

File No. 130403

Committee Item No. _____

Board Item No. 28

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date _____

Board of Supervisors Meeting

Date May 14, 2013

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: _____ Date _____

Completed by: Alisa Miller Date May 9, 2013

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Closed Session - Existing Litigation - Consolidated Cases Relating to Transient Occupancy
2 Tax]

3 **Motion that the Board of Supervisors convene in closed session on May 14, 2013, for**
4 **the purpose of conferring with, or receiving advice from, Legal Counsel regarding**
5 **existing litigation relating to the Transient Occupancy Tax in which the City is a**
6 **defendant pursuant to California Government Code, Section 54956.9(a), and San**
7 **Francisco Administrative Code, Section 67.10(d)(1), which permits this closed session**
8 **because discussion in open session concerning this matter would likely and**
9 **unavoidably prejudice the position of the City in the existing litigation.**

10
11 WHEREAS, California Government Code, Section 54956.9(a), and San Francisco
12 Administrative Code, Section 67.10(d)(1), allow the Board of Supervisors to convene in closed
13 session to confer with or receive advice from Legal Counsel regarding existing litigation; and

14 WHEREAS, The City and County of San Francisco is a defendant in each of the
15 following consolidated cases:

- 16
17 • Judicial Council Coordinated Proceeding Case No. 4472, Consolidated Action in Los
18 Angeles Superior Court, consolidating, among others, the following actions in which
19 the City is a defendant: *Hotwire Inc. v. City and County of San Francisco, et al.* (San
20 Francisco Superior Court Case No. CGC 09-488289); *Expedia, Inc. v. City and County*
21 *of San Francisco, et al.* (San Francisco Superior Court Case No. CGC 09-488292);
22 *Priceline.com Inc. et al. v. City and County of San Francisco, et al.* (San Francisco
23 Superior Court Case No. CGC 09-509573); *Travelocity.com, L.P., et al. v. City and*
24 *County of San Francisco, et al.* (San Francisco Superior Court Case No. CGC 09-
25

1 489356); and *City and County of San Francisco v. San Francisco Hilton Union*
2 *Square, et al.* (San Francisco Superior Court Case No. CGC-11-510705); and
3 • *BHR Operations, LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et*
4 *al. v. City and County of San Francisco* (San Francisco Superior Court Case No. CGC-
5 10-498514, consolidated with San Francisco Superior Court Case No. CGC-10-
6 505526); now, therefore, be it

7
8 MOVED, That the Board of Supervisors convene in closed session on May 14, 2013, to
9 consult with Legal Counsel for the purpose of conferring with, or receiving advice from, Legal
10 Counsel regarding existing litigation in each of the following consolidated cases:
11

- 12 • Judicial Council Coordinated Proceeding Case No. 4472, Consolidated Action in Los
13 Angeles Superior Court, consolidating, among others, the following actions in which
14 the City is a defendant: *Hotwire Inc. v. City and County of San Francisco, et al.* (San
15 Francisco Superior Court Case No. CGC 09-488289); *Expedia, Inc. v. City and County*
16 *of San Francisco, et al.* (San Francisco Superior Court Case No. CGC 09-488292);
17 *Priceline.com Inc. et al. v. City and County of San Francisco, et al.* (San Francisco
18 Superior Court Case No. CGC 09-509573); *Travelocity.com, L.P., et al. v. City and*
19 *County of San Francisco, et al.* (San Francisco Superior Court Case No. CGC 09-
20 489356); and *City and County of San Francisco v. San Francisco Hilton Union*
21 *Square, et al.* (San Francisco Superior Court Case No. CGC-11-510705); and
22 • *BHR Operations, LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et*
23 *al. v. City and County of San Francisco* (San Francisco Superior Court Case No. CGC-
24 10-498514, consolidated with San Francisco Superior Court Case No. CGC-10-
25 505526).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FURTHER MOVED, Government Code Section, 54956.9(a), and Administrative Code, Section 67.10(d)(1), permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

n:\ethics\as2013\9690021\00844009.doc

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date _____

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor _____ inquires"
- 5. City Attorney request.
- 6. Call File No. _____ from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File.No. _____
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on _____

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative For

Sponsor(s):

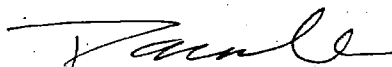
Supervisor Chiu

Subject:

Closed Session - Existing Litigation - Consolidated Cases Relating to Transient Occupancy Tax

The text is listed below or attached:

Motion that the Board of Supervisors convene in closed session on May 14, 2013, for the purpose of conferring with, or receiving advice from, Legal Counsel regarding existing litigation relating to the Transient Occupancy Tax in which the City is a defendant pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), which permits this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

170430

