

1 [Settlement of Claim Against Sprint/Nextel]  
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3 **Ordinance authorizing settlement of a claim by the City and County of San Francisco**  
4 **against the Sprint/Nextel Corporation for funding the planning for reconfiguration of**  
5 **the City's 800 MHz Radio Communications System.**  
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7 Be it ordained by the People of the City and County of San Francisco:

8 Section 1. The City Attorney and the Director of the Department of  
9 Telecommunications and Information Services are hereby authorized to settle the claim of the  
10 City against Sprint/Nextel Corporation (Sprint) for financial reimbursement for the planning  
11 stage of the relocation to a different frequency (also called "reconfiguration") of the City's  
12 Radio Communications System pursuant to the Report and Order of the Federal  
13 Communications Commission (FCC), WT Docket No. FCC 02-55 (Reconfiguration  
14 Proceeding), according to the terms set forth in the Planning Funding Agreement, dated April  
15 26, 2007, which is on file with the Clerk of the Board of Supervisors in File No. 070700 and  
16 declared to be a part of this ordinance as if fully set forth herein.

17 Section 2. Background to the Settlement.

18 (a) The City operates and maintains a 800 MHz radio communications system that  
19 provides radio communications for over 60 City departments, including radio systems of the  
20 police and emergency services. The 800 MHz system is the City's primary emergency  
21 communications system and consists of over 8723 portable radios, and 30 bi-directional  
22 amplifiers. Over the last ten years, public safety radio systems throughout the United States,  
23 like the one operated by the City, suffered disruptions because the FCC assigned several  
24 radio frequencies in the 800 MHz band to Sprint for its commercial radio network.  
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1 (b) In 2004 the FCC issued an order requiring certain users, including the City, to  
2 relocate to other radio frequencies.

3 (c) The FCC Order required Sprint to pay the costs of the reconfiguration itself as  
4 well as the costs of creating an effective plan for the reconfiguration that would not impact the  
5 reliability of the City's vital services. The FCC appointed a Transitional Administrator (TA) to  
6 oversee the reconfiguration and the TA, in turn, appointed a mediator to attempt a resolution  
7 of the City's claims against Sprint.

8 (d) The City submitted a proposal to Sprint in February, 2006, to fund the costs for  
9 the planning stage of the reconfiguration. Sprint responded with a counter offer and the  
10 matter went to mediation. The parties reached settlement in January, 2007. The TA has  
11 already approved the settlement.

12 (e) The City will be paid in two stages. Approximately 50% of the monies due to the  
13 City for the work of City departments will be paid within 15 days of final approval of the  
14 settlement. The remainder will be paid upon reconciliation of actual costs at the close of the  
15 reconfiguration planning.

16 Section 3. The terms of the settlement are set forth in the Planning Funding  
17 Agreement. The key provisions are as follows:

18 (a) The settlement is worth \$873,744 to the City.

19 (b) The settlement sum is broken down between monies that will be paid to the City  
20 directly and monies that will go to vendors selected by the City to perform technical work that  
21 cannot be done by the City. City departments will receive just less than 50% of the total and  
22 three City vendors will receive portions of the remainder.

23 (c) The settlement will cover the following costs for the planning stage of the  
24 reconfiguration: Frequency Analysis, \$10,785.12; System Inventory, \$113,095.14;

FILE NO.

ORDINANCE NO.

1 Engineering and Implementation Planning, \$334,858.17; Project Management, \$290,074.28;  
2 Legal \$115,056.00 and \$9,875.64 in other costs.

3 Section 4. Funds received by the City from this settlement shall be appropriated in  
4 accordance with the terms and conditions set forth herein. The \$873,744 shall be  
5 appropriated to Department of Telecommunications and Information Services to cover the  
6 costs incurred by the department for planning the reconfiguration of the City's Radio  
7 Communications System.

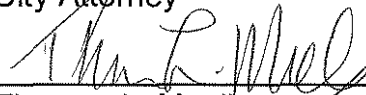
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9 APPROVED AS TO FORM AND  
10 RECOMMENDED:

RECOMMENDED:

11 DENNIS J. HERRERA  
12 City Attorney

CHRIS VEIN  
Director

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14 Theresa L. Mueller  
Deputy City Attorney

  
Department of Telecommunications and  
Information Services

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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

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**File Number:** 070700

**Date Passed:**

Ordinance authorizing settlement of a claim by the City and County of San Francisco against the Sprint/Nextel Corporation for funding the planning for reconfiguration of the City's 800 MHz Radio Communications System.

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June 19, 2007 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,  
McGoldrick, Mirkarimi, Peskin, Sandoval

June 26, 2007 Board of Supervisors — FINALLY PASSED


Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,  
McGoldrick, Mirkarimi, Peskin, Sandoval

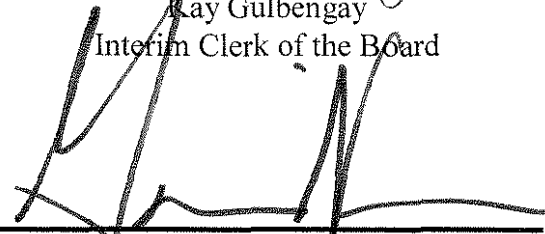
File No. 070700

I hereby certify that the foregoing Ordinance  
was FINALLY PASSED on June 26, 2007 by  
the Board of Supervisors of the City and  
County of San Francisco.

JUL 03 2007

Date Approved

  
\_\_\_\_\_  
Kay Gulbengay  
Interim Clerk of the Board

  
\_\_\_\_\_  
Mayor Gavin Newsom