

File No. 230794

Committee Item No. 7

Board Item No. 5

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date: September 21, 2023

Board of Supervisors Meeting: Date: October 17, 2023

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU - FY2022-2024 - Clean
- MOU - FY2022-2024 - Redline
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract / DRAFT Mills Act Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

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Prepared by: Stephanie Cabrera

Date: September 12, 2023

Prepared by: Stephanie Cabrera

Date: September 29, 2023

Prepared by: _____

Date: _____

1 [Settlement of Lawsuit - Digital Realty Trust, Inc. - \$1,858,150.71]

2
3 **Ordinance authorizing settlement of the lawsuit filed by Digital Realty Trust, Inc.**
4 **against the City and County of San Francisco for \$1,858,150.71; the lawsuit was filed on**
5 **April 18, 2023, in San Francisco Superior Court, Case No. CGC-23-605912, entitled**
6 **Digital Realty Trust, Inc. v. City and County of San Francisco et al.; the lawsuit involves**
7 **a claim for refund of Early Care and Education Commercial Rents Tax and**
8 **Homelessness Gross Receipts Tax; an additional material term of the settlement is that**
9 **Digital Realty Trust, Inc. and its related entities shall take certain filing positions with**
10 **respect to their Early Care and Education Commercial Rents Taxes for tax year 2021**
11 **and subsequent tax years.**

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

14 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
15 authorizes the City Attorney to settle the action entitled Digital Realty Trust, Inc. v. City and
16 County of San Francisco et al., San Francisco Superior Court, Case No. CGC-23-605912 by
17 the payment of \$1,858,150.71 and agreement that Digital Realty Trust, Inc. and its related
18 entities will take certain filing positions with respect to their Early Care and Education
19 Commercial Rents Taxes for tax year 2021 and subsequent tax years. The lawsuit involves a
20 claim for refund of Early Care and Education Commercial Rents Tax and Homelessness
21 Gross Receipts Tax.

22
23 Section 2. The above-named action was filed in San Francisco Superior Court on
24 April 18, 2023, and the following parties were named in the lawsuit: Plaintiff Digital Realty
25 Trust, Inc., and defendants City and County of San Francisco, and Does 1 through 100.

1 APPROVED AS TO FORM AND
RECOMMENDED:

RECOMMENDED:

2 DAVID CHIU
3 City Attorney

Office of the Treasurer and Tax Collector

4 /s/ Scott M. Reiber
5 SCOTT M. REIBER
Chief Tax Attorney

/s/
6 JOSÉ CISNEROS
Treasurer

7 FUNDS AVAILABLE:

8 /s/ Michelle Allersma for Ben Rosenfield
9 BEN ROSENFELD
Controller

10
11 n:\taxclm\cl\2023\22-01688\01655931.docx