

2024 JUL 15 PM 12:17 APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90339 C.M.S.

RESOLUTION: 1) ACCEPTING THE CERTIFICATION OF THE RESULTS OF THE EXAMINATION OF THE PETITION TO RECALL OAKLAND MAYOR SHENG THAO; 2) CALLING THE RECALL ELECTION ON NOVEMBER 5, 2024; AND 3) AUTHORIZING THE CITY CLERK TO TAKE ALL ACTIONS NECESSARY UNDER LAW TO SUBMIT THIS ELECTION TO THE VOTERS

WHEREAS, a recall petition entitled "Recall of Mayor Sheng Thao" was filed with the Office of the City Clerk and subsequently with the Alameda County Registrar of Voters within the statutory time limit for verification; and

WHEREAS, pursuant to the California Elections Code, if the petition is found sufficient, the elections official shall certify the results of the examination and submit a certificate as to the sufficiency of the petition to the governing body at its next regular meeting; and

WHEREAS, attached hereto as Exhibit A is a copy of the Registrar of Voters Certificate To Petition; and

WHEREAS, the City Clerk certifies to the City Council that upon examination of the petition to recall Mayor Sheng Thao, that the petition is signed by the requisite number of registered voters and hereby submits the certificate of sufficiency, attached hereto as Exhibit B; and

WHEREAS, in accordance with the Elections Code, within 14 days after the meeting at which the governing body receives the attached certificate of sufficiency of the petition, the governing body shall issue an order stating that the election shall be held to determine whether or not the officer named in the petition shall be recalled, and if the governing body fails to issue the order within 14 days the County elections official shall set the date for holding the election; and

WHEREAS, pursuant to the Elections Code, the recall election shall be held not less than 88, nor more than 125, days after the issuance of the order except that the recall election may be conducted within 180 days after the issuance of the order so that the recall election may be consolidated with a regularly scheduled election; and

WHEREAS, November 5, 2024 is not less than 88 days and not more than 125 days from the date of adoption of this resolution such that the City Council has the option to consolidate the recall election with the November 5, 2024 General Municipal Election; and

WHEREAS, if the City Council elects not to consolidate the recall election with the November 5, 2024 General Municipal Election, the City Clerk would return with proposed dates for a special election; and

WHEREAS, action by the City Council to order the recall election is not a statement that the City Council or its members are either for or against the proposed recall; now, therefore, be it

RESOLVED: That the City Council hereby accepts the City Clerk's certification of the results of the examination of the petition to recall Mayor Sheng Thao and hereby receives the certificate of sufficiency; and be it

FURTHER RESOLVED: That the City Council hereby calls the recall election for November 5, 2024; and be it

FURTHER RESOLVED: That the City Council hereby authorizes and directs the City Clerk, at least 88 days prior to the general municipal election on November 5, 2024 to file with Alameda County certified copies of this resolution; and be it

FURTHER RESOLVED: That the City Clerk is hereby authorized to take all actions necessary under law to submit this recall election to the voters.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 2 2024

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND

~~PRESIDENT FORTUNATO BAS~~ - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

1 EXCUSED - Fortunato Bas

ATTEST:



ASHIA REED

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

3357902v1/ARM

EXHIBIT A

REGISTRAR OF VOTERS CERTIFICATE TO PETITION

I, **Tim Dupuis**, Registrar of Voters for the County of Alameda, State of California, hereby certify that:
A Recall Petition Entitled: "**RECALL OF MAYOR SHENG THAO**" was filed with the County of Alameda Registrar of Voters within the statutory time limit and forwarded to this office for verification on June 11, 2024; and

The petition contained **40,654** unverified signatures; and

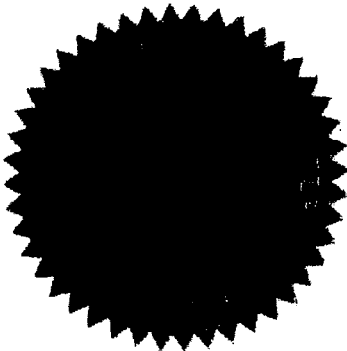
Pursuant to California Elections Code section 11222, to be sufficient, the petition must have been signed by **24,644** qualified registered voters of the City of Oakland that number being equal to ten percent of the total registered voters of the City at the last Report of Registration to the Secretary of State; and.

I have examined, or caused to be examined, signatures on the petition using the random sampling technique, pursuant to California Elections Code sections 11225.

Having determined that the petition contained **1,496** valid signatures of qualified registered voters in the City of Oakland based on the statistical sample examination set forth in California Elections Code Section 11225: and

That this number represents **118%** of the total number of signatures. The above-named petition will qualify by random sample as the number of valid signatures is greater than 110% of the of signatures required.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this **14th** day of **June 2024**.



DocuSigned by:
Tim Dupuis
CS04117C2A294A7

TIM DUPUIS
Registrar of Voters
County of Alameda
State of California

EXHIBIT B

CITY OF OAKLAND



CITY HALL • ONE FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Clerk
Asha Reed
City Clerk and Clerk of the Council

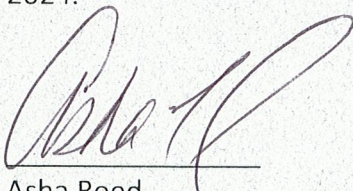
(510) 238-3611
FAX (510) 238-6699
TDD (510) 839-6451

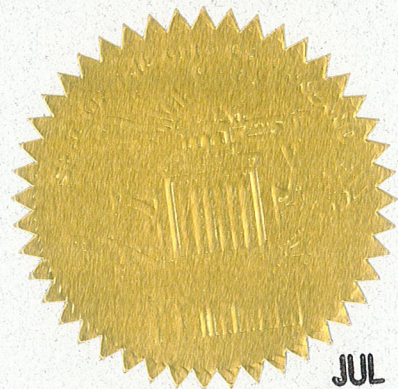
CITY CLERK'S CERTIFICATE AS TO SUFFICIENCY OF RECALL PETITION OF MAYOR SHENG THAO

Pursuant to Elections Code section 11227, I, Asha Reed, City Clerk of the City of Oakland, do hereby certify that I have examined, or caused to be examined, the signatures on the petition entitled: Recall of Mayor Sheng Thao, and declare as follows:

- (a) Name of the officer recalled: Sheng Thao
- (b) Title of their office: Mayor of the City of Oakland
- (c) The number of signatures required by law: 24,644
- (d) The total number of signatures on the petition: 40,654
- (e) The number of valid signatures on the petition: Pursuant to Elections Code 11225, the Alameda County Registrar of Voters conducted the petition verification process by the random sampling technique and found that the statistical sampling showed the number of signatures was 118% of the required number. Under Elections Code section 11225, a petition that has valid number of signatures greater than 110% of the required number shall be certified as sufficient. A true and correct copy of the Registrar of Voters Certificate to Petition dated June 14, 2024, is attached hereto.
- (f) Based on this examination and in accordance with Elections Code sections 11227, the petition to recall Sheng Thao as Mayor is hereby acknowledged as sufficient and certified as such this 20 day of June 2024.

IN WITNESS WHEREOF, I have hereby set my hand and affix my official seal this 20 day of June 2024.


Asha Reed
City Clerk, City of Oakland



JUL 2 2024

MEETING OF THE
OAKLAND CITY COUNCIL

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