

OAKLAND CITY COUNCIL

ORDINANCE No. 12 3 0 9 C.M.S.

INTRODUCED BY COUNCILMEMBER _____

AN ORDINANCE AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY BY EMINENT DOMAIN LOCATED AT 155 98TH AVENUE, OAKLAND, COUNTY OF ALAMEDA FOR THE 98TH AVENUE COMPONENT OF THE AIRPORT ROADWAY PROJECT, WIDENING AND IMPROVEMENT FOR THE AMOUNT OF \$323,757.45, PLUS INTEREST THEREON AND COURT COSTS, \$6,736.00 FOR PROJECT CONSTRUCTION RELATED DAMAGES, INTEREST OF \$6,165.38 UNTIL DECEMBER 31, 2000, LITIGATION COSTS OF \$1,396.27, AND INTEREST BEGINNING JANUARY 1, 2001 IN THE AMOUNT OF \$12.74 PER DAY.

WHEREAS, in order to facilitate the portion of the Airport Roadway Project along 98th Avenue, the City has filed a condemnation action to acquire portions of the property located at 155 98th Avenue and as set out in Exhibit "A" (the "Property") City of Oakland v. California Glass Company, et al., and

WHEREAS, California Glass Company, et al., Barbara J. Pen and Leonard L. Silvani, and Bank of America Trust and Savings Corporation (the "Owners") owns the Property, the City named Owners as defendants in the action to acquire the Owners' interests in the Property; and

WHEREAS, the City filed an eminent domain action to acquire Owners' interests in the Property and the City and Owners have agreed to settle the action with the Owners agreeing to relinquish its interests in consideration for payment by the City;

WHEREAS, the Airport Roadway Project, in Resolution No. 74844, dated March 16, 1999, authorized City staff to initiate acquisition, site clearance and relocation activities;

WHEREAS, the City, by resolution of the City Council on January 23, 2001 approved a settlement of the condemnation action with the Owners; and

WHEREAS, the project committee overseeing the administration of the Airport Roadway Project, pursuant to the agreements among the project sponsors, the City, the Port of Oakland, the City of Alameda and the Alameda County Transportation Authority, has approved acquisition of the Owners' interests in the Properties for the amount described below and the expenditure of project funds for that acquisition, now therefore

THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1: That the City hereby finds and declares that the requirements of the California Environmental Quality Act (CEQA) of 1970, the State CEQA Guidelines, and the City CEQA Procedures have been satisfied,

SECTION 2: The City Manager or his designee is authorized to execute such documents and take such other steps as may be necessary to acquire the Owners' interests in the Property for an amount not to exceed \$323,757.45, plus interest thereon and court costs, \$6,736.00 for project construction related damages, interest of \$6,165.38 until December 31, 2000, litigation costs of \$1,396.27, and interest beginning January 1, 2001 in the amount of \$12.74 per day

SECTION 3: The City Manager or his designee is authorized to take such actions as are necessary to complete the acquisition.

SECTION 4. That the City Attorney's Office shall review and approve any and all documents and agreements necessary to purchase the Property and a copy shall be filed with the Office of the City Clerk.

SECTION 5. This Ordinance shall take effect immediately upon its passage.

Introduced - 1/23/01

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 30 2001, 2000

PASSED BY THE FOLLOWING VOTE:


AYES- BRUNNER, ~~CHANG~~, NADEL, REID, ~~RUSSELL~~, SPEES, AND
PRESIDENT DE LA FUENTE - 6

NOES- *None*

ABSENT- *Chang (Excused)*

ABSTENTION- *None*

ATTEST:


CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

City of Oakland
County of Alameda

EXHIBIT "A"

LEGAL DESCRIPTION

FEE TAKE

Real Property in the City of Oakland, County of Alameda, State of California, being a portion of the Parcel as described in Deed 90-059950, recorded March 2, 1990, described as follows:

BEGINNING at the most easterly corner of said Parcel; thence along the southeasterly line of said Parcel ~~S63°38'16"W~~, 334.28 feet to the southwesterly boundary of said Parcel; thence along said southwesterly line N41°07'44"W, 39.40 feet; thence N63°38'16"E, 334.28 feet to the northeasterly boundary of said Parcel; thence along said northeasterly line S41°07'44"E, 39.40 feet to the point of beginning.

CONTAINING 12,736 square feet, more or less.

The bearing and distances of this description are based on the California Coordinate System, using the 1983 North American Datum. Multiply the distances shown by 1.0000705 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Land Surveyors Act.

A.P.N. 044-5020-005-32

John T. Warren

John T Warren, C-22062

12/9/98

Date

9/30/01

Expires

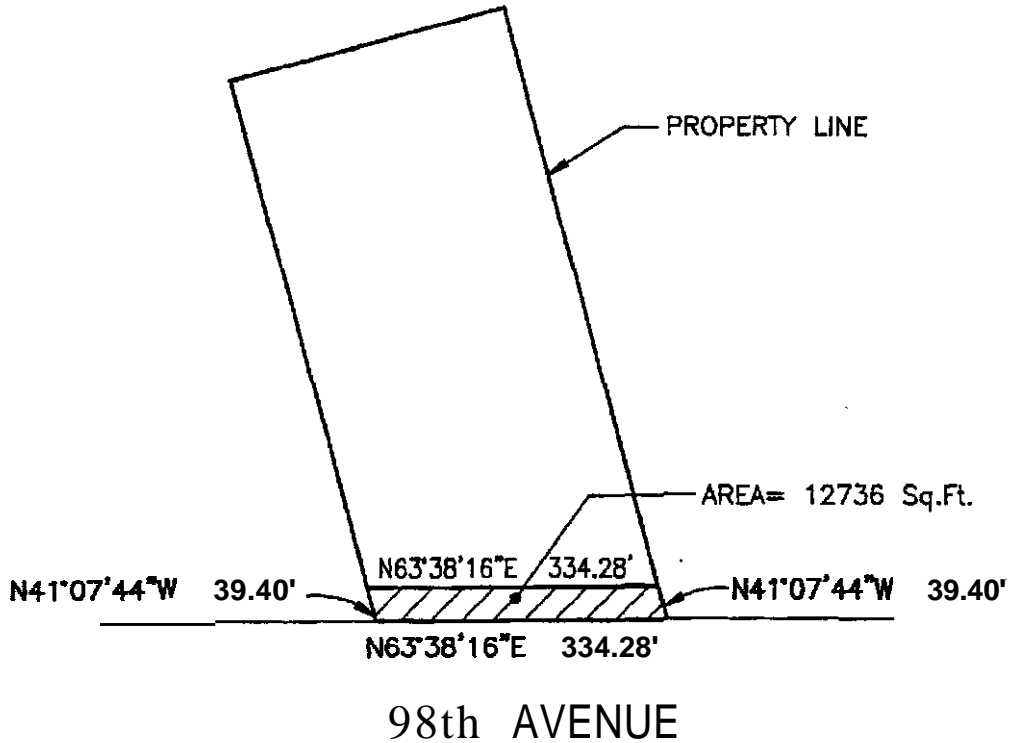
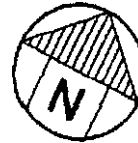


OAKLAND AIRPORT ROADWAY PROPERTY ACQUISITION

City of Oakland

County of Alameda

Assessor Parcel Number. 44-5020-5-32
Property Address: 155 98th Avenue
Owner: California Glass Company ■



EST
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1
1

Scale: 1"=200'

Total Parcel Area	=	217,773	Sq. Ft.
proposed Area Taken	=	12,736	Sq. Ft.
Remaining Area	=	205,037	Sq. Ft.

