

FILE NO. 030086

TO: Gloria L. Young, Kay Gulbengay and Annette Lonich  
FROM: Ted Lakey  
DATE: February 11, 2003  
RE: 2/18/03 Closed Session

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Here is proposed language for the calendar for the 2/18 Board meeting for the closed session conference with the City Attorney related to two other items that may be referred from the 2/13 Finance Committee meeting to the full Board on the 18<sup>th</sup>. Let me know if you need any further assistance.

CONFERENCE WITH CITY ATTORNEY  
Existing Litigation  
City as Plaintiff

(b)  
Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following litigation filed by the City and County of San Francisco. The litigation involves allegations of fraudulent practices on the part of City contractors involved in building the new international terminal at San Francisco International Airport.

**City and County of San Francisco, et al. v. Tutor-Saliba Corporation, et al.**  
U. S. District Court No. C 02 5286, filed 11/1/02

The Closed Session is permitted by California Government Code Section 54956.9 (a) and Administrative Code (Sunshine Ordinance) Section 67.10 (d) (1), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending litigation.

Question on adoption \_\_\_\_\_

After a Closed Session, if one occurs,  
the Board shall adopt Motion (b) or (c)

(b)  
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the existing litigation listed above.

Question on adoption \_\_\_\_\_

(c)  
Motion that the Board finds that it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

Question on adoption \_\_\_\_\_

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