

19 DEC -3 PM 4:45

CITY ATTORNEY'S BALLOT TITLE AND SUMMARY OF MEASURE _____

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

BALLOT TITLE:

A Proposed Amendment to City Charter Article XII, Section 1205, To Eliminate Obsolete Requirements For Designation of The City's Official Newspaper And Require That The Council Establish Requirements By Ordinance to Designate The City's Official Newspaper Or Newspapers.

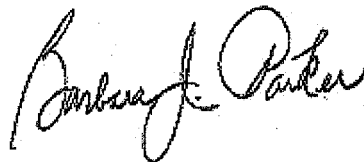
BALLOT SUMMARY:

Oakland City Charter, Article XII, section 1205, requires that the Council 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, notice of intention to grant franchises, election proceedings and other matters that require public notice.

The Charter currently provides that only those newspapers that satisfy the following requirements are eligible for designation as the City's official newspaper: (1) the newspaper must be printed and published in the City of Oakland; and (2) the newspaper must have a minimum daily circulation of at least 25,000 within the City. No newspaper that currently is circulated in Oakland meets all of the current Charter requirements.

This measure would amend Section 1205 to delete the printing, publishing and circulation requirements and instead, require the City Council to establish by ordinance requirements for newspapers to be designated as the City's official newspaper or newspapers.

This measure was placed on the ballot by the Oakland City Council. Passage of this measure requires an affirmative vote of a majority of voters (i.e., more than 50% of the votes cast). A "yes" vote will approve the measure; a "no" vote will reject the measure.



BARBARA J. PARKER
City Attorney

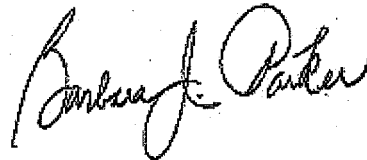
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CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE _____

Oakland City Charter, Article XII, section 1205 requires that the City Council 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. The Charter currently provides that only those newspapers that satisfy the following requirements are eligible for the official newspaper designation: (1) the newspaper must be printed and published in the City of Oakland; and (2) the newspaper must have a minimum daily circulation of at least 25,000 within the City. No newspaper that currently is circulated in Oakland meets all of the current Charter requirements.

This measure would amend Section 1205 to delete the printing, publishing and circulation requirements and, instead, require that the City Council establish by ordinance requirements for newspapers to be designated as the City's official newspaper or newspapers.

This measure was placed on the ballot by the Oakland City Council. Passage of this measure requires an affirmative vote of a majority of voters (i.e., more than 50% of the votes cast). A "yes" vote will approve the measure; a "no" vote will reject the measure.



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City Attorney

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Summary

This measure amends the City Charter to eliminate the requirement that the City's official newspaper be printed and published in the City of Oakland and have a daily circulation of at least 25,000. Further, it requires the City Council, by ordinance, to establish new procedures for designating the City's official newspaper to publish legal and other notices required by the Oakland City Charter and other laws.

Fiscal Impact

This measure will have minimal financial impact to the City. If approved, the City Council will establish new procedures for designating the City's official newspaper to publish legal and other notices. The City will incur costs; however, we deem these costs to be immaterial.

References to information in our independent analysis represents the best information at the time of this analysis.

FULL TEXT

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.

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ARGUMENT IN FAVOR OF MEASURE R

The American media landscape has changed dramatically in recent years and continues to change, with significant reductions in the number of daily newspapers in print. The estimated total U.S. daily newspaper circulation in print in 2018 was 28.6 million during the weekday, down 8% from the previous year.

The City of Oakland relies on print media to provide important information to our residents, often for the purpose of publishing legal and other noticing of matters. Our City Charter has outdated language that required a newspaper be printed and published in the City of Oakland with a daily circulation of 25,000. This no longer exists. In Oakland, our long-established daily print newspaper shut its doors in 2016. As this Section is memorialized in our City Charter, it requires a vote of Oakland residents to update our Newspaper of record circulation requirements.

This Measure allows the Oakland City Council to establish a thoughtful public process to adapt our noticing provisions to accommodate changing circumstance and practices through Ordinance. In specific, the Measure allows the City Council 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. This will assist the City of Oakland in working with diverse weeklies and truly reaching all communities across our City.

Rebecca Kaplan
Oakland City Council President

Geoffrey Pete
Business Owner

Noel Gallo
Oakland City Council Member

Robert Gammon
Former Newspaper Publisher

Barbara Lopez
Legislative Director