REVISED

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AUTHORIZING A LEASE OF SPACE IN THE EASTMONT TOWN CENTER FOR A POLICE PRECINCT STATION, AUTHORIZING A SUBLEASE OF THE FACILITY TO THE OAKLAND JOINT POWERS FINANCING AUTHORITY, AUTHORIZING A SUB-SUBLEASE OF THE FACILITY AND IMPROVEMENTS FROM THE OAKLAND JOINT POWERS FINANCING AUTHORITY, AUTHORIZING A LEASE OF EQUIPMENT FOR THE FACILITY FROM THE OAKLAND JOINT POWERS FINANCING AUTHORITY, AUTHORIZING AN ESCROW AGREEMENT, AND AUTHORIZING TAX-EXEMPT LEASE FINANCING FOR PREMISES IMPROVEMENTS AND EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$11,716,155

WHEREAS, in 1996, the Police Department community-oriented policing with the decentralization of or geographically based command structure in the Bureau of Investigation; and

WHEREAS, a precinct police station in Ar between High Street to the San Leandro city limits an Boulevard), would enhance the Department's ability to crime and traffic, and quality of life offenses through oriented policing philosophies and strategies with the citizen satisfaction with police services; and

WHEREAS, Eastmont Town Center Con develop and lease to the City a "turn-key" 64,000 square the former Mervyn's site (Suite 275) in Eastmont Town Center: 7200 Bancroft Avenue, Oakland, California; and

Check Market Agenda
0-12300
12-5-00
Item # 25

WHEREAS, the City has secured tax-exempt lease financing through Citicorp Mortgage, Inc., or an affiliated entity, to finance the “turn-key” construction of tenant improvements and the acquisition of needed equipment for the facility; and

WHEREAS, tax-exempt lease financing would result in approximately \$2.7 million in present value savings to the City over typical market rate, developer financing for the “turn-key” project, and such cost savings will result in significant public benefits and will further the public purposes of the City: and

WHEREAS, the proposed lease with Eastmont Town Center, LLC, contemplates a twenty year term with two five-year options, with the first year rent (includes a six (6) month rent abatement) to be set at \$441,600 per annum, or fifty seven and one-half cents per square foot per month, including tenant’s share of common area maintenance expenses, and the second year rent to be set at ninety cents per square foot per month including common area maintenance expenses; and

WHEREAS, the rent schedule is considered to be well below current fair market value; and

WHEREAS, estimated maintenance and operating costs per annum for the facility has been determined to be \$535,000; and

WHEREAS, the total cost to operate, maintain, service debt and pay rents is estimated to not exceed \$1,746,181 for the first year of operation, and thereafter rents will be escalated on a set schedule for the next 48 months and then by the Consumer Price Index (with a cap) for the remainder of the lease term; and

WHEREAS, the use of the tax-exempt financing contemplates that the City will sublease the premises (the “Premises Lease”) to the Oakland Joint Powers Financing Authority, a joint powers agency (the “Authority”), and will sub-sublease the premises along with the improvements (the “Facility Lease”) back from the Authority, as well as lease the equipment (the “Equipment Lease”) from the Authority: and

WHEREAS, Section 219 of the Charter authorizes the City by ordinance to acquire real property interests including leases, and to lease any City property; and

WHEREAS, the tax exempt financing contemplates that the Premises Lease, Facility Lease, and Equipment Lease will be assigned to Citicorp Mortgage Inc. or an affiliated entity, and that the proceeds of such assignment will be applied to purchase the tenant improvements and equipment; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 (“CEQA”), the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been met, and the project and actions authorized by this Ordinance are exempt from CEQA under Sections 15061(b)(3) (general rule), 15301 (existing facilities), and 15303 (conversion) of the CEQA Guidelines;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The proposed form of Eastmont Town Center Lease, by and between the Eastmont Town Center Company, LLC, and the City, on file with the City Clerk, is hereby approved. The City Manager or his designee is hereby authorized, for and in the name and on behalf of the City, to execute and deliver the Eastmont Town Center Lease, substantially in such form, with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by the execution thereof; provided, however, the Eastmont Town Center Lease shall provide for a twenty year term, with two five-year renewal options, with first year's rent set at \$441,600, plus the actual cost of building operating expenses, for use as a police precinct station. The City Manager or his designee is further authorized to negotiate and execute all documents and take other action as necessary for Eastmont Town Center Company, LLC, to construct the tenant improvements to the premises on a turnkey basis as necessary to operate the premises as a police precinct station (the "improvements"), and for the City to accept the improvements.

Section 2. The proposed form of Premises Lease, by and between the City and the Authority, on file with the City Clerk, is hereby approved. The City Manager or his designee is hereby authorized, for and in the name and on behalf of the City, to execute and deliver the Premises Lease, substantially in such form, with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by the execution thereof; provided, however, that the term of the Premises Lease shall not exceed 30 years. The City Council hereby finds and determines that the sublease of the premises and improvements on a negotiated lease basis to the Authority would be in the best interests of the City for the reasons set forth in the recitals to this Ordinance.

Section 3. The proposed form of Facility Lease, by and between the Authority and the City, on file with the City Clerk, is hereby approved. The City Manager or his designee is hereby authorized, for and in the name and on behalf of the City, to execute and deliver the Facility Lease, substantially in such form, with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by the execution thereof; provided, however, that: (i) the stated maximum interest rate for the Facility Lease shall be 8% per annum; (ii) the term of the Facility Lease shall not exceed 30 years; and (iii) the aggregate principal amount of the Facility Lease, together with the aggregate principal amount of the Equipment Lease, shall not exceed \$11,716,155.

Section 4. The proposed form of Equipment Lease, by and between the Authority and the City, on file with the City Clerk, is hereby approved. The City Manager or his designee is hereby authorized, for and in the name and on behalf of the City, to execute and deliver the Equipment Lease, substantially in such form, with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by the execution thereof; provided, however, that: (i) the stated maximum interest rate for the Equipment Lease shall be 8% per annum; (ii) the term of

the Equipment Lease shall not exceed 15 years; and (iii) the aggregate principal amount of the Equipment Lease, together with the aggregate principal amount of the Facility Lease, shall not exceed \$11,716,155.

Section 5. The proposed form of Assignment Agreement by and between the Authority and Citicorp Mortgage Inc., or a related entity, on file with the City Clerk, is hereby approved.

Section 6. The proposed form of Escrow Agreement *by* and among the City, the Authority, and **BNY** Western Trust Company, on file with the City Clerk, is hereby approved. The City Manager or his designee is hereby authorized, for and in the name and on behalf of the City, to execute and deliver the Escrow Agreement, substantially in such form, with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 7. The City Manager or his designee is hereby authorized to negotiate and execute documents and take whatever action as may be required with respect to the premises, the City's financing and use thereof, the installation of the improvements, and the acquisition of equipment for the City's use in connection with the premises, consistent with this Ordinance and its basic purposes. The City Manager or his designee for unforeseen contingencies is hereby authorized to modify, to make changes to, or exceed the leased premises by up to thirty percent (30%). provided that the cost of the additional leased space is covered by funds appropriated by the Council for purposes set forth in this Ordinance.

Section 8. All documents shall be approved as to form and legality by the City Attorney's Office and copies shall be filed with Office of the City Clerk.

Section 9. The Council hereby finds and declares that the above recitals are true and correct and that the leases and financing authorized under this Ordinance are municipal affairs of the City, are proper public purposes, are in the public interest, convenience, and welfare, are for the common benefit of the residents of the City and will result in significant public benefits.

Section 10. This Ordinance shall take effect immediately upon its passage upon final adoption by the affirmative vote of at least six members of the Council. If this Ordinance receives upon final adoption the affirmative vote of fewer than six members of the Council, then it shall be effective upon the seventh day after final adoption; subject, however, to the Mayor's authority to suspend the taking effect of this Ordinance as provided by Section 216 of the Charter.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2000

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, CHANG, MILEY, NADEL, REID, SPEES, WAN and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST:

CEDA FLOYD
City Clerk and Clerk of the Council of
the City of Oakland, California

IN COUNCIL, OAKLAND, CALIFORNIA _____, 2000

PASSED BY THE FOLLOWING VOTE:

**AYES- BRUNNER, CHANG, MILEY, NADEL, REID, RUSSO, SPEES, AND
PRESIDENT DE LA FUENTE**

NOES-

ABSENT-

ABSTENTION-

Attest: _____
CEDA FLOYD
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA

c/o ANG Newspapers
Tribune Tower, 401 13th Street, Oakland, CA 94612
Legal Advertising
(510) 208-6340

Legal NO. 1956659

0-12300

ORIGINAL

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2000 DEC 12 AM 10:47

PROOF OF PUBLICATION

In the matter of:

