

File No. 190916

Committee Item No. 11

Board Item No. 3

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight

Date: October 17, 2019

Board of Supervisors Meeting:

Date: November 5, 2019

Cmte Board

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- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

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Prepared by: John Carroll

Date: October 11, 2019

Prepared by: John Carroll

Date: October 24, 2019

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

2
3 **Ordinance authorizing settlement by payment of \$500,000 to the City and County of**
4 **San Francisco, of the City's claim for attorney's fees and costs arising from the lawsuit**
5 **that Contest Promotions, LLC, filed against the City; the lawsuit was filed on**
6 **August 26, 2015, in San Francisco Superior Court, Case No. CGC-15-547630; entitled**
7 **Contest Promotions, LLC vs. City and County of San Francisco; San Francisco**
8 **Superior Court Case No. CPF-16-514771 was filed on February 9, 2016, and the actions**
9 **were consolidated; the lawsuit involves a dispute about the City's compliance with a**
10 **prior settlement agreement between the parties, and the constitutionality of sections of**
11 **the Planning Code regulating on-site and off-site commercial signs.**

12
13 Be it ordained by the People of the City and County of San Francisco:

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

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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

