Ordinance authorizing the Public Utilities Commission (SFPUC) and the City Attorney's Office to approve settlements of claims or litigation arising out of the February 27, 2013, accidental break of the SFPUC's water transmission pipeline on 15th Avenue between West Portal Avenue and Wawona Street in San Francisco for amounts exceeding $25,000 per claim, notwithstanding Administrative Code, Section 10.22 et.seq., subject to a total amount not to exceed $4,000,000 if the Controller certifies availability of funds, and subject to periodic reporting to the Board of Supervisors Rules Committee; and appropriating $4,000,000 from the Water Enterprise fund balance for such purpose.

NOTE: Additions are single-underline italics Times New Roman; deletions are strike-through italics Times New Roman. Board amendment additions are double-underlined; Board amendment deletions are strikethrough normal.

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

Section 1. Findings. On February 27, 2013, at approximately 3 AM, a San Francisco Public Utilities Commission (SFPUC) 16" water transmission pipeline, located between West Portal Avenue and Wawona Street, ruptured in front of 2733 15th Avenue, and approximately twenty-five residential properties were affected when the water flow overwhelmed catch basins in the area, resulting in damage to personal and/or real property (the "February 27th Accident"). The purpose of this legislation is to establish an expedited settlement procedure to facilitate the timely resolution of claims or litigation arising from the February 27th Accident to enable prompt payment to those affected.
Section 2. Notwithstanding San Francisco Administrative Code Sections 10.22 et. seq., which require Board of Supervisors approval of each settlement of a litigated or unlitigated claim in excess of twenty five thousand ($25,000), the Board hereby authorizes litigated or unlitigated claims arising out of the February 27th Accident to be settled and compromised on the written recommendation of the San Francisco Public Utilities Commission, with the written approval of the City Attorney, for settlement amounts in excess of $25,000. The total amount may not exceed four million ($4,000,000) dollars for all such settlements; provided, however, that the Board of Supervisors may by resolution increase the $4,000,000 limit. In all cases, the Controller must first certify that sufficient funds are available from the proper funds or appropriation to pay each claim as compromised and settled. At least once every six (6) months, the SFPUC and City Attorney shall submit periodic reports to the Board of Supervisors Rules Committee on the settlement of claims or litigation arising out of the February 27th Accident, and the SFPUC and City Attorney shall make additional reports at such times as directed by the Chair of the Rules Committee.

Section 3. The Board herein appropriates four million ($4,000,000) dollars from the Water Enterprise fund balance for use by the SFPUC for purposes of settlement of claims or litigation arising out of the February 27th Accident.
Section 4. Effective Date. This ordinance shall become effective 30 days from the date of passage.

APPROVED AS TO FORM AND RECOMMENDED:

DENNIS J. HERRERA
City Attorney

NOREEN AMBROSE
Utilities General Counsel

RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES COMMISSION

HARLAN L. KELLY, JR.
General Manager

Funds Available:

BEN ROSENFIELD
Controller
Ordinance authorizing the Public Utilities Commission (SFPUC) and the City Attorney's Office to approve settlements of claims or litigation arising out of the February 27, 2013, accidental break of the SFPUC's water transmission pipeline on 15th Avenue between West Portal Avenue and Wawona Street in San Francisco for amounts exceeding $25,000 per claim, notwithstanding Administrative Code, Section 10.22 et.seq., subject to a total amount not to exceed $4,000,000 if the Controller certifies availability of funds, and subject to periodic reporting to the Board of Supervisors Rules Committee; and appropriating $4,000,000 from the Water Enterprise Fund Balance for such purpose.

May 22, 2013 Budget and Finance Sub-Committee - RECOMMENDED

June 04, 2013 Board of Supervisors - PASSED, ON FIRST READING
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

June 11, 2013 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 130465

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/11/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

6/12/13
Date Approved