

CITY OF OAKLAND

COUNCIL AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

05 JAN -6 PM 4: 58

TO: Oakland Redevelopment Agency/City Council
ATTN: Chairperson, Ignacio de la Fuente
FROM: John Russo, City Attorney
DATE: January 18, 2005
RE: Resolution Calling a Special Election to Fill the Vacancy in the District 2 City Council Office and Directing the City Administrator and City Clerk to Prepare and Conduct the Special Election Consistent with State and Local Requirements Including the Possibility of an All Mail Ballot Election

SUMMARY

This Resolution calls a special election for the District 2 City Council Office.

DISCUSSION

On January 6, 2005, District 2 Councilmember Danny Wan announced his resignation effective January 18, 2005. (Attachment 1.)

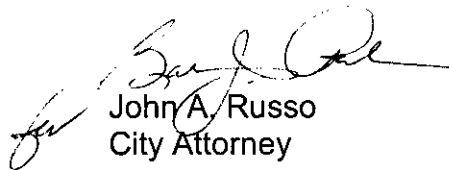
When the City Council declares the District 2 City Council office vacant, it should also set the date for the special election to fill the office. City Charter Section 205 requires that vacancies occurring in the office of Councilmember be filled by special election within 120 days of a vacancy. (A copy of section 205 is attached as Attachment 2.) Assuming that the City Council declares the office vacant on January 18, 2005, the 120th day will fall on May 18, 2005, a Wednesday.

In addition, Charter Section 205 authorizes alternative legal voting procedures to increase voter participation in special elections including but not limited to mail ballot voting. The City Clerk reports that an all mail ballot election would be less expensive than an election using polls. (Attachment 3.)

CONCLUSION AND RECOMMENDATION

The City Attorney's Offices recommends that the City Council call a special election for the District 2 City Council Office and direct the City Clerk and City Administrator to prepare and conduct a special election consistent with state and local requirements. City Clerk recommends that the election be conducted as an all mail ballot election. We request that the City Council direct the City Administrator and City Clerk conduct the special election as an all mail ballot election.

Respectively submitted,



John A. Russo
City Attorney



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DANNY WAN
Councilmember
District 2

January 6, 2005

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dwan@oaklandnet.com

Dear City Council President De La Fuente, Council Colleagues, and Mr. Mayor:

As I complete more than four years of full-time service as District Two City Council member, I am proud that the City is safer and more vibrant, and that communities are more engaged. The City's Equal Access Ordinance has enabled whole new populations of our residents to participate in city services and civic involvement. The crime rate is down, new businesses and in-fill developments are providing jobs and housing. We have implemented and reinforced laws recognizing the rights of lesbian, gay and transgender residents. This year will also mark the adoption of our first performance-based budget.

In District Two, Splashpad Park and Grand Lake Farmers Market have proven popular beyond our imagination. New streetscapes have brought greater vitality to Eastlake; while similar improvements are planned for Chinatown. Children will enjoy upgraded parks and after-school programs at San Antonio, Lincoln, Clinton, and Bella Vista Parks. And engineering work is well underway to renew Lake Merritt.

While I am fulfilled by the progress we have facilitated in Oakland, many challenges in my personal life have become ever more pressing. As I approach my fifth year of absence from practicing law, I must begin working again as an attorney to remain viable in that field. My parents are getting older and increasingly need my financial help and personal care. I find it more and more difficult to meet my obligations at City Hall while tending to my financial and family obligations. This is why it is with a heavy heart that I must submit my resignation, effective 9a.m., January 18, 2005.

While this decision may appear sudden, the timing of my resignation is partly to assure effective representation of District Two at a critical time. My departure early in the year will allow the newly elected City Council representative to fully participate in the adoption of the City's 2005-2007 budget, and serve the remaining City Council term ending January 2007. Until the election in May to fill the vacancy, the very able District Two staff will continue to respond to constituent needs and monitor legislation.

It has been my privilege to work with a Council and Mayor who are hard-working and dedicated to the public interest. I thank you for your support during my years in office. Without your work, no amount of political skills on my part would have led to our very real achievements for Oakland.

I ask for your understanding as I move on to care for my family and to re-establish my livelihood.

Finally, it has been a true honor to serve the people of District Two. It has always been their love of Oakland and tireless volunteer work for the neighborhoods that inspires their Council.

Sincerely,

Danny Wan

ATTACHMENT 1

**City of Oakland
Office of the City Clerk
Special Election Information**

Pursuant to Charter Section 205 all vacancies occurring in the office of Councilmember shall be filled by special election within 120 days of the vacancy.

The office of Councilmember for district 2 will become vacant on January 18, 2005. Therefore the date for the special election will be **Tuesday, May 17, 2005**.

The required time period for nominations is 113 – 88 days before the election:
Monday, January 24 – Friday, February 18, 2005

Nomination packets will be available in the Office of the City Clerk during regular business hours as posted.

The current registration total in District 2 is **27,226**.

Estimated Election Costs:

Polling Place Election: \$3.00 - \$4.00 per registered voter / \$81,678 - \$108,904

Mail Ballot Election: \$2.50 - \$3.00 per registered voter / \$68,065 - \$81,678

Pursuant to Elections Code Section 4108 this election could be held as an all-mailed ballot election if the governing body so desires.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL 05 JAN -6 PM 3:36

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____



RESOLUTION CALLING A SPECIAL ELECTION TO FILL THE VACANCY IN THE DISTRICT 2 CITY COUNCIL OFFICE AND DIRECTING THE CITY ADMINISTRATOR AND CITY CLERK TO PREPARE AND CONDUCT THE SPECIAL ELECTION CONSISTENT WITH STATE AND LOCAL REQUIREMENTS INCLUDING THE POSSIBILITY OF AN ALL MAIL BALLOT ELECTION

WHEREAS, the City Council has declared the Office of District 2 City Council Office vacant; and

WHEREAS, Charter Section 205 requires that vacancies occurring in the office of Councilmember be filled by special election within 120 days of a vacancy; and

WHEREAS, Charter Section 205 authorizes alternative legal voting procedures to increase voter participation in special elections including but not limited to mail ballot voting;

NOW THEREFORE BE IT RESOLVED, that the City Council calls a special election for the District 2 City Council Office; and be it

FURTHER RESOLVED, that the City Administrator and City Clerk are to prepare and conduct the special election for the District 2 City Council Office consistent with state and local requirements; and be it

[OPTION:

FURTHER RESOLVED, that the City Clerk and City Administrator conduct the special election as an all mail ballot election.]

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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