

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
John A. Russo
City Attorney

May 30, 2006

(510) 238-3601
FAX: (510) 238-6500
TTY/TDD: (510) 238-4779

HONORABLE CITY COUNCIL
Oakland, California


President De La Fuente and Members of the City Council:

**Subject: Comcast of California/Colorado, LLC v. City of Oakland, et al.
United States District Court, Northern District of California Case No.
06—2163 MJJ
City Attorney File No. X02822**

Pursuant to City Council's direction, the City Attorney has prepared an Ordinance that will repeal Ordinance No. 12728, Proprietary Interest Franchise Labor Requirements – Card Check, Procedure for Determining Employee Preference on Representation By Labor Organization. City Council passed Ordinance No. 12728 in February 2006 to require franchises in which the City has a proprietary interest to enter into card check agreements.

Comcast has a cable franchise under which it pays franchise fees for providing cable services in Oakland. Comcast brought suit challenging the Ordinance alleging that the City does not have a sufficient proprietary interest its franchise and that the Ordinance is preempted by federal labor laws. In exchange for repealing the Ordinance, Comcast has agreed to dismiss the lawsuit and waive any attorneys' fees and costs it may be entitled to as a result of bringing the lawsuit.

Respectfully submitted,

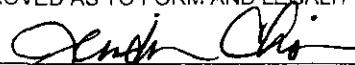

for JOHN A. RUSSO
City Attorney

Attorney Assigned:
Jennifer A. Chin

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

2006 MAY 18 PM 2:08

APPROVED AS TO FORM AND LEGALITY


OAKLAND CITY ATTORNEY'S OFFICE

ORDINANCE NO. _____ C.M.S.

ORDINANCE REPEALING ORDINANCE NO. 12728, WHICH AMENDED TITLE 5 OF THE OAKLAND MUNICIPAL CODE TO ADD CHAPTER 5.82, TO REQUIRE FRANCHISES IN WHICH THE CITY HAS AN PROPRIETARY INTEREST TO ENTER INTO A CARD CHECK AGREEMENT, A PROCEDURE FOR DETERMINING EMPLOYEE PREFERENCE ON REPRESENTATION BY A LABOR ORGANIZATION THAT REQUESTS SUCH AN AGREEMENT

The Council of the City of Oakland does ordain as follows:

- 1) Ordinance No. 12728, entitled Proprietary Interest Franchise labor Requirements – Card Check, Procedure for Determining Employee preference on Representation by Labor Organization, is hereby repealed.
- 2) Title 5, Chapter 5.82, of the Oakland Municipal Code, shall be removed.

This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID,
CHANG AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California