


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 JUN 30 AM 11:50

APPROVED AS TO FORM AND LEGALITY


DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION No. 86800 C.M.S.

A RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO THE VOTERS AT THE NOVEMBER 8, 2016 STATEWIDE GENERAL ELECTION A PROPOSED AMENDMENT TO THE CITY CHARTER TO INCREASE THE MAXIMUM LEASE TERM OF CITY-OWNED REAL PROPERTY FROM 66 YEARS TO 99 YEARS, AND DIRECTING THE CITY CLERK TO TAKE ANY AND ALL ACTIONS NECESSARY UNDER LAW TO PREPARE FOR AND CONDUCT THE ELECTION, AS SUCH CHARTER AMENDMENT IS NOT A PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA"), INCLUDING WITHOUT LIMITATION CEQA GUIDELINES SECTIONS 15061(B)(3) AND 15378

WHEREAS, the Charter of the City of Oakland provides the City Council with the authority to lease City-owned real property for a maximum term of sixty-six years; and

WHEREAS, on December 9, 2014, the City Council adopted Resolution No. 85324 C.M.S., which establishes the general policy of the City to lease rather than sell City-owned property; and

WHEREAS, the City adopted said Resolution as the City Council determined that it is in the best interest of the City to retain as much City-owned real property as feasible for the benefit of the public now and in the future; and

WHEREAS, developers of affordable housing projects on City-owned real property maintain it is difficult to finance projects on property with leases of sixty-six years or less; and

WHEREAS, the City Council desires to increase the Council's authority to lease City-owned real property from a maximum of sixty-six years to ninety-nine years;

WHEREAS, the requirements of the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines as prescribed by the Secretary of Resources have been satisfied; now therefore be it

RESOLVED: That the City Council hereby authorizes and directs the City Clerk, at least 88 days prior to the next general municipal election date on November 8, 2016, to file with the Alameda County Board of Supervisors and the Registrar of Voters certified copies of this resolution; and be it

FURTHER RESOLVED: That the City Charter hereby is amended, to add, delete, or modify sections as set forth below (sections number and titles are indicated in capitalized bold type; additions are indicated by underscoring, deletions are indicated by strike-through type; portion of the provisions not cited or not shown in underscoring or strike-through type are not changed); and be it

FURTHER RESOLVED: That the proposed Charter Amendment text shall be as follows:

SECTION 1001. LEASES, SALES

The Council shall have authority to lease or sell real and personal property owned or controlled by the City in accordance with such uniform procedure as it shall adopt by ordinance, provided, however, that no lease of real property shall be for a term in excess of ~~sixty-six~~ ninety-nine years.

FURTHER RESOLVED: That in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments for or against said proposed Charter amendment, and said date shall be posted by Office of the City Clerk; and be it

FURTHER RESOLVED: That in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk shall provide for notice and publication as to said proposed Charter amendment in the manner provided for by law; and be it

FURTHER RESOLVED: That each ballot used at said municipal election shall have printed therein, in addition to any other matter required by law the following:

**PROPOSED CHARTER AMENDMENT
MEASURE _____**

Measure _____ To Amend the Oakland City Charter To Increase the Maximum Lease Term of City-Owned Real Property From Sixty-Six Years To Ninety-Nine Years

Measure _____. Shall the Charter of the City of Oakland be amended to Increase the Maximum Lease Term of City-Owned Real Property From Sixty-Six Years To Ninety-Nine Years?	Yes	
	No	

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 next municipal election and appropriate all monies necessary for the City Administrator and City Clerk to prepare for and conduct the next municipal election, consistent with law; and be it

FURTHER RESOLVED: That the City Council declares the intent, upon the effective date of the above Charter Amendment, to amend Section 1001 of the Oakland City Charter to be consistent with the Charter Amendment: and be it

FURTHER RESOLVED: That the City finds and determines, after independent review and consideration, that this action complies with CEQA because the Charter Amendment is exempt from CEQA pursuant to Section 15061(b)(3) and Section 15378 of the CEQA Guidelines; and be it

FURTHER RESOLVED: That the City Administrator or designee shall cause to be filed with the County of Alameda a Notice of Determination and/or Exemption for this action.

IN COUNCIL, OAKLAND, CALIFORNIA, July 19, 2016

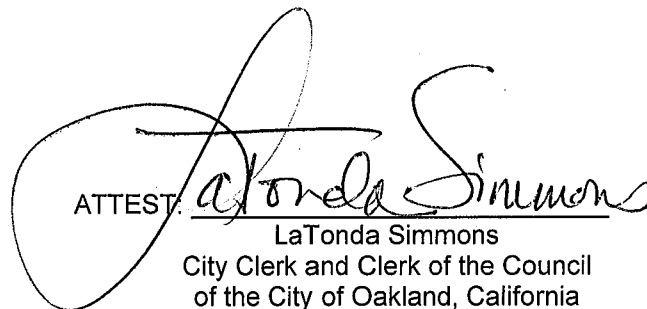
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID and PRESIDENT GIBSON MCELHANEY- 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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