Ordinance authorizing lease of space in Eastmont Town Center

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

NOTICE AND DIGEST

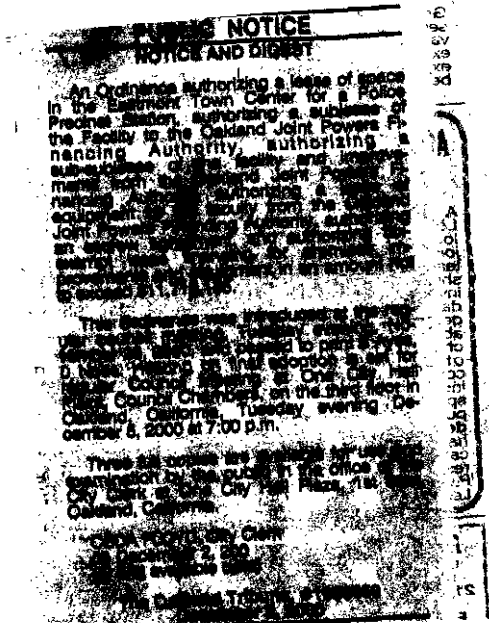
of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following days:

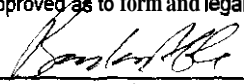
DECEMBER 2, 2000

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Cheryl Poon

Cheryl Poon
Public Notice Advertising Clerk
DECEMBER 2, 2000




CITY ATTORNEY

INTRODUCED BY COUNCILMEMBER _____

Ordinance No. _____ C.M.S

ORDINANCE ESTABLISHING THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT, GRANTING APPROVAL OF THE MANAGEMENT PLAN FOR THE DISTRICT, APPROVING THE ASSESSMENT DISTRICT BOUNDARY DESCRIPTION, AND APPROVING THE PROPOSED ASSESSMENT TO THE AFFECTED BUSINESSES

WHEREAS, the State of California allows for the formation of assessment districts under Street and Highways Code Section 64020 [Section 64020, California Streets and Highways Code]; and

WHEREAS, the City Council approved a Neighborhood Business Improvement District ("NBID") Program pursuant to Oakland City Council Resolution No. 10000, dated November 9, 1999, to provide technical and financial assistance to groups of business owners in the City to assist in the formation of

WHEREAS, the business license holders in the Rockridge area petitioned to form the Rockridge Business Improvement District and requested legislation to undertake the Management Plan for the District in the Proposed Rockridge Business Improvement District, approved and amended June 16, 2000, ("Plan") which is on file with the City Clerk;

WHEREAS, the Plan provides for new security, crime prevention, beautification, parking resolution, sidewalk sweeping, economic development, lighting, and marketing activities with the intent of creating a positive atmosphere in the District area (as more specifically identified in the Plan on file with the City Clerk); and

WHEREAS, the Plan was prepared in accord with the provisions of the law governing the formation of the District as referenced above, and has been filed with the City Clerk for proceedings in formation of this District; and

WHEREAS, pursuant to the requirements of the law the affected Rockridge business license holders have voted through a ballot process administered by the City to form the proposed Rockridge Business Improvement District ("District"); and

WHEREAS, the City Council finds that the conduct of the ballot process conformed with all requirements of the law and that the Management Plan for the

District satisfies all the requirements of the law overseeing the formation of the District as referenced above;

Now therefore, the Council of the City of Oakland does ordain as follows:

Section 1. Title. This Ordinance may be referred to as the “The Rockridge Business Improvement District Ordinance,”

Section 2. Establishment of the District. A parking and business improvement area for the Rockridge area is hereby established pursuant to Street and Highways Code section 36500 et seq with the boundaries as specified in the Plan on file with the City Clerk – Exhibit C to the Resolution of Intention. The name of the District shall be The Rockridge Business Improvement District. The Plan for the District, is approved, and the assessments for the first year shall be as provided for in the Plan and Exhibit “A” attached hereto and incorporated herein by this reference.

Section 3. Resolution of Intention. The Resolution of Intention to form the District was adopted on October 31, 2000, Resolution number 76113 C. M. S. The Title of the Resolution adopted is **RESOLUTION OF INTENTION TO FORM THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT, GRANTING PRELIMINARY APPROVAL OF THE MANAGEMENT PLAN FOR THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT, DIRECTING FILING OF THE PROPOSED ASSESSMENT DISTRICT BOUNDARY DESCRIPTION, SUBMITTING A PROPOSED ASSESSMENT TO THE AFFECTED BUSINESSES FOR MAJORITY PROTEST PROCEDURE APPROVAL; AND SCHEDULING A PUBLIC HEARING FOR NOVEMBER 28, 2000.**

Section 4. Time and Place of Public Hearing. The Public Hearing was held on November 28, 2000 at City Hall, One Frank H. Ogawa Plaza, Oakland California in the City Council Chambers.

Section 5. Determination Regarding Protests. The City Council hereby finds and determines that the public convenience and necessity required the establishment of the Plan area describe in the Plan and that all of the businesses lying within the area will be benefited by the expenditure of the funds raised by the assessments or charges proposed to be levied. The City Council considered the protests received at the Public Hearing regarding the establishment of the District, the extent of the Plan area, and the furnishing of the specified types of improvements or activities, and determined that pursuant to the law the protests were not sufficient to preclude formation of the District as provided for in the Plan, and on that basis proceeded to form the District as provided for in the District Plan and to make the assessments as provided for in the Plan. **All** protests, both written and oral, are overruled and denied and the City Council finds that there is not a majority protest within the meaning of Section 36523 of the Street and Highways Code.

Section 6. Plan Area Boundaries and Zones. The boundaries of the District and the Zones shall be those specified in the Plan on file with the City Clerk (Exhibit C to the Resolution of Intention).

Section 7. Amendments to the Street and Highways Code. The businesses in the District created by this Ordinance shall be subject to any amendments to Street and Highways Code Section 36500 et seq..

Section 8. The Method and Basis of Levying Assessments. The method and basis for levying assessments shall be as specified in the Plan on file with the City Clerk (Exhibit C to the Resolution of Intention), and shall be assessed as provided for in the Plan with regard to the Classifications of businesses as specified in the Plan. New businesses will not be exempt from the levy of the assessment.

Section 9. Use of Assessment Funds. The improvements and activities to be provided in the Plan area will be funded by the levy of the assessments approved pursuant to the Plan. The revenue from the levy of assessments within the Plan area shall not be used to provide improvements or activities outside the Plan area or for any purpose other than the purposes specified in the Resolution of Intention, as modified by the City Council at the Hearing concerning the establishment of the Plan area. The types of the improvements and activities to be funded by the levy of assessments on businesses in the area are those specified in the Plan.

Section 10. Finding of Benefit. The City Council hereby finds that the businesses and the property within the business and improvement are established by this Ordinance will be benefited by the improvements and activities funded by the assessments proposed to be levied.

Section 11. The Time and Manner of Collecting Assessments. The Time and Manner of Collecting Assessments shall be as provided for in the Plan (Exhibit C to the Resolution of Intention). All of the assessments imposed pursuant to this Ordinance shall be reviewed by the City council annually.

In Council, Oakland, California, November 28, 2000

PASSED BY THE FOLLOWING VOTE:

AYES-

NOES-

ABSENT-

ABSTENTION-

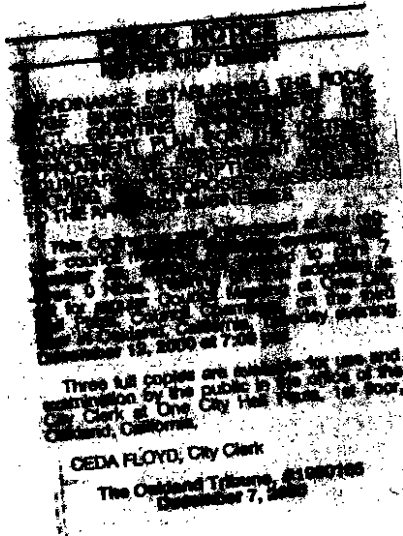
Attest: _____

Ceda Floyd
CITY CLERK **AND** CLERK OF THE COUNCIL
OF THE CITY OF **OAKLAND**, CALIFORNIA

The Oakland Tribune

c/o ANG Newspapers
Tribune Tower, 401 13th Street, Oakland, CA 94612
Legal Advertising
(510) 208-6340

Legal NO. 1960165



ORIGINAL

10-12301
FILED
OFFICE OF THE CITY CLERK
OAKLAND
2000 DEC 19 AM 10:57

PROOF OF PUBLICATION

In the matter of

Ordinance establishing the Rockridge business district

The undersigned below, **deposes** and **says** that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

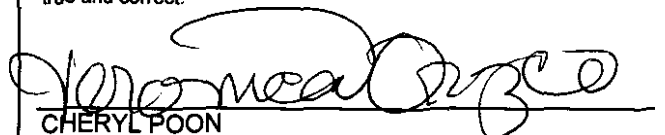
That the

NOTICE AND DIGEST

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE on the _____ dates _____

DECEMBER 7, 2000

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.


