File No. 201279

 Committee Item No.

 8 Board Item No.

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

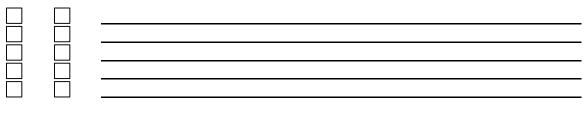
Committee: <u>Government Audit and Oversight</u> Board of Supervisors Meeting:
 Date:
 Dec. 3, 2020

 Date:
 Dec. 15, 2020

Cmte Board

		Motion
		Resolution
$\overline{\boxtimes}$	$\overline{\boxtimes}$	Ordinance
\square		Legislative Digest
\square	\square	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



Prepared by:	John Carroll	Date:	Nov. 25, 2020
Prepared by:	John Carroll	Date:	Dec. 11, 2020

FILE NO. 201279

ORDINANCE NO.

1	[Settlement of Lawsuit - Bay Area Motivate, LLC - \$330,000]		
2			
3	Ordinance authorizing settlement of the lawsuit filed by Bay Area Motivate, LLC against		
4	the City and County of San Francisco for \$330,000 and other mutually beneficial terms;		
5	the lawsuit was filed on June 7, 2019, in San Francisco Superior Court, Case No.		
6	CGC-19-576554; entitled Bay Area Motivate, LLC v. City and County of San Francisco,		
7	San Francisco Municipal Transportation Agency, and Does 1-50; the lawsuit involves		
8	claims for breach of contract and declaratory relief; other material terms of the		
9	settlement involve the San Francisco Municipal Transportation Agency's agreement to		
10	acknowledge Bay Area Motivate, LLC's contractual exclusivity while retaining the		
11	ability to utilize a second bike share operator in certain enumerated circumstances,		
12	and other programmatic and operational terms regarding the Bay Area Bike Share		
13	Program in San Francisco.		
14			
15	Be it ordained by the People of the City and County of San Francisco:		
16	Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby		
17	authorizes the City Attorney to settle the action entitled Bay Area Motivate, LLC v. City and		
18	County of San Francisco, San Francisco Municipal Transportation Agency, and Does 1-50,		
19	San Francisco Superior Court, Case No. CGC-19-576554, by the payment of \$280,000 and		
20	an agreement by the San Francisco Municipal Transportation Agency ("SFMTA") to waive		
21	\$50,000 in fees owed by Bay Area Motivate, LLC ("Motivate"), along with the SFMTA's		
22	agreement to acknowledge Motivate's contractual exclusivity while retaining the ability to		
23	utilize a second bike share operator in certain enumerated circumstances, and other		
24	programmatic and operational terms regarding the Bay Area Bike Share Program in San		
25	Francisco. The lawsuit involves the interpretation of a grant of exclusive rights to Motivate in		

City Attorney BOARD OF SUPERVISORS

1	the 2015 Coordination Agreement entered into by San Francisco and Motivate (and other
2	parties) regarding the regional Bay Area Bike Share Program, and includes claims for breach
3	of contract, specific performance, and declaratory relief.
4	Section 2. The above-named action was filed in San Francisco Superior Court on
5	June 7, 2019, and the following parties were named in the lawsuit: Plaintiff: Bay Area
6	Motivate, LLC; and Defendants: the City and County of San Francisco, the San Francisco
7	Municipal Transportation Agency, and Does 1-50.
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1	APPROVED AS TO FORM AND RECOMMENDED:	RECOMMENDED:
2		
3	DENNIS J. HERRERA City Attorney	SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY
4	<u>/s/ YVONNE MERÉ</u> YVONNE MERÉ	/s/ JEFFREY TUMLIN
5	Chief of Complex and Affirmative Litigation	JEFFREY TUMLIN Director of Transportation
6	FUNDS AVAILABLE:	
7	FUNDS AVAILABLE.	
8	/s/ BEN ROSENFIELD	
9	Controller	
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