

Atkinson, Andelson, Loya, Ruud &  
Romo  
Attn: Sacks, Marleen  
4141 Rhoda Ave  
Oakland, CA 94602-\_\_\_\_

City Attorney's Office  
Attn: Siegel, Kevin D.  
One Frank Ogawa Plaza, 6th Floor  
Oakland, CA 94612

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**Superior Court of California, County of Alameda**  
**Rene C. Davidson Alameda County Courthouse**

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Sacks  <p style="text-align: right;">Plaintiff/Petitioner(s)</p> <p style="text-align: center;">VS.</p> <hr/> <p>City of Oakland</p> <p style="text-align: right;">Defendant/Respondent(s) (Abbreviated Title)</p>	No. <u>RG08380286</u>  Order  Motion Granted
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The Motion was set for hearing on 07/18/2008 at 09:00 AM in Department 31 before the Honorable Frank Roesch. The Tentative Ruling was published and was contested.

The matter was argued and submitted, and good cause appearing therefore,

**IT IS HEREBY ORDERED THAT:**

The tentative ruling is affirmed as follows: The Motion of Respondent City of Oakland to Strike portions of the Petition is **GRANTED IN PART** as stated herein.

The motion is properly before the Court at this time. (CRC 3.1320(j); CCP §435(b)(1).)

If the language of an enactment is plain on its face, and does not expressly refer to extrinsic documents to define its terms, the Court need look no further than the enactment itself. (See Board of Supervisors v. Lonergran (1980) 27 Cal.3d 855, 866; Monette-Shaw v San Francisco Bd. of Supv. (2006) 139 Cal.App.4th 1210 1215-16.) The title of a provision does not add to the meaning of the provision and therefore does not create any ambiguity in the meaning of the provision. (See DaFonte v. Up-Right, Inc. (1992) 2 Cal.4th 593, 602.) The voters are presumed to be familiar with the language of the ordinance, to have duly considered it, and to have voted intelligently with that language in mind. (Monette-Shaw, supra, 139 Cal.App.4th at 1219-1220.)

Measure Y, Article 2, Section 4 provides that "[n]o tax authorized by this Ordinance may be collected in any year that the appropriation for staffing of sworn uniformed police officers is at a level lower than the amount necessary to maintain the number of uniformed officers employed by the City of Oakland for the fiscal year 2003-2004 (739)." The Court finds that the text of Section 4 is not ambiguous and does not incorporate any extrinsic documents. Section 4 clearly provides for nothing more than an appropriation of monies for staffing, not a guarantee of any particular level of staffing. Thus, the allegations that the City is not complying with Section 4 fail as a matter of law, and the allegations regarding extrinsic materials contradicting Section 4 are irrelevant. Therefore, the Court **STRIKES** paragraphs 5, 6, 7, and 8.

The remainder of the matters sought to be stricken do not appear to be improper or contrary to law and as to them the motion is **DENIED**.