

1 [Settlement Of Lawsuit]

2

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.**

16

17

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 this

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

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

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

EDWIN M. LEE
Director of Public Works

23 FUNDS AVAILABLE:

25 EDWARD HARRINGTON, Controller

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25