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**REVISED**

April 16, 2019

HONORABLE CITY COUNCIL  
Oakland, California 94612

**Re: MOTION PUBLICLY DIRECTING THE CITY ADMINISTRATOR NOT TO COLLECT FIRST YEAR MEASURE AA (THE CHILDREN'S INITIATIVE OF 2018) TAXES; AND RESTATING THAT PURSUANT TO COUNCIL'S DECEMBER 14, 2018 RESOLUTION NO. 87485 C.M.S. THE CITY ADMINISTRATOR IS DIRECTED TO SUBMIT A VALIDATION ORDINANCE FOR THE TAXES AND THE CITY ATTORNEY IS DIRECTED TO FILE A VALIDATION ACTION**

Dear President Kaplan and Members of the Council:

Pursuant to the Council's request during the City Council's April 2, 2019 closed session, the City Attorney has prepared a motion to publicly direct the City Administrator not to collect first year Measure AA (The Children's Initiative of 2018) taxes; and restating that pursuant to Council's December 14, 2018 Resolution No. 87485 C.M.S. the City Administrator is directed to submit a validation ordinance for the taxes and the City Attorney is directed to file a validation action (the "Motion.")

The Motion was made by Councilmember Thao, seconded by Councilmember Gallo and passed with 7 ayes (Councilmembers Fortunato Bas, Gallo, Kalb, Reid, Taylor, Thao and President Kaplan). Councilmember Gibson McElhaney was excused. The Council discussed Measure AA under Item 1(c) (*Jobs and Housing Coalition et al. v. City of Oakland et al.*, Alameda County Superior Court Case No. RG19005204) and Item 2 (Anticipated Litigation (multiple threats of lawsuits against the City regarding Measure AA) of the April 2<sup>nd</sup> closed session agenda.

On December 14, 2018, the City Council passed Resolution No. 87485 C.M.S. "Certifying Measure AA, A Proposed Amendment To The Oakland City Charter Creating The 'Children's Initiative Of 2018' And Approving A Parcel Tax To Fund Early Childhood Education And College Readiness Programs, On The November 6, 2018 Oakland General Election, As Passing And Directing The City Administrator To Present A Validation Ordinance To The Council And Directing The City Attorney To Bring A Validation Action For The Measure."

**Requirements to Pass a Motion**

The City Charter provides that the Council shall take action by motion, ordinance or resolution. (City Charter section 208.) To pass a motion the majority of the Councilmembers who vote "aye" or "no" must cast votes in favor of the motion. Only ayes and noes count in determining whether a motion passes; abstentions are not counted.

**Effect of Passing Motion on April 16**

Passage of the motion will direct the City Administrator not to collect the Measure AA tax in the first year.

**Effect of Failure of the Motion on April 16**

If the Motion fails, i.e., a majority of the Councilmembers who cast votes do not vote "yes" or "aye" on the Motion, pursuant to the provisions of Measure AA, the City Administrator would collect the taxes.

Regardless of whether the Motion passes or fails, pursuant to the December 14, 2018 Resolution No. 87485, the City Administrator will submit a validation ordinance to the Council and the City Attorney will file an action to validate the tax.

Respectfully submitted,



BARBARA J. PARKER  
City Attorney

Assigned Attorney:  
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