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CITY OF OAKLAND



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Office of the City Attorney
John Russo
City Attorney

April 28, 2009

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Honorable City Council
City Hall
Oakland, California

Re: Item 8

AN ORDINANCE AMENDING CHAPTER 4.16 OF THE OAKLAND MUNICIPAL CODE TO EXEMPT FROM THE PARKING TAX OCCUPANTS WHO PAY RENT FOR OCCUPANCY OF SPACES AT PARKING STATIONS OPERATED EXCLUSIVELY FOR LARGE DIESEL TRUCKS.

Dear Councilmember Quan and Members of the Finance Committee:

The attached document includes changes to the proposed amendment to the Parking Tax Ordinance. It is offered pursuant to the authority provided under the Sunshine Ordinance sections 2.20.080(B)(3) and (4), to supplement agenda related materials with information not know at the time agenda-related materials were filed and correct errors in agenda related materials. In addition, the correction is presented pursuant to the authority provided under the Sunshine Ordinance section 2.20.080(G), which provides an exception that allows the City Attorney to conform documents as to form and legality.

The changes are indicated as tracked changes in the attached document.

Very truly yours,

John A. Russo
City Attorney

By: 
Kathleen Salem-Boyd
Deputy City Attorney

cc: Councilmembers Reid, Kaplan, Brooks and President Brunner

565422v1

2009 APR 23 AM 9:00

INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY

CITY OF OAKLAND

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AMENDING CHAPTER 4.16 OF THE OAKLAND MUNICIPAL CODE TO EXEMPT FROM THE PARKING TAX OCCUPANTS WHO PAY RENT FOR OCCUPANCY OF SPACES AT PARKING STATIONS OPERATED EXCLUSIVELY FOR LARGE DIESEL TRUCKS.

WHEREAS, the City has entered into contracts with parking lot operators for purposes of encouraging large diesel trucks to park in designated facilities and thereby reducing the health and safety impacts of such trucks on local neighborhoods; and

WHEREAS, the City Council finds that exemption from the Parking Tax for large diesel truck parking will encourage use of designated parking facilities for large diesel trucks; and

WHEREAS, the City of Oakland desires to amend the section 4.16.090 of the Parking Tax to exempt large diesel trucks occupying spaces in large diesel parking stations from the parking tax; and 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.

SECTION 3. Chapter 4.16 of the Municipal Code, section 4.16.090 is hereby amended in its entirety to read as follows:

4.16.090 Exemptions.

No tax shall be imposed hereunder;

(1) On the rent for any occupancy or parking space in parking stations wherein the rent for such occupancy is paid by the deposit of a coin or coins in a parking meter owned or operated by the city and located adjacent to said parking space.

(2) On the rent for any occupancy or parking space in large truck parking stations where:

(a) The motor vehicle occupying said parking space is a commercial vehicle with a commercial vehicle classification in the United States of no less than Class 7 and a Gross Vehicle Weight Rating of 26,001 pounds or greater including a trailer and/or container-loaded intermodal chassis.

Deleted: truck

(b) Provided that one hundred per cent (100%) of the motor vehicles occupying spaces at the large truck parking station are motor vehicles described in subsection (a) of this section; and

Deleted: truck

(c) Provided that the large truck parking station operator submits, at the time the return required by this ordinance is due, a declaration under penalty of perjury verifying the facts necessary for this exemption as set forth in subsections (a) and (b).

SECTION 5. This ordinance is exempt from the California Environmental Quality Act (see e.g., CEQA Guidelines §§ 15378(d)(2), 15378(d)(4), 15378(d)(5), 15061(B)(3); 15162);

SECTION 6. This ordinance shall be effective on immediately, if passed by the affirmative vote of at least six City Council members; if this ordinance is passed by the affirmative vote of five City Councilmembers it will be effective seven days after final passage.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2009

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, PRESIDENT BRUNNER, KAPLAN, KERNIGHAN, NADEL, QUAN, REID AND DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

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

DATE OF ATTESTATION: _____