



2006 JAN 12 PM 5:38

CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Administrator  
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City Administrator

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January 24, 2006

Finance and Management Committee  
Oakland City Council  
Oakland, CA

**RE: SUPPLEMENTAL REPORT AND REVISED LEGISLATION:**

(1) ORDINANCE AMENDING OAKLAND MUNICIPAL CODE TITLE 2, CHAPTER 2.04, ARTICLE 2.04.160, *EXPENDITURES FROM RESTRICTED GIFT PROCEEDS*, TO DELEGATE LIMITED AUTHORITY TO THE CITY ADMINISTRATOR TO, WITHOUT CITY COUNCIL ACTION, ACCEPT GIFTS AND DONATIONS AND TO APPROPRIATE AND EXPEND MONIES DERIVED FROM GIFTS AND DONATIONS, AND REPEALING OAKLAND MUNICIPAL ORDINANCE NO. 8144 C.M.S., ADOPTED JUNE 9, 1970, WHICH CONTAINS CONFLICTING AND OBSOLETE PROVISIONS; AND

(2) RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO ACCEPT AND APPROPRIATE UNRESTRICTED GRANTS WITH A MARKET OR MONETARY VALUE OF TEN THOUSAND DOLLARS (\$10,000.00) OR LESS, AND RESTRICTED GRANTS WITH A MARKET OR MONETARY VALUE OF FIFTY THOUSAND DOLLARS (\$50,000.00) OR LESS, WITHOUT PRIOR COUNCIL APPROVAL

Dear Chairperson Quan and Committee Members:

Staff presented a report and proposed legislation to the Finance and Management Committee on January 10, 2006, requesting authority, within limits, for the City Administrator to accept and appropriate unrestricted and restricted gifts and grants. The Committee lacked a quorum; however the two members present provided feedback, which included the following suggestions:

- The authority limit for City Administrator acceptance and appropriation of *restricted* gifts and grants should not exceed fifty thousand dollars (\$50,000).
- The authority limit for City Administrator acceptance and appropriation of *unrestricted* gifts and grants would be too high at twenty-five thousand dollars (\$25,000). Chairperson Quan suggested an authority level of up to ten thousand dollars (\$10,000). Committee Member Nadel indicated that all unrestricted funds should be sent to the City Council.

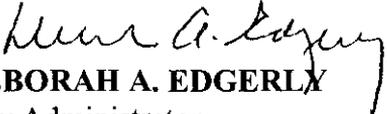
Item No. \_\_\_\_\_  
Finance and Management Committee  
January 24, 2006

- The ordinance and resolution should contain language requiring that all such gifts and grants be deposited in the City Treasury, and that the City Administrator report annually to the Council on gifts and grants accepted during the prior year.

For your consideration are 2 sets of revised legislation, reflecting the feedback provided on the handling of *unrestricted* gifts and grants. The revised ordinance and resolution are provided in redline for ease of comparison with the original versions. I recommend that Council set \$10,000 as the delegated authority limit for accepting and appropriating *unrestricted* gifts and grants.

I request that the City Council approve an ordinance and a resolution authorizing the City Administrator, on behalf of the City of Oakland, to accept, appropriate and expend the proceeds of unrestricted gifts and grants of \$10,000 or less, and restricted gifts and grants of \$50,000 or less, *without prior Council approval*.

Respectfully submitted,

  
**DEBORAH A. EDGERLY**  
City Administrator

OFFICE OF THE CITY CLERK  
2006 JAN 12 PM 5:38

APPROVED FOR CITY ATTORNEY  
**DRAFT**  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_ C.M.S.

**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE TITLE 2, CHAPTER 2.04, ARTICLE 2.04.160, EXPENDITURES FROM RESTRICTED GIFT PROCEEDS, TO DELEGATE LIMITED AUTHORITY TO THE CITY ADMINISTRATOR TO, WITHOUT CITY COUNCIL ACTION, ACCEPT GIFTS AND DONATIONS AND TO APPROPRIATE AND EXPEND MONIES DERIVED FROM GIFTS AND DONATIONS, AND REPEALING OAKLAND MUNICIPAL ORDINANCE NO. 8144 C.M.S., ADOPTED JUNE 9, 1970, WHICH CONTAINS CONFLICTING AND OBSOLETE PROVISIONS**

**WHEREAS**, pursuant to Oakland Charter – Article XII, Section 1203, *Gifts and Trusts*, specifies the City Council is authorized to accept gifts and trust on behalf of the City and to control, manage, dispose of and otherwise administer the same in accordance with their terms; and

**WHEREAS**, Oakland Charter – Article VIII, Section 806, *Receipts and Expenditures*, specifies that:

All monies received by the City shall be deposited in the City Treasury, and no monies shall be disbursed from the treasury without the approval of the City Administrator or [his/her delegee]. No expenditure of City funds shall be made except for the purposes and in the manner specified by an appropriation of the Council . . .

