

File No. 180308

Committee Item No. 9

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: April 18, 2018

Board of Supervisors Meeting:

Date: \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <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"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER

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|--------------------------|--------------------------|-------|
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: John Carroll

Date: April 13, 2018

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Settlement of Lawsuit - AvalonBay Communities, Inc. and MVP I, LLC - \$166,019.37]

2  
3 **Ordinance authorizing settlement of the lawsuit filed by AvalonBay Communities, Inc.**  
4 **and MVP I, LLC against the City and County of San Francisco for \$166,019.37; the**  
5 **lawsuit was filed on January 12, 2018, in San Francisco Superior Court, Case**  
6 **No. CGC-18-563657; entitled AvalonBay Communities, Inc. et al. v. City and County of**  
7 **San Francisco et al.; the lawsuit involves a claim for refund of payroll expense taxes**  
8 **and gross receipts taxes for tax years 2014 and 2015.**

9  
10 Be it ordained by the People of the City and County of San Francisco:


11  
12 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby  
13 authorizes the City Attorney to settle the action entitled *AvalonBay Communities, Inc. et al. v.*  
14 *City and County of San Francisco et al.*, San Francisco Superior Court, Case  
15 No. CGC-18-563657 by the payment of \$166,019.37. The lawsuit involves a claim for refund  
16 of payroll expense taxes and gross receipts taxes for tax years 2014 and 2015.

17  
18 Section 2. The above-named action was filed in San Francisco Superior Court on  
19 January 12, 2018, and the following parties were named in the lawsuit: Plaintiffs AvalonBay  
20 Communities, Inc. and MVP I, LLC, and defendants City and County of San Francisco, José  
21 Cisneros, Treasurer and Tax Collector of the City and County of San Francisco, and Does 1  
22 through 50.

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APPROVED AS TO FORM AND  
RECOMMENDED:

DENNIS J. HERRERA  
City Attorney

  
\_\_\_\_\_  
SCOTT M. REIBER  
Chief Tax Attorney

RECOMMENDED:

Office of the Treasurer and Tax Collector

  
\_\_\_\_\_  
JOSE CISNEROS  
Treasurer

FUNDS AVAILABLE:

  
\_\_\_\_\_  
BEN ROSENFELD  
Controller

n:\tax\li2018\180848\01257483.docx

Date 3/30/18

File Number (if applicable) \_\_\_\_\_

- Legislation for Introduction (NEW)      ▶▶▶ Legislative Clerk
- Legislation Pending in Committee (AMENDED)      ▶▶▶ Committee Clerk
- Legislation for Board Agenda (AMENDED)      ▶▶▶ Deputy Clerk

**Supervisor, Mayor, and Departmental Submittals**

**Grant Ordinance**

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
  - Cover letter (original)
  - Grant budget/application
  - Grant information form, including signed disability checklist
  - Letter of Intent or grant award letter from funding agency
  - Contract, Leases/Agreements (if applicable)
  - Ethics Form 126 (if applicable) in **Word** format
  - Other support documents as identified in the cover letter and legislation
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

**Ordinance**

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** City Attorney (For Settlement of Lawsuits - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
  - Cover letter (original)
  - Settlement Report/Agreement (for settlements)
  - Other support documents as identified in the cover letter and legislation
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

**Grant Resolution**

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
  - Cover letter (original)
  - Grant budget/application
  - Grant information form, including signed disability checklist
  - Letter of Intent or grant award letter from funding agency
  - Contract, Leases/Agreements (if applicable)
  - Ethics Form 126 (if applicable) in **Word** format
  - Other support documents as identified in the cover letter and legislation
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

**Resolution**

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** None (Note: Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
  - Cover letter (original)
  - Settlement Report/Agreement (for settlements)
  - Other support documents as identified in the cover letter and legislation
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Joy Perez 554-3869  
Name and Telephone Number

City Attorney  
Department

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2018 MAR 30 AM 10:36  
BY: [Signature]