

*Barbara J. Park*

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## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

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**Resolution Of The City Council Of The City Of Oakland, California, Calling And Giving Notice For The Holding Of A Special Municipal Election On Tuesday, November 15, 2011 For The Purpose Of Submitting To The Electors Of The City Of Oakland Various Proposed Measures And Authorizing And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With Applicable Legal Requirements**

**WHEREAS**, the California Constitution, Article XI, section 5(b) grants chartered cities the power to provide in their charters for the conduct of city elections; and

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

**WHEREAS**, in accordance with City Charter section 1103, Oakland Municipal Code section 3.08.015 authorizes the City Council to call a special municipal election for November 15, 2011, provided that the election date must be at least 88 days after the date that the City Council calls the election and notwithstanding any other provision of state law; and

**WHEREAS**, Oakland Municipal Code section 3.08.015 further authorizes the City Council to utilize alternative voting procedures, including but not limited to mail-ballot, electronic voting, and extended voting periods to conduct such special election, in addition to traditional in-person voting at polling places; and

**WHEREAS**, the City Council desires that various proposed measures, including but not limited to, potential City Charter amendments and ordinances shall be submitted to the electors of the City of Oakland at a Special Municipal Election to be held on November 15, 2011; and

**WHEREAS**, the City Council desires that the November 15, 2011 Special Municipal Election utilize mail-ballot voting and that the election be conducted wholly by mail; and

**WHEREAS**, the City Council anticipates submitting resolutions on the Council's own motion to the electors at the next special municipal election that is held at least 88 days but no more than 150 days after the passage of such resolutions a number of proposed measures; now therefore be it

**RESOLVED:** that pursuant to Oakland City Charter section 1103 and Chapter 3.08.015 of Chapter 3.08 of the Oakland Municipal Code, there is called and ordered to be held in the City of Oakland, California on Tuesday, November 15, 2011, a Special Municipal Election

for the purpose of submitting various proposed measures and such other measures as the City Council may approve for the ballot prior to the 88<sup>th</sup> day before the election; and be it

**FURTHER RESOLVED:** that the November 15, 2011 Special Municipal Election will utilize mail-ballot voting and that the election will be conducted wholly by mail; and be it

**FURTHER RESOLVED:** that in accordance with Oakland Municipal Code section 3.08.200, the City Clerk shall transmit a copy of the proposed measures to the City Attorney and the City Attorney shall prepare impartial analyses of the proposed measures, showing the effect of the proposed measures on the existing law and the operation of the proposed amendments; and be it

**FURTHER RESOLVED:** that in accordance with Oakland Municipal Code section 3.08.210, the City Clerk shall transmit a copy of the proposed measures to the City Auditor and the City Auditor shall prepare impartial financial analyses of the measures; and be it

**FURTHER RESOLVED:** that in accordance with the Elections Code and Chapter 3 of the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments, and be it;

**FURTHER RESOLVED:** that notice of the election hereby is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner required by law; and be it

**FURTHER RESOLVED:** that the City Clerk is hereby directed to cause the posting, publication and printing of notices, pursuant to the requirements of the City Charter of the City of Oakland, the Government Code, the Elections Code of the State of California, and other applicable laws; and be it;

**FURTHER RESOLVED:** that the City Clerk is hereby directed to obtain printing, supplies and services as required, and be it;

**FURTHER RESOLVED:** that the City Clerk and City Administrator hereby are authorized and directed to take any and all actions necessary under law to prepare for and conduct the election and appropriate all monies necessary for the City Administrator and City Clerk to prepare and conduct said special municipal election, in accordance with the requirements of applicable laws.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, AND PRESIDENT REID  
AYES-  
NOES-  
ABSENT-  
ABSTENTION

Attest: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the  
Council of the City of Oakland, California