

1 [Closed Session - Anticipated Litigation - Buffer Zone at Reproductive Health Care Facilities]

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3 **Motion that the Board of Supervisors convene in closed session on September 9, 2014,**
4 **for the purpose of conferring with, or receiving advice from the City Attorney regarding**
5 **anticipated litigation as defendant relating to Police Code, Article 43, prohibiting**
6 **entering or remaining in buffer zones at reproductive healthcare facilities, in light of**
7 **McCullen v. Coakley (2014) 573 U.S. ____; pursuant to California Government Code,**
8 **Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(2), which**
9 **permit this closed session because discussion in open session concerning this matter**
10 **would likely and unavoidably prejudice the position of the City in the anticipated**
11 **litigation.**

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13 WHEREAS, California Government Code, Section 54956.9(a), and San Francisco
14 Administrative Code, Section 67.10(d)(2), allow the Board of Supervisors to convene in closed
15 session to confer with or receive advice from the City Attorney regarding anticipated litigation;
16 and

17 WHEREAS, In the opinion of the Board of Supervisors on the advice of the City
18 Attorney, based on existing facts and circumstances, there is a significant exposure to
19 litigation against the City challenging Police Code, Article 43, which prohibits entering or
20 remaining in buffer zones at reproductive healthcare facilities, in light of *McCullen v. Coakley*
21 (2014) 573 U.S. ____ ; now, therefore, be it

22 MOVED, That the Board of Supervisors convene in closed session on September 9,
23 2014, for the purpose of conferring with, or receiving advice from, the City Attorney regarding
24 anticipated litigation; and, be it

1 FURTHER MOVED, That California Government Code, Section 54956.9(a), and San
2 Francisco Administrative Code, Section 67.10(d)(2), permit this closed session because
3 discussion in open session concerning this matter would likely and unavoidably prejudice the
4 position of the City in the anticipated litigation.

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