

TO: City Council
FROM: Office of the City Attorney
DATE: June 7, 2011

**RE: Resolution Declaring Vacancy In The Office Of The City Attorney Effective
June 13, 2011**

SUMMARY

The City Charter calls for the City Council to declare a vacancy in the Office of the City Attorney if the City Attorney resigns. This resolution declares a vacancy effective June 13, 2011.

FISCAL IMPACT

There are no fiscal impacts directly related to this report. This declaration starts the process for appointing or electing a City Attorney. Should the City Council fail to appoint a City Attorney, there will be costs to hold an election.

BACKGROUND

City Charter Section 401(5) states that the Office of City Attorney shall be declared vacant by the City Council when the person elected or appointed thereto resigns. City Charter Section 401(4) states that upon the declaration of vacancy in the Office of the City Attorney, the Office of the City Attorney shall be filled by appointment by the majority vote of the members of the Council. If the City 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. (Id.)

City Attorney Russo is resigning from the Office of City Attorney effective June 13, 2011.

KEY ISSUES AND IMPACTS

Under the City Charter, the City Council is to declare the Office of the City Attorney vacant if the person elected to the post resigns. The declaration of vacancy will start the process for appointing or electing the next City Attorney.

SUSTAINABLE OPPORTUNITIES

Not applicable.

DISABILITY AND SENIOR CITIZEN ACCESS

Not applicable.

RECOMMENDATION

Staff recommends that City Council declare the Office of the City Attomey vacant, effective June 13, 2011.

Respectfully submitted,



MARK MORODOMI
Supervising Deputy City Attorney
Office of the City Attorney


CITY ATTORNEY

11 MAY 26 PM 12:19

RESOLUTION NO. _____ C.M.S.

RESOLUTION DECLARING VACANCY IN THE OFFICE OF THE CITY ATTORNEY EFFECTIVE JUNE 13, 2011

WHEREAS, City Charter Section 40(5) states that the Office of City Attorney shall be declared vacant by the City Council when the person elected or appointed thereto resigns, and

WHEREAS, City Charter Section 40(4) states that upon the declaration of vacancy in the Office of the City Attorney, the Office of the City Attorney shall be filled by appointment by the majority vote of the members of the Council, and ;

WHEREAS, if the City 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, and

WHEREAS, City Attorney Russo is resigning from the Office of City Attorney effective June 13, 2011,

THEREFORE BE IT RESOLVED, effective 12:01 a.m., June 13, 2011, the Office of the City Attorney is declared vacant.

IN COUNCIL, OAKLAND, CALIFORNIA, JUNE __, 2011

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGAN, NADEL, SCHAAF,
AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION

ATTEST:

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