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APPROVED AS TO FORM AND LEGALITY

Mark P. Wald
City Attorney

OAKLAND CITY COUNCIL
ORDINANCE NO. 12893 C.M.S.

**ORDINANCE RESCINDING ORDINANCE NO. 12818 C.M.S., WHICH
BANNED THE USE OF NON-BIODEGRADABLE PLASTIC CARRY-OUT
BAGS AT POINT OF SALE BY CERTAIN RETAIL ESTABLISHMENTS**

WHEREAS, on July 17, 2007, City Council passed Ordinance No. 12818 C.M.S., banning the use of non biodegradable plastic carry out bags at point of sale by retail establishments that gross one million dollars or more annually, finding the ordinance to be exempt from the California Environmental Quality Act (CEQA); and

WHEREAS, on August 3, 2007, the Coalition to Support Plastic Bag Recycling ("Coalition") filed a Petition for Writ of Mandate against the City Council of the City of Oakland and the City of Oakland, alleging noncompliance with CEQA; and

WHEREAS, on May 27, 2008, Judge Roesch issued the Writ of Mandate, and ordered the City of Oakland and the City Council of the City of Oakland to vacate, rescind and set aside Ordinance No. 12818 C.M.S. within 120 days of May 28, 2008; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 12818 C.M.S. is hereby vacated, rescinded and set aside in its entirety.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 7 2008, 20

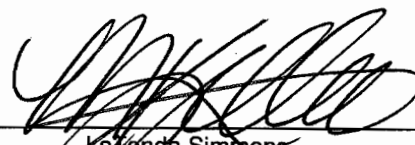
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 
Laverda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date: SEP 16 2008

MPW

**ORDINANCE RESCINDING ORDINANCE NO. 12818 C.M.S., WHICH BANNED
THE USE OF NON-BIODEGRADABLE PLASTIC CARRY-OUT BAGS AT
POINT OF SALE BY CERTAIN RETAIL ESTABLISHMENTS**

NOTICE AND DIGEST

This Ordinance vacates, rescinds and sets aside Ordinance No. 12818 C.M.S. (which banned the use of non-biodegradable plastic carry-out bags at point of sale by certain retail establishments) in compliance with a court order