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CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. 86161 C.M.S.

INTRODUCED BY VICE MAYOR CAMPBELL WASHINGTON,
AND COUNCILMEMBERS BROOKS AND KAPLAN

ADOPT A RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO THE NOVEMBER 8, 2016 STATEWIDE GENERAL ELECTION, A PROPOSED ORDINANCE TO IMPOSE A 4%1 CENT PER OUNCE TAX ON THE DISTRIBUTION OF SUGAR-SWEETENED BEVERAGES; AND DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION IN ACCORDANCE WITH THE NOVEMBER 8, 2016 STATEWIDE GENERAL ELECTION

WHEREAS, we are currently facing a public health crisis in Oakland and across the country; and,

WHEREAS, one third of all children and nearly half of African-American and Latino children are predicted to develop diabetes in their lifetimes; and,

WHEREAS, more than 37% of Oakland adolescents are overweight or obese, which puts them at risk of developing diabetes and other chronic diseases; and,

WHEREAS, the costs for diabetes related healthcare in Alameda County alone was estimated at \$560 million dollars in 2010; and,

WHEREAS, soda and sugary drinks are the number one source of added sugar in the American diet, they account for half of all consumed sugar but have no nutritional value and there is growing scientific evidence that it is the most dangerous way to consume added sugar ; and,

WHEREAS, drinking just one 12-oz can of soda per day can increase your risk of dying from heart disease by nearly one-third, people who drink one to two sugar-sweetened beverages per day have a 26% higher risk of developing Type 2 diabetes, and every additional sugary beverage consumed daily increases a child's risk for obesity by 60%; and,

WHEREAS, more than any category of food, rigorous scientific studies have shown that consumption of Sugar Sweetened Beverages contributes to poor diet, and risk for obesity, diabetes and a number of other serious health problems.; and

WHEREAS, since a tax on sugary drinks was adopted in Mexico, there has already been a 12% decline in overall consumption, and a 17% decline in consumption in low income communities; and

WHEREAS, the tax will help to offset the extra costs borne by society for extra medical and dental care, waste, pollution and even greenhouse gases associated with the production of sugary drinks; and,

WHEREAS, taxing Sugar Sweetened Beverages is considered by many public health experts and policymakers to be one of the best strategies to improve the nation's nutrition, raise revenue for health programs and recover the medical and insurance costs of treating diet-related diseases; and,

WHEREAS, since 2009, policymakers in approximately 24 states and 6 cities have proposed Sugar Sweetened Beverages taxes, more than 25 national and state organizations have recommended or endorsed them and some countries, including Denmark, Finland, France, and Hungary, have taxes on Sugar Sweetened Beverages; and,

WHEREAS, in 2014, 76% of Berkeley voters supported the sugar sweetened beverages tax on the ballot and the Measure was supported by the Berkeley NAACP, Latinos Unidos de Berkeley, Berkeley Federation of Teachers, the California Nurses Association, the Heart Association and many others; and,

WHEREAS, as of November 2015, after nine months of tax implementation, \$1,093,778 revenue was paid to the City of Berkeley from the Sugar Sweetened Beverage Tax and funds generated have been allocated for school based nutrition education and community programs; and,

WHEREAS, the ordinance proposes the formation of a Community Advisory Board which will advise and make recommendations on how the City Council should establish and/or fund programs to prevent or reduce the consequences of the consumption of sugar sweetened beverages on health in Oakland communities and will evaluate the impact of the Tax on beverage prices, consumer purchasing behavior, and public health impacts; and,

WHEREAS, programs funded by the excise tax can improve community nutrition, reduce childhood obesity and tooth decay, increase physical activity and prevent diabetes in children and families, especially those most affected by health disparities; now, therefore be it

RESOLVED, that the Oakland City Council finds and determines the forgoing 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 November 8, 2016, Statewide General Election, an Ordinance that reads as follows:

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

Section 1. TITLE.

Title. This Ordinance shall be referred to as the “Sugar-Sweetened Beverage Distribution Tax Ordinance.”

