

1 [Contingency Fee Agreement.]

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3 **Resolution approving and authorizing a contingency fee agreement between the City**
4 **and a law firm selected by the City Attorney, in connection with the litigation initiated**
5 **by the City Attorney against Tutor-Saliba Corporation and related entities over**
6 **construction projects at the San Francisco International Airport.**

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8 WHEREAS, Following consultation with the Board of Supervisors, the City Attorney
9 initiated litigation against Tutor-Saliba Corporation and related entities, on behalf of San
10 Francisco and the People of the State of California, entitled City and County of San Francisco
11 et al. v. Tutor-Saliba Corporation, et al., United States District Court, Northern District of
12 California, Case No. C 02 5286 (filed November 1, 2002) (the "Litigation"); and,

13 WHEREAS, The Litigation involves allegations of fraudulent practices on the part of
14 City contractors involved building the new international terminal at San Francisco International
15 Airport; and,

16 WHEREAS, Corrupt and fraudulent practices by City contractors have cost San
17 Francisco millions of dollars, diverted funds from projects that would have benefited the public
18 and generated revenue for San Francisco, and undermined the public's faith in the integrity of
19 public contracting in general and San Francisco's minority contracting program in particular;
20 and,

21 WHEREAS, The Litigation is likely to entail analysis of numerous complex factual and
22 legal issues, review and analysis of hundreds of thousands of documents, interviews and
23 depositions of hundreds of potential party and non-party witnesses and expenditure of
24 thousands of hours of attorney, paralegal, database specialist and investigator time; and,

1 WHEREAS, The City Attorney seeks to retain high quality counsel with expertise in
2 complex construction–related litigation to assist the City Attorney in litigating this case and to
3 provide additional staff and funds to augment the resources of the City Attorney’s Office and
4 San Francisco that are available to prosecute such litigation; and,

5 WHEREAS, The City Attorney proposes to enter into a contingency fee agreement (the
6 “Agreement”) with such counsel to leverage the City’s resources and reduce the risk to San
7 Francisco; and,

8 WHEREAS, A copy of the proposed Agreement is on file with the Clerk of the Board of
9 Supervisors in File No. , which is hereby declared to be a part of this resolution as if set
10 forth fully herein; and,

11 WHEREAS, The Charter vests the City Attorney with authority to represent San
12 Francisco in legal proceedings and to retain consultants and outside legal counsel to assist
13 him with such representation; now, therefore, be it

14 RESOLVED, That the Board of Supervisors approves a contingency fee agreement for
15 the Litigation on terms and conditions consistent with those contained in the Agreement and
16 authorizes the City Attorney to enter into such a contingency fee agreement with a law firm
17 chosen by the City Attorney to assist the City Attorney in prosecuting the Litigation.