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APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL
ORDINANCE NO. 13702 C.M.S.

ORDINANCE AMENDING OAKLAND MUNICIPAL CODE SECTIONS 3.08.060 – FILING FEE AND 3.08.180 – FILING FEES (INITIATIVE PETITIONS) TO ALIGN THE FILING FEES WITH THE CITY OF OAKLAND MASTER FEE SCHEDULE AND MAKE OTHER TECHNICAL EDITS

WHEREAS, Oakland Municipal Code (“OMC”) section 3.08.060 provides that all candidates for municipal office shall pay a filing fee of \$300.00 at the time the candidate’s nomination petitions are filed; and

WHEREAS, OMC section 3.08.060 was adopted in 1994 pursuant to Ordinance No. 11682 C.M.S.; and

WHEREAS, on July 10, 2018, the City Council adopted Ordinance No. 13497 C.M.S., which amended the City of Oakland Master Fee Schedule to, among other things, increase the fee for candidate nomination papers from \$300 to \$1,000; and

WHEREAS, the City Administrator’s Agenda Report accompanying Ordinance No. 13497 provides that the proposed increase to the fee for candidate petitions from \$300 to \$1000 is intended to update the 1994 fee and begin recovery of some of the City’s costs to perform the election requirements prescribed by the California Elections Code; and

WHEREAS, OMC) section 3.08.180 provides for a filing fee for initiative petitions of \$200; and

WHEREAS, OMC section 3.08.180 was adopted in 1989, pursuant to Ordinance No. 11164 C.M.S.; and

WHEREAS, on June 26, 2017, the City Council adopted Ordinance No. 13448 C.M.S., which amended the City of Oakland Master Fee Schedule to, among other things, increase the election filing fee for initiative petitions from \$200 to \$500; and

WHEREAS, the City Administrator's Agenda Report accompanying Ordinance No. 13448 provides that the proposed increase to the initiative petition filing fee to \$500.00 is intended to defray a portion of the approximately \$1,200 in costs to the City to process initiative petitions; and

WHEREAS, amending OMC sections 3.08.180 and 3.08.060 to provide for fees as set forth in the City's Master Fee Schedule will provide clarity to the public and ensure that the fees are imposed as adopted in the Master Fee Schedule;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council finds and determines the foregoing recitals to be true and correct and are hereby incorporated herein as findings and determinations of the City Council.

SECTION 2. Amendments to Section 3.08.060 of the Oakland Municipal Code. Oakland Municipal Code section 3.08.060 is hereby repealed and reenacted as follows:

3.08.060 - Filing fee.

Every candidate shall at the time the candidate receives nomination petitions from the Office of the City Clerk, pay a deposit of fifty dollars (\$50.00) toward the total filing fee, as set forth in the City of Oakland Master Fee Schedule, to be paid by each candidate. Each candidate may pay the total filing fee at the time the candidate's nomination petitions are issued. However, no portion of that filing fee is refundable. Every candidate shall at the time the candidate's nomination petitions are filed, pay to the City Clerk the balance, if any is due, with credit given for the deposit paid at the time the nomination petitions were issued. A refund is not available regardless of whether the nomination petitions are found sufficient or insufficient.

SECTION 3. Amendments to Section 3.08.180 of the Oakland Municipal Code. Oakland Municipal Code section 3.08.180 is hereby repealed and reenacted as follows:

3.08.180 - Filing fees (initiative petitions).

Any person(s) filing a notice of intent to circulate an initiative petition in the city shall pay a filing fee as set forth in the City of Oakland Master Fee Schedule, to be refunded to the filer if, within one year of the date of filing the notice of intent, the City Clerk certifies the sufficiency of the petition.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

SECTION 5. 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,

PASSED BY THE FOLLOWING VOTE: **JUL 19 2022**

AYES - ~~4~~ GALLO, KALB, ~~4~~ REID, TAYLOR, THAO AND -6
PRESIDENT FORTUNATO BAS

NOES - 0
ABSENT - 0
ABSTENTION - 0

Excused - File, Kaplan - 2

ATTEST:



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

Date of Attestation:

August 5, 2022

3189181/ARM

Introduction Date

JUL 11 2022