

DRAFT

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE: 1) CALLING AND GIVING NOTICE FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON NOVEMBER 5, 2024 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF OAKLAND PROPOSED BALLOT MEASURES AND A PROPOSED RECALL ELECTION; 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 5, 2024; AND 3) AUTHORIZING THE CITY CLERK TO TAKE ALL ACTIONS NECESSARY TO HOLD THE MUNICIPAL ELECTION

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 and a recall election shall be submitted to the electors of the City of Oakland at the General Municipal Election to be held on November 5, 2024; and

WHEREAS, by separate resolution, the City Council accepted the certification of the results of the examination of an initiative petition for a proposed ordinance and placed the proposed ordinance on the ballot as required by the California Elections Code; and

WHEREAS, by separate resolution, and as required by the Elections Code, the City Council accepted the certification of the results of the examination of the petition to recall Mayor Sheng Thao; 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 the City Council shall, at least 88 days prior to the election, file with the County of Alameda legislation that requests consolidation of the elections and sets forth the exact form of the questions, propositions, and offices to be voted upon at the election; and

WHEREAS, pursuant to section 1105 of the City Charter and ongoing discussions with the Registrar of Voters of Alameda County regarding ballot template design, the City Clerk has determined that five rankings will be the maximum number of ranked choice options for the November 5, 2024 General Municipal Election to ensure the integrity and smooth functioning of 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 5, 2024 for the purpose of submitting to the electors of the City of Oakland proposed ballot measures and a proposed recall election.

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: (1) fund Citywide violence reduction services, such as 9-1-1 dispatch, community policing, mobile crisis responders, and violence interruption, and (2) increase police and fire minimum staffing, by extending and increasing both the existing parking tax surcharge to 10% and the existing parcel tax to \$198 annually for single-family parcels, and other parcels as specified, with exemptions and reductions, for 9 years, raising approximately \$47,400,000 annually, with oversight and auditing, be adopted?
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SECTION 3. That the question that shall be voted on at the City of Oakland General Municipal Election by the electors of the Wildfire Prevention Zone is as follows:

- Shall the measure levying a special tax for 20 years in the “Wildfire Prevention Zone” (defined in the measure), to prevent wildfires by implementing City of Oakland prevention plans, including vegetation management, evacuation route protection, enhanced fire patrols during high danger periods, and goat grazing at annual rates of \$99/single-family parcel, \$65/condominium/multifamily unit; nonresidential parcels based on a formula, generating \$2,670,000 in 2025-26, with cost of living increases, citizens’ oversight and audits, be adopted?

SECTION 4. That the question to be voted on at the Recall Election is:

- Shall Sheng Thao be recalled (removed) from the Office of Mayor?

SECTION 5. That the offices to be voted on at the City of Oakland General Municipal Election are:

- Councilmember, District 1
- Councilmember, District 3
- Councilmember, District 5
- Councilmember, District 7
- Councilmember, at Large
- City Attorney
- School Board Director, District 1
- School Board Director, District 3
- School Board Director, District 5
- School Board Director, District 7

SECTION 6. 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 5, 2024 with the Statewide Election to be held on the same day.

SECTION 7. That the consolidated Municipal Election shall be held and conducted in the manner required in Section 10418 of the California Elections Code.

SECTION 8. That pursuant to Oakland Charter section 1106, if the Oakland City Council adopts Oakland Municipal Code section 3.08.035 or another Ordinance authorizing youth voting and if the Alameda County Registrar of Voters is able to conduct a youth voting election on behalf of the City, the City Council hereby authorizes Youth Voters to vote for School Board Directors in the consolidated Municipal Election to be held on Tuesday, November 5, 2024.

SECTION 9. 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 5, 2024, 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 10. 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 11. That the City Council of the City of Oakland hereby authorizes and directs the City Clerk, at least 88 days prior to the November 5, 2024 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 12. 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 13. 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 14. 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, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, 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: _____

NOTICE AND DIGEST

ORDINANCE: 1) CALLING AND GIVING NOTICE FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON NOVEMBER 5, 2024 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF OAKLAND PROPOSED BALLOT MEASURES AND A PROPOSED RECALL ELECTION; 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 5, 2024; AND 3) AUTHORIZING THE CITY CLERK TO TAKE ALL ACTIONS NECESSARY TO HOLD THE MUNICIPAL ELECTION

This Ordinance would call and give notice for the General Municipal Election in the City of Oakland on November 5, 2024 for the purpose of submitting to the electors of the City of Oakland proposed ballot measures and a proposed recall election. This Ordinance would request consolidation of the General Municipal Elections with the Statewide Election to be held on the same day. Pursuant to the City Charter, this Ordinance would authorize youth voters to vote for School Board Directors at the November 5, 2024 General Municipal Election if the City Council adopts an ordinance authorizing youth voting and Alameda County Registrar of Voters is able to conduct a youth voting election on behalf of the City. This Ordinance authorizes the City Clerk of the City of Oakland to take all other actions necessary for the General Municipal Election in accordance with applicable legal requirements.