File No. 190916	Committee Item No.	11	
	Board Item No	3	

## COMMITTEE/BOARD OF SUPERVISORS

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OTHER	·			
•	: John Carroll	Date:		ber 11, 2019
Prepared by	: John Carroll	Date:	Octo	ber 24, 2019

20° 

Ordinance authorizing settlement by payment of \$500,000 to the City and County of San Francisco, of the City's claim for attorney's fees and costs arising from the lawsuit that Contest Promotions, LLC, filed against the City; the lawsuit was filed on August 26, 2015, in San Francisco Superior Court, Case No. CGC-15-547630; entitled Contest Promotions, LLC vs. City and County of San Francisco; San Francisco Superior Court Case No. CPF-16-514771 was filed on February 9, 2016, and the actions were consolidated; the lawsuit involves a dispute about the City's compliance with a prior settlement agreement between the parties, and the constitutionality of sections of the Planning Code regulating on-site and off-site commercial signs.

[Settlement of Attorney's Fee Claim - Contest Promotions, LLC - City to Receive \$500,000]

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the City's claim for attorney's fees and costs in the matter of Contest Promotions, LLC vs. City and County of San Francisco, Superior Court of California, County of San Francisco, Case No. CPF-16-514771 (consolidated with Case No. CGC-15-547630) by the payment of \$500,000 to the City. Under the terms of this fee settlement, (1) Contest Promotions will put \$250,000 in escrow pending appeal; (2) when the appeal is final, the prevailing party receives the funds in escrow; and (3) if the City wins an affirmance, Contest Promotions must pay an additional \$250,000 within 60 days. The lawsuit involves a dispute about the City's compliance with a prior settlement agreement between the parties, and the constitutionality of sections of the Planning Code regulating on-site and off-site commercial signs.

City Attorney
BOARD OF SUPERVISORS

Section 2 The above-named consolidated actions were filed in San Francisco Superior Court on August 26, 2015, and February 9, 2016, and the following parties were named in the lawsuits: Contest Promotions, LLC and the City and County of San Francisco.

APPROVED AS TO FORM AND RECOMMENDED:

DENNIS J. HERRERA City Attorney

KATE STACY Chief Land Use Deputy City Attorney

RECOMMENDED:

SAN FRANCISCO PLANNING DEPARTMENT

Director

City Attorney **BOARD OF SUPERVISORS** 

/ LEGISLATION RECEIVE	D CHECKLIST
Date 9/3//9 File Number (if a	pplicable)
Legislation for Introduction (NEW)  [ ] Legislation Pending in Committee (AMENDED)  [ ] Legislation for Board Agenda (AMENDED)	►► Legislative Clerk ►► Committee Clerk ►► Deputy Clerk
Supervisor, Mayor, and Depa	rtmental Submittals 🕺 📋 🥫
Grant Ordinance [ ] Legislation: Original, 1 hard copy, and 1 ele [ ] Signature: Department Head, Mayor or the	ectronic copy in Word format e Mayor's designee, plus the Controller eparate pdf copies of each in email isability checklist unding agency e) rmat the cover letter and legislation
Ordinance	<u>-</u>
City Attorney (For Settlement of Head, Controller, Commission	of Lawsuits - City Attorney, Department Secretary) eparate pdf copies of each in email ments) the cover letter and legislation
Grant Resolution	
[ ] Legislation: Original, 1 hard copy, and 1 el [ ] Signature: Department Head, Mayor or the	ne Mayor's designee, plus the Controller eparate <b>pdf</b> copies of each in email disability checklist funding agency of the cover letter and legislation
Resolution	
Department Head, Controller,	lement of Claims - City Attorney, Commission Secretary) eparate pdf copies of each in email ments) the cover letter and legislation
Name and Telephone Number De	Chy afformay
Name and Telephone Number De	epartment
Clerk's Office/Forms/Legislation Received Checklist (1/2015) for more help go to:	sfbos.org/about the board/general/jegislative process handbook