ORDINANCE NO.

1 [Contract]

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3 Ordinance approving the First Amended and Restated Pedestal-Mounted Newsrack Agreement By and Between the City and County of San Francisco and Clear Channel 4 Adshel, Inc., which allows for the provision, installation, and maintenance of pedestal-5 mounted newsracks on public property; approving an indemnification of the contractor 6 by the City for specified claims initiated by publishers or other specified claimants, 7 8 concerning the fixed pedestal program, the fixed pedestal units, their operation, or the agreement with Clear Channel Adshel, Inc., and for specified claims including bodily 9 injury or property damage arising from the City's performance of said agreement; and 10 authorizing the Director of the Department of Public Works to make changes to the 11 12 Department of Public Works Director's Orders incorporated by reference in the 13 agreement with Clear Channel Adshel, Inc.

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

16 Section 1. The Board of Supervisors hereby (a) approves the First Amended and 17 Restated Pedestal-Mounted Newsrack Agreement By and Between the City and County of 18 San Francisco and Clear Channel Adshel, Inc., in form substantially similar to that on file with 19 the Clerk of the Board of Supervisors in File No. 020466, which is hereby declared to be a 20 part of this ordinance as if set forth fully herein, which allows for the provision, installation and 21 maintenance of pedestal-mounted newsracks on public property in exchange for the 22 Contractor's right to advertise on the back side of four hundred and eighty-five (485) such 23 newsracks; (b) Approves an indemnification by the City of the Contractor for claims initiated 24 by a publisher holding a permit for a newsrack box, by another publisher, by anyone acting on 25

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1 a publisher's behalf, or by another claimant asserting a right to receive information, 2 concerning the City's fixed pedestal unit program, the fixed pedestal units, their operation, or 3 the City's agreement with Clear Channel Adshel, Inc., as set forth in said agreement; (c) 4 Approves an indemnification by the City of the Contractor for specified claims, including bodily 5 injury or property damage, arising from the City's performance of the City's agreement with 6 Clear Channel Adshel, Inc., as set forth in said agreement; and (d) Authorizes the Director of 7 the Department of Public Works to enter into any additions, changes, or amendments to the 8 Department of Public Works Director's Orders concerning the pedestal-mounted newsracks 9 incorporated by reference in said agreement, a draft of which is on file with the Clerk of the 10 Board of Supervisors, as long as such additions, amendments or changes are in the City's 11 best interests, consistent with San Francisco Public Works Code Section 184.12 and the 12 City's agreement with Clear Channel Adshel, Inc., as approved under this ordinance. 13 14 APPROVED AS TO FORM: 15 **DENNIS J. HERRERA, City Attorney** 16 By: 17 WAYNE K. SNODGRASS Deputy City Attorney 18 19 20 21 22 23 24 25