Section 2. The Municipal Code is hereby amended to add, delete, or modify sections as set forth below (chapter and 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. Code Amendment. ~~That a new Article~~ Chapter 4.52, Sugar-Sweetened Beverage Distribution Tax Ordinance ~~is added to Title 4, Revenue And Finance~~ the Oakland Municipal Code to read as follows:

Chapter 4.52 – SUGAR-SWEETENED BEVERAGE DISTRIBUTION TAX ORDINANCE

4.52.010 – Short Title.

This chapter shall be known as the “Sugar-Sweetened Beverage Distribution Tax Ordinance.”

4.52.020 – Definitions.

Except where the context otherwise requires, the following definitions govern the construction of this chapter:

- A. “Alcoholic Beverage” means any beverage that is subject to taxation as an Alcoholic beverage under California Revenue and Taxation Code, Sections 32001 et seq., as may be amended from time to time.
- B. “Beverage for Medical Use” means a beverage suitable for human consumption and manufactured for use as an oral nutritional therapy for persons who cannot absorb or metabolize dietary nutrients from food or beverages, or for use as an oral rehydration electrolyte solution formulated to prevent or treat dehydration due to illness. “Beverage for Medical Use” also means a “medical food” as defined in Section 109971 of the California Health and Safety Code. “Beverage for Medical Use” shall not include beverages commonly referred to as “sports drinks” or any other common names that are derivations thereof.
- C. “Business Entity” means any Person except for a natural person.
- D. “Caloric Sweetener” means any substance or combination of substances meeting all of the following criteria:

- (1) Is suitable for human consumption,
- (2) Adds calories to the diet when consumed,
- (3) Is perceived as sweet when consumed, and
- (4) Is used for making, mixing, or compounding Sugar-Sweetened beverages by combining the substance or substances with one or more ingredients including, but not limited to, water, ice, powder, coffee, tea, fruit juice, vegetable juice, or carbonation or other gas.

“Caloric Sweetener” includes, but is not limited to, sucrose, fructose, glucose, other sugars, and high fructose corn syrup.

- E. “City” means the City of Oakland, California.
- F. “Community Advisory Board” means the Sugar-Sweetened Beverage Distribution Tax Advisory Board described in Section 4.52.070.
- G. “Consumer” or “Consumers” means a natural person or persons who purchase a Sugar-Sweetened Beverage Product(s) in the City for a purpose other than resale in the ordinary course of business.
- H. “Distribution”, ~~or~~ “Distribute” or “Distributing” means the transfer of title or possession: (a) from one Business Entity to another for consideration; or (b) within a single Business Entity, such as by a wholesale or warehousing unit to a retail outlet or between two or more employees or contractors of said Business Entity. “Distribution” or “Distribute” shall not mean the retail sale to a consumer.
- I. “Distributor” means any Person who Distributes Sugar-Sweetened Beverage Product(s) within the City.
- ~~J.~~ “General Tax” means any tax imposed for general governmental purposes.
- ~~J.~~K. “Milk Product” means: (a) any beverage whose principal ingredient by weight is natural milk secreted by an animal; and (b) any plant-based substance or combination of substances in which (i) water and (ii) grains, nuts, legumes, or seeds, constitute the two greatest ingredients by volume. For purposes of this definition, “natural milk” includes natural milk concentrate and dehydrated natural milk, whether or not reconstituted. For purposes of this definition, “Milk Product” includes, but is not limited to, soy milk, almond milk, rice milk, coconut milk, hemp milk, oat milk, hazelnut milk, flax milk.
- ~~K.~~L. “Natural Common Sweetener” means: granulated white sugar, brown sugar, honey, molasses, xylem sap of maple trees, or agave nectar.
- ~~L.~~M. “Person” means any natural person, partnership, cooperative, association, Limited Liability Company, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

M.N. "Powder" means any solid mixture containing one or more Caloric Sweeteners as an ingredient intended to be used in making, mixing or compounding a Sugar-Sweetened Beverage by combining the Powder with one or more other ingredients.

N.O. "Retailer" means any Person serves Sugar-Sweetened Beverage Product(s) to Consumer(s).

O.P. "Small Business" means any Business Entity with less than \$100,000 in annual gross receipts in the most recent calendar year that distributes, sells, serves or provides Sugar- Sweetened Beverage Product(s) directly to final Consumers.

