

FILED
OFFICE OF THE CITY CLERK
OAKLAND

10 APR 22 PM 4:02

APPROVED AS TO FORM AND LEGALITY


City Attorney

CITY OF OAKLAND
ORDINANCE NO. _____ C.M.S.
≡≡≡ **13012**

AN ORDINANCE SUSPENDING FOR THE 2010 MUNICIPAL ELECTION THE CITY OF OAKLAND'S LIMITED PUBLIC FINANCING PROGRAM (CHAPTER 3.13 OF THE OAKLAND MUNICIPAL CODE) AND AUTHORIZING THE TRANSFER OF \$100,000 FROM THE ELECTION CAMPAIGN FUND TO THE INSTANT RUN-OFF VOTING (IRV) OUTREACH AND EDUCATION CAMPAIGN FUND FOR THE NOVEMBER 2010 MUNICIPAL ELECTION. AND AUTHORIZING THE CITY ADMINISTRATOR TO ISSUE AN EXPEDITED RFP WITHIN 30 DAYS, TO COMMUNITY NON PROFIT ORGANIZATIONS WITH DEMONSTRATED ABILITY, EXPERTISE AND SUCCESSFUL HISTORY OF REACHING AND WORKING EFFECTIVELY IN AND WITH LOW VOTER PROPENSITY COMMUNITIES, IN A CULTURALLY COMPETENT MANNER. FOR THE PURPOSES OF TARGETED RANKED CHOICE VOTING (RCV)/ INSTANT RUN OFF VOTING (IRV) OUTREACH AND EDUCATION

WHEREAS, in 1999, the City Council enacted the Limited Public Financing Act and created the Election Campaign Fund (Chapter 3.13 of the Oakland Municipal Code); and

WHEREAS, On December 4, 2009, the Alameda County Registrar of Voters received a one-time administrative approval from California Secretary of State for use of the County's RCV voting system; and

WHEREAS, On January 5, 2010, the Oakland City Council authorized the execution of a Memorandum of Understanding (MOU) between the County of Alameda and the Cities of Oakland, Berkeley, and San Leandro regarding Ranked Choice Voting (RCV) / Instant Run-Off Voting (IRV) for implementation of RCV in the 2010 municipal elections; and

WHEREAS, the Secretary of State's administrative approval was subject to a number of conditions of approval, including the following, "Alameda County must meet or exceed the conditions described in the "Voter Education and Outreach Program for implementation of Ranked Choice Voting in Alameda County"; and

WHEREAS, successful implementation of an Instant Run-Off voting system is contingent upon extensive voter outreach and education; and

WHEREAS, article XI, section 1105 (B) of the Oakland City Charter states, "The City shall conduct a voter education campaign to familiarize voters with ranked choice voting" now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

SECTION 2. The Oakland Municipal Code is hereby amended as set forth below, additions are indicated by underscoring and deletions are indicated by strike through type; portions of ordinances not cited or not shown in underscoring or strike-through type are not changed;

3.13.050 Election campaign fund.

There is established an account within a special revenue fund of the city to be known as the "election campaign fund."

3.13.060 Appropriation of funds.

A. The City Council shall appropriate to the election campaign fund, under the city's current two-year budget cycle, an amount sufficient to fund all candidates eligible to receive limited matching funds for the following city offices: District City Councilmembers and School Board Director. Notwithstanding this or any other provision of law, this Act shall not apply to the elected office of School Board Director until the first election after the Oakland Unified School District regains all of its rights, duties and powers upon the completion of the conditions set forth in 2003 Cal. Stats., Chapter 14, Section 5(e).

B. The Public Ethics Commission shall provide in the form and at the time directed by the Mayor and City Manager a written estimate of the amount necessary to be appropriated for any two-year budget cycle according to the provisions of this Act for all eligible candidates. The amount of funds to be allocated to the election campaign fund shall be based on a consideration of anticipated campaign activity, anticipated administrative costs, and existing unspent funds within the account. The amount of funds to be allocated to the election campaign fund shall not exceed four hundred sixty thousand dollars (\$460,000.00) for any two-year budget cycle, except that the allocation may exceed four hundred sixty thousand dollars (\$460,000.00) to reflect changes in the consumer price index. The Public Ethics Commission may limit the allocation of funds for any primary election to assure that sufficient funds remain available for the general election.

C. The election campaign fund shall be established as an interest bearing account. Unspent funds in the election campaign fund at the end of a two-year budget cycle shall remain in the fund and accrue for disbursement to candidates eligible for matching funds in future elections and for administrative costs pursuant to subsection D of this section. In no event shall additional allocations to the fund be made to cause the available balance in

the fund to exceed five hundred thousand dollars (\$500,000.00), to include allocations made to the Public Ethics Commission pursuant to subsection D of this section.

D. Up to 7.5 percent of the amount allocated to the election campaign fund pursuant to Subsections A and B of this section may be utilized, by the Public Ethics Commission to cover the anticipated cost of administering the provisions of this Act. The Public Ethics Commission shall make a sufficient proportion of such funds available to the City Auditor to conduct compliance reviews as provided in Section 3.13.100.

3.13.210 Effect on Municipal Elections

Chapter 3.13 of this Code (Sections 3.13.010—3.13.260 inclusive) shall have no effect for the 2010 municipal elections.

3.13.211 Transfer of Funds to the Ranked Choice Voting (RCV) Outreach and Education Funds

Notwithstanding any other ordinance, for the 2010 municipal elections, \$100,000 from the election campaign fund shall be transferred to the ranked choice voting (RCV) / instant run-off voting (IRV) outreach and education campaign fund for the November 2010 municipal election and the City Administrator is authorized to issue an expedited request for proposals within 30 days for community non profit organizations with demonstrated ability, expertise and successful history of reaching and working effectively in and with low voter propensity communities, in a culturally competent manner. for the purposes of targeted ranked choice voting (RCV)/ instant run off voting (IRV) outreach and education.

SECTION 3. Severability. If any article, section, subsection sentence, clause or phrase of this ordinance or exhibit is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

SECTION 4. 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, MAY 4 2010 , 2010

PASSED BY THE FOLLOWING VOTE:

AYES— BROOKS, ~~WALKER~~, KAPLAN, KERNIGHAN, NADEL, REID, QUAN, AND PRESIDENT BRUNNER 7

NOES— 0

ABSENT— 0

ABSTENTION— 0
Excused — C. DeLa Fuente

ATTEST: 
LaTonda Simmons

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

Introduction Date: APR 20 2010

Date of Attestation: May 21, 2010