

DRAFT

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO THE VOTERS AT THE MARCH 5, 2024 SPECIAL MUNICIPAL ELECTION AN ORDINANCE TO INCREASE THE APPROPRIATIONS LIMIT FOR FISCAL YEARS 2024-25 THROUGH 2027-28 TO ALLOW THE CITY TO EXPEND FUNDS COLLECTED FROM TWELVE VOTER-APPROVED GENERAL AND SPECIAL TAX BALLOT MEASURES FOR EMERGENCY MEDICAL SERVICES, PARAMEDIC SERVICES, LIBRARY SERVICES, PUBLIC SAFETY AND VIOLENCE PREVENTION SERVICES, HOMELESS SERVICES, CHILDREN'S SERVICES, PARKS AND RECREATION, THE OAKLAND ZOO AND OTHER LAWFUL GOVERNMENTAL PURPOSES; AND DIRECTING THE CITY CLERK TO TAKE ALL ACTIONS NECESSARY UNDER LAW TO SUBMIT THIS ORDINANCE TO THE VOTERS AT THE MARCH 5, 2024 SPECIAL MUNICIPAL ELECTION

WHEREAS, Article XIII B, Section 1 of the California Constitution establishes an appropriations limit for local governments that is equal to the prior year appropriations limit adjusted for the cost of living and change in population; and

WHEREAS, Article XIII B, Section 4 of the California Constitution allows for the electors of a local government to increase the appropriations limit in conformity with constitutional and statutory voting requirements; and

WHEREAS, the duration of any such increase, as determined by the electors, shall not exceed four years from the most recent vote of the electors creating such change; and

WHEREAS, such increases in the appropriations limit will allow the City to expend the funds collected from ballot measures previously approved by Oakland voters, including Measure M (The Emergency Medical Services Retention Act of 1997); Measure N (The Paramedic Services Act of 1997), Measure C (The 2022 Amended Library Services Retention and Enhancement Act), Measure C (City of Oakland Hotel Tax of 2009), Measure Z (The 2014 Oakland Public Safety and Services

Violence Prevention Act), Measure HH (Sugar-Sweetened Beverage Distribution Tax of 2016), Measure D (The 2018 Oakland Public Library Preservation Act), Measure W (The Oakland Vacant Property Tax Act of 2018), Measure Q (The 2020 Oakland Parks and Recreation Preservation, Litter Reduction, Homelessness Support Act), Measure AA (The Children's Initiative of 2018), Measure T (The Business Tax Ordinance of 2022), and Measure Y (The 2022 Oakland Zoo Animal Care, Education and Improvement Ordinance); and

WHEREAS, such expenditures are necessary for the continued health, safety, and well-being of the residents of the City of Oakland; now, therefore, be it

RESOLVED: That the Oakland City Council finds and determines the foregoing recitals are true and correct and hereby adopts and incorporates them into this Resolution; and be it

FURTHER RESOLVED: That the Oakland City Council does hereby submit to the voters, at the March 5, 2024 Special Election, an Ordinance which reads as follows:

The people of the City of Oakland do ordain as follows:

Section 1. Findings and Intent.

- a. Oakland voters have passed local tax measures that generate revenue to pay for important municipal services such as but not limited to emergency dispatch services, paramedic services, libraries, violence prevention, services to the homeless, children's services, parks and recreation, and the Oakland Zoo.
- b. Article XIII B of the California Constitution establishes a limit on the amount of tax revenue a local government can appropriate each year.
- c. To permit the City of Oakland to continue to spend the revenue generated by the local taxes passed by Oakland voters on the above-mentioned municipal services without exceeding the appropriations limit set by Article XIII B of the California Constitution, the City of Oakland's appropriations limit must be increased.
- d. Section 4 of Article XIII B, of the California Constitution allows the electors of a local government to increase the appropriations limit by a majority vote for up to four years from the most recent vote.
- e. It is the intent of the People of the City of Oakland in enacting this Ordinance to increase the City's appropriations limit to permit the continued expenditure of revenue over the next four years from local taxes previously approved by Oakland voters.

Section 2. Appropriations Limit; Expiration. Pursuant to Section 4 of Article XIII B of the California Constitution, the appropriations limit for the City of Oakland is hereby increased by the maximum aggregate amount projected to be collected pursuant to

the local tax measures previously approved by Oakland voters, to wit: Measure M (The Emergency Medical Services Retention Act of 1997); Measure N (The Paramedic Services Act of 1997), Measure C (The 2022 Amended Library Services Retention and Enhancement Act), Measure C (City of Oakland Hotel Tax of 2009), Measure Z (The 2014 Oakland Public Safety and Services Violence Prevention Act), Measure HH (Sugar-Sweetened Beverage Distribution Tax of 2016), Measure D (The 2018 Oakland Public Library Preservation Act), Measure W (The Oakland Vacant Property Tax Act of 2018), Measure Q (The 2020 Oakland Parks and Recreation Preservation, Litter Reduction, Homelessness Support Act), Measure AA (The Children’s Initiative of 2018), Measure T (The Business Tax Ordinance of 2022), and Measure Y (The 2022 Oakland Zoo Animal Care, Education and Improvement Ordinance); and any income from the investment of said tax revenue. This Section 2 shall expire on March 5, 2028, and the appropriations limit of the City of Oakland shall thereafter be determined as if this Ordinance had not been adopted.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The people of the City of Oakland hereby declare that they would have adopted this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

FURTHER RESOLVED: That each ballot used at said election shall have printed therein, in addition to any other matter required by law, the following:

<p>Measure ____ . Shall the measure increasing the appropriations limit under Article XIII B of the California Constitution (which limits city expenditures of tax proceeds) to allow the City of Oakland to continue to expend revenues from taxes Oakland voters previously approved for emergency medical services, paramedic services, library services, public safety and violence prevention services, homeless services, children’s services, parks and recreation, the Oakland Zoo and other lawful governmental purposes, without increasing or imposing new taxes, be adopted?</p>	<p>Yes</p>	
<p>[FINAL BALLOT QUESTION SUBJECT TO CITY ATTORNEY DRAFTING AND APPROVAL]</p>	<p>No</p>	

; and be it

FURTHER RESOLVED: That the City Council hereby authorizes and directs the City Clerk of the City of Oakland (the "City Clerk") at least 88 days prior to March 5, 2024, to file with Alameda County certified copies of this resolution; and be it

FURTHER RESOLVED: That the City Council does hereby request that the Board of Supervisors of Alameda County include on the ballots and sample ballots recitals and measure language to be voted on by the voters of the qualified electors of the City of Oakland; and be it

FURTHER RESOLVED: That the City Council does hereby request that Board of Supervisors of Alameda County permit the Registrar of Voters to perform necessary services in connection with said election; and be it

FURTHER RESOLVED: That in accordance with applicable law, the City Clerk shall fix and determine a date for submission of arguments for or against said ballot item and rebuttals and is hereby directed to cause the posting, publication and printing of notices; and be it

FURTHER RESOLVED: That the City Administrator and City Clerk are hereby authorized and directed to take all actions necessary under the law to prepare for and conduct the March 5, 2024 election and the City Council hereby appropriates all monies necessary for the City Administrator and City Clerk to prepare and conduct the March 5, 2024 Election; and be it

FURTHER RESOLVED: That this resolution shall be effective immediately upon approval by the City Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California