P.Q. "Sugar-Sweetened Beverage" means any beverage intended for human consumption to which one or more caloric sweeteners has been added and that contains 25 or more calories per 12 fluid ounces of beverage.

1. "Sugar-Sweetened Beverage" includes, but is not limited to, drinks and beverages commonly referred to as "soda," "pop," "cola," "soft drinks," "sports drinks," "energy drinks," "slushies," "sweetened ice teas," or any other common names that are derivations thereof.

2. "Sugar-Sweetened Beverage" shall not include: (a) any beverage sold for consumption by infants, which is commonly referred to as "infant formula" or "baby formula," or oral rehydration fluids for children; (b) any Beverage for Medical Use; (c) any beverage designed as supplemental, meal replacement, or sole-source nutrition that includes proteins, carbohydrates, and multiple vitamins and minerals; (d) Milk Products; (e) 100 percent natural fruit or vegetable juice with no added caloric sweetener; or (f) alcoholic beverage .

Q.R. "Sugar-Sweetened Beverage Distribution Tax" or "Tax" is the general excise tax imposed under Section 4.52.030.

R.S. "Sugar-Sweetened Beverage Product(s)" means a Sugar-Sweetened Beverage or caloric sweetener.

S.T. "Syrup" means any liquid or frozen mixture, containing one or more Caloric Sweeteners as an ingredient, intended to be used in making, mixing, or compounding a Sugar-Sweetened Beverage by combining the Syrup with one or more other ingredients.

T.U. "Tax Administrator" means the Director of Finance for the City of Oakland or the designee of the Director of Finance.

4.52.030 – Excise Tax.

- A. In addition to any other taxes imposed by the City, the City hereby levies a General Tax of one cent (\$0.01) per fluid ounce on the privilege of Distributing Sugar-Sweetened Beverage Products in the City.
- B. For the purposes of this Chapter, the volume, in ounces, of a Sugar-Sweetened Beverage product shall be calculated as follows:
 1. For a Sugar-Sweetened Beverage, the volume, in fluid ounces, of Sugar-Sweetened Beverages distributed to any Person in the course of business in the City.
 2. For added Caloric Sweeteners, the largest volume, in fluid ounces, of Sugar-Sweetened Beverages that could be produced from the added Caloric Sweeteners. In accordance with rules and regulations promulgated by the City pursuant to Section 4.52.040, the largest volume, in fluid ounces, that would typically be produced from the added Caloric Sweeteners shall be determined based on the manufacturer's instructions or, if the Distributor uses that added Caloric Sweeteners to produce a Sugar-Sweetened Beverage, the regular practice of the Distributor.
 3. The Tax shall be paid upon the first nonexempt Distribution of a Sugar-Sweetened Beverage product in the City. To the extent that there is a chain of Distribution within Oakland involving more than one Distributor, the tax shall be levied on the first Distributor subject to the jurisdiction of the City. To the extent the Tax is not paid as set forth above for any reason, it shall be payable on subsequent Distributions and by subsequent Distributors; provided, that the Distribution of Sugar-Sweetened Beverage products may not be taxed more than once in the chain of commerce.
- C. The Tax shall not apply to:
 1. To any Distributor that is not subject to taxation by the City under the laws of the United States or the State of California.
 2. The Distribution of any Sugar-Sweetened Beverage Product by a Small Business as defined in this chapter.
 3. To any Distribution of Natural or Common sweeteners.

4.52.040 – Administration of Tax.

- A. It shall be the duty of the Tax Administrator to collect and receive all taxes imposed by this Chapter, and to keep an accurate record thereof.
- B. The Tax Administrator is hereby charged with the enforcement of this Chapter, except as otherwise provided herein, and may prescribe, adopt, and enforce

rules and regulations relating to the administration and enforcement of this Chapter. Such rules and regulations shall include, but are not limited to:

1. The reexamination and correction of returns and payments, and for reporting.
2. Prescribing the methods, frequency, and schedules for the calculation, collection and payment of the tax.
3. The manner and form in which a Distributor must register with the City, and shall report and remit the tax.
4. How a Distributor or a Retailer who receives, in the City, Sugar-Sweetened Beverage Product(s) from a Distributor must report to the City the name of that Distributor and the volume of Sugar-Sweetened Beverage Product(s).
5. The documentation to be created or maintained by a Distributor or a Retailer.
6. The administrative process and procedures for any Person against whom a determination is made by the Tax Administrator under this Chapter or any Person directly interested in such determination, shall follow to dispute or otherwise challenge a determination, and the form, manner and time within which a determination may be disputed or challenged.

