

CITY OF OAKLAND
Agenda Report

07 NOV 20 PM 12: 02

TO: President De La Fuente and Members of the City Council
ATTN: Deborah Edgerly, City Administrator
FROM: Office of the City Attorney
DATE: December 4, 2007

RE: A Report and Resolution Appointing Councilmember Jane Brunner, Councilmember Jean Quan, Wayne Tucker, Andrea Youngdahl, and Cheryl A.P. Thompson to the Board of Trustees of the Youth Ventures Joint Powers Authority for Four Year Terms Beginning July 1, 2007 and Ending June 30, 2011

SUMMARY

On July 25, 2006, the Oakland City Council approved the Joint Powers Agreement creating the Youth Ventures JPA. The Joint Powers Agreement provides that the City Council of the City of Oakland may make five appointments to the Youth Ventures JPA Board of Trustees and that members of the Board of Trustees are to serve four-year terms.

On July 17, 2007, the City Council appointed Councilmember Jane Brunner, Councilmember Jean Quan, Wayne Tucker, Andrea Youngdahl, and Cheryl A.P. Thompson to the Board of Trustees of the Youth Ventures Joint Powers Authority ("JPA"). A citizen has alleged that certain provisions of state law were not followed in notifying the public about these appointments prior to the July 17 meeting. This report recommends that the City Council re-appoint these five members of the Board of Trustees to avoid any challenge.

FISCAL IMPACTS

The proposed re-appointment of five members of the Youth Ventures JPA Board of Trustees will not have any fiscal impact to the City.

KEY ISSUES AND IMPACTS

The Maddy Local Appointment List Act of 1975 ("Maddy Act") requires requires the local legislative body to post a "special vacancy notice" whenever an "unscheduled vacancy" occurs on a board or commission seat appointed by the body. (Gov. Code section 54974.(a)).

To avoid a Maddy Act challenge, the City Attorney's Office recommends that the City Council re-appoint these five members of the JPA Board. The City Clerk has confirmed that the special vacancy notice as to these five appointments was posted at least ten working days in advance of this meeting.

SUSTAINABLE OPPORTUNITIES

This report does not include the approval of any specific projects or programs for sustainable opportunities.

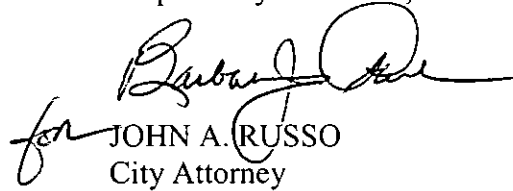
DISABILITY AND SENIOR CITIZEN ACCESS

This report does not include the approval of any specific projects or programs for disability and senior citizen access.

RECOMMENDATION(S) AND RATIONALE

This report recommends that the City Council approve the attached resolution re-appointing these five members of the Board of Trustees to avoid a Maddy Act challenge.

Respectfully submitted,

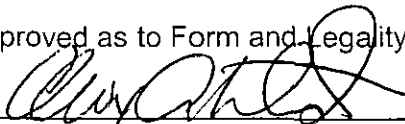

for JOHN A. RUSSO
City Attorney

Attorney Assigned:
Mark Morodomi
Alix Rosenthal

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2007 NOV 20 PM 10:17

Approved as to Form and Legality


Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

**RESOLUTION APPOINTING COUNCILMEMBER JANE BRUNNER,
COUNCILMEMBER JEAN QUAN, WAYNE TUCKER, ANDREA YOUNGDAHL,
AND CHERYL A.P. THOMPSON TO THE BOARD OF TRUSTEES OF THE
YOUTH VENTURES JOINT POWERS AUTHORITY FOR FOUR YEAR TERMS
BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2011**

WHEREAS, on July 25, 2006, the Oakland City Council approved the Joint Powers Agreement creating the Youth Ventures Joint Powers Authority (JPA); and

WHEREAS, the Joint Powers Agreement provides that the City Council of the City of Oakland may make five appointments to the Youth Ventures JPA Board of Trustees and that members of the Board of Trustees are to serve four-year terms; now therefore be it,

RESOLVED: that the following individuals are hereby appointed to the Youth Ventures Joint Powers Authority Board of Trustees for four-year terms, commencing on July 1, 2007 and ending June 30, 2011:

- Jane Brunner, Councilmember of the City of Oakland
- Jean Quan, Councilmember of the City of Oakland
- Cheryl A.P. Thompson, Assistant City Administrator
- Wayne Tucker, Chief of Police
- Andrea Youngdahl, Human Services Department Director

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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