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2009 MAR -5 PM 9:28

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney

(510) 238-3601

John A. Russo

FAX: (510) 238-6500

City Attorney

March 17, 2009

TTY/TDD: (510) 238-3254

Honorable City Council
City Hall
Oakland, California

Re: A RESOLUTION (1) CALLING A SPECIAL MUNICIPAL ELECTION ON [DATE] FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF OAKLAND VARIOUS PROPOSED MEASURES, INCLUDING BUT NOT LIMITED TO, A CHARTER AMENDMENT AND ORDINANCES, (2) AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH A CONSULTANT TO PROVIDE ASSISTANCE IN PREPARING FOR AND CONDUCTING THE SPECIAL MUNICIPAL ELECTION IF NECESSARY, (3) WAIVING THE REQUEST FOR PROPOSAL PROCESS FOR SUCH CONSULTING CONTRACT; AND (4) 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

Dear President Brunner and Members of the City Council:

On March 17, 2009 the Council will consider a resolution calling a special election for the purpose of submitting various measures to the Oakland electorate, including but not limited to, a City Charter amendment and ordinances. The measures that the City Council is contemplating are:

- (1) a parcel tax for parks, landscaping and lighting

(This item is on the March 10, 2009 Finance and Management Committee agenda and the Committee has the option to forward the item to the March 17, 2009 City Council.)

- (2) an amendment to the City's real estate transfer tax to clarify the application of the tax to transfers of real estate resulting from changes in the ownership and control of corporations and other legal entities

(This item is on the March 10, 2009 Finance and Management Committee agenda and the Committee has the option to forward the item to the March 17, 2009 City Council.)

- (3) an increase in the City's transient occupancy tax (hotel tax)

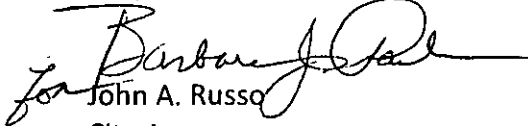
(The City Council will consider this item at its March 17, 2009 meeting.)

- (4) a City Charter amendment that would amend and repeal certain provisions of the Kids First! Oakland Fund for Children and Youth provided for in City Charter section 1300

(This item is on the City Council's March 17, 2009 meeting agenda.)

The date(s) and time(s) for a special election have not been determined nor whether the Council desires to hold a mail ballot or traditional election with in-person voting at the polls. These matters will be considered at the March 17, 2009 meeting.

Respectfully submitted,


John A. Russo
City Attorney

Attorneys Assigned
Barbara J. Parker

DRAFT

APPROVED AS TO FORM AND LEGALITY

FILED
OFFICE OF THE CITY CLERK
OAKLAND

INTRODUCED BY COUNCILMEMBER _____
2009 MAR -5 PM 6:17

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION (1) CALLING A SPECIAL MUNICIPAL ELECTION ON [DATE] FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF OAKLAND VARIOUS PROPOSED MEASURES, INCLUDING BUT NOT LIMITED TO, A CHARTER AMENDMENT AND ORDINANCES, (2) AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH A CONSULTANT TO PROVIDE ASSISTANCE IN PREPARING FOR AND CONDUCTING THE SPECIAL MUNICIPAL ELECTION IF NECESSARY, (3) WAIVING THE REQUEST FOR PROPOSAL PROCESS FOR SUCH CONSULTING CONTRACT; AND (4) 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 City Council desires that various proposed measures, including but not limited to, a City Charter amendment and various ordinances shall be submitted to the electors of the City of Oakland at a Special Municipal Election to be held on [date of election];

WHEREAS, the following proposed measures are being contemplated:

- (1) a parcel tax for parks, landscaping and lighting;
- (2) an amendment to the City's real estate transfer tax to clarify the application of the tax to transfers of real estate resulting from changes in the ownership and control of corporations and other legal entities
- (3) an increase in the City's transient occupancy tax (hotel tax);
- (4) a charter amendment that would amend and repeal certain provisions of the Kids First! Oakland Fund for Children and Youth provided for in City Charter section 1300; and

WHEREAS, the election will not be consolidated either with a local or state-wide election, it may be necessary to enter into a contract with a consultant to provide assistance in preparing for and conducting the election; and

WHEREAS, given the time constraints and requirements that apply to the conduct of a special municipal election, there will not be time to comply with the City's request for proposal process; and

WHEREAS, the City Council finds that the contract authorized hereunder is for services of a professional, scientific or technical and temporary in nature; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now therefore be it

RESOLVED: that, for the reasons set forth above, the City Council finds and determines that it is in the best interests of the City to waive the requirement for a competitive Request For Proposals/Qualifications process for the consulting contract to assist in the preparation for and conduct of the special election, and hereby authorizes the City Administrator to do so pursuant to Oakland Municipal Code Title 2.04, Section 2.04.051.B; and, be it

FURTHER RESOLVED: that the City Administrator is hereby authorized to select a consultant and enter into a contract to assist in the preparation for and conduct of the special municipal election in an amount not-to-exceed _____ dollars (\$____,____.00); 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 Election Code of the State of California, and other applicable laws; 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 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:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN,
REID, AND PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION

Attest: _____

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