C. Adoption and implementation by the Tax Administrator of rules and regulations authorized by this Section shall not constitute new or increased tax requiring approval by the voters of the City.

D. The Tax Administrator shall annually verify that the taxes owed under this Chapter have been properly applied, exempted, collected and remitted.

4.52.050 – Collection of Tax and Registration of Distributors.

- A. Every Person engaged in or about to engage in business as a Distributor in the City shall immediately register with the City in the manner and form determined by the Tax Administrator. Persons engaged in such business must be registered no later than thirty (30) days after the date the tax imposed by this Chapter becomes effective on July 1, 2017, but such privilege of such registration after the date of imposition of such tax shall not relieve any person from the obligation or payment or collection of tax on and after the date of imposition thereof, regardless of registration.
- B. Any person who fails to pay the tax to the City or any amount of tax required to be collected and paid to the City within the time required by the rules and regulations established by the Tax Administrator shall pay a penalty of twenty-five (25) percent of the tax or amount of the tax, in addition to the tax or amount of delinquent tax, plus interest, computed on the amount of delinquent tax, inclusive of penalties, at the rate of one percent per month, or fraction thereof.

from the date on which the tax or the amount of tax required to be collected became due and payable to the City and until the date of payment.

- C. The amount of any tax, penalty, and interest imposed by this Chapter shall be deemed a debt to the City. Any Distributor owing money under the provisions of this Chapter shall be liable in an action brought in the name of the City for the recovery of such amount.
- D. In order to aid in the collection of taxes due to the City under this Chapter, any Distributor or Retailer that distributes, receives or sells Sugar-Sweetened Beverage Product(s) shall provide information to the City regarding the Distribution of these products in accordance with rules and regulations adopted by the Tax Administrator.
- E. The City Council is authorized to have the taxes imposed by this Chapter collected by the County of Alameda or the California Board of Equalization in conjunction with the collection of other taxes for the City. If the City Council exercises this authorization, the duties and responsibilities of the Tax Administrator shall be given, as appropriate, to the County of Alameda or the California Board of Equalization, which may delegate such duties and responsibilities as necessary and as authorized by law.

4.52.060 – Credits and Refunds.

- A. Any tax under this Chapter that has been paid more than once or has been erroneously or illegally collected or received by the City shall be refunded as determined by the Tax Administrator.
- B. Any tax under this Chapter that has been returned to the Distributor within six (6) months of the initial Distribution and for which the entire purchase price has been refunded in cash or credit shall be refunded as determined by the Tax Administrator.
- C. Claims must be filed with the Tax Administrator and determined in accordance with the rules and regulations to be established by the Tax Administrator within one year from the date of payment of the tax to the City. No refund shall be paid under this Section unless claimant establishes entitlement thereto by written documentation.

4.52.070 – Examination of books, records, witnesses—Confidentiality of Information—Penalty.

The Tax Administrator or any authorized employee is authorized to examine the books, papers, tax returns and records of any Person subject to this chapter for the purpose of verifying the accuracy of any declaration made, or if no declaration was made, to ascertain the tax due.

Every Person subject to the provisions of this chapter is directed and required to furnish to the Tax Administrator or duly authorized agent or employee, the means,

facilities and opportunity for making such examination and investigations. The Tax Administrator is authorized to examine a person under oath, for the purpose of verifying the accuracy of any declaration made, or if no declaration was made, to ascertain the business tax or registration fees due under this chapter. In order to ascertain the business tax or registration fees due under this chapter, the Tax Administrator may compel, by administrative subpoena, the production of relevant books, papers and records and the attendance of all persons as parties or witnesses.

Except for disclosures to agents, attorneys, or employees of the City necessary to the purpose of administering or enforcing the tax, or in compliance with a court order, or in connection with an appeal, hearing or court action, City employees shall maintain the confidentiality of all business and personal information and documents furnished to or obtained by the Tax Administrator in connection with the collection or administrative proceedings relating to the determination and assessment of taxes.