CHERYL POON

Public Notice Advertising Clerk
DECEMBER 7, 2000

OAKLAND CITY COUNCIL

R 11

ORDINANCE No. _____ C.M.S.

AN ORDINANCE AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS BY EMINENT DOMAIN LOCATED AT 190 98TH AVENUE, OAKLAND, COUNTY OF ALAMEDA FOR THE 98TH AVENUE COMPONENT OF THE AIRPORT ROADWAY PROJECT, WIDENING AND IMPROVEMENT FOR THE AMOUNT OF \$775,000.00, PLUS INTEREST AND COURT COSTS.

WHEREAS, in order to facilitate the portion of the Airport Roadway Project located at 98th Avenue, the City has filed a condemnation action to acquire the interests in the Property located at 145 - 98th Avenue (the "Property") City of Oakland v. [REDACTED] Alameda County Superior Court No. 810064-9; and

WHEREAS, **Moms Drayintg** (the "Owner") owns the Property and **Rental Car** (the "Tenant") leases the Property, the City has named them as defendants in the action to acquire their interests in the Property;

WHEREAS, the City filed an eminent domain action to acquire the interests in the Property and Owner and Tenant and the City have entered into agreements with Owner and Tenant agreeing to relinquish their interests and claims against the City arising out of the condemnation action, including costs, interest, attorneys fees, litigation expenses, land, improvements, equipment and personal property, loss of goodwill, in consideration to Owner and Tenant, together, the amount of \$775,000.00 plus interest and court costs;

WHEREAS, the project committee overseeing the administration of the Airport Roadway Project, pursuant to the agreements among the project sponsors, the City, the Port of Oakland, the City of Alameda and the Alameda County Transportation Authority, has approved acquisition of the Owner and Tenant's interests in the Property for the amount described below and the expenditure of project funds for that acquisition

WHEREAS, the City, by resolution of the City Council on November 28, 2000 approved a settlement of the condemnation action with Owner, Bank and Tenant; and **now therefore**

THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1: That the City hereby finds and declares that the requirements of the California Environmental Quality Act (CEQA) of 1970, the State CEQA Guidelines, and the City CEQA Procedures have been satisfied;

SECTION 2: The City Manager or his designee is authorized to execute such documents and take such other steps as may be necessary to acquire the Owners and Tenant's interests in the Property as described in the attached Exhibit A to this ordinance, for an amount not to exceed \$775,000.00 plus interest and court costs.

SECTION 3: The City Manager or his designee is authorized to take such actions as are necessary to complete the acquisition.

SECTION 4. That the City Attorney's Office shall review and approve any and all documents and agreements necessary to purchase the Property and a copy shall be filed with the Office of the City Clerk.

SECTION 5. This Ordinance shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2000

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, SPEES, WAN AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

City of Oakland
County of Alameda

EXHIBIT A

LEGAL DESCRIPTION

FEE TAKE

Real Property in the City of Oakland, County of Alameda, State of California, being a portion of land as described in Deed AJ-55215, recorded June 30, 1954, described as follows:

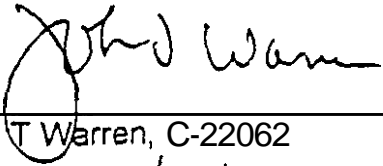
BEGINNING at the most northerly corner of said Land; thence along the northwesterly line of said Land ~~S~~**S63°38'16"W**, 272.39 feet; thence from a tangent that Bears ~~S~~**S63°38'16"W** and along a curve to the left with a radius of 17.00 feet, through an angle of **122°30'05"** and an arc length of 36.34 feet to the southwesterly boundary of said Land; thence along said southwesterly line **S58°51'49"E**, 48.10 feet; thence from a tangent that bears **N52°57'12"W** and along a curve to the right with a radius of **24.00** feet, through an angle of **20°50'36"** and an arc length of 8.73 feet; thence **N04°35'01"E**, 29.30 feet; thence from a tangent that bears **N42°23'35"E** and along a curve to the right with a radius of 24.00 feet, through an angle of **24°58'47"** and an arc length of 10.46 feet; thence from a tangent that bears **N67°22'26"** and along a curve to the left with a radius of 3046.00 feet, through an angle of **02°41'50"** and an arc length of 143.40 feet; thence **N64°40'36"E**, 104.01 feet to the northeasterly boundary of said Land; thence along said northeasterly line **N59°59'57"W**, 16.76 feet; thence **N26°21'44"W**, 25.56 feet to the point of beginning

CONTAINING 10,817 square feet, more or less.

The bearing and distances of this description are based on the California Coordinate System, using the 1983 North American Datum. Multiply the distances shown by 1.0000705 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Land Surveyors Act.

A.P.N. 044-5020-003-60



John T Warren, C-22062
12/11/98

Date
9/30/01

Expires



**In the event a quorum of the City Council participates on this Committee, the meeting is noticed as a Special Meeting of the City Council; however, no final City Council action can be taken.*

PURSUANT TO SECTION 00.7 OF THE SUNSHINE ORDINANCE (EFFECTIVE APRIL 14, 1997), AGENDA ITEMS THAT DO NOT HAVE REPORTS WILL NOT BE HEARD UNLESS A WAIVER IS GRANTED BY A 2/3 VOTE OF THE COMMITTEE/COUNCIL. ITEMS THAT DO NOT HAVE REPORTS ARE NOTED BY THE FOLLOWING NOTATION (NR).

ORA - Oakland Redevelopment Agency

S - Supplemental Item

The Tribune

c/o ANG Newspapers
Tribune Tower, 401 13th Street, Oakland, CA 94612
Legal Advertising
(510) 208-6340

Legal NO. 1960161

ORIGINAL

0-12302

FILED
OFFICE OF THE CITY CLERK
OAKLAND

30 DEC 19 AM 10:57

PROOF OF PUBLICATION

In the matter of:

Ordinance authorizing acquisition of certain real property

ORDINANCE AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, the Board of Supervisors of the County of Alameda, California, on November 28, 2000, adopted Ordinance No. 237798, authorizing the acquisition of certain real property located at 1500 15th Avenue, Oakland, California, for the use of the County of Alameda, California, and for the purpose of widening said property to a width of 150 feet, and for the purpose of the amount of \$1,000,000 plus interest and court costs;

This ordinance was introduced at the regular council meeting, Tuesday, November 28, 2000, and passed to effect a Yes, 0 Noes. Hearing on final adoption is set for regular Council Meeting at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening December 12, 2000 at 7:00 pm.

Three full copies are available for use and examination by the public in the office of the City Clerk at One City Hall Plaza, 1st floor, Oakland, California.

CEDA FLOYD, City Clerk

The Oakland Tribune, #1960161
December 7, 2000

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE and is a member of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published daily in the Oakland Tribune and state seven days a week.

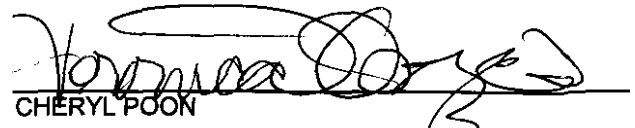
at th

NOTICE AND DIGEST

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

DECEMBER 7, 2000

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



CHERYL POON
Public Notice Advertising Clerk
DECEMBER 7, 2000

Oakland Tribune

c/o ANG Newspapers
Tribune Tower, 401 13th Street, Oakland, CA 94612
Legal Advertising
(510) 208-6340

Legal No. 1970804

FILED
OFFICE OF THE CITY CLERK

2001 JAN 11 AM 10:03

PROOF OF PUBLICATION

In the matter of:

**ORDINANCE AMENDING ORDINANCE NO.
11945 C.M.S**

PUBLIC NOTICE
NOTICE AND DIGEST

ORDINANCE AMENDING ORDINANCE NO. 11945 C.M.S., AUTHORIZING THE CITY MANAGER TO LICENSE, LEASE, OR CONVEY INTERESTS IN CITY REAL PROPERTY AND IN CITY RIGHTS-OF-WAY FOR "TELECOMMUNICATIONS FACILITIES" BY EXPANDING THE DEFINITION OF TELECOMMUNICATIONS FACILITIES TO INCLUDE INSTALLATION AND USE OF PED-ESTRIAN VAULTS, UTILITY POLES, CABLE, FIBER AND CONDUIT.

