

**DRAFT**

APPROVED AS TO FORM AND LEGALITY

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_  
2009 MAR -5 PM 6:11

**OAKLAND CITY COUNCIL**

RESOLUTION NO. \_\_\_\_\_ C.M.S.

**A RESOLUTION (1) CALLING A SPECIAL MUNICIPAL ELECTION ON [DATE] FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF OAKLAND VARIOUS PROPOSED MEASURES, INCLUDING BUT NOT LIMITED TO, A CHARTER AMENDMENT AND ORDINANCES, (2) AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH A CONSULTANT TO PROVIDE ASSISTANCE IN PREPARING FOR AND CONDUCTING THE SPECIAL MUNICIPAL ELECTION IF NECESSARY, (3) WAIVING THE REQUEST FOR PROPOSAL PROCESS FOR SUCH CONSULTING CONTRACT; AND (4) AUTHORIZING AND DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION IN ACCORDANCE WITH APPLICABLE LEGAL REQUIREMENTS**

**WHEREAS**, the City Council desires that various proposed measures, including but not limited to, a City Charter amendment and various ordinances shall be submitted to the electors of the City of Oakland at a Special Municipal Election to be held on [date of election];

**WHEREAS**, the following proposed measures are being contemplated:

- (1) a parcel tax for parks, landscaping and lighting;
- (2) an amendment to the City's real estate transfer tax to clarify the application of the tax to transfers of real estate resulting from changes in the ownership and control of corporations and other legal entities
- (3) an increase in the City's transient occupancy tax (hotel tax);
- (4) a charter amendment that would amend and repeal certain provisions of the Kids First! Oakland Fund for Children and Youth provided for in City Charter section 1300; and

**WHEREAS**, the election will not be consolidated either with a local or state-wide election, it may be necessary to enter into a contract with a consultant to provide assistance in preparing for and conducting the election; and

**WHEREAS**, given the time constraints and requirements that apply to the conduct of a special municipal election, there will not be time to comply with the City's request for proposal process; and

**WHEREAS**, the City Council finds that the contract authorized hereunder is for services of a professional, scientific or technical and temporary in nature; and

**WHEREAS**, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now therefore be it

**RESOLVED:** that, for the reasons set forth above, the City Council finds and determines that it is in the best interests of the City to waive the requirement for a competitive Request For Proposals/Qualifications process for the consulting contract to assist in the preparation for and conduct of the special election, and hereby authorizes the City Administrator to do so pursuant to Oakland Municipal Code Title 2.04, Section 2.04.051.B; and, be it

**FURTHER RESOLVED:** that the City Administrator is hereby authorized to select a consultant and enter into a contract to assist in the preparation for and conduct of the special municipal election in an amount not-to-exceed \_\_\_\_\_ dollars (\$\_\_\_\_\_.00); and, be it;

**FURTHER RESOLVED:** that the City Clerk is hereby directed to cause the posting, publication and printing of notices, pursuant to the requirements of the City Charter of the City of Oakland, the Government Code, the Election Code of the State of California, and other applicable laws; and be it;

**FURTHER RESOLVED:** that in accordance with the Elections Code and Chapter 3 of the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments, and be it;

**FURTHER RESOLVED:** that the City Clerk is hereby directed to obtain printing, supplies and services as required, 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 election and appropriate all monies necessary for the City Administrator and City Clerk to prepare and conduct said special municipal election, in accordance with the requirements of applicable laws.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN,  
REID, AND PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION

Attest: \_\_\_\_\_

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