The refusal to submit to such examination or production by any employer or person subject to the provisions of this chapter shall be deemed a violation of this chapter, and administrative subpoenas shall be enforced pursuant to applicable state law.

4.52.080 – Community Advisory Board.

There is hereby established a Community Advisory Board.

- A. The Community Advisory Board shall advise and make recommendations on how and to what extent the City Council should establish and/or fund programs to prevent or reduce the health consequences of the consumption of sugar-sweetened beverages in Oakland communities, including but not limited to programs and projects to improve community nutrition, reduce childhood obesity and tooth decay, increase physical activity and prevent diabetes in children and families, especially those most affected by health disparities.
- B. The Community Advisory Board shall consist of nine (9) members who are all residents of the City. City Councilmembers shall make recommendations for members to the Mayor. Members of the Advisory Board shall be appointed by the Mayor and confirmed by the City Council in accordance with City Charter section 601.
 1. At least three (3) members will be residents who live in areas, as defined by the most current census tracts, which are disproportionately impacted by diseases related to the consumption of sugar, as measured by the most recent data available to the Alameda County Department of Public Health.
 2. At least two (2) members will be one medical and one dental professional who have public health experience or who engage in whole or in part in the prevention, diagnosis, treatment, or research of, or education about, chronic diseases linked to the consumption of sugar.

3. At least two (2) parents of students currently enrolled in an Oakland Unified School District (OUSD). The parent representatives shall have a student enrolled in an OUSD school at the commencement of the initial term and any subsequent term.
 4. At least two (2) members will have experience in addressing public health issues, related to diabetes, obesity and sugary drink consumption, community-based youth food and nutrition programs, school-based food and nutrition programs, oral health or early childhood nutrition.
- C. Members shall serve three (3) year terms. No member shall serve more than two (2) consecutive three (3) year terms. The initial two (3) year term for each of the initial members shall commence as of the date that six (6) members have been appointed, which is when the Advisory Board may begin its work. A quorum of the Advisory Board shall be five (5) members. Absence from three (3) consecutive regular meetings, or four (4) regular meetings during a single fiscal year, shall constitute resignation from the Advisory Board.
 - D. Members of the Community Advisory Board shall serve without pay.
 - E. The City Administrator shall provide clerical assistance and administrative support and technical assistance to the Community Advisory Board. All City departments, boards, and commissions shall reasonably assist and cooperate with the Community Advisory Board.
 - F. The Community Advisory Board shall meet at least four (4) times per fiscal year.
 - G. Unless otherwise reauthorized by the City Council, this Section shall expire by operation of law, and the Community Advisory Board shall terminate, as of December 31, 2028. After that date, the City Attorney shall cause this Section to be removed from the Administrative Code.
 - H. The Community Advisory Board shall publish an annual report that includes the following: 1) Recommendations on how to allocate the City's general funds to reduce the consumption of sugar sweetened beverages in Oakland and to address the results of such consumption; 2) How and to what extent the City Council and Mayor have implemented the recommendations presented by the Board; 3) Information, if available, concerning the impact of this Chapter on the public health of the residents of the City; and 4) Any additional information that the Panel deems appropriate..
 - I. Within 15 days of receipt of the publication of the Advisory Board's annual report, the City Administrator shall cause the report to be published on the City's Internet website and to be transmitted to the City Council.

4.52.090 – Collection Date.

Collection of the tax shall begin on July 1, 2017.

4.52.100 – General Fund Revenue.

All tax revenue collected and remitted to the City pursuant to this Chapter shall be deposited in the City of Oakland unrestricted general fund to be used for any lawful government purpose.

Section 4. Conflicting Measures.

This measure is intended to be comprehensive. It is the intent of the people of the City of Oakland that in the event this measure and one or more measures relating to the taxation of Sugar-Sweetened Beverages shall appear on the same ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than any other measure appearing on the same ballot regarding taxation of Sugar-Sweetened Beverages, this measure shall take effect to the extent not in conflict with said other measure or measures.

Section 5. Liberal Construction.

This measure shall be liberally construed to effectuate its purposes.

Section 6. Municipal Affair.

