

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE: 1) CALLING AND GIVING NOTICE FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF OAKLAND PROPOSED BALLOT MEASURES; 2) REQUESTING CONSOLIDATION OF THE CITY OF OAKLAND GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE ELECTION TO BE HELD IN THE CITY OF OAKLAND ON NOVEMBER 8, 2022; AND 3) AUTHORIZING AND DIRECTING THE CITY CLERK TO TAKE ALL ACTIONS NECESSARY FOR THE MUNICIPAL ELECTION IN ACCORDANCE WITH APPLICABLE LEGAL REQUIREMENTS

WHEREAS, the California Constitution Article XI section 5(b) grants charter cities the power to provide in their charters for the conduct of city elections; and

WHEREAS, Oakland City Charter section 1101 provides that General Municipal Elections for the nomination of officers and for such other purposes as the Council may prescribe shall be held in the City on the first Tuesday after the first Monday in November in each even-numbered year; and

WHEREAS, Oakland City Charter section 1101 provides that in order to consolidate General Municipal Elections with Statewide General Elections, the Council may by ordinance provide for a date for a General Municipal Election which conforms to the date of a Statewide General Election; and

WHEREAS, Oakland City Charter section 1103 provides that all elections and procedures related thereto shall be in accordance with the applicable provisions of state law, except as otherwise may be provided by ordinance or the City Charter; and

WHEREAS, Oakland Municipal Code section 3.08.010 provides that except as may be otherwise provided in Chapter 3.08 all city elections and all procedures relating thereto shall be, where practicable, in accordance with the applicable provisions of state law relating to elections in general law cities; and

WHEREAS, the City Council desires that various proposed measures shall be submitted to the electors of the City of Oakland at the General Municipal Election to be held on November 8, 2022; and

WHEREAS, California Elections Code sections 10400 through 10403 provide that a municipal election may be consolidated with the Statewide election held on the same day upon an order by the county Board of Supervisors; and

WHEREAS, in order to request consolidation of the General Municipal Election with the Statewide General Election for the purpose of submitting to the electors of the City of Oakland proposed ballot measures the City Council shall, at least 88 days prior to the election, file with the County of Alameda a resolution that requests consolidation of the elections and sets forth the questions to be voted upon at the election

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

SECTION 1. That the City Council of the City of Oakland hereby calls and provides notice for the holding of the General Municipal Election in the City of Oakland on Tuesday, November 8, 2022 for the purpose of submitting to the electors of the City of Oakland proposed ballot measures.

SECTION 2. That the questions that shall be voted on at the City of Oakland General Municipal Election are as follows:

Shall the measure to authorize the City of Oakland to develop, construct, or acquire, or assist the development of, up to 13,000 low rent residential units in social housing projects within the City for the purpose of providing affordable rental housing be adopted?

Shall the measure amending Oakland's business tax rates to create a progressive rate structure that would (1) impose the highest rates on the highest grossing businesses, (2) increase Oakland's annual tax revenue by an estimated \$20,900,000, and (3) generate approximately \$124,000,000 in total annual revenue for municipal services by imposing business tax rates of .05% to .55% of gross receipts, and other rates as stated in the measure, be adopted?

Shall the measure to amend the City Charter to replace gender-specific language with gender neutral language, such as replacing words like "fireman" with "firefighters" and using gender-neutral pronouns in referring to City officers and staff, recognizing that women and non-binary persons as well as men are qualified for and hold such positions, and to avoid gender stereotyping and discrimination, and promote inclusivity be adopted?

Shall the measure to amend the City Charter to allow the City Council by adopting an ordinance, to authorize voting by noncitizen residents, who are the parents, legal guardians, or legally recognized caregivers of a child, for the Office of Oakland School Board Director if they are otherwise eligible to vote under state and local law be adopted?

Shall a measure to amend the Charter to, among other things, establish Councilmember term limits, require two hearings before Council places certain measures on the ballot; count Councilmember abstentions and absences as “no” votes in determining whether Mayor may break a tie; provide Public Ethics Commission discretion in setting Councilmember salaries; authorize the Commission to set City Attorney and Auditor salaries; and add and detail duties and provide minimum staffing for the Auditor, be adopted?

