

CITY OF OAKLAND



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March 29, 2007

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Honorable Rules Committee
Oakland, California

Subject: Report Regarding City Attorney's Recommendation to Amend State Law to Insure Potential Referendum Petitioners Receive a Full 30 Days to Obtain Signatures

Dear President De La Fuente and Members of the Committee:

Introduction

On March 1, 2007, the Rules and Legislation Committee reviewed the City's State and Federal Legislative Agenda to consider the recommendations of the City Attorney and the Mayor. The Rules Committee pulled from the agenda the City Attorney's recommendation to amend state law regarding the timing for submission of referendum petitions and requested a briefing by the City Attorney's Office on the recommendation.

Current Law

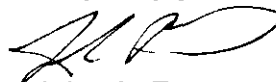
Under current law, a person or group that wants to use the power of referendum against a city ordinance must submit its petition signatures within 30 days of a City Council's adoption of the ordinance. Before a petition can be circulated, it must have attached to it a true and final copy of the ordinance.

For example, a recent case involving the Oak to Ninth Project in Oakland, the Oakland City Council passed an ordinance approving a development agreement on July 18, 2006. The final and full copy of the ordinance, including the exhibits, was not assembled until a few days later. Under the current state law, the time used in assembling the final and full copy of an ordinance reduces the number of days the referendum petitioners have to get their signatures.

Proposed Amendment

This amendment would give future referendum petitioners the full 30 days to obtain their signatures. This amendment would do so by starting the signature gathering period from the date the City Clerk attests to the final and full copy of the ordinance, not the date the City Council adopted the ordinance. This amendment would not aid the Oak to Ninth petitioners since the law in effect was different at the time they submitted their petitions, and the amendment is not retroactive by law.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Russo', written in a cursive style.

John A. Russo
City Attorney