


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION 1) DECLARING A VACANCY IN THE OFFICE OF THE MAYOR AND THE DISTRICT 2 COUNCIL OFFICE; 2) CALLING FOR A SPECIAL MUNICIPAL ELECTION ON TUESDAY APRIL 15, 2025 FOR THE PURPOSE OF FILLING THE VACANCIES IN THE OFFICE OF THE MAYOR AND THE DISTRICT 2 COUNCIL OFFICE; AND 3) AUTHORIZING THE CITY CLERK TO TAKE ALL ACTIONS NECESSARY TO HOLD THE SPECIAL MUNICIPAL ELECTION

WHEREAS, the City has received the certified statement of results of the November 5, 2024 General Municipal Election for the City of Oakland from the Alameda County Registrar of Voters (ROV) and the City Council has declared the results of the election prior to the passage of this Resolution; and

WHEREAS, the City's November 5, 2024 General Municipal Election included a Recall Election question—"Shall Sheng Thao be recalled (removed) from the Office of Mayor"—and a majority of City voters voted "Yes"; and

WHEREAS, pursuant to the City Council's Resolution Declaring the Results of the City of Oakland General Municipal Election Held on Tuesday, November 5, 2024 and Section 304 of the Oakland City Charter (Charter), the Council now finds that a vacancy exists in the Office of the Mayor; and

WHEREAS, the ROV's certified statement of results of the November 5, 2024 General Election for Alameda County indicates that Oakland City Councilmember Nikki Fortunato Bas, who represents District 2, has been elected to the Alameda County Board of Supervisors for the term commencing January 6, 2025; and

WHEREAS, the District 2 Councilmember submitted a letter of resignation to the City Clerk on December 17, 2024, resigning their Council seat effective January 6, 2025; and

WHEREAS, pursuant to Government Code section 1770(c)(2) and Charter section 206, the City Council now finds that that a vacancy exists in the District 2 Council Office; and

WHEREAS, pursuant to Charter sections 205 and 303, the vacancies occurring in the Office of the Mayor and the District 2 Council Office require a special election be held

to fill each vacancy within 120 days of the vacancy, however an extension of up to 90 days is allowed for the purpose of consolidating the special election with the next municipal or statewide election; and

WHEREAS, the state of California does not have an election scheduled on or before April 15, 2025, nor is any election currently scheduled within 90 days thereafter that, pursuant to Charter sections 205 and 303, would allow consolidation with a municipal or statewide election; and

WHEREAS, the only suitable date for an election that is on a Tuesday, as required by Elections Code section 1100, is within 120 days of the calling of the election, and permits the full nomination period for candidates, as established by Elections Code section 10220, is April 15, 2024; and

WHEREAS, pursuant to Charter section 302, the successful candidate elected to serve as Mayor at the April 15, 2025 Special Municipal Election will complete the remainder of the Mayor's unexpired term, which ends at 11:00 a.m. the first Monday of January 2027, i.e. January 4, 2027; and

WHEREAS, pursuant to Charter section 204(a), the successful candidate elected to serve as District 2 Councilmember at the April 15, 2025 Special Municipal Election will complete the remainder of the District 2 Councilmember's unexpired term, which ends at 11:00 a.m. the first Monday of January 2027, i.e. January 4, 2027; and

WHEREAS, Charter section 1105 requires elections for all city offices, including, but not limited to, Mayor and Councilmember, be conducted by ranked choice voting; and

WHEREAS, pursuant to Charter section 1105 and discussions with the ROV regarding ballot template design, the City Clerk has determined that five rankings will be the maximum number of ranked choice options for the April 15, 2025 Special Municipal Election to ensure the integrity and smooth functioning of the election; and

WHEREAS, the City Clerk shall coordinate with the ROV to review and approve a ballot template that complies with section 1105(c) of the Charter; and

WHEREAS, the City Council may submit a proposed ordinance or ordinances to the electors of the City of Oakland at the April 15, 2025 Special Municipal Election and will consolidate any such ordinance or ordinances with the April 15, 2025 Special Municipal Election at a subsequent Council meeting held at least 88 days prior to the election; and

WHEREAS, pursuant to Article XI of the Charter, other than Nominating Elections, which are held in June, and General Municipal Elections, which are held in November, all other municipal elections are Special Municipal Elections; and

WHEREAS, pursuant to Charter section 1103 and Oakland Municipal Code section 3.08.010, except as otherwise provided in the Charter or the Oakland Municipal Code, all City elections and all procedures relating thereto shall be in accordance with the applicable provisions of California law; and

WHEREAS, California Elections Code section 12001 provides that for a special local election, the governing body of the local agency shall issue a proclamation or a resolution calling the election; now, therefore, be it

RESOLVED: That the City Council hereby declares a vacancy in the Office of the Mayor pursuant to Charter section 303; and be it

FURTHER RESOLVED: That the City Council hereby declares a vacancy in the District 2 Council Office pursuant to Charter section 206 for the purpose of calling a Special Municipal Election to fill the vacancy; and be it

FURTHER RESOLVED: That the City Council hereby calls and provides notice for the holding of a Special Municipal Election in the City of Oakland on Tuesday, April 15, 2025, for the purpose of filling the vacancies in the Office of the Mayor and District 2 Council Office; and be it

FURTHER RESOLVED: That the offices to be voted on at the Special Municipal Election are:

- Mayor
- Councilmember, District 2

; and be it

FURTHER RESOLVED: That the election for Mayor and District 2 Councilmember shall be conducted using ranked choice voting; and be it

FURTHER RESOLVED: That the Council hereby authorizes and directs the City Clerk to take any and all actions necessary to prepare for and conduct the April 15, 2025 Special Municipal Election, including, but not limited to, posting, publication and printing of notices, and to fix the dates for submissions of all candidate nomination and related documents, if applicable, in a manner consistent with the requirements of the Charter, the Oakland Municipal Code, and California law, where applicable; and be it

FURTHER RESOLVED: That the Council hereby appropriates all monies necessary to prepare for and conduct the April 15, 2025 Special Municipal Election and hereby authorizes the City Administrator to take any and all actions necessary to prepare for and conduct said election in a manner consistent with the Charter, the Oakland Municipal Code and California law, where applicable; and be it

FURTHER RESOLVED: That the Council hereby requests that the Alameda County Board of Supervisors permit the Alameda County Registrar of Voters to render necessary services to the City relating to the conduct of the April 15, 2025 Special Municipal Election; and be it

FURTHER RESOLVED: That the Council hereby authorizes and directs the City Clerk to forward certified copies of this Resolution to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters at least 88 days prior to the April 15, 2025 Special Municipal Election.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

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

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