File No.	<u> 190916</u>	Committee Item No.	11	
		Board Item No.		

COMMITTEE/BOARD OF SUPERVISORS

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Prepared by		Date:		ber 11, 2019	
Prepared by	: John Carroll	Date:	<u>Octo</u>	ber 24, 2019	_

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.

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

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.

City Attorney
BOARD OF SUPERVISORS

Page 1

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

City Attorney BOARD OF SUPERVISORS

Date 9/3//9 File Number (if applicable) /909/6
Date
Legislation for Introduction (NEW) Legislation Pending in Committee (AMENDED) Legislation for Board Agenda (AMENDED) Legislation for Board Agenda (AMENDED) Legislation for Board Agenda (AMENDED) Legislative Clerk Deputy Clerk
Supervisor, Mayor, and Departmental Submittals
Grant Ordinance [] Legislation: Original, 1 hard copy, and 1 electronic copy in Word format [] Signature: Department Head, Mayor or the Mayor's designee, plus the Controller [] Supporting documents: 1 full set, and separate pdf copies of each in email [] Cover letter (original) [] Grant budget/application [] Grant information form, including signed disability checklist [] Letter of Intent or grant award letter from funding agency [] Contract, Leases/Agreements (if applicable) [] Ethics Form 126 (if applicable) in Word format [] Other support documents as identified in the cover letter and legislation [] E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org
Ordinance
Legislation: Original,1 hard copy, and 1 electronic copy in Word format Tild, Signature: City Attorney (For Settlement of Lawsuits - City Attorney, Department Head, Controller, Commission Secretary) Supporting documents: 1 full set, and separate pdf copies of each in email Cover letter (original) Settlement Report/Agreement (for settlements) Other support documents as identified in the cover letter and legislation Security Section (Section Cover) E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org
Grant Resolution
 [] Legislation: Original, 1 hard copy, and 1 electronic copy in Word format [] Signature: Department Head, Mayor or the Mayor's designee, plus the Controller [] Supporting documents: 1 full set, and separate pdf copies of each in email [] Cover letter (original) [] Grant budget/application [] Grant information form, including signed disability checklist
[] Letter of Intent or grant award letter from funding agency [] Contract, Leases/Agreements (if applicable) [] Ethics Form 126 (if applicable) in Word format
[] Other support documents as identified in the cover letter and legislation
[] E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org
Resolution [] Legislation: Original, 1 hard copy, and 1 electronic copy in Word format [] Signature: None (Note: Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)
 [] Supporting documents: 1 full set, and separate pdf copies of each in email [] Cover letter (original) [] Settlement Report/Agreement (for settlements) [] Other support documents as identified in the cover letter and legislation
[] E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org
Joy Perez 554-3869 Chy Afformay
Name and Telephone Number Department Clerk's Office/Forms/Legislation Received Checklist (1/2015) for more help go to: sfbos.org/about the board/general/legislative process handbook
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