

**CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
RESOLUTION NO. 05-01**



**RESOLUTION AUTHORIZING THE DISBURSEMENT AND ALLOCATION OF  
\$50,000 IN AVAILABLE PUBLIC MATCHING FUNDS FOR THE  
DISTRICT TWO SPECIAL ELECTION**

**BY ACTION OF THE OAKLAND PUBLIC ETHICS COMMISSION:**

**WHEREAS**, the Oakland City Council adopted the Limited Public Financing Act of the City of Oakland (the "Act") on December 14, 1999, and which Act took effect on January 1, 2001; and,

**WHEREAS**, Section 3.13.050 of the Act establishes the Election Campaign Fund ("Fund") within the City of Oakland; and,

**WHEREAS**, Section 3.13.060(A) of the Act provides that the Oakland City Council shall appropriate to the Fund, under the City's current two year budget cycle, an "amount sufficient to fund all candidates" for city office eligible to receive limited matching funds from the Fund; and,

**WHEREAS**, Section 3.13.060(B) of the Act provides that the amount of funds to be allocated to the Fund "shall be based on a consideration of anticipated campaign activity, anticipated administrative costs, and existing unspent funds within the account;" and,

**WHEREAS**, Section 3.13.060(C) of the Act provides that any unspent funds shall remain in the Fund and accrue for disbursement to candidates eligible for matching funds in future elections and for administrative costs; and,

**WHEREAS**, Section 3.13.060(D) of the Act provides that the Public Ethics Commission ("Commission") may utilize up to 7.5 percent of the amount allocated to the Fund to cover the anticipated costs of administering the provisions of the Act; and,

**WHEREAS**, LPF Administrative Regulation No. 13.060(b) requires that the Executive Director shall determine whether the amount of money in the Fund is adequate to provide the maximum amount of public matching funds to participants in the matching fund program and, if not, to prepare a resolution for approval by the Commission for the allocation of available funds on a "pro rata or other equitable basis;" and,

**WHEREAS**, LPF A.R. No. 13.060(b) provides that the Commission may at any time revise the disbursement plan contained in this Resolution; and,

**WHEREAS**, on February 1, 2005, the Oakland City Council adopted Resolution No. 79042 that authorized and allocated the sum of \$50,000 to the Fund for use by the Commission in administering the public financing program during the May, 2005, District Two special election; and,

**WHEREAS**, City Charter Section 205 provides that the candidate who receives the highest number of votes shall be declared the winner of the District Two special election without need of a run-off election; and,

**WHEREAS**, on \_\_\_\_\_ (date) the Executive Director determined that the amount of money allocated to the Fund for the District Two special election will not be adequate to provide the maximum amount of funds to which eligible candidates may be entitled;  
**therefore be it:**

**RESOLVED:** that the method used to calculate the amount of available matching funds that eligible candidates may receive in the May, 2005, District Two special election shall be determined as follows:

1. An amount equal to 7.5 percent of the total funds allocated to the Fund shall first be deducted and reserved in the Fund for the Commission's anticipated administrative costs.

2. The amount that eligible candidates participating in the matching fund program shall receive shall be determined by dividing the remaining Fund amount (after administrative costs have been deducted) by the number of candidates who are eligible and potentially eligible to participate in the matching fund program. For purposes of this formula, an "eligible candidate" is any candidate who meets the qualification requirements of Section 3.13.080 of the Act and who has been certified to participate in the matching fund program pursuant to Section 3.13.100 and A.R. No. 13.100(c). A "potentially eligible candidate" is any candidate who has on file a timely and unrescinded statement of acceptance of the voluntary expenditure ceiling (OCRA Form 301) and whose name has been certified to appear on the ballot for the May, 2005, District Two special election.

3. In the event an eligible or potentially eligible candidate notifies the Executive Director in writing that he or she has made an irrevocable decision not to participate in the matching fund program, the Executive Director shall apply that candidate's previously allocated share of matching funds in equal amounts to each remaining eligible or potentially eligible candidate's share of matching funds.

4. In the event that the City Council makes a supplemental appropriation to the Fund, the Executive Director shall allocate the amount of any supplemental appropriation in the manner provided in paragraph 2.

**RESOLVED**, that any unclaimed money existing in the Fund after the District Two special election shall remain in the Fund pursuant to Section 3.12.060(C) of the Act; and,

**RESOLVED**, that the Commission authorizes the Executive Director to make any changes to draft versions of this Resolution as directed by the Commission and to certify and issue a final version of this Resolution without further approval by the Commission.

#### **CERTIFICATION RE: APPROVAL OF RESOLUTION**

The foregoing Resolution was presented for approval at a duly noticed meeting of the City of Oakland Public Ethics Commission ("Commission") held on \_\_\_\_\_, 2005. A quorum of the membership of the Commission was present at the meeting. A motion approving the Resolution was made and seconded, and the motion was adopted by a majority of said quorum.

I hereby certify that the foregoing is true and correct.

Dated:

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Daniel D. Purnell  
Executive Director  
Oakland Public Ethics Commission