

2024 DEC 19 PM 3:56

APPROVED AS TO FORM AND LEGALITY

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90586 C.M.S.

RESOLUTION 1) AMENDING RESOLUTION 87062 C.M.S., WHICH ESTABLISHED THE SUGAR-SWEETENED BEVERAGE DISTRIBUTION TAX SUB-FUND WITHIN THE GENERAL PURPOSE FUND FOR THE PURPOSE OF COLLECTING SAID TAX REVENUES, TO, UPON A DECLARATION OF EXTREME FISCAL NECESSITY, SUSPEND THE REQUIREMENT TO CONSIDER ADVISORY BOARD RECOMMENDATIONS PRIOR TO APPROPRIATING FUNDS; AND 2) DECLARING A STATE OF EXTREME FISCAL NECESSITY FOR THE PURPOSES OF SUSPENDING SAID RESTRICTIONS ON THE USE OF SUGAR-SWEETENED BEVERAGE TAX REVENUE

WHEREAS, in November 2016, the City of Oakland voters adopted Measure HH which added Chapter 4.52 “Sugar-Sweetened Beverage Distribution Tax Ordinance” to the Oakland Municipal Code (the “Ordinance”) and imposed a one cent per ounce general tax on the distribution of sugar-sweetened beverages in Oakland (the “Tax”); and

WHEREAS, the Ordinance provides that all tax revenue collected and remitted to the City pursuant to the Ordinance shall be deposited in the City of Oakland unrestricted general fund to be used for any lawful government purpose; and

WHEREAS, the Ordinance established a Community Advisory Board (the “Board”) to advise and make recommendations on how and to what extent the City Council should establish and/or fund programs to prevent or reduce the health consequence of the consumption of sugar-sweetened beverages in Oakland communities; and

WHEREAS, in 2018, the City Council passed Resolution No. 87062 C.M.S., which established a new sub-fund within the General Purpose Fund designated as the “Sugar-Sweetened Beverage Distribution Tax Fund” (the “Sub-Fund”) for deposit of all Sugar-Sweetened Beverage Distribution Tax revenue; and

WHEREAS, Resolution No. 87062 C.M.C. provides that the Sugar-Sweetened Beverage Distribution Tax revenue shall be appropriated by the City Council only after the City Council receives and considers the recommendations of the Board regarding the expenditure of said

general tax revenues for programs that prevent or reduce the health consequences of consuming sugar-sweetened beverages; and

WHEREAS, the City Administrator recommends that the requirements of Resolution No. 87062 are suspended upon a declaration of extreme fiscal necessity by the City Council so that the Sugar-Sweetened Distribution Tax revenue may be used for any lawful government purposes as provided in the Ordinance adopted by the voters; and

WHEREAS, pursuant to Resolution No. 90327 C.M.S., the City Council declared an extreme fiscal necessity for the fiscal year 2024-2025 budget cycle; now, therefore, be it

RESOLVED: That Resolution No. 87062 C.M.S. is hereby amended to, upon a declaration of extreme fiscal necessity by the City Council, allow for a suspension of the requirement that the City Council consider the Board's recommendation prior to appropriating Sugar-Sweetened Beverage Distribution Tax revenue in the Sub-Fund; and be it

FURTHER RESOLVED: That the City Council hereby declares an extreme fiscal necessity and for the fiscal year 2024-2025 budget cycle suspends all restrictions on the appropriation of Sugar-Sweetened Beverage Tax revenue in the Sub-Fund to allow the Council to appropriate said funds for any lawful purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, **DEC 17 2024**

PASSED BY THE FOLLOWING VOTE:

AYES - ~~FIFE, GALLO~~, JENKINS, KALB, KAPLAN, ~~RAMACHANDRAN~~, REID, AND PRESIDENT FORTUNATO BAS - 5

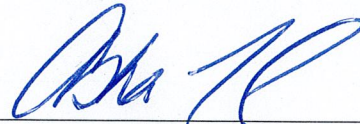
1 NOES - Gallo

ABSENT - 0

ABSTENTION - 0

2 Excused - Fife & Ramachandran

ATTEST:



ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California