

APPROVED AS TO FORM AND LEGALITY
Michael W. Suter
CITY ATTORNEY

2003 SEP -3 PM 12:27
CITY CLERK

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AMENDING CHAPTER 5.04 OF THE OAKLAND MUNICIPAL CODE TO REMOVE THE CITY ATTORNEY AS A MEMBER OF THE BUSINESS TAX BOARD OF REVIEW AND PROVIDE THAT THE CITY MANAGER SHALL SELECT AN EMPLOYEE OF THE CITY TO SERVE AS A MEMBER OF THE BUSINESS TAX BOARD OF REVIEW

WHEREAS, pursuant to Section 5.04.550 of the Oakland Municipal Code (the "Municipal Code"), the City Manager, the City Auditor, the City Attorney and two community members nominated by the Mayor and appointed by the Council currently comprise the Business Tax Board of Review (the "Board"); and

WHEREAS, the City Attorney advises the Board on all legal matters arising from the activities of the Board; and

WHEREAS, the City Attorney believes that it is in the best interests of the City of Oakland that the City Attorney not be a voting member of the Board; and

WHEREAS, the City Attorney will continue to serve the Board as its legal advisor; and

WHEREAS, Council desires to remove the City Attorney as a member of the Board and amend Section 5.04.550 of the Municipal Code to provide that an employee of the City selected by the City Manager serve on the Board;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines the forgoing recitals to be true and correct and hereby adopts and incorporates them into this Ordinance.

SECTION 2. The Municipal Code is hereby amended to add, delete, or modify sections as set forth below (section numbers and titles are indicated in **bold type**; additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of the regulations not cited or not shown in underscoring or strike-through type are not changed.

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SECTION 3. Paragraph A of Section 5.04.550 of the Municipal Code is hereby amended in its entirety to read as follows:

5.04.550 Board of Review.

A. Composition. A business tax board of review (the "Board") consisting of the City Manager, the City Auditor, ~~the City Attorney~~ an employee of the City selected by the City Manager, and two community members nominated by the Mayor and appointed by the Council each for a term of four years is hereby created. The ~~Board~~ shall select from its members a chairperson who shall serve at its pleasure. The City Manager, and the City Auditor ~~and City Attorney~~ may each deputize in writing filed with the ~~Board~~ for such period or for in—such hearings as may be desired, to serve as his/her designee to the Board. A majority of members of the Board shall constitute a quorum. The Board shall be deemed to be in the ~~Office of Finance and Management Agency~~, shall meet and keep its files in such office and all filings with the Board relating to appeals or otherwise shall be mailed to Chairperson, Business Tax Board of Review in care of ~~City Office of Finance, One City Hall Business Tax Section – Finance and Management Agency, 250 Frank H. Ogawa Plaza, Suite 1320, Oakland, CA 94612~~. Neither the members of the Board nor the members of their offices deputized to serve in their places at any time shall receive any compensation as such members or acting members for their services on the Board.

IN COUNCIL, OAKLAND, CALIFORNIA, SEPTEMBER __, 2003

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION

ATTEST:

Introduction Date:

NOV 04 2003

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

Michelle 2/17

NOTICE AND DIGEST

03 AUG 23 AM 10:17

AN AMENDMENT TO CHAPTER 5.04 OF THE OAKLAND MUNICIPAL CODE REMOVING THE CITY ATTORNEY AS A MEMBER OF THE BUSINESS TAX BOARD OF REVIEW AND PROVIDING THAT A CITY EMPLOYEE CHOSEN BY THE CITY MANAGER SHALL SERVE AS A MEMBER OF THE BUSINESS TAX BOARD OF REVIEW

This ordinance amends the composition of the City of Oakland Business Tax Board of Review by removing the City Attorney as a member of the Business Tax Board of Review.

This ordinance provides the City Manager shall select a City employee to serve as a member of the Business Tax Board of Review.

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