File No. <u>210982</u>

Committee Item No. <u>6</u> Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

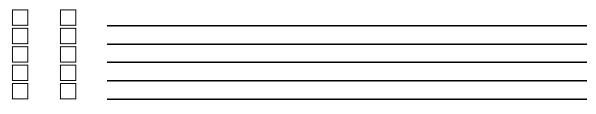
AGENDA PACKET CONTENTS LIST

Committee: <u>Government Audit and Oversight</u> Board of Supervisors Meeting: Date: Oct. 7, 2021
Date:

## **Cmte Board**

		Motion
		Resolution
$\overline{\boxtimes}$		Ordinance
	П	Legislative Digest
H	H	Budget and Legislative Analyst Report
H	H	
		Youth Commission Report
		Introduction Form
		Department/Agency Cover Letter and/or Report
		MOU
		Grant Information Form
		Grant Budget
		Subcontract Budget
		Contract/Agreement
		Form 126 – Ethics Commission
		Award Letter
		Application
		Public Correspondence

## OTHER



Prepared by:	John Carroll
Prepared by:	John Carroll
Prepared by:	John Carroll

Date:	Oct. 1, 2021	
Date:		
Date:		

FILE NO. 210982

ORDINANCE NO.

1	[Settlement of Attorney's Fee Claim - Contest Promotions, LLC - City to Receive \$580,000]		
2			
3	Ordinance authorizing settlement by payment of \$580,000 to the City and County of		
4	San Francisco, of the City's claim for attorney's fees and costs arising from the lawsuit		
5	that Contest Promotions, LLC filed against the City; the lawsuit was filed on August 26,		
6	2015, in San Francisco Superior Court, Case No. CGC-15-547630; entitled <u>Contest</u>		
7	Promotions, LLC vs. City and County of San Francisco; San Francisco Superior Court		
8	Case No. CPF-16-514771 was filed on February 9, 2016, and the actions were		
9	consolidated; the lawsuit involves a dispute about the City's compliance with a prior		
10	settlement agreement between the parties, and the constitutionality of sections of the		
11	Planning Code regulating on-site and off-site commercial signs.		
12			
13	Be it ordained by the People of the City and County of San Francisco:		
14	Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby		
15	authorizes the City Attorney to settle the City's claim for attorney's fees and costs in the		
16	matter of Contest Promotions, LLC vs. City and County of San Francisco, Superior Court of		
17	California, County of San Francisco, Case No. CPF-16-514771 (consolidated with Case No.		
18	CGC-15-547630) by the payment of \$580,000 to the City. Under the terms of this fee		
19	settlement, (1) Contest Promotions will release \$250,000 that is currently held in escrow for		
20	the benefit of the City; (2) when the appeal is final, the prevailing party receives the funds in		
21	escrow; and (3) Contest Promotions will pay the remaining \$330,000 in 12 monthly payments		
22	of \$27,500/month. This settlement modifies the terms of a 2019 fee settlement in this lawsuit.		
23	The lawsuit involves a dispute about the City's compliance with a prior settlement agreement		
24	between the parties, and the constitutionality of sections of the Planning Code regulating on-		
25	site and off-site commercial signs.		

City Attorney BOARD OF SUPERVISORS

1	Section 2. The above-named consolidated actions were filed in San Francisco				
2	Superior Court on August 26, 2015, and February 9, 2016, and the following parties were				
3	named in the lawsuits: Contest Promotions, LLC and the City and County of San Francisco.				
4					
5	APPROVED AS TO FORM AND	RECOMMENDED:			
6		SAN FRANCISCO PLANNING DEPARTMENT			
7	DENNIS J. HERRERA City Attorney				
8					
9	/s/ KATE H. STACY Chief Land Use Deputy City Attorney	<u>/s/</u> RICH HILLIS Director			
10	Chief Land Use Deputy City Attorney	Director			
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