

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER LOREN TAYLOR

RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO THE VOTERS FOR THE NOVEMBER 8, 2022, GENERAL MUNICIPAL ELECTION A MEASURE ENTITLED, "ESTABLISHING TERM LIMITS FOR THE CITY COUNCIL" THAT WOULD AMEND THE CITY CHARTER TO:

- (1) LIMIT COUNCILMEMBERS TO THREE CONSECUTIVE FOUR-YEAR TERMS AS A DISTRICT COUNCILMEMBER AND THREE CONSECUTIVE FOUR-YEAR TERMS AS AN AT-LARGE COUNCILMEMBER; AND**
- (2) DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION, AND TAKE ANY AND ALL ACTIONS NECESSARY UNDER LAW TO PREPARE FOR AND CONDUCT THE NOVEMBER 8, 2022, GENERAL MUNICIPAL ELECTION**

WHEREAS, in 1968, the People adopted the Charter of the City of Oakland ("City Charter"), establishing the fundamental law of the City, including but not limited to, the City's form of government and the role of City Council, the Mayor, the City Manager, and other City officers, and

WHEREAS, three consecutive four-year terms as a district councilmember and three consecutive four-year terms as an at-large councilmember is a significant period of public service, allowing elected officials to gain expertise and develop impactful public policy during their tenure while increasing the opportunity for new and innovative policies to be introduced, and

WHEREAS, term limits increase responsiveness of elected officials to voters and can create a greater sense of urgency to get things done within a finite period of time, and

WHEREAS, term limits lead to more competitive elections by reducing the influence of incumbency, lowering barriers to entry and offering more opportunities for individuals of various backgrounds to serve in public office, and

WHEREAS, term limits encourage those who are less resourced to run for office and this measure will increase political participation by newcomers and those who have been traditionally marginalized by the political process, and

WHEREAS, term limits increase competitiveness of elections since elected officials must leave office with greater regularity creating open seats were no incumbent is seeking reelection, and increased competitiveness leads to greater voter turnout and resident engagement, and

WHEREAS, term limits reduce the chance that any one perspective or group would become entrenched and fail to focus on both short and long term essential policy initiatives, and

WHEREAS, term limits will promote new ideas as new office holders often bring a new perspective and are more likely to be unburdened by the status quo; now, therefore, be it

RESOLVED: That the City Council finds and determines the foregoing recitals are true and correct and hereby adopts and incorporates them into this Resolution; and be it

FURTHER RESOLVED: That the City Charter hereby is amended, to add, delete, or modify sections as set forth below (sections number and titles are indicated in **bold type**; additions are indicated by underscoring, deletions are indicated by strike-through type; portion of the provisions not cited or not shown in underscoring or strike-through type are not changed); and be it

FURTHER RESOLVED: That the proposed Charter Amendment text shall read as follows:

SECTION 204

Section 204. Term of Office, Term Limits, Council.

Term of Office. The Councilmembers shall be elected to a term of four years beginning at 11:00 a.m. on the Monday following January 1 following their election. The Councilmembers elected or appointed to office to serve terms beginning in 1985 shall serve in office until 11:00 a.m. on the Monday following January 1 in 1991. The Councilmembers elected or appointed to office to serve terms beginning in 1987 shall serve in office until 11:00 a.m. on the Monday following January 1, 1993. In 1990 Municipal Elections will be held to select City officers for four-year terms for the following offices: Councilmember, District #2; Councilmember, District #4, and, Councilmember, District #6. In 1992 Municipal Elections will be held to select City Councilmembers for four-year terms for the following offices: Councilmember, District #1; Councilmember, District #3; Councilmember, District #5; Councilmember, District #7; and Councilmember-At-Large.

Term Limits. No person shall serve more than three consecutive terms in the office of Councilmember, whether in a district Council seat, the at-large Council seat, or any combination thereof; except that a person may serve up to three consecutive terms in a district seat immediately followed by up to three consecutive terms in the at-large seat. Terms in the office Councilmember shall not be considered consecutive pursuant to this section only if the person seeking the office of Councilmember has not held the office for one year or longer.

Any term that was completed prior to January 2023, as well as the completion of any unexpired term that lasts less than two years, shall not be considered a term for purposes of this section.

FURTHER RESOLVED: That each ballot used at said municipal election shall have printed therein, in addition to any other matter required by law the following:

PROPOSED CHARTER AMENDMENT

MEASURE ____

[insert title]

<p>Measure __. Shall a measure to amend the City Charter to provide that no person may serve more than three consecutive terms as a City Councilmember, not including terms that concluded prior to 2023 and with the exception of serving up to three consecutive terms as a district Councilmember followed by three consecutive terms as the at-large Council member, be adopted?</p>	<p>Yes</p>	
<p>[Note: City Attorney determines and approves final question.]</p>	<p>No</p>	

; and be it

FURTHER RESOLVED: That the City Council hereby authorizes and directs the Clerk of the City of Oakland (“City Clerk”), at least 88 days prior to the November 8, 2022 general municipal election, to file certified copies of this resolution with the Alameda County Board of Supervisors and the Registrar of Voters; and be it

FURTHER RESOLVED: That in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments for or against said proposed Charter amendment, and said date shall be posted by Office of the City Clerk; and be it

FURTHER RESOLVED: That in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk shall provide for notice and publication as to said proposed Charter amendment in the manner provided for by law; and be it

FURTHER RESOLVED: That the City Clerk and City Administrator hereby are authorized and directed to take any and all actions necessary under law to prepare for and conduct the next municipal election and appropriate all monies necessary for the City Administrator and City Clerk to prepare for and conduct the next municipal election, consistent with law;

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

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