

CITY OF OAKLAND
COUNCIL AGENDA REPORT

05 JAN -6 PM 3:36

TO: Oakland Redevelopment Agency/City Council
ATTN: Chairperson, Ignacio de la Fuente
FROM: John Russo, City Attorney
DATE: January 18, 2005
RE: Resolution Declaring the District 2 City Council Office Vacant As of January 18, 2005

SUMMARY

This Resolution declares the District 2 City Council Office vacant.

DISCUSSION

City Charter Section 206 requires the City Council to declare the office of Councilmember vacant when the person elected resigns.

An office of Councilmember shall be declared vacant by the Council when the person elected or appointed thereto fails to qualify within ten days after his term is to begin, dies, resigns, ceases to be a resident of the City or of the district from which he was nominated, absents himself continuously from the City for a period of more than thirty days without permission from the Council, absents himself from any ten consecutive regular meetings except on account of his illness or when absent from City by permission of the Council, is convicted of a felony, is judicially determined to be an incompetent, is permanently disabled as to be unable to perform the duties of his office, forfeits his office under any provision of this Charter, or is removed from office by judicial procedure. (Emphasis added, copy attached.)

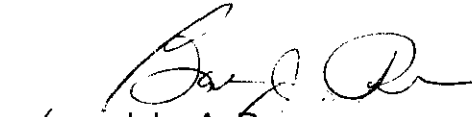
On January 6, 2005, District 2 Councilmember Danny Wan announced his resignation effective January 18, 2005.

His resignation requires that the City Council declare the office vacant.

CONCLUSION AND RECOMMENDATION

The City Attorney's Office recommends that the City Council follow the dictates of the Charter and declare the District 2 City Council Office vacant.

Respectively submitted,


for John A. Russo
City Attorney

Section 206. Vacancy, What Constitutes. An office of Councilmember shall be declared vacant by the Council when the person elected or appointed thereto fails to qualify within ten days after his term is to begin, dies, resigns, ceases to be a resident of the City or of the district from which he was nominated, absents himself continuously from the City for a period of more than thirty days without permission from the Council, absents himself from any ten consecutive regular meetings except on account of his illness or when absent from City by permission of the Council, is convicted of a felony, is judicially determined to be an incompetent, is permanently disabled as to be unable to perform the duties of his office, forfeits his office under any provision of this Charter, or is removed from office by judicial procedure. A finding of disability shall require the affirmative vote of at least six members of the Council after considering competent medical evidence bearing on the physical or mental capability of the Councilmember. (Amended by: Stats. November 1988 and November 2000.)

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2005 JAN -6 PM 3:42
C.M.S.

RESOLUTION No. _____

INTRODUCED BY COUNCILMEMBER _____



**RESOLUTION DECLARING A VACANCY IN DISTRICT TWO CITY
COUNCIL OFFICE AS OF JANUARY 18, 2005**

WHEREAS, Charter Section 206 requires the City Council to declare the office of Councilmember vacant when the person elected resigns; and

WHEREAS, Councilmember Danny Wan has announced that he will resign his office as of 9:00 a.m., January 18, 2005.

RESOLVED: the District 2 City Council office is declared vacant as of January 18, 2005;

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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