

2023 NOV 15 PM 2:08

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

*Barbara J. Parker*

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89983 C.M.S.

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**RESOLUTION 1) CALLING FOR A SPECIAL MUNICIPAL ELECTION ON TUESDAY MARCH 5, 2024 FOR THE PURPOSES OF FILLING A VACANCY IN THE OFFICE OF THE CITY AUDITOR AND SUBMITTING A BALLOT MEASURE TO THE VOTERS; AND 2) REQUESTING CONSOLIDATION OF THE SPECIAL MUNICIPAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION OF MARCH 5, 2024; AND 3) TAKING OTHER ACTIONS NECESSARY UNDER LAW TO CONDUCT THE MARCH 5, 2024 SPECIAL MUNICIPAL ELECTION**

**WHEREAS**, the City Auditor resigned effective October 13, 2023, creating a vacancy in the Office of the City Auditor; and

**WHEREAS**, section 403(3) and section 205 of the City Charter provide that for all vacancies occurring in the Office of City Auditor the City Council shall cause a special election to be held to fill such vacancy within 120 days of the vacancy, however an extension of up to 90 days is allowed for the purpose of consolidating the special election with the next municipal election or statewide election; and

**WHEREAS**, the State of California will hold a presidential primary election on March 5, 2024 and therefore the City Council wishes to call a special election for March 5, 2024 and request consolidation of that election with the statewide election to fill the vacancy in the Office of City Auditor; and

**WHEREAS**, pursuant to Charter sections 302 and 403(1) the successful candidate elected to serve as City Auditor at the March 5, 2024 election will complete the remainder of the City Auditor's term until 11:00 a.m. on the first Monday of January following the Mayor's election, i.e. January 4, 2027; and

**WHEREAS**, section 1105 of the City Charter requires elections for all city offices, including City Auditor, to be conducted by ranked choice voting; and

**WHEREAS**, the City Council also wishes to submit a proposed ordinance, as described herein, to the electors of the City of Oakland at the March 5, 2024 special municipal election; and

**WHEREAS**, pursuant to Article XI of the City Charter, other than Nominating Elections, which are held in June, and General Municipal Elections, which are held in November, all other municipal elections are Special Municipal Elections; and

**WHEREAS**, section 1103 of the City Charter provides that except as otherwise provided in the City Charter or by City ordinance, all City elections and all procedures relating thereto shall be in accordance with the applicable provisions of state law; and

**WHEREAS**, California Elections Code section 12001 provides that for a special local election, the governing body of the local agency shall issue a proclamation or a resolution calling the election; and

**WHEREAS**, California Elections Code sections 10400 through 10403 provide that a municipal election may be consolidated with the Statewide election held on the same day upon an order by the county Board of Supervisors; and

**WHEREAS**, in order to request consolidation of a Special Municipal Election, the City Council shall, at least 88 days prior to the election, file with the County of Alameda a resolution that requests consolidation of the elections and sets forth the form of the question and office to be voted upon at the election; now, therefore, be it

**RESOLVED:** That pursuant to the Oakland City Charter, Oakland Municipal Code Chapter 3.08, and applicable State law, there is called and ordered to be held a Special Municipal Election in the City of Oakland on March 5, 2024; and be it

**FURTHER RESOLVED:** That notice of the Special Municipal Election on March 5, 2024 is hereby given and the City Clerk is authorized and instructed to give further additional notice of the election, in the time, form, and manner required by law; and be it

**FURTHER RESOLVED:** That the City Council hereby requests that the City of Oakland Special Municipal Election be consolidated with the Statewide election to be held on that same day; and be it

**FURTHER RESOLVED:** That the office to be voted on at the Special Municipal Election is:

- City Auditor

; and be it

**FURTHER RESOLVED:** That the form of the question to be voted on at the Special Municipal Election is:

- 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?

; and be it

**FURTHER RESOLVED:** That the election for City Auditor shall be conducted using ranked choice voting; and be it

**FURTHER RESOLVED:** That the consolidated Special Municipal Election shall be held and conducted in the manner required in Section 10418 of the California Elections Code; and be it

**FURTHER RESOLVED:** That the Council hereby requests that the Alameda County Board of Supervisors permit the Registrar of Voters of Alameda County to render necessary services to the City relating to the conduct of the special election; and be it

**FURTHER RESOLVED:** That the City Clerk shall work with the Registrar of Voters of Alameda County to design a ballot template that complies with section 1105(c) of the City Charter; and be it

**FURTHER RESOLVED:** That the City Clerk is hereby directed to take any and all actions necessary to hold the Special Municipal Election, including posting, publication and printing of notices, and to fix the dates for submissions of arguments, pursuant to the requirements of the City Charter, the Oakland Municipal Code, and State law; and be it

**FURTHER RESOLVED:** That the City Council hereby appropriates all monies necessary to prepare for and conduct the Special Municipal Election and hereby authorizes the City Administrator to take any and all actions necessary to prepare for and conduct said election consistent with the Charter, the Oakland Municipal Code and California Elections Code where applicable.

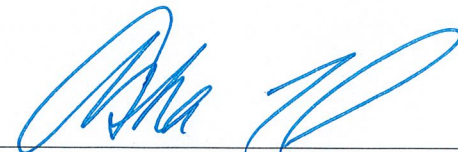
IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **NOV 07 2023**

AYES - FIFE, ~~GAFFNEY~~, JENKINS, KALB, ~~KAPLAN~~, RAMACHANDRAN, ~~REID~~, AND PRESIDENT FORTUNATO BAS **-5**

NOES **0**  
ABSENT - **2 - Gallo, Kaplan**  
ABSTENTION -  
**1 Excused - Reid**

ATTEST:



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