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CITY OF OAKLAND



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March 17, 2009

HONORABLE CITY COUNCIL
Oakland, California

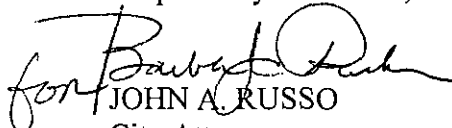
Subject: OakPAC v. City of Oakland; et al.
U.S. District Court, Northern District Of California,
Case No. CV 06-06366WHA
City Attorney's File No. X02940 (Public Ethics Commission –
Challenge to Oakland Campaign Reform Ordinance)

President Brunner and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action with a stay of enforcement of Oakland Municipal Code sections 3.12.050 (C)-(E) and 3.12.060 (C)-(E).and payment of the sum of Seventy-Five Thousand Dollars and No Cents (\$75,000.00), payable to Plaintiffs OakPAC, Oakland Metropolitan Chamber of Commerce Independent Expenditure Committee, Michael Colbruno, and Scott Peterson and their attorney James Sutton, Esq. for attorney's fees incurred.

This action arises out of a challenge under the First Amendment to the United States Constitution to Oakland Municipal Code section sections 3.12.050(C-E) and 3.12.060(C-E). These sections limit the amount that political action committees may accept from individuals and entities for "independent expenditures" that the committees make in Oakland elections.

Respectfully submitted,


JOHN A. RUSSO
City Attorney

Attorney Assigned:
MARK T. MORODOMI

2009 MAR -5 PM 6:17 OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF OAKPAC, OAKLAND METROPOLITAN CHAMBER OF COMMERCE INDEPENDENT EXPENDITURE COMMITTEE, MICHAEL COLBRUNO, SCOTT B. PETERSON v. CITY OF OAKLAND, OAKLAND PUBLIC ETHICS COMMISSION, U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, CASE NO. CV 06-06366WHA, IN THE AMOUNT OF \$75,000.00 IN ATTORNEY'S FEES AS RESULT OF A CHALLENGE TO PROVISIONS OF OAKLAND'S CAMPAIGN REFORM ACT ("OCRA") THAT SET CONTRIBUTION LIMITS FOR POLITICAL ACTION COMMITTEES THAT MAKE INDEPENDENT EXPENDITURES

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of OakPAC v. City of Oakland; et al., City Attorney's File No. X02940, for the sum of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) and stay of enforcement of Oakland Municipal Code sections 3.12.050(C)-(E) and 3.12.060(C)-(E).; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) be payable to Plaintiffs OakPAC, , Oakland Metropolitan Chamber Of Commerce Independent Expenditure Committee, Michael Colbruno, Scott B. Peterson and James Sutton, Esq., their attorney for attorney's fees.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIHGAN, NADEL, QUAN, REID and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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