

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE: 1) CALLING AND GIVING NOTICE FOR THE HOLDING OF THE MUNICIPAL NOMINATING ELECTION ON JUNE 7, 2022 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF OAKLAND A PROPOSED BALLOT MEASURE; 2) REQUESTING CONSOLIDATION OF THE CITY OF OAKLAND MUNICIPAL NOMINATING ELECTION WITH THE STATEWIDE ELECTION TO BE HELD IN THE CITY OF OAKLAND ON JUNE 7, 2022; AND 3) AUTHORIZING AND DIRECTING THE CITY CLERK TO TAKE ALL ACTIONS NECESSARY FOR THE MUNICIPAL ELECTION IN ACCORDANCE WITH APPLICABLE LEGAL REQUIREMENTS

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

WHEREAS, Oakland City Charter section 1100 provides that Municipal Nominating Elections for the nomination of officers and for such other purposes as the Council may prescribe shall be held in the City on the first Tuesday after the first Monday in June in each even-numbered year; and

WHEREAS, Oakland City Charter section 1100 provides that in order to consolidate Municipal Nominating Elections with Statewide Primary Elections, the Council may by ordinance provide for a date for a Municipal Nominating Election which conforms to the date of a Statewide Primary Election; and

WHEREAS, Oakland City Charter section 1103 provides that all elections and procedures related 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, Oakland Municipal Code section 3.08.010 provides that except as may be otherwise provided in Chapter 3.08 all city elections and all procedures relating thereto shall be, where practicable, in accordance with the applicable provisions of state law relating to elections in general law cities; and

WHEREAS, the City Council desires that various proposed measures shall be submitted to the electors of the City of Oakland at the Municipal Nominating Election to be held on June 7, 2022; and

WHEREAS, California Elections Code sections 10400 through 10403 provide that a municipal election may be consolidated with the Statewide election held on the same day upon an order by the county Board of Supervisors; and

WHEREAS, in order to request consolidation of the Municipal Nominating Election with the Statewide Primary Election, the City Council shall, at least 88 days prior to the election, file with the County of Alameda a resolution that requests consolidation of the elections and sets forth the questions to be voted upon at the election

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City Council of the City of Oakland hereby calls and provides notice for the holding of a Municipal Nominating Election in the City of Oakland on Tuesday, June 7, 2022 for the purpose of submitting to the electors of the City of Oakland a proposed ballot measure.

SECTION 2. That the question that shall be voted on at the City of Oakland Municipal Nominating Election is as follows:

Shall the measure continuing funding to keep Oakland neighborhood libraries open and for library services, including services to unhoused populations and youth and senior programs, by renewing the tax for 30 years commencing at the current rate of \$114.50 per single family parcel, and specified rates for other parcel types, providing approximately \$18,000,000 in the first year, with audits, citizens' oversight, and specified exemptions for low-income populations and affordable housing, be adopted?

SECTION 3. The City Council does hereby request that the Board of Supervisors of Alameda County order the consolidation of the City of Oakland Municipal Nominating Election to be held on Tuesday, June 7, 2022 with the Statewide Election to be held on the same day.

SECTION 4. That the consolidated Municipal Election shall be held and conducted in the manner required in Section 10418 of the California Elections Code.

SECTION 5. That the City Clerk is hereby authorized and directed to take any and all actions necessary under law to prepare for and conduct the June 7, 2022, Oakland Municipal Nominating Election, including posting, publication and printing of notices, and to fix the dates for submission of arguments, pursuant to the requirements of the City Charter, the Oakland Municipal Code, and California law.

SECTION 6. That the City Council hereby appropriates all monies necessary to prepare for and conduct said election and hereby authorizes the City Administrator to take any and all actions necessary to prepare for and conduct said election consistent with the Charter of the City of Oakland, the Oakland Municipal Code and California Elections Code where applicable.

SECTION 7. That the City Council of the City of Oakland hereby authorizes and directs the City Clerk, at least 88 days prior to the June 7, 2022 Oakland Municipal Nominating Election to forward certified copies of this ordinance to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters.

SECTION 8. That the Council hereby requests that the Alameda County Board of Supervisors permit the Registrar of Voters of Alameda County to render necessary services to the City relating to the conduct of said Municipal Nominating Election.

SECTION 9. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

SECTION 10. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –
ABSENT –
ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Date of Attestation: _____

NOTICE AND DIGEST

ORDINANCE 1) CALLING AND GIVING NOTICE FOR THE HOLDING OF THE MUNICIPAL NOMINATING ELECTION ON JUNE 7, 2022 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF OAKLAND A PROPOSED BALLOT MEASURE; 2) REQUESTING CONSOLIDATION OF THE CITY OF OAKLAND MUNICIPAL NOMINATING ELECTION WITH THE STATEWIDE ELECTION TO BE HELD IN THE CITY OF OAKLAND ON JUNE 7, 2022; AND 3) AUTHORIZING AND DIRECTING THE CITY CLERK TO TAKE ALL ACTIONS NECESSARY FOR THE MUNICIPAL ELECTION IN ACCORDANCE WITH APPLICABLE LEGAL REQUIREMENTS

This Ordinance provides notice of a Municipal Nominating Election in the City of Oakland on June 7, 2022 for the purpose of submitting to the electors of the City of Oakland a proposed ballot measure. This Ordinance also requests consolidation of the Municipal Nominating Election with the Statewide Primary Election to be held on the same day. This ordinance authorizes the City Clerk of the City of Oakland to take all actions necessary for the Municipal Nominating Election in accordance with applicable legal requirements.