

1 [Settlement of Claim]

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3 **Resolution approving the settlement of the unlitigated claim of Louise Renne, Patrick**
4 **Devlin, June Lilienthal, Virginia Leishman, Charles Meyers, Alene Meyers, Charles**
5 **Levinson, and Robert Neal against San Francisco, relating to the use of tobacco**
6 **settlement revenues by the Department of Public Health; material terms of said**
7 **settlement are contained in the Settlement Agreement on file with the Clerk of the**
8 **Board of Supervisors.**

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10 WHEREAS, In November 1999, the City’s voters approved a bond measure known as
11 Proposition A; and

12 WHEREAS, Proposition A, *inter alia*, authorized the City to incur specified bonded debt
13 and/or other evidences of indebtedness and/or undertake lease financing by or for the City for
14 the acquisition, improvement, construction and/or reconstruction of a health care, assisted
15 living and/or other type of continuing care facility or facilities to replace Laguna Honda
16 Hospital (the “Laguna Honda Project”); and

17 WHEREAS, The City, to date, has received over \$82 million in revenues under the
18 1998 Master Settlement Agreement (“Tobacco Settlement Revenues”), of which the City has
19 expended over \$41 million on the Laguna Honda Project; and

20 WHEREAS, In July 2003 the City adopted Ordinance No. 191-03, which, *inter alia*,
21 amended Administrative Code Section 10.100-218 to authorize the transfer, in fiscal year
22 2003-2004, of up to \$25,005,644.60 of specified monies from the Tobacco Settlement
23 Revenue Sub-account to the City’s General Fund for payment of certain costs of the
24 Department of Public Health (the “Transfer”), such transfer to consist of Tobacco Settlement

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1 Revenues received prior to the City's issuance of any bonds for the Laguna Honda Project
2 under Proposition A; and

3 WHEREAS, Louise Renne, Patrick Devlin, June Lilienthal, Virginia Leishman, Charles
4 Meyers, Alene Meyers, Charles Levinson, and Robert Neal ("Claimants") claim that the
5 Transfer authorized by Ordinance No. 191-03 violates the requirements of Proposition A
6 and/or is otherwise illegal or invalid; and

7 WHEREAS, The City disputes such claim and maintains the Transfer is consistent with
8 the provisions of Proposition A; and

9 WHEREAS, Claimants and the City now desire to fully and finally resolve all of
10 Claimants' claims with regard to Ordinance No. 191-03 and the Transfer therein authorized,
11 according to the terms of a settlement agreement in form substantially similar to that on file
12 with the Clerk of the Board of Supervisors in File No. _____, which is hereby declared
13 to be a part of this Resolution as if set forth fully herein; now, therefore, be it

14 RESOLVED, That pursuant to Section 10.22 of the San Francisco Administrative Code,
15 the agreement between the City and Claimants set forth herein is hereby approved; and be it
16 further

17 RESOLVED, That the Mayor is hereby authorized to execute the agreement between
18 the City and Claimants set forth herein on behalf of the City.

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20 APPROVED AS TO FORM AND
21 RECOMMENDED:

22 DENNIS J. HERRERA
23 City Attorney

24 _____
25 WAYNE SNODGRASS
Deputy City Attorney

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