File	No.	190916

Committee Item No.	<u>11</u>	
Board Item No.		

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee:	Government Audit and Oversight	Date	: October 17, 2019
Board of Sup	ervisors Meeting:	Date	:
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OTHER			
Prenared by:	_John Carroll I	Date: Oct	ober 11, 2019
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. repared by.	John Gundii	<u> </u>	

[Settlement of Attorney's Fee Claim - Contest Promotions, LLC - City to Receive \$500,000]

Ordinance authorizing settlement by payment of \$500,000 to the City and County of San Francisco, of the City's claim for attorney's fees and costs arising from the lawsuit that Contest Promotions, LLC, filed against the City; the lawsuit was filed on August 26, 2015, in San Francisco Superior Court, Case No. CGC-15-547630; entitled Contest Promotions, LLC vs. City and County of San Francisco; San Francisco Superior Court Case No. CPF-16-514771 was filed on February 9, 2016, and the actions were consolidated; the lawsuit involves a dispute about the City's compliance with a prior settlement agreement between the parties, and the constitutionality of sections of the Planning Code regulating on-site and off-site commercial signs.

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

Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the City's claim for attorney's fees and costs in the matter of Contest Promotions, LLC vs. City and County of San Francisco, Superior Court of California, County of San Francisco, Case No. CPF-16-514771 (consolidated with Case No. CGC-15-547630) by the payment of \$500,000 to the City. Under the terms of this fee settlement, (1) Contest Promotions will put \$250,000 in escrow pending appeal; (2) when the appeal is final, the prevailing party receives the funds in escrow; and (3) if the City wins an affirmance, Contest Promotions must pay an additional \$250,000 within 60 days. The lawsuit involves a dispute about the City's compliance with a prior settlement agreement between the parties, and the constitutionality of sections of the Planning Code regulating on-site and off-site commercial signs.

Section 2 The above-named consolidated actions were filed in San Francisco Superior Court on August 26, 2015, and February 9, 2016, and the following parties were named in the lawsuits: Contest Promotions, LLC and the City and County of San Francisco.

APPROVED AS TO FORM AND RECOMMENDED:

DENNIS J. HERRERA City Attorney

KATE STACY
Chief Land Use Deputy City Attorney

RECOMMENDED:

SAN FRANCISCO PLANNING DEPARTMENT

JOHN RAHAIM

Director

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Clerk's Office/Forms/Legislation Received Checklist (1/2015) for more help go to: sfbos.org/about the board/general/legislative process handbook

Name and Telephone Number

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