATCO-NORCA

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1 SHALL SUBMIT AN AMENDED CERTIFICATE OF COMPLIANCE TO THE
2 ENVIRONMENTAL LAW FOUNDATION WITHIN THREE DAYS OF SHIPMENT FOR SALE
3 OR USE OF BRASS BALL SHUT OFF VALVES THAT ARE NOT COVERED BY THE
4 ORIGINAL CERTIFICATE OF COMPLIANCE.

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

6 Section 1. The City Attorney is hereby authorized to settle as the Defendant Matco-
7 Norca, Inc. only in the action entitled "The People of the State of California by and through the
8 San Francisco City Attorney, Louise H. Renne, et al., v. Matco-Norca, et al.", Superior Court
9 of California for the City and County of San Francisco, Court No. 308832 by the payment of
10 \$10,000 by Defendant Matco-Norca to the City and County of San Francisco and its co-
11 plaintiff, the Environmental law Foundation and with the following additional terms: (1) prior to
12 August 1, 2000, Matco-Norca shall to provide a Proposition 65 "hand tag" warning sign
13 securely affixed on all brass ball shut off valves it manufactures and intended for sale or use
14 in California whose NSF Test Statistic Q for lead leached into water is greater than 5
15 microgram per liter; (2) as of August 1, 2000, All brass ball shut off valves manufactured by
16 Matco-Norca and intended for sale or use in California shall have a NSF test statistic Q for
17 lead leached into water that is less than or equal to 5 microgram per liter; (3) by August 1,
18 2000, Matco-Norca shall submit to the Environmental Law Foundation a certificate of
19 compliance that brass ball shut off valves it manufactures and intended for sale or use in
20 California are in compliance with the terms of this agreement; (4) Matco-Norca shall submit to
21 the Environmental Law Foundation an amended certificate of compliance within three days of
22 shipment for sale or use of brass ball shut off valves that are not covered by the original
23 certificate of compliance.

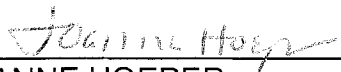
24 Section 2. The above-named action was filed in Superior Court of California for the
25 City and County of San Francisco on December 28, 1999, and the following parties were

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1 named in the lawsuit: The People of California, by and through the San Francisco City
2 Attorney, Louise H. Renne, Plaintiff; The Environmental Law Foundation, Plaintiff; Matco-
3 Norca, Inc., Defendant; and Nibco, Inc., Defendant.

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6 APPROVED AS TO FORM AND
RECOMMENDED:

7 LOUISE H. RENNE
8 City Attorney

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JOANNE HOEPER
12 Chief Trial Deputy

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City and County of San Francisco

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

Tails

Ordinance

File Number: 001470

Date Passed:

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco and the Environmental Law Foundation against Matco-Norca for \$10,000, which will be divided as follows: \$5,000 as partial reimbursement to the Environmental Law Foundation for its costs in prosecuting this action, \$2,500 as partial reimbursement to the City and County of San Francisco for its costs in prosecuting this action, and \$2,500 into a Cy Pres fund to support projects to improve water quality in the State of California; the lawsuit was filed on December 28, 1999 in the Superior Court of California for the City and County of San Francisco, Case No. 308832; entitled the people of the State of California by and through San Francisco City Attorney Louise H. Renne, et al., v. Matco-Norca, et al.; other material terms of said settlement are: (1) prior to August 1, 2000, Matco-Norca shall provide a Proposition 65 "Hand Tag" warning sign securely affixed on all brass ball shut off valves it manufactures and intended for sale or use in California whose NSF test statistic Q for lead leached into water is greater than 5 micorgrams per liter; (2) as of August 1, 2000, all brass ball shut off valves manufactured by a Matco-Norca and intended for sale or use in California shall have a NSF test statistic Q for lead leached into water that is less than or equal to 5 micrograms per liter; (3) by August 1, 2000, Matco-Norca shall submit a certificate of compliance to the Environmental Law Foundation that brass ball shut off valves it manufactures and intended for sale or use in California are in compliance with the terms of this agreement; (4) Matco-Norca shall submit an amended certificate of compliance to the Environmental Law Foundation within three days of shipment for sale or use of brass ball shut off valves that are not covered by the original certificate of compliance.

October 10, 2000 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng,
Yaki, Yee

Absent: 1 - Katz


October 16, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng,
Yaki, Yee

Absent: 1 - Katz

File No. 001470


I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on October 16, 2000
by the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

OCT 27 2000

Date Approved



Mayor Willie L. Brown Jr.