

1 [Tolling Agreement - California Department of Fish and Wildlife, Office of Spill Prevention and  
2 Response - San Mateo Creek Discharges]

3 **Resolution approving a Tolling Agreement to toll the statutes of limitations for the**  
4 **California Department of Fish and Wildlife, Office of Spill Prevention and Response to**  
5 **bring potential claims against the Public Utilities Commission for discharges of**  
6 **chlorinated water into San Mateo Creek.**

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8 WHEREAS, The San Francisco Public Utilities Commission owns and operates Lower  
9 Crystal Springs Dam and the Crystal Springs Pipeline located on San Mateo Creek in San  
10 Mateo County ("Crystal Springs Facilities"); and

11 WHEREAS, The California Department of Fish and Wildlife, Office of Spill Prevention  
12 and Response ("State") has identified potential violations and enforcement actions relating to  
13 discharge of chlorinated water into San Mateo Creek from the Crystal Springs Facilities on  
14 October 3 and 24, 2012, and February 9, 2013; and

15 WHEREAS, The City and State have agreed to attempt to negotiate a resolution  
16 between the parties of potential claims without the expense of litigation; and

17 WHEREAS, To facilitate an efficient and mutually beneficial resolution of potential  
18 claims associated with the Crystal Springs Facilities and to avoid the need for potentially  
19 unnecessary litigation, the Public Utilities Commission and the State have agreed that the  
20 limitations period for any potential litigation related to the Crystal Springs Facilities shall be  
21 tolled and the State shall not pursue claims or causes of action against the City until  
22 termination of the agreed upon tolling period; and

23 WHEREAS, This agreement is set forth in the Tolling Agreement, on file with the Clerk  
24 of the Board of Supervisors in File No. 150852; now, therefore, be it  
25

1 RESOLVED, That the Board of Supervisors authorizes the City to agree that the  
2 statute of limitations for the State to file an action against the City with respect to any claim  
3 arising out of the Crystal Springs Facilities shall be tolled as of the Effective Date of the Tolling  
4 Agreement pursuant to the provisions therein; and, be it

5 FURTHER RESOLVED, That the Board of Supervisors hereby approves the tolling  
6 provisions of the Tolling Agreement, Section 5, contained in Board of Supervisors File No.  
7 150852 and authorizes the City Attorney to enter into such Agreement on behalf of the City  
8 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:** 150852

**Date Passed:** September 29, 2015

Resolution approving a Tolling Agreement to toll the statutes of limitations for the California Department of Fish and Wildlife, Office of Spill Prevention and Response, to bring potential claims against the Public Utilities Commission for discharges of chlorinated water into San Mateo Creek.


September 17, 2015 Government Audit and Oversight Committee - RECOMMENDED..

September 29, 2015 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 150852

I hereby certify that the foregoing Resolution was ADOPTED on 9/29/2015 by the Board of Supervisors of the City and County of San Francisco.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

  
\_\_\_\_\_  
Mayor

10/8/15  
\_\_\_\_\_  
Date Approved