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September 18, 2007

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Supplemental Report - Ordinance to Repeal Ordinance No.  
12965 C.M.S. re Sideshow Vehicle Forfeiture**

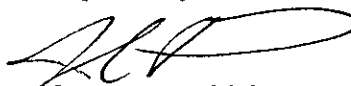
President De La Fuente and Members of the City Council:

The City Attorney presents this supplement to the report originally filed with this item. It provides additional background, explaining the impact of a recent California Supreme Court decision.

Council passed Ordinance No. 12965 C.M.S. (anti-sideshow) in July 2005, with the strong support of Mayor Brown, in an effort to provide the Police Department with more tools to stem the tide of illegal sideshow events that have plagued the City for many years.

On July 26, 2007, the California Supreme Court issued a decision, finding that a similar ordinance adopted in Stockton (addressing vehicles used in prostitution and illegal drug purchases) is preempted. The Supreme Court's reasoning in the 2007 Stockton decision provides a basis upon which Oakland's anti-sideshow ordinance could be found invalid. Repeal of the ordinance will protect the City from future lawsuits making similar claims.

Respectfully submitted,

  
JOHN A. RUSSO  
City Attorney

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