

1 [Committee of the Whole - Closed Session - Settlement of Lawsuit - U.S. Department of
2 Health and Human Services and Xavier Becerra - City to Pay \$203,885 - Sole Source
3 Contract - Not to Exceed \$3,000,000 - November 1, 2022, at 3:00 p.m.]

4 **Motion scheduling the Board of Supervisors to sit as a Committee of the Whole at the**
5 **meeting on November 1, 2022, at 3:00 p.m. to hold a public hearing to consider the**
6 **proposed Ordinance (File No. 221102) endorsing settlement of the lawsuit filed on**
7 **behalf of the City and County of San Francisco against the U.S. Department of Health**
8 **and Human Services, and Xavier Becerra, Secretary of the Department of Health and**
9 **Human Services, entitled City and County of San Francisco v. U.S. Department of**
10 **Health and Human Services; Xavier Becerra, Secretary of the Department of Health and**
11 **Human Services, and in connection with the settlement agreement, authorizing the**
12 **Department of Public Health to enter into a contract with a Quality Improvement Expert**
13 **without engaging in a competitive procurement process, and without adhering to**
14 **specified contract requirements in the Administrative Code; and scheduling a Closed**
15 **Session of the Board of Supervisors at the same meeting for the purpose of conferring**
16 **with, or receiving advice from, the City Attorney regarding that existing litigation in**
17 **which the City is a plaintiff, pursuant to California Government Code, Section**
18 **54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1).**

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20 MOVED, That the Board of Supervisors convene as a Committee of the Whole on
21 November 1, 2022, to hold a public hearing on the proposed Ordinance (File No. 221102)
22 endorsing settlement of the lawsuit filed on behalf of the City and County of San Francisco
23 against the U.S. Department of Health and Human Services, and Xavier Becerra, Secretary of
24 the Department of Health and Human Services, entitled City and County of San Francisco v.
25 U.S. Department of Health and Human Services; Xavier Becerra, Secretary of the Department

1 of Health and Human Services, and in connection with the settlement, authorizing the
2 Department of Public Health to enter into a contract with a Quality Improvement Expert
3 without engaging in a competitive procurement process, and without adhering to specified
4 contract requirements in the Administrative Code; and, be it

5 FURTHER MOVED, That That the Board of Supervisors convene in Closed Session on
6 November 1, 2022, for the purpose of conferring with, or receiving advice from, the City
7 Attorney regarding the existing litigation filed August 3, 2022, in the United States District
8 Court for the Northern District of California, Case No. 3:22-cv-4500-WHA, alleging that
9 defendants violated the Administrative Procedure Act and the City's due process rights by
10 deciding to terminate federal funding for Laguna Honda Hospital and Rehabilitation Center
11 before residents could safely be transferred to other facilities and before the City's
12 administrative appeal could be heard; California Government Code, Section 54956.9(a), and
13 San Francisco Administrative Code, Section 67.10(d)(1), permit this closed session because
14 discussion in open session concerning this matter would likely and unavoidably prejudice the
15 position of the City in the existing litigation.

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