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City Councilmember, District 4

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July 19, 2011

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City Council of the City of Oakland

Re: **RESOLUTION APPOINTING _____ TO FILL
THE VACANCY IN THE OFFICE OF THE CITY ATTORNEY FOR
THE BALANCE OF THE UNEXPIRED TERM, WHICH RUNS
UNTIL 11 A.M. ON MONDAY, JANUARY 7, 2013**

Dear Members of the City Council:

On July 19, 2011 the Council will consider a resolution making an appointment to fill the vacancy in the Office of City Attorney for the balance of the unexpired term, which runs until 11:00 a.m. on Monday January 7, 2013. Pursuant to the City Charter an election will be held in November 2012 to elect the City Attorney whose term will begin in January 2013.

Five affirmative votes are required to pass the resolution. (City Charter section 210.)(City Attorney Memorandum Dated May 4, 2011.) The name of the appointee is blank to give the Council the option under the Sunshine Ordinance and the Brown Act to consider any nominations.

The Oakland voters elected former City Attorney Russo to serve a third 4-year term for the period commencing on Monday, January 5, 2009 and ending at 11:00 a.m. on January 7, 2013. Mr. Russo resigned as City Attorney effective June 13, 2011. On June 7, 2011 the Council passed Resolution No. 83393 declaring the Office of City Attorney vacant as of June 13, 2011.

The Charter provides that within sixty days after the Office becomes vacant, the Office of City Attorney "shall be filled by appointment by the majority vote of the members of the Council."

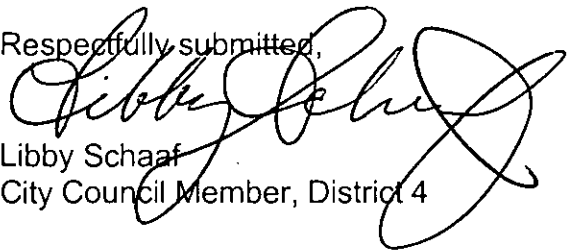
The Charter does not dictate any process or procedure; it grants the Council full power to make the appointment to complete the unexpired term. I endorse and urge the Council to appoint Acting City Attorney, Barbara J. Parker as City Attorney to complete the balance of the unexpired term.

Ms. Parker has practiced law for more than 30 years at all levels of government – federal, state and local – and in the private sector with law firms and corporations. Ms. Parker served as Chief Assistant City Attorney for more than ten and one-half years. She joined the City Attorney's Office in 1991 as a member of the Labor and Employment unit and she subsequently was promoted to head that unit. Ms. Parker is uniquely and exceedingly qualified to provide the stability, continuity and expertise that our City needs during these challenging economic times. She is known for her keen legal mind, her integrity and her collaborative style. She has attended all but a handful of City Council open and closed session meetings and she has skillfully overseen and provided the advice to the Council, Mayor and City Administrator, as well as all agencies, departments, boards and commissions.

This is the first vacancy in the Office of City Attorney since the City Charter was amended to change the Office from an appointed to an elected position. Other jurisdictions faced with vacancies in elected positions have followed the same procedure of placing a resolution before the body. District Attorney Tom Orloff appointed Chief Deputy Nancy O'Malley to act as District Attorney prior to his retirement. The Alameda County Board of Supervisors subsequently passed a resolution appointing Ms. O'Malley to serve the balance of Orloff's term, and she ran for and was elected as Alameda County's District Attorney. When District Attorney Kamala Harris was elected as California Attorney General, she appointed one of her deputies to act as District Attorney before she left Office. Former Mayor Newsom appointed George Gascón to complete Ms. Harris' term of Office. The San Francisco Board of Supervisors appointed Edwin Lee to complete Mayor Newsom's term after Newsom was elected as Lieutenant Governor. What all of these appointments have in common is the selection of a known entity with a steady and seasoned hand who had demonstrated their acumen.

I ask my colleagues to join me in unanimously passing a resolution appointing Ms. Parker as Oakland's City Attorney.

Respectfully submitted,



Libby Schaaf
City Council Member, District 4