

1 [Settlement Of Lawsuit]

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3 **Ordinance authorizing settlement of the lawsuit filed by New Times, Inc., San**

4 **Francisco Newspaper Printing Company, Inc., Gannett Satellite Information**

5 **Network, Inc., The New York Times Company, San Jose Mercury News, Inc., Los**

6 **Angeles Times, Dow Jones & Company, Inc., Bay Guardian Company, Inc., and**

7 **United Advertising Publications, Inc. against the City and County of San Francisco**

8 **for \$85,000; the lawsuit was filed on January 5, 1999, in the United States District**

9 **Court for the Northern District of California, Case No. C-99-0020 (WHA); entitled**

10 **New Times, Inc., et al., v. City and County of San Francisco, et al.; other material**

11 **terms of said settlement are the City's amendment of San Francisco Public Works**

12 **Code Section 184.12, the Director of Public Works' promulgation of amended**

13 **guidelines, and the City's approval of the First Amended And Restated Pedestal-**

14 **Mounted Newsrack Agreement By And Between The City And County Of San**

15 **Francisco And Clear Channel Adshel, Inc.**

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

19 Section 1. The City Attorney is hereby authorized to settle the action entitled "New

20 Times, Inc., et al., v. City and County of San Francisco, et al.," United States District

21 Court for the Northern District of California, Court No. C-99-0020 (WHA), by execution of

22 a settlement agreement in form substantially similar to that on file with the Clerk of the

23 Board of Supervisors in File No. 020464 , which is hereby declared to be a part of

24 this ordinance as if set forth fully herein; by the payment of \$85,000; by the City's

25 adoption of an ordinance amending San Francisco Public Works Code Section 184.12 in

1 form substantially similar to that on file with the Clerk of the Board of Supervisors in
2 File No. 020465 , which is hereby declared to be a part of this ordinance as if set forth
3 fully herein; by the Director of Public Works' promulgation of amended guidelines; and by
4 the City's adoption of an ordinance approving the "First Amended and Restated Pedestal-
5 Mounted Newsrack Agreement By and Between the City and County of San Francisco
6 and Clear Channel Adshel, Inc." in form substantially similar to that on file with the Clerk
7 of the Board of Supervisors in File No. 020466 , which is hereby declared to be a
8 part of this ordinance as if set forth fully herein.

9 Section 2. The above-named action was filed in the United States District Court for
10 the Northern District of California on January 5, 1999, and the following parties were
11 named in the lawsuit: the plaintiffs were New Times, Inc., San Francisco Newspaper
12 Printing Company, Inc., Gannett Satellite Information Network, Inc., The New York Times
13 Company, San Jose Mercury News, Inc., Los Angeles Times, A Division of The Times
14 Mirror Company, Dow Jones & Company, Inc., and the Bay Guardian Company, Inc.; the
15 plaintiff in intervention was United Advertising Publications, Inc.; and the defendants were
16 the City and County of San Francisco and Adshel, Inc.

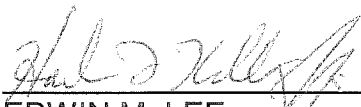
17 APPROVED AS TO FORM AND
18 RECOMMENDED:

RECOMMENDED:

19 DENNIS J. HERRERA
20 City Attorney

DEPARTMENT OF PUBLIC WORKS

21 
22 WAYNE K. SNODGRASS
23 Deputy City Attorney

24 
25 EDWIN M. LEE
26 Director of Public Works

27 FUNDS AVAILABLE:

28 
29 EDWARD HARRINGTON, Controller
30 975016.05311

OFFICE OF THE CITY ATTORNEY
BOARD OF SUPERVISORS



City and County of San Francisco

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

Tails

Ordinance

File Number: 020464

Date Passed:

Ordinance authorizing settlement of the lawsuit filed by New Times, Inc., San Francisco Newspaper Printing Company, Inc., Gannett Satellite Information Network, Inc., The New York Times Company, San Jose Mercury News, Inc., Los Angeles Times, Dow Jones & Company, Inc., Bay Guardian Company, Inc., and United Advertising Publications, Inc. against the City and County of San Francisco for \$85,000; the lawsuit was filed on January 5, 1999, in the United States District Court for the Northern District of California, Case No. C-99-0020 (WHA); entitled New Times, Inc., et al., v. City and County of San Francisco, et al.; other material terms of said settlement are the City's amendment of San Francisco Public Works Code Section 184.12, the Director of Public Works' promulgation of amended guidelines, and the City's approval of the First Amended and Restated Pedestal-Mounted Newsrack Agreement by and between the City and County of San Francisco and Clear Channel Adshel, Inc.

April 22, 2002 Board of Supervisors — CONTINUED

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 2 - Newsom, Yee

April 29, 2002 Board of Supervisors — CONTINUED ON FIRST READING

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Noes: 1 - Yee

May 6, 2002 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee

Noes: 3 - Daly, Gonzalez, Sandoval

May 13, 2002 Board of Supervisors — FINALLY PASSED

Ayes: 7 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Peskin, Yee

Noes: 3 - Daly, Gonzalez, Sandoval

Absent: 1 - Newsom

File No. 020464

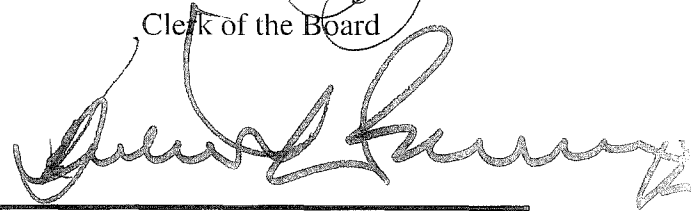
I hereby certify that the foregoing Ordinance was FINALLY PASSED on May 13, 2002 by the Board of Supervisors of the City and County of San Francisco.

MAY 17 2002

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.