Ordinance authorizing settlement of an unlitigated claim by the City and County of San Francisco against Asiana Airlines for a payment of $3,450,000 by Asiana Airlines to the City, appropriating funds from the settlement to the City Attorney’s Office to pay the City’s attorneys’ fees and legal expenses, and allocating funds from the settlement to the Airport to pay the Airport’s costs; other material terms of the settlement include payment by Asiana Airlines to the City’s aviation insurer, the City’s acceptance of the site cleanup performed by contractors to Asiana Airlines and approved by the San Francisco Bay Regional Water Quality Control Board, the City’s agreement not to originate a lawsuit against the aircraft manufacturer, and mutual release of claims arising out of the July 6, 2013 crash of Asiana Airlines Flight 214; the City made its claim on July 16, 2013.

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

Section 1. Pursuant to Charter, Section 6.102(5), and Administrative Code, Section 10.24(b), the Board of Supervisors hereby authorizes the City Attorney to settle the unlitigated claim by the City and County of San Francisco against Asiana Airlines arising out of the July 6, 2013 crash of Asiana Airlines Flight 214. The settlement includes the following terms, as set forth more fully in the settlement agreement between the parties: (1) payment of $3,450,000 by Asiana Airlines to the City; (2) payment by Asiana Airlines to the City’s aviation insurer separate from and in addition to the settlement payment to the City; (3) the City’s acceptance of the site cleanup performed by contractors to Asiana Airlines and approved by the San Francisco Bay Regional Water Quality Control Board; (4) the City’s covenant not to originate a lawsuit against the aircraft manufacturer, with the reservation of all rights in the
event the City is served with any claim or action initiated by any party; and (5) except for those
rights reserved by the City, and following Asiana’s payment of the settlement amount, the
parties will mutually release all claims arising out of the July 6, 2013 crash of Flight 214.

Section 2. The City and County of San Francisco submitted the claim to Asiana
Airlines on July 16, 2013, for damages arising out of the crash of Asiana Airlines Flight 214 on
July 6, 2013. There are no other parties to the claim.

Section 3. Settlement proceeds of $1,200,859.88 are hereby appropriated in a like
amount to the City Attorney’s Office to fund the City’s attorneys’ fees and legal expenses
related to this settlement agreement and litigation matters between the City and County and
third parties concerning the crash of Asiana Flight 214 on July 6, 2013. Settlement proceeds
of $1,642,466.29 are hereby allocated in a like amount to the Airport to fund the costs of
recovery from the crash of Asiana Flight 214 on July 6, 2013. The remaining proceeds of the
settlement may be appropriated by the Board of Supervisors in a future ordinance.

APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

SHERYL L. BREGMAN
Airport General Counsel

RECOMMENDED:

AIRPORT COMMISSION

JOHN L. MARTIN
Airport Director

Funds Appropriated:

BEN ROSENFIELD
Controller

APPROVED:

JEAN CARAMATTI
Secretary, Airport Commission
Ordinance authorizing settlement of an unlitigated claim by the City and County of San Francisco against Asiana Airlines for a payment of $3,450,000 by Asiana Airlines to the City, appropriating funds from the settlement to the City Attorney's Office to pay the City's attorneys' fees and legal expenses, and allocating funds from the settlement to the Airport to pay the Airport's costs; other material terms of the settlement include payment by Asiana Airlines to the City's aviation insurer, the City's acceptance of the site cleanup performed by contractors to Asiana Airlines and approved by the San Francisco Bay Regional Water Quality Control Board, the City's agreement not to originate a lawsuit against the aircraft manufacturer, and mutual release of claims arising out of the July 6, 2013 crash of Asiana Airlines Flight 214; the City made its claim on July 16, 2013.

April 21, 2016 Government Audit and Oversight Committee - RECOMMENDED.

May 03, 2016 Board of Supervisors - PASSED, ON FIRST READING
    Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Wiener and Yee
    Absent: 1 - Mar

May 10, 2016 Board of Supervisors - FINALLY PASSED
    Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160306

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 5/10/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved 5/20/16