This Ordinance was introduced at the regular council meeting, Tuesday evening, December 12, 2000 and passed to print 7 A.M., 8 News. Hearing on final adoption is set for regular Council Meeting at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening January 9, 2001 at 7:00 p.m.

Three full copies are available for use and examination by the public in the office of the City Clerk at One City Hall Plaza, 1st floor, Oakland, California.

CEDA FLOYD, City Clerk
The Oakland Tribune, #1970804
December 28, 2000

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Wameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week

That the

PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates

DECEMBER 28, 2000

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Kristl Bolder

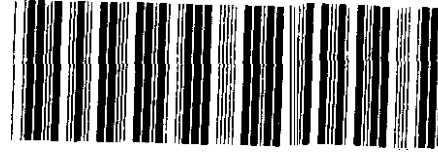
Public Notice Advertising Clerk
DECEMBER 28, 2000

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

City of Oakland

2001303653 08/16/2001 09.28 AM
OFFICIAL RECORDS OF RECORDING FEE 0 00
ALAMEDA COUNTY
PATRICK O'CONNELL



5 PGS

WHEN RECORDED MAIL TO:

City Clerk's Office
One City Hall Plaza, 1st Floor
Oakland, CA 94612

Attn: Onetha Middleton

944
S
H

THIS SPACE FOR RECORDER'S USE ONLY

Ordinance 12304

TITLE OF DOCUMENT

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION

(Govt. Code 27361.6)

(Additional recording fee applies)



INTRODUCED BY COUNCILMEMBER _____

ORDINANCE No. _____ C.M.S.

ORDINANCE ABANDONING A FIVE-FOOT WIDE SIDE SEWER EASEMENT LOCATED NORTH OF MORCOM PLACE RUNNING PERPENDICULAR TO THE WESTERN BOUNDARY OF THE PORTION OF LOT 18, BLOCK "L" OF THE MELROSE ACRES TRACT MORE COMMONLY KNOWN AS 38 MORCOM PLACE

WHEREAS, a certain five(5') foot wide side sewer easement was dedicated to the City of Oakland by the recordation of that certain indenture recorded May 22, 1948 in Book 5205 at Page 422, instrument No. AC/41254, Official Records of Alameda County; and

WHEREAS, said easement is more particularly described as follows:

See Exhibits "A" and "B" attached

WHEREAS, said side sewer easement is not now needed for the purpose for which it was acquired, and the abandonment thereof will be in the public interest; and

WHEREAS, said abandonment complies with the provisions of the Summary Vacation, Part 3 of Division 9, Streets and Highways Codes; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA), of 1970, the guidelines of the Secretary of Resources, and the provisions of the California Environmental Quality Act; City requirements have been satisfied, in that the proposed project has been found to be categorically exempt under the California Environmental Quality Act, Section 15303; now, therefore,

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1-9-01
Item #40

COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. This ordinance complies with the requirements of the California Environmental Quality Act.

Section 2. This Council hereby orders the abandonment of the hereinabove described side sewer easement.

Section 3. The City Clerk and Clerk of this Council is hereby directed to have a certified copy of this ordinance recorded in the Office of the Recorder of Alameda County, California, immediately upon its final passage.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 19____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, RUSSO, SPEES AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD

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

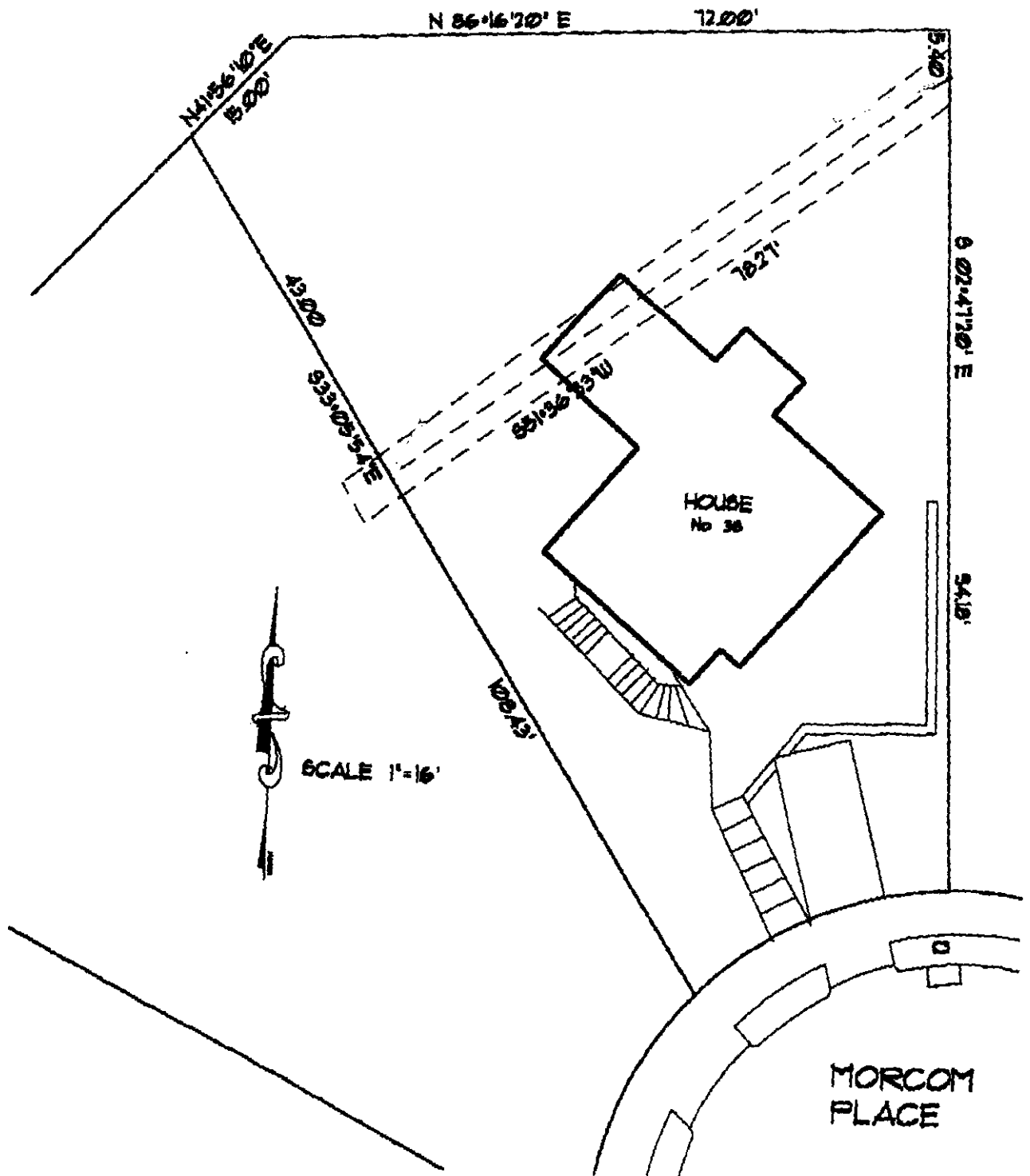
EXHIBIT "A"

A portion of Lot 18 in Block "L", as said lot and block are shown on the Map of "Melrose Acres, Oakland, Alameda County, California", filed November 4, 1920 in **Book** 6 of Maps, at page 46, in the office of the County Recorder of Alameda County, bounded as follows:

Beginning at a point on the Eastern boundary line of said Lot 18, distant thereon South 2° 47' 20" East 2.32 feet from the most Northern corner of said Lot 18; running thence along the said Eastern boundary line South 2° 47' 20" East 6.15 feet; thence South 51° 36' 33" West 78.27 feet; thence North 33° 01' West 5.02 feet; thence North 51° 36' 33" East 81.39 feet to the point of beginning.

