

File No. 110392

Committee Item No. 8

Board Item No. 26

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 6/16/11

Board of Supervisors Meeting

Date 6/28/11

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

(Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Linda Wong

Date 6/13/11

Completed by: P. N.

Date 6/21/11

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Settlement of Lawsuit – Committee on JOBS Candidate Advocacy Fund et al. v. Herrera et  
2 al. - \$290,000]

3 **Ordinance authorizing settlement of the lawsuit filed by Committee on JOBS Candidate**  
4 **Advocacy Fund and Building Owners and Managers Association of San Francisco**  
5 **Independent Expenditure Political Action Committee against the City and County of**  
6 **San Francisco for \$290,000; the lawsuit was filed on June 18, 2007, in United States**  
7 **District Court for the Northern District of California, Case No. 07-3199 JSW; entitled**  
8 **Committee on JOBS Candidate Advocacy Fund et al. v. Herrera et al.; other material**  
9 **terms of the settlement are a stipulated injunction prohibiting the City from enforcing**  
10 **the independent expenditure contribution limit in San Francisco Campaign and**  
11 **Governmental Conduct Code § 1.114(c).**

12  
13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. The City Attorney is hereby authorized to settle the action entitled  
15 Committee on JOBS Candidate Advocacy Fund et al. v. Herrera et al., United States District  
16 Court for the Northern District of California, Case No. 07-3199 JSW, by the payment of  
17 \$290,000 for attorneys' fees and costs and a stipulated injunction prohibiting the City from  
18 enforcing the independent expenditure contribution limit in San Francisco Campaign and  
19 Governmental Conduct Code § 1.114(c). The City could file a motion requesting that the  
20 court lift the injunction at the City's request if the Ninth Circuit Court of Appeals or the  
21 Supreme Court issues a decision that renders the contribution limit legally enforceable under  
22 the U.S. Constitution. The agreement would not interfere with the City's ability to enforce any  
23 other local or state campaign finance laws or to amend the Campaign Finance Reform  
24 Ordinance in the future.  
25

1 Section 2. The above-named action was filed in the United States District Court for the  
2 Northern District of California on June 18, 2007, and the following parties were named in the  
3 lawsuit: plaintiffs Committee on JOBS Candidate Advocacy Fund and Building Owners and  
4 Managers Association of San Francisco Independent Expenditure Political Action Committee;  
5 and defendants Dennis Herrera, in his official capacity as City Attorney of the City and County  
6 of San Francisco, George Gascon, in his official capacity as District Attorney of the City and  
7 County of San Francisco, the San Francisco Ethics Commission, and the City and County of  
8 San Francisco.

9  
10 APPROVED AS TO FORM AND  
11 RECOMMENDED:

12 DENNIS J. HERRERA  
13 City Attorney

14   
15 \_\_\_\_\_  
16 JONATHAN GIVNER  
17 Deputy City Attorney

RECOMMENDED:

ETHICS COMMISSION

18   
19 \_\_\_\_\_  
20 JOHN ST. CROIX  
21 Executive Director

22 FUNDS AVAILABLE:

23   
24 \_\_\_\_\_  
25 BEN ROSENFELD  
26 Controller

Index Code: 185002  
Subject: 05312

