

M. Moradlou

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OAKLAND

2011 JUL 11 PM 12:08

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER DE LA FUENTE

RESOLUTION WAIVING THE REMAINING TIME UNDER THE CITY CHARTER TO MAKE THE APPOINTMENT OF THE CITY ATTORNEY AND SUBMITTING TO THE VOTERS AT THE NOVEMBER 15, 2011, SPECIAL ELECTION THE OFFICE OF CITY ATTORNEY AS AN ALL MAIL BALLOT ELECTION

WHEREAS, the City Council declared the Office of City Attorney vacant effective June 13, 2011; and

WHEREAS, under City Charter Section 401(4), the Office of the City Attorney shall be filled by appointment by the majority vote of the members of the Council; provided, that if the Council shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, the City Council shall cause an election to be held to fill such vacancy pursuant to the manner and method as provided for in Article II, Section 205 of the Charter; and

WHEREAS, the City Council may irrevocably waive its right to appoint upon a determination that it does not intend to make an appointment to fill the vacancy; and

WHEREAS, the City Council finds that it does not intend to appoint a City Attorney and wishes to irrevocably waive the remaining time under the Charter for appointment; now, therefore, be it

RESOLVED: That the City Council hereby finds that it does not intend to fill the City Attorney vacancy by appointment; and be it

FURTHER RESOLVED: That the City Council hereby irrevocably waives the remaining time under the City Charter to make the appointment; and be it

FURTHER RESOLVED: That therefore the City Council has failed to fill the vacancy by appointment, and be it

FURTHER RESOLVED, that the City Administrator and City Clerk shall prepare and conduct a special election for the Office of the City Attorney on November 15, 2011, consistent with state and local requirements; and be it

FURTHER RESOLVED, that the City Clerk and City Administrator conduct the special election as an all mail ballot election.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

**AYES- BROOKS, BRUNNER, CHANG, DE LA FUENTE ,KERNIGHAN, NADEL, REID, SCHAAF, AND
 PRESIDENT REID**

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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