Shall the Measure amending the Oakland Municipal Code and City Charter to establish resident public financing for candidate election campaigns, increase transparency regarding independent spending in City elections, further restrict former city officials from acting as lobbyists, and provide additional resources to the Public Ethics Commission for implementation be adopted?

Shall the Measure amending the Just Cause for Eviction Ordinance to: (1) prohibit no-fault evictions of children and educators during the school year; (2) extend eviction protections to tenants in recreational vehicles (RVs), tiny homes on wheels, and newly constructed rental units (except accessory dwelling units during the first 10 years); (3) remove failure to sign a new lease as grounds for eviction; and (4) make other clarifying amendments, be adopted?

Shall the measure to create affordable housing and shelter for residents experiencing homelessness, repave streets, and improve public facilities, by issuing \$850,000,000 in general obligation bonds, raising approximately \$85,000,000 annually while bonds are outstanding at the rate of \$0.071 per \$100 (\$71 per \$100,000) of assessed value, with independent oversight, annual audits, and a current City policy to not increase tax rates currently in effect (although rates may vary based on other factors), be adopted?

Shall the measure amending the City Charter to deposit existing and future cannabis business taxes in a new City fund to support programs and services addressing the racially inequitable impacts of the War on Drugs, except during extreme financial crises, and replace the Cannabis Regulatory Commission with a new commission, which will develop guidelines for funding priorities and recommend to the Council programs and services to be funded with the taxes, be adopted?

SECTION 3. The City Council does hereby request that the Board of Supervisors of Alameda County order the consolidation of the City of Oakland General Municipal Election to be held on Tuesday, November 8, 2022 with the Statewide Election to be held on the same day.

SECTION 4. That the consolidated Municipal Election shall be held and conducted in the manner required in Section 10418 of the California Elections Code.

SECTION 5. That the City Clerk is hereby authorized and directed to take any and all actions necessary under law to prepare for and conduct the November 8, 2022, Oakland General Municipal Election, including posting, publication and printing of notices, and to fix the dates for submission of arguments, pursuant to the requirements of the City Charter, the Oakland Municipal Code, and California law.

SECTION 6. That the City Council hereby appropriates all monies necessary to prepare for and conduct said election and hereby authorizes the City Administrator to take any and all actions necessary to prepare for and conduct said election consistent with the Charter of the City of Oakland, the Oakland Municipal Code and California Elections Code where applicable.

SECTION 7. That the City Council of the City of Oakland hereby authorizes and directs the City Clerk, at least 88 days prior to the November 8, 2022 Oakland General Municipal Election to forward certified copies of this ordinance to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters.

SECTION 8. That the Council hereby requests that the Alameda County Board of Supervisors permit the Registrar of Voters of Alameda County to render necessary services to the City relating to the conduct of said General Municipal Election.

SECTION 9. 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 Chapter. 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 10. 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:

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

Date of Attestation: _____

3187166/ ARM

NOTICE AND DIGEST

ORDINANCE 1) CALLING AND GIVING NOTICE FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF OAKLAND PROPOSED BALLOT MEASURES; 2) REQUESTING CONSOLIDATION OF THE CITY OF OAKLAND GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE ELECTION TO BE HELD IN THE CITY OF OAKLAND ON NOVEMBER 8, 2022; AND 3) AUTHORIZING AND DIRECTING THE CITY CLERK TO TAKE ALL ACTIONS NECESSARY FOR THE MUNICIPAL ELECTION IN ACCORDANCE WITH APPLICABLE LEGAL REQUIREMENTS

This Ordinance would call and give notice for the General Municipal Election in the City of Oakland on November 8, 2022 for the purpose of submitting to the electors of the City of Oakland proposed ballot measures. This Ordinance would request consolidation of the General Municipal Elections with the Statewide Election to be held on the same day. This Ordinance authorizes the City Clerk of the City of Oakland to take all actions necessary for the General Municipal Election in accordance with applicable legal requirements.