EXHIBIT "B"

i



AN ORDINANCE ABANDONING A FIVE FOOT
WIDE SIDE SEWER EASEMENT LOCATED
NORTH OF MORCOM PLACE RUNNING
PERPENDICULAR TO THE WESTERN
BOUNDARY OF THE PORTION OF LOT 18,
BLOCK "L", OF THE MELROSE ACRES
TRACT MORE COMMONLY KNOWN AS 38
MORCOM PLACE

N O T I C E A N D D I G E S T

The City Council, by this ordinance, finds that the five foot wide side sewer easement described in the ordinance situated north of Morcom Place, running perpendicular to the western boundary of the portion of lot 18, Block "L", of the Melrose Acres Tract more commonly known as 38 Morcom Place", said tract being filed November 4, 1920, in Book 6 at Page 46, Alameda County Records, is unnecessary for the present or the future use for which it was dedicated and orders its abandonment.

c/o ANG Newspapers
Tribune Tower, 401 13th Street. Oakland. CA 94612
Legal Advertising
(510) 208-6340

FILED
OFFICE OF THE CITY CLERK
2001 JAN 11 AM 10

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3

Legal No. 1970812

PROOF OF PUBLICATION

In the matter of:

ORDINANCE ABANDONING A FIVE-FOOT WIDE SIDE SEWER EASEMENT

PUBLIC NOTICE
NOTICE AND DRAFT
ORDINANCE ABANDONING A FIVE-FOOT WIDE SIDE SEWER EASEMENT LOCATED NORTH OF MORCOM PLACE, BEING PERPENDICULAR TO THE WESTERN BOUNDARY OF THE PORTION OF LOT 18, BLOCK "L" OF THE MELROSE ACRES TRACT MORE COMMONLY KNOWN AS 38 MORCOM PLACE

This Ordinance was introduced at the regular council meeting, Tuesday evening, December 12, 2000 and passed by a 7-3 vote. Hearing on final adoption is set for the next Council Meeting at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening, January 9, 2001 at 7:00 p.m.

Three full copies are available for use and examination by the public in the office of the City Clerk at One City Hall Plaza, 1st floor, Oakland, California.

CEDA FLOYD, City Clerk

The Oakland Tribune, #1970812
December 28, 2000

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nw. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven day/a week.

That the

PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

DECEMBER 28, 2000

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Public Notice Advertising Clerk
DECEMBER 28, 2000

The Tribune

do ANG Newspapers
Tribune Tower, 401 13th Street, Oakland, CA 94612
Legal Advertising
(510) 208-6340

FILED
OFFICE OF THE CITY CLERK

2001 JAN 11 AM 10: 03

Legal No. 1970814

PROOF OF PUBLICATION

in the matter of:

AN ORDINANCE AMENDING ORDINANCE NUMBER 11562 C.M.S.

PUBLIC NOTICE
NOTICE AND DIGEST

AN ORDINANCE AMENDING ORDINANCE NUMBER 11562 C.M.S. ADOPTED MARCH 28, 1993, AMENDED, OAKLAND MUNICIPAL CODE CHAPTER 9.16, ENACTING A CONFLICT OF INTEREST CODE FOR CITY OF OAKLAND EMPLOYEES, MEMBERS OF BOARDS AND COMMISSIONS, AND CONSULTANT POSITIONS.

This Ordinance was introduced at the regular council meeting, Tuesday evening, December 12, 2000, and passed by a vote of 7 Ayes, 0 Noes. Hearing on final adoption is set for regular Council Meeting at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening January 9, 2000 at 7:00 p.m.

Three full copies are available for use and examination by public in the office of the City Clerk at One City Hall Plaza, 1st floor, Oakland, California.

CEDA FLOYD, City Clerk
The Oakland Tribune, #1970814
December 28, 2000

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 3000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week

That the

PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

DECEMBER 28, 2000

certify (or declare) under the penalty of perjury that the foregoing is true and correct.



Public Notice Advertising Clerk
DECEMBER 28, 2000

OAKLAND CITY COUNCIL

240

ORDINANCE No. _____ C.M.S.

AN ORDINANCE AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY INTEREST LOCATED AT 40 98TH AVENUE, OAKLAND, COUNTY OF ALAMEDA FOR THE AIRPORT ROADWAY PROJECT, WIDENING AND IMPROVEMENT OF 98TH AVENUE COMPONENT, IN THE AMOUNT OF \$161,000.00 PLUS INTEREST AND COURT COSTS, BUT EXCLUDING ATTORNEY FEES, TO RAY FERRARIS, JR AND NINA FERRARIS, IN THE AMOUNT OF \$125,000.00 TO GROVER EAKMAN, INCLUDING ALL COSTS, INTEREST AND ATTORNEYS FEES

WHEREAS, in order to facilitate the portion of the 98th Avenue, the City has filed a condemnation action to acquire the property located at 40 98th Avenue (the "Property") City of Oakland Alameda County Superior Court No. 810080-7; and

2+2

WHEREAS, Grover Eakman ("Eakman") leased the property and Nina M. Ferraris (together referred to herein as "Ferraris") to the City for the rental of automobiles to the public; and

45

WHEREAS, the City named Ferraris as defendants in their ownership interests in the property, and named Eakman as to acquire his leasehold interest in the property; and

0-12306
1-9-01
#42

WHEREAS, the Airport Roadway Project, in Resolution 1998, authorized City staff to initiate acquisition, site clearance and relocation activities; and

WHEREAS, the City, by resolution of the City Council on November __, 2000 approved a settlement of the condemnation action with both Ferraris and Eakman; and

WHEREAS, the City filed an eminent domain action to acquire Ferraris' and Eakman's interests in the Property, and Ferraris and Eakman and the City have each agreed to settle the action as follows:

Eakman has agreed to relinquish his interests and waive any and all claims against the City arising out of the condemnation action, including but not limited to, all court costs, interest, attorneys fees, litigation expenses, land, improvements, fixtures and equipment and personal property, loss of goodwill, relocation benefits, and bonus value in consideration for payment by the City to Eakman in the amount of \$125,000.00, plus an additional payment of \$40.00 per day commencing on April 1, 2001 for each day after March 31, 2001 that

the City fails to return the property that is subject to the temporary construction easement; and

Ferraris has agreed to relinquish their interests and waive any and all claims against the City arising out of the condemnation action, including all court costs, attorneys fees, litigation expenses, land improvements, fixtures and equipment, personal property, loss of goodwill, relocation benefits and bonus value in consideration for payment by the City to Ferraris in the amount of \$161,000 plus interest and court costs, but excluding attorney fees.

WHEREAS, the project committee overseeing the administration of the Airport Roadway Project, pursuant to the agreements among the project sponsors, *the* City, the Port of Oakland, the City of Alameda and the Alameda County Transportation Authority, has approved acquisition of the Eakman's and Ferraris' interests in the Property for the amount described below, and the expenditure of project funds for that acquisition, now therefore

THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1: That the City hereby finds and declares that the requirements of the California Environmental Quality Act (CEQA) of 1970, the State CEQA Guidelines, and the City CEQA Procedures have been satisfied;

SECTION 2. The City Manager or his designee is authorized to execute such documents and take such other steps as may be necessary to acquire Eakman's interests in the Property as described in the attached Exhibit A to this resolution, for an amount not to exceed \$125,000.00, including interest thereon, court costs, and attorneys fees, plus **an** additional payment of \$40.00 per day commencing on April 1, 2001 for each day after March 31, 2001 that the City fails to return *the* Property that is subject to the temporary construction easement;

SECTION 3: The City Manager or his designee is authorized to execute such documents and take such other steps as may be necessary to acquire Ferraris' interests in the Property as described in Exhibit B to this resolution, for an amount not to exceed \$161,000.00 plus interest and court costs, but excluding attorneys fees;

SECTION 4: The City Manager or his designee is authorized to take such actions as are necessary to complete the acquisition.

SECTION 5: That the City Attorney's Office shall review and approve any and all documents and agreements necessary to purchase the Property and a copy shall be filed with the Office of the City Clerk.

SECTION 6: This Ordinance shall take effect immediately upon its passage

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2000

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, RUSSO, SPEES, AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

NOTICE AND DIGEST

AN ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. (THE SALARY ORDINANCE) TO ADJUST THE SALARIES OF EMPLOYEES IN THE JOB CLASSIFICATION REPRESENTED BY THE OAKLAND PARK RANGERS' ASSOCIATION.

is follows

This Ordinance ~~was~~ introduced at the regular council meeting, Tuesday evening, January 9, 2001, and passed to print 7 Ayes, 0 Noes. Hearing on final adoption is set for regular Council Meeting at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening January 23, 2000 at 7:00 p.m.

Three full copies are available for use and examination by the public in the office of the City Clerk at One City Hall Plaza, 1st floor, Oakland, California.