The People of the City of Oakland hereby declare that the taxation of the Distribution of Sugar-Sweetened Beverage Products and the public health impact of Sugar-Sweetened Beverages separately and together constitute municipal affairs. The People of the City of Oakland hereby further declare their desire for this measure to coexist with any similar tax adopted at the county or state levels.

Section 7. Not a Sales and Use Tax.

The tax imposed by this chapter is a general excise tax on the privilege of conducting business within the City of Oakland. It is not a sales tax or use tax or other excise tax on the sale, consumption, or use of sugar-sweetened beverages.

Section 8. Effective Date.

This Ordinance shall be effective only if approved by a majority of the voters voting thereon and shall go into effect ten (10) days after the vote is declared by the City Council.

Section 9. Council Amendments.

The City Council of the City of Oakland is hereby authorized to amend Chapter 4.52 of the Oakland Municipal Code as adopted by this Ordinance in any manner that does not increase the rate of the Sugar-Sweetened Beverage Distribution Tax or

otherwise constitute a tax increase for which voter approval is required by Article XIII C of the California Constitution.

Section 10. Savings Clause.

If any provision, sentence, clause, section or part of this Ordinance is found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, section or part of this Ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared that this Ordinance would have adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

; and be it

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

AN ORDINANCE IMPOSING A TAX OF ONE CENT PER FLUID OUNCE
ON THE DISTRIBUTION OF SUGAR-SWEETENED BEVERAGES IN
THE CITY OF OAKLAND.

MEASURE _____

<p>Measure __. <i>Shall the City of Oakland impose a 1 cent per ounce general tax on the distribution of sugar-sweetened beverages, including products such as sodas, sports drinks, sweetened teas, energy drinks, but exempting: milk products, 100% juice, baby formula, diet drinks, or drinks taken for medical reasons; and providing an exemption for small businesses?</i></p> <p>[FINAL BALLOT QUESTION SUBJECT TO FINAL CITY ATTORNEY APPROVAL]</p>	<p>Yes</p>	
	<p>No</p>	

; and be it

FURTHER RESOLVED, that the City Council does hereby submit to the qualified voters of the City, at the November 8, 2016 election, the ordinance and ballot measure set forth herein. The City proposes to impose a tax on the distribution of sugar-sweetened beverages in the City of Oakland if a majority of all qualified voters voting on the ballot measure vote in favor thereof; 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 November 8, 2016, to file with the Alameda County Clerk 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 Clerk is hereby directed to cause the posting, publication and printing of notices, pursuant to the requirements of the Charter of the City of Oakland, Chapter 3 of the Oakland Municipal Code, the Government Code and the Election Code of the State of California; and be it

FURTHER RESOLVED, that in accordance with the Elections Code and the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments for or against said proposed Ordinance and rebuttals, and said date shall be posted in the Office of the City Clerk; and be it

FURTHER RESOLVED, that certain sections of this Ordinance may be codified into the City of Oakland Municipal Code at the direction of the City Clerk upon approval by the voters; and be it

FURTHER RESOLVED, that this resolution shall be effective immediately upon approval by five members of the Council.

1891020v1

IN COUNCIL, OAKLAND, CALIFORNIA MAY 03 2016, 2016

PASSED BY THE FOLLOWING VOTE:

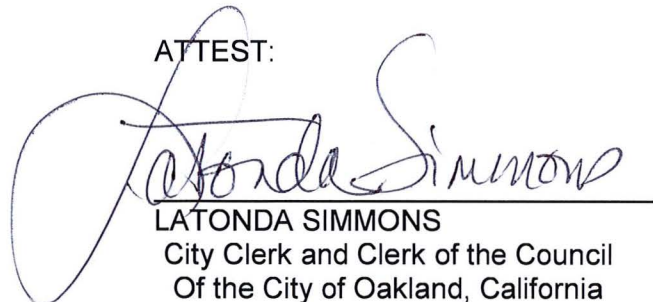
AYES- BROOKS, GALLO, GUILLEN, KALB, KAPLAN, REID, CAMPBELL WASHINGTON,
PRESIDENT GIBSON MCELHANEY — 8

NOES — 0

ABSENT — 0

ABSTENTION — 0

ATTEST:


LATONDA SIMMONS
City Clerk and Clerk of the Council
Of the City of Oakland, California