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March 3, 2009

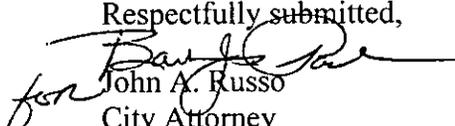
Honorable City Council  
City Hall  
Oakland, California

**Re: RESOLUTION SUBMITTING, ON THE COUNCIL'S OWN MOTION, TO THE ELECTORS AT THE NEXT MUNICIPAL ELECTION, A PROPOSED ORDINANCE AMENDING THE OAKLAND MUNICIPAL CODE IN ORDER TO PROVIDE FOR A THREE PERCENT SURCHARGE TO THE CITY'S TRANSIENT OCCUPANCY TAX (HOTEL TAX) TO THE OAKLAND CONVENTION AND VISITORS BUREAU (OCVB) TO SUPPORT PROGRAMS TO INCREASE TOURISM IN OAKLAND, AND TO THE OAKLAND ZOO, OAKLAND MUSEUM OF CALIFORNIA, CHABOT SPACE AND SCIENCE CENTER AND THE CULTURAL ARTS PROGRAMS AND FESTIVALS (Item 15.1 on March 3, 2009 Agenda.)**

Dear President Brunner and Members of the City Council:

The City Attorney's Office appeared at Rules Committee on February 26, 2009, and informed the committee that because of the press of other work, including work on three other financial ballot measures and other matters and the short notice regarding this item, the Office had not been able to review the proposed ballot measure for form and legality. This Office therefore requested that the Rules Committee place this item on the March 17, 2009 Council agenda.

Rather than postponing discussion of the measure, the Rules Committee the Committee left the item on the March 3, 2009 agenda to give the City Council the opportunity to at least discuss policy direction regarding proposing the tax increase. The committee acknowledged that changes may be necessary after the March 3, 2009, meeting to conform the legislation as to form and legality, and that such changes could be made and the resolution would be brought back to the City Council, if required, at its next meeting for final action, assuming that the Council decides that it wishes to proceed with the tax increase proposal

Respectfully submitted,  
  
John A. Russo  
City Attorney

**S-151**  
**ORACOUNCIL**