

1 [Settlement of Lawsuit - The Hertz Corporation, Enterprise Rent-A-Car Co. of San Francisco
2 LLC, Avis Budget Car Rental, LLC, and Sixt Rent A Car LLC - \$500,000]

3 **Ordinance authorizing settlement of the lawsuit filed by The Hertz Corporation,**
4 **Enterprise Rent-A-Car Co. of San Francisco LLC, Avis Budget Car Rental, LLC, and Sixt**
5 **Rent A Car LLC, against the City and County of San Francisco for \$500,000 (payment to**
6 **Sixt Rent A Car LLC only); the lawsuit was filed on September 24, 2019, in San Mateo**
7 **Superior Court, Case No. 19-CIV-05663; entitled The Hertz Corporation et al. v. City and**
8 **County of San Francisco et al.; the lawsuit involves a challenge to the City’s**
9 **application of prevailing wage requirements for City-owned off-street parking lots,**
10 **garages, and vehicle storage facilities to leases for the use of the Rental Car Center at**
11 **the San Francisco International Airport, and the Airport Commission’s failure to seek**
12 **approval by the Board of Supervisors of leases that do not require such payment of**
13 **prevailing wages applicable to.**

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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 The Hertz Corporation et al. v. City
18 and County of San Francisco et al, San Mateo Superior Court, Case No. 19-CIV-05663, by
19 the payment of \$500,000.00 to Sixt Rent A Car LLC and by the Airport Commission’s
20 agreement to seek approval by the San Francisco Board of Supervisors of leases for the use
21 of the Rental Car Center at San Francisco International Airport previously awarded by the
22 Airport Commission, along with a commitment by the San Francisco Office of Labor
23 Standards Enforcement that it will not seek to apply Section 21C.3 of the San Francisco
24 Administrative Code, which requires payment of prevailing wages at City-owned off-street
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1 parking lots, garages, and vehicle storage facilities, to these leases. The lawsuit involves a
2 challenge to the Airport Commission's decision not to seek approval by the Board of
3 Supervisors of leases previously awarded by the Airport Commission, after the Office of Labor
4 Standards Enforcement notified the Airport of its determination that Section 21C.3 of the San
5 Francisco Administrative Code applies to leases for the use of the Airport's Rental Car Center.

6 Section 2. The above-named action was filed in San Mateo Superior Court on
7 September 25, 2019, and the following parties were named in the lawsuit: Plaintiffs The Hertz
8 Corporation, Enterprise Rent-A-Car Co. of San Francisco LLC, and Avis Budget Car Rental,
9 LLC; Plaintiff-in-Intervention Sixt Rent A Car LLC; and Defendants City and County of San
10 Francisco, San Francisco Office of Labor Standards Enforcement, San Francisco Airport
11 Commission, San Francisco International Airport, and Fox Rent A Car Inc.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

/s/
WAYNE K. SNODGRASS
Deputy City Attorney

FUNDS AVAILABLE:

/s/
BEN ROSENFELD
Controller

RECOMMENDED:

SAN FRANCISCO INTERNATIONAL
AIRPORT

/s/
IVAR C. SATERO
Director

APPROVED:

/s/
CORINA MONZÓN
Secretary, San Francisco Airport Commission

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City and County of San Francisco

Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 200330

Date Passed: June 02, 2020

Ordinance authorizing settlement of the lawsuit filed by The Hertz Corporation, Enterprise Rent-A-Car Co. of San Francisco LLC, Avis Budget Car Rental, LLC, and Sixt Rent A Car LLC, against the City and County of San Francisco for \$500,000 (payment to Sixt Rent A Car LLC only); the lawsuit was filed on September 24, 2019, in San Mateo Superior Court, Case No. 19-CIV-05663; entitled The Hertz Corporation et al. v. City and County of San Francisco et al.; the lawsuit involves a challenge to the City's application of prevailing wage requirements for City-owned off-street parking lots, garages, and vehicle storage facilities to leases for the use of the Rental Car Center at the San Francisco International Airport, and the Airport Commission's failure to seek approval by the Board of Supervisors of leases that do not require such payment of prevailing wages applicable to.

May 07, 2020 Government Audit and Oversight Committee - RECOMMENDED

May 19, 2020 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

June 02, 2020 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200330

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/2/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

6/12/20

Date Approved