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City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 87942 C.M.S.

INTRODUCED BY COUNCIL PRESIDENT KAPLAN

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**RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO THE VOTERS AT THE MARCH 3, 2020 SPECIAL MUNICIPAL ELECTION, AN AMENDMENT TO CITY CHARTER ARTICLE XII, SECTION 1205, TO ELIMINATE OBSOLETE REQUIREMENTS FOR DESIGNATING THE CITY'S OFFICIAL NEWSPAPER AND REQUIRING THAT THE COUNCIL ESTABLISH BY ORDINANCE REQUIREMENTS FOR DESIGNATING THE CITY'S OFFICIAL NEWSPAPER OR NEWSPAPERS, AND DIRECTING THE CITY CLERK TO TAKE ALL ACTIONS NECESSARY UNDER LAW TO PREPARE FOR AND CONDUCT A MARCH 3, 2020 MUNICIPAL ELECTION**

**WHEREAS**, Oakland City Charter, Article XII, Sec. 1205 requires the Council to annually designate a newspaper as the official newspaper of the City for the purpose of publishing notice of pending ordinances, invitations to bid, awards of contracts and leases, notices of intention to grant franchises, election proceedings and other matters that require public notice; and

**WHEREAS**, the City of Oakland's Charter outlining public noticing was last amended in November 1988, and Charter Sec. 1205 provides that the official newspaper shall be: 1) printed in the City of Oakland, 2) published in the City of Oakland, and 3) shall have a minimum daily circulation of at least 25,000; and

**WHEREAS**, the American media landscape has changed dramatically in recent years and continues to change, with significant reductions in daily newspapers, thus requiring that we adapt our noticing provisions to accommodate changing circumstances; and

**WHEREAS**, historically the Oakland Tribune, a newspaper in operation locally since 1874, was the official paper of circulation for many decades in the San Francisco Bay Area and in the City of Oakland until the 1990s - 2000s when its printing and publishing operations were moved out of Oakland and its daily Oakland circulation dropped below 25,000, and no newspaper has met the Charter criteria since; and

**WHEREAS**, the printed news format has been impacted as more and more Americans consume news digitally and from a variety of sources; and

**WHEREAS**, the City Council wishes to amend the Charter to delete the obsolete requirements for the official newspaper and provide the Council flexibility to establish procedures and criteria to designate the City's official newspaper or newspapers by ordinance; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes and directs the City Clerk to, at least 88 days prior to the March 3, 2020 special municipal election, file with the Alameda County Registrar of Voters certified copies of this Resolution; and be it

**FURTHER RESOLVED:** That the City Council intends for this proposed Amendment to Article XII of the Charter, Section 1205, to delete obsolete requirements and authorize the Council to establish procedures and criteria for designation of the City's official newspaper by ordinance; and be it

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

**Section 1.** Amendment to the Charter of the City of Oakland.

**Section 1205. Public Notice.** Except as otherwise provided in this Charter or by general law, the Council shall, by ordinance applying to all agencies of the City, designate the time and conditions under which adequate public notice should be given, through publication or otherwise, of the pending consideration of ordinances, invitations to bid, and awards of contracts or leases, notices of intention to grant franchise, election proceedings and other matters requiring public notice in accordance with this Charter, any ordinance enacted pursuant thereto or general state law. Publication, if required, shall be in an official newspaper designated annually by the Council. The Council shall establish procedures by ordinance to designate a newspaper or newspapers as the official newspaper(s) of the City of Oakland for the purpose of publishing legal and other notice of matters where publication is required by the Oakland City Charter or by other laws, which shall be a newspaper printed and published in the City of Oakland and which shall have a daily circulation within the City of at least 25,000.

**Section 2. Severability.** If any section, subsection, sentence, clause or phrase of this Measure 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 Measure. The voters hereby declare that they would have passed this Measure 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.

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 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 _____. Shall a measure amending Oakland's City Charter to eliminate obsolete requirements for designation of the City of Oakland's Official Newspaper, and authorizing the City Council to establish procedures by ordinance to designate the City of Oakland's official newspaper or newspapers be adopted?	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.

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IN COUNCIL, OAKLAND, CALIFORNIA,

**NOV 19 2019**

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, ~~BEAULIEU, LARSEN, HAY~~ AND PRESIDENT KAPLAN — 5

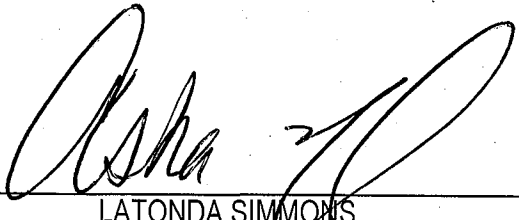
NOES - 0

ABSENT - 1 Reed

ABSTENTION - 0

Excused - 2 Thao & Taylor

ATTEST:

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