

REVISED

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. 79934 C.M.S.

06-11-11
11:00 AM

RESOLUTION APPROVING COMPROMISE AND SETTLEMENT OF COMCAST OF CALIFORNIA/ COLORADO, LLC v. CITY OF OAKLAND, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, CASE NO. 06-02163 MJJ, WHICH CALLS FOR REPEAL OF ORDINANCE NO. 12728 (PROPRIETARY INTEREST FRANCHISE LABOR REQUIREMENTS - CARD CHECK, PROCEDURE FOR DETERMINING EMPLOYEE PREFERENCE ON REPRESENTATION BY LABOR ORGANIZATION) AND DISMISSAL OF THE LITIGATION

WHEREAS, in February of this year, the City Council adopted Ordinance No. 12728, entitled Proprietary Interest Franchise Labor Requirements – Card Check, which provides a procedure for determining employee preference on representation by a labor organization, if the employees so request; and

WHEREAS, the Ordinance applies to franchises in which the City has a *proprietary interest, namely any non-regulatory interests of the City in a franchise agreement for the provision of utility services or for the use of public streets or places, such as receipt of franchise fees or other cash payments, capital facilities improvements or grants, equipment and/or support for public education and governmental channels, or other in kind contributions such as communication services to community service facilities, that could be adversely affected by labor/management conflict or consumer boycotts potentially resulting from a union organizing campaign; and*

WHEREAS, Comcast, of California/Colorado has a cable franchise agreement with the City under which Comcast pays the City franchise fees for operating its cable services in Oakland, and

WHEREAS, Comcast filed a complaint against the City in federal court.

RESOLVED: That, as directed by City Council, the City Attorney has negotiated an Agreement to compromise and settle Comcast of California/Colorado, LLC v. City of Oakland, United States District Court, Northern District of California, Case No. 06-02163 MJJ, City Attorney's File No. X02822; and be it

FURTHER RESOLVED: That the Agreement is approved and that the City Attorney is further authorized and directed to take whatever steps that may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 30 2006

PASSED BY THE FOLLOWING VOTE:

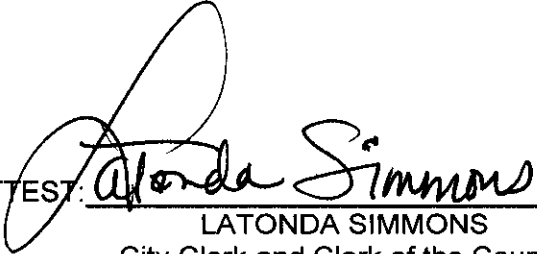
AYES- ~~BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, and~~
~~PRESIDENT DE LA FUENTE~~ - 5

NOES- 2 - De La Fuente + Brunner

ABSENT-

ABSTENTION-

Recused - 1 Kernighan

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