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City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 87943 C.M.S.

RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO THE VOTERS AT A MARCH 3, 2020 MUNICIPAL ELECTION, AN ORDINANCE TO INCREASE THE APPROPRIATIONS LIMIT FOR FISCAL YEARS 2020-21 THROUGH 2023-24 TO ALLOW THE CITY TO EXPEND FUNDS COLLECTED FROM EIGHT VOTER-APPROVED GENERAL AND SPECIAL TAX BALLOT MEASURES FOR EMERGENCY MEDICAL SERVICES, PARAMEDIC SERVICES, LIBRARY SERVICES, PUBLIC SAFETY AND VIOLENCE PREVENTION SERVICES, HOMELESS SERVICES AND OTHER LAWFUL GOVERNMENTAL PURPOSES; AND DIRECTING THE CITY CLERK TO TAKE ALL ACTIONS NECESSARY UNDER LAW TO PREPARE FOR AND CONDUCT A MARCH 3, 2020 MUNICIPAL ELECTION

WHEREAS, Article XIIIB, 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 XIIIB, 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 Q (The Library Services Retention and Enhancement Act of 2004), 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), and Measure W (The Oakland Vacant Property Tax Act of 2018); 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 call for a municipal election and submit to the voters, at the March 3, 2020 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 emergency dispatch services, paramedic services, libraries, violence prevention, and services to the homeless.
- 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 from local taxes previously approved by Oakland voters over the next four years.

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 amount of revenue collected from local taxes previously approved by Oakland voters and any income from the investment of said tax revenue. This Section 2 shall expire on March 3, 2024, 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:

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 previously approved by Oakland voters for emergency medical services, paramedic services, library services, public safety and violence prevention services, homeless services and other lawful governmental purposes, without increasing or imposing new taxes, be adopted?	Yes	
	No	

; 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 3, 2020, 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 3, 2020 election and the City Council hereby appropriates all monies necessary for the City Administrator and City Clerk to prepare and conduct the March 3, 2020 Election; and be it

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

2868707v1

IN COUNCIL, OAKLAND, CALIFORNIA,

NOV 19 2019

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, ~~REID TAYLOR THAO~~ AND
PRESIDENT KAPLAN - 5

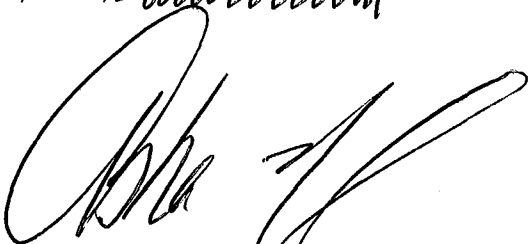
NOES - 0

ABSENT - 1 - Reid

ABSTENTION - 0

Excused - 2 Taylor & Thao

ATTEST:


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