

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).**

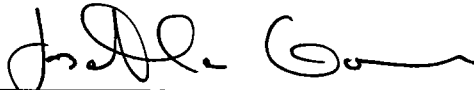
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14 Be it ordained by the People of the City and County of San Francisco:

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

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.

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10 APPROVED AS TO FORM AND
11 RECOMMENDED:

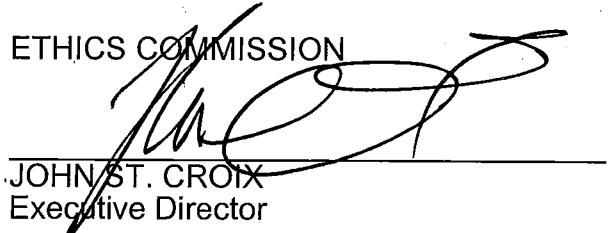
12 DENNIS J. HERRERA
13 City Attorney

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15 JONATHAN GIVNER
16 Deputy City Attorney

RECOMMENDED:

ETHICS COMMISSION

17 
18 JOHN ST. CROIX
19 Executive Director

20 FUNDS AVAILABLE:

21 
22 BEN ROSENFELD
23 Controller

24 Index Code: 185002
25 Subobject: 05312



City and County of San Francisco

Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 110392

Date Passed: July 12, 2011

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

June 16, 2011 Rules Committee - RECOMMENDED..

June 28, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

July 12, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110392

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/12/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

7/18/11

Date Approved