CEDA FLOYD, City Clerk
(1t) January 20, 2001
(or first available date)

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Patrick Tang
CITY ATTORNEY

INTRODUCED BY COUNCILMEMBER _____

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 3.13, THE LIMITED PUBLIC FINANCING ACT OF THE CITY OF OAKLAND, ORIGINALLY ADOPTED DECEMBER 14, 1999

WHEREAS, the Limited Public Financing Act Of The City Of Oakland (hereinafter the "Act") was passed by the City Council on December 14, 1999 and became effective on January 1, 2001; and

WHEREAS, the City Council duly considered and adopted at its regular meeting of November 28, 2000, a report from the Oakland Public Ethics Commission proposing various specific amendments to the Act and administrative regulations thereto; and

WHEREAS, the City Council intends for such amendments special election to be held on April 17, 2001;

NOW THEREFORE BE IT ORDAINED, that Oakland Munic read as follows:

Article I. Findings and Pu

3.13.010 Title

This Act shall be known as the "Limited Public Financ

3.13.020 Findings and Declarations

The findings of this Act are as follows:

a) The financial strength of certain individuals or organizations should not enable them to exercise a disproportionate or controlling influence on the election of candidates.

b) The rapidly increasing costs of political campaigns have forced many candidates to raise larger and larger percentages of money from interest groups with a specific financial stake in matters under consideration by city government. This has caused the public perception that votes are being improperly influenced by monetary contributions.

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Original

c) High campaign costs are forcing officeholders to spend more time on fundraising and less time on the public's business. The constant pressure to raise contributions is distracting officeholders from urgent governmental matters.

3.13.030 Purpose of this Act

The purpose of this act is to accomplish the objectives stated in Oakland's Campaign Reform Act as follows:

- a) To ensure that all individuals and interest groups in our city have a fair and equal opportunity to participate in elective and governmental processes.
- b) To reduce the influence of large contributors with a specific financial stake in matters under consideration by the City of Oakland, and to counter the perception that decisions are influenced more by the size of contributions than by the best interests of the people of Oakland.
- c) To reduce the pressure on candidates to raise large campaign war chests for defensive purposes, beyond the amount necessary to communicate reasonably with voters.
- d) To encourage competition for elective office
- e) To allow candidates and office holders to spend a smaller proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents and the community.
- f) To ensure that serious candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby promoting public discussion of important issues involved in political campaigns.
- g) To help ~~restore~~ preserve public trust in governmental and electoral institutions.

Article II. Definitions

3.13.040 Interpretation of this Act

Unless the term is specifically defined in this Act or the contrary is stated or clearly appears from the text, the definitions set forth in Chapter 3.12 of the Oakland Municipal Code and in Government Code sections 81000 et seq. as amended in 1998 govern the interpretation of this Act.

Article III. Election Campaign Fund

3.13.050 Election Campaign Fund

There is hereby established an account within a special revenue fund of the City of Oakland to be known as the "Election Campaign Fund."

3.13.060 Appropriation of Funds

a) The Oakland City Council shall appropriate to the Election Campaign Fund, under the City's current two year budget cycle, an amount sufficient to fund all candidates for city office eligible to receive limited matching funds from the Election Campaign Fund.

b) The Oakland Public Ethics Commission shall provide in the form and at the time directed by the Mayor and City Manager a written estimate of tile amount necessary to be appropriated for any two-year budget cycle according to the provisions of this Act for all eligible candidates. The amount of funds to be allocated to the Election Campaign Fund shall be based on a consideration of anticipated campaign activity, anticipated administrative costs, and existing unspent funds within the account. The amount of funds to be allocated to the Election Campaign Fund shall not exceed \$460,000 for any two-year budget cycle, except that the allocation may exceed \$460,000 to reflect changes in the consumer price index. The Public Ethics Commission may limit the allocation of funds for any primary election to assure that sufficient funds remain available for the general election.

c) The Election Campaign Fund shall be established as an interest bearing account. Unspent funds in the Election Campaign Fund at the end of a two year budget cycle shall remain in the Fund and accrue for disbursement to candidates eligible for matching funds in future elections and for administrative costs pursuant to subsection 3.13.060(d) below. In no event shall additional allocations to the Fund be made to cause the available balance in the Fund to exceed five hundred thousand dollars (\$500,000), to include allocations made to the Public Ethics Commission pursuant to subsection 3.13.060(d) below.

d) Up to 7.5% of the amount allocated to the Election Campaign Fund pursuant to subsections 3.13.060 (a) and (b) may be utilized by the Public Ethics Commission to cover the anticipated cost of administering the provisions of this Act. The Public Ethics Commission shall make a sufficient proportion of such funds available to the City Auditor to conduct compliance reviews as provided in section 3.13.100.

Article IV. Eligibility for Matching Funds

3.13.070 Application and Withdrawal Procedures

a) Each candidate for city office no later than the time of filing his or her declaration of candidacy, shall file a statement with the City Clerk on a form approved for such purpose indicating acceptance or rejection of the voluntary spending ceilings under Oakland Municipal Code section 3.12.190.

b) A candidate who intends to accept public matching funds from the Election Campaign Fund shall sign an oath under penalty of perjury that the candidate and the candidate's controlled committee ~~have complied with and will continue to comply~~ have, to the best of his or her knowledge, complied with all applicable contribution and expenditure limitations under the Oakland Campaign Reform Act and intends to comply with such contribution and expenditure

~~limitations at all times in which the limits apply to the candidate's candidacy for the office in contest. limitations apply.~~

c) If a candidate declines to accept the voluntary expenditure ceilings prescribed in Oakland Municipal Code section 3.12.200, the candidate shall be subject to the contribution limits of Sections 3.12.050(a) and 3.12.060 (a) and shall not be eligible for matching funds.

d) If a candidate agrees to accept the voluntary expenditure ceilings prescribed in Oakland Municipal Code, section 3.12.200, the candidate shall be subject to the contribution limits of Oakland Municipal Code sections 3.12.050 (c) and 3.12.060 (c) as adjusted pursuant to sections 3.12.050(d) and 3.12.060(d), and shall be eligible for public matching funds upon meeting the qualification requirements as provided in this Act.

e) A candidate who agrees to accept the expenditure ceilings in Oakland Municipal Code section 3.12.200 shall not change the decision, unless an opposing candidate files a statement of rejection, or as otherwise provided in Oakland Municipal Code section 3.12.220. In the event an opposing candidate files a statement of rejection, any candidate for the same office may rescind his or her acceptance within 10 calendar days of the deadline for filing nomination papers, provided that the candidate has not accepted any contributions in amounts greater than the limitations set forth in Oakland Municipal Code section 3.12.050 (a) and 3.12.060(a). Any candidate rescinding his or her acceptance of the expenditure ceilings shall not be eligible for public matching funds. In the event expenditures ceilings are lifted pursuant to Oakland Municipal Code section 3.12.220, a candidate who accepted expenditure ceilings shall be permitted to continue receiving matching public funds but shall no longer be subject to expenditure ceilings.

3.13.080 Qualification Procedures

An eligible candidate shall be approved to receive public matching funds if the candidate meets all of the following requirements:

a) The candidate has filed a timely statement of acceptance of the voluntary spending ceilings and acceptance of public matching funds.

b) The candidate is certified to appear on the ballot for the election for which matching funds are sought.

~~c) The financial statements~~ Any disclosures required by the Public Ethics Commission to be filed by the candidate or candidate's controlled committee indicate that the candidate has received matchable contributions in an aggregate amount of at least 5 percent of the expenditure ceiling for the office being sought. Matchable contributions shall consist of only the first \$100 or less of a contribution or contributions received by the candidate for the office sought from each individual contributor to the candidate or candidate's controlled committee and do not include any contributions received eighty eight or more days prior to closing of the nomination period for the office sought.

d) The candidate is opposed by another candidate for the same office who has qualified for matching funds, or the candidate is opposed by another candidate for the same office whose ~~campaign reports indicate that the opposing candidate~~ has received contributions or made expenditures or has cash on hand in an amount of at least 7 percent of the voluntary expenditure ceiling for that office.

e) The candidate agrees to all conditions and requirements of the use of public funds set forth in the Act and submits to any reasonable audits or compliance reviews deemed appropriate by the Public Ethics Commission or other civil authorities.

3.13.090 Use of Personal Funds

Unless the voluntary expenditure ceilings are lifted in accordance with Oakland Municipal Code section 3.12.220, a candidate who accepts public matching funds shall not receive a contribution or contributions from the candidate's own funds that exceed 5 percent of the voluntary expenditure ceiling for the office being sought. If the voluntary expenditure ceilings for the office being sought are lifted, this provision shall not apply.

Article V. Disbursement of Public Matching Funds.

3.13.100 Duties of the Public Ethics Commission

a) The Public Ethics Commission shall develop any and all forms necessary to carry out the provisions of the Act, including forms for statements of acceptance or rejection of expenditure ceilings and forms for candidate requests for public matching funds.

b) The Public Ethics Commission shall cause the review of the statements of acceptance or rejection, nomination papers, requests for public subsidies and other campaign financial reports in a timely fashion to certify a candidate's eligibility to receive public matching funds.

c) The certification of a candidate's eligibility for public matching funds shall provide the reasons why a candidate is or is not eligible, the amount of the public matching funds disbursed, and what actions a candidate may take to correct any insufficiencies.

d) The City Auditor shall conduct a mandatory ~~audit or~~ audits or compliance reviews of all candidates accepting public matching funds. Audits or compliance reviews shall be conducted of other candidates to determine compliance with the eligibility requirements of section ~~3.13.80(e)-3.13.080(d)~~. The results of any audit(s) or compliance review(s) conducted shall be provided to the Public Ethics Commission. The City Auditor shall promulgate administrative standards for conducting audits or compliance reviews consistent with the requirements of this Act.

3.13.110 Matching Fund Formula

A certified candidate shall receive public matching funds according to the following formula:

a) One dollar of public matching funds for each dollar raised of the first \$100 or less contributed by each individual contributor per election.

b) The total amount of public funds allocated to each candidate shall not exceed 15 percent of the voluntary expenditure ceiling per election for the office being sought.

3.13.120 Disbursement of Public Funds

a) A candidate or candidate's controlled committee, certified as eligible to receive public matching funds, shall submit a request for public matching funds to the Public Ethics Commission each time a threshold of \$3,000 or more in matchable funds is reached.

b) A candidate or candidate's controlled committee, certified as eligible to receive public matching funds, may submit a request for public matching funds of \$1,000 or more 10 calendar days before the election.

c) The Public Ethics Commission shall have 10 calendar days to cause the review and approval or denial of the request and disburse the public funds to the candidate or candidate's controlled committee.

d) The request for public matching funds shall be made on a form determined by the Commission, ~~but~~ and shall include copies of each check eligible to be matched by public funds.

3.13.130 Deposit of Public Funds

All public funds shall be deposited directly into the candidate's campaign checking account.

3.13.140 Use of Matching Funds

Public matching funds may only be used for ~~legitimate~~ lawful aualified campaign ~~expenses~~ expenditures incurred by a candidate during the election for which the funds were allocated.

3.13.150 Return of Matching Funds

a) Public matching funds provided by this Act remain the property of the City until disbursed or encumbered for lawful aualified campaign ~~purposes~~ expenditures.

b) Unencumbered matching funds must be returned to the Election Campaign Fund within ~~ten business~~ thirtv (30) calendar days from the day following the defeat, withdrawal or election to office by the Certified candidate. Any unencumbered campaign funds remaining after the defeat, withdrawal or election to office by the certified candidate, up to the amount of matching funds received for that election by the candidate, shall be considered unencumbered matching funds to be returned to the Election Campaign Fund pursuant to this section.

c) Public matching funds shall not be disbursed to the certified candidate from the Election Campaign Fund to match any contribution following the defeat, withdrawal, or election to office by

the candidate, candidate except that public matchina funds may be disbursed to a certified candidate after the date of the election for which matchina funds are sought provided that the candidate submitted a properly documented claim form for public matchina funds before the date of the election.

3.13.160 Proof of Payment

a) Each certified candidate or candidate's controlled committee which received public matching funds shall provide to the Public Ethics Commission sufficient proof of all disbursements made from matching funds no later than the due date for the next campaign finance report.

~~b) The last such report providing proof of payment shall be delivered to the Ethics Commission not later than thirty (30) days following the defeat, withdrawal, or election to office of the candidate.~~

~~e) The~~ b) The Public Ethics Commission shall determine what constitutes sufficient proof of payment.

3.13.170 Public Debates

While not a condition for receiving matching funds, candidates receiving public matching funds are strongly encouraged to participate in one or more nonpartisan candidate debates for each election.

3.13.180 Enforcement

The Public Ethics Commission is the sole body for civil enforcement of this Act. In the event criminal violations of the Act come to the attention of the Public Ethics Commission, the Commission shall promptly advise in writing the City Attorney and the appropriate prosecuting enforcement agency.

3.13.190 Criminal Misdemeanor Actions

Any person who knowingly or willfully misrepresents his or her eligibility for matching funds is guilty of a misdemeanor. Any person who knowingly or willfully causes any other person to violate any provision of the Act, or who knowingly or willfully aids and abets any other person in violation of any provision of this Act, shall be liable under the provisions of this section. Prosecution for violation of any provision of this Act shall be commenced within four (4) years after the date on which the violation occurred.

3.13.200. Enforcement Actions

a) Any person who intentionally or negligently misrepresents his or her eligibility for matching funds, or who refuses to return unencumbered matching funds pursuant to this Chapter, is subject to enforcement proceedings before the Public Ethics Commission pursuant to the Public Ethics Commission General Rules of Procedure.

b) If two or more persons are responsible for any violation, they shall be jointly and severally liable.

c) Any person alleging a violation of this Act shall first file with the Public Ethics Commission a written complaint on a form approved for such purpose. The complaint shall contain a statement of the grounds for believing a violation has occurred. ~~The Commission shall respond within ninety days after receipt of the complaint indicating whether there is probable cause to conduct a hearing and whether mediation will be undertaken.~~ Public Ethics Commission shall review, (90) days after receipt of the complaint investigate and make determinations reardina any alleged violation consistent with the Public Ethics Commission's General Comolaint Procedures.

~~d) If mediation is not undertaken, if any party refuses mediation, or if mediation is unsuccessful in resolving the issues raised in the complaint, the Commission may within ninety (90) days thereafter convene a hearing.~~ The Commission has full authority to settle any action filed by or on behalf of the Commission involvina public matching funds in the interest of justice.

e) If the Commission determines a violation has occurred, the Commission is hereby authorized to administer appropriate penalties and fines not to exceed three (3) times the amount of the ineligible matching funds received or the unencumbered funds not returned within the time provided therefor.

f) The Public Ethics Cornmission mav sue for iniunctive relief to enjoin violations or to compel compliance with the provisions of this Act.

g) No complaint alleging a violation of any provision of this Act shall be filed more than two (2) years after the date the violation occurred.

3.13.220 Construction

The Act shall be liberally construed to accomplish its purposes.

3.13.240 Applicability of Other Laws

Nothing in this Act shall exempt any person from applicable provisions of any other laws of the city, state or other appropriate jurisdiction.

3.13.260 Severability

If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Act are severable.

3.13.280 Effective Date

The effective date of this Act shall be January 1, 2001.

IN COUNCIL, OAKLAND, CALIFORNIA, (DATE), 2001

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, NADEL, REID, WAN, SPEES, AND PRESIDENT DE
LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST:

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

The Tribune

c/o ANG Newspapers
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Legal No. 1924972

0-12309

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OFFICE OF THE CITY CLERK
OAKLAND

2000 OCT 24 AM 10:54

PROOF OF PUBLICATION

In the matter of:

REVISED NOTICE AND DIGEST

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951, which is published and circulated in Oakland Township in said county and state seven days a week. That the

PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

OCTOBER 16, 2000

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



CHERYL POON
Public Notice Advertising Clerk
OCTOBER 16, 2000

PUBLIC NOTICE
NOTICE AND DIGEST

REVISED

AN ORDINANCE AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY BY EMBLEM DOWNS LOCATED AT 154 SOUTH AVENUE, OAKLAND, COUNTY OF ALAMEDA FOR THE AIRPORT DEVELOPMENT OF THE AIRPORT DEVELOPMENT ACT, WIDENING AND IMPROVING FOR THE AMOUNT OF \$25,770,000 IN INTEREST THEREON AND COLLECTED.

This Ordinance was introduced at the regular council meeting Tuesday evening, October 3, 2000 and passed to first & second order. Hearing on final adoption is set for regular Council meeting at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening, October 17, 2000 at 7:00 pm.

Three full copies are available for use and examination by the public in the office of the City Clerk at One City Hall Plaza, 1st floor, Oakland, California.

CELA FLOYD,
City Clerk

The Oakland Tribune #1924972
October 16, 2000