**WHEREAS**, Council adopted Ordinance 8144 C.M.S., June 9, 1970, which authorized the City Manager and Directors of Museum, Parks and Recreation and Library to accept unrestricted gifts and donations for use by the respective department, but excluded authority to accept gifts and donations for construction of public improvements; and

**WHEREAS**, the City Council amended Section 2.04.160, *Expenditures from Restricted Gift Proceeds*, of the City’s Purchasing Ordinance, Ordinance No. 7937 C.M.S., as amended, on October 4, 1973, authorizing the City [Administrator] to expend monies derived from gifts and donations to the City in accordance with any special conditions of the donor provided the City Council has accepted the gift/donation by resolution; and

**WHEREAS**, the City Council wishes to improve the City’s efficiency in accepting, appropriating and utilizing gifts and donations in order to encourage the offering of such gifts and donations to the City and to facilitate their timely use by the City for the public’s benefit; and

**WHEREAS**, to improve the City's efficiency in accepting, appropriating and utilizing gifts and donations, the City Council wishes to delegate authority to the City Administrator, within set dollar limits, to accept, appropriate and expend monies derived from restricted and unrestricted gifts and donations to the City of Oakland; and

**WHEREAS**, the City Administrator will comply with all Charter requirements for fiscal administration of such funds and otherwise apply proper and sufficient procedures and controls necessary to monitor and ensure fiscal and performance accountabilities;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Oakland Municipal Code Title 2, Chapter 2.04, Section 2.04.160 is amended to authorize the City Administrator to accept, appropriate and expend monies derived from gifts and donations as follows:

**2.04.160 Acceptance, appropriation and expenditures from gift proceeds.**

Notwithstanding any other provision of this article, the City Administrator is delegated limited authority to accept gifts/donations to the City, including money gifts, and to appropriate and expend moneys derived from such gifts/donations in accordance with any special conditions of the donor without City Council action, provided that the gift/donation does not create unbudgeted costs for the City and is for a program or project that has been approved by the Council in the biennial or midcycle operating or Capital Improvement Program (CIP) budget, or by City Council legislation during the fiscal year, as follows:

- 1) ~~up to twenty five thousand dollars (\$25,000.00) for non-restricted gift proceeds – i.e., monetary gifts or donations, or monetary proceeds from gifts or donations, with no special conditions, limitations or restrictions by the donor on use; and~~
- 2) up to fifty thousand dollars (\$50,000.00) for restricted gift proceeds – i.e., monetary gifts or donations, or monetary proceeds from gifts or donations, with special conditions, limitations or restrictions by the donor on use.

For monetary proceeds from or monetary gifts/donations that exceed the above limits, restricted or otherwise, the City Administrator is authorized to expend such monies in accordance with any special conditions without City Council action, when the gift has been approved, accepted and appropriated by City Council resolution.

All funds accepted hereunder shall be deposited into the City Treasury. The City Administrator will provide an annual report to Council on all gifts and donations accepted hereunder during the previous year.

**Section 2: Remaining Provisions Unchanged.** Except as amended herein, all provisions, articles, sections, subsections, sentences, clauses or phrases of Oakland Municipal Code 2.04, shall remain unchanged and in full force and effect.

**Section 3. Oakland Municipal Ordinance No. 8144 C.M.S. Repealed.** Oakland Municipal Ordinance No. 8144 C.M.S., adopted June 9, 1970, which authorized the City Manager, Director of Museums, Director of Parks and Recreation, and Director of Library to accept certain unrestricted gifts and donations on behalf of the City of Oakland is hereby repealed.

**Section 4: Severability:** If any article, section, subsection sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

**Section 5: Effective Date:** This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

352274

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2006

**PASSED BY THE FOLLOWING VOTE:**

AYES-                    BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID AND  
                                  PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

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

OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

2006 JAN 12 PM 5:38

Approved by to **DRAFT** Finance and Legality

Oakland City Attorney's Office

# OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO ACCEPT AND APPROPRIATE ANY GRANT WITH A MARKET OR MONETARY VALUE OF \$25,000.00 OR LESS, EACH, AND RESTRICTED GRANTS WITH A MARKET OR MONETARY VALUE OF FIFTY THOUSAND DOLLARS (\$ 50,000.00) OR LESS, WITHOUT PRIOR CITY COUNCIL APPROVAL**

**WHEREAS**, Oakland Charter – Article VIII, Section 806, *Receipts and Expenditures*, specifies that all monies received by the City shall be deposited in the City Treasury, and no monies shall be disbursed from the treasury without the approval of the City Administrator or of another officer duly authorized by him/her. No expenditure of City funds shall be made except for the purposes and in the manner specified by an appropriation of the Council, or made without proper accounting documentation and sufficient funds in the City Treasury and in proper accounts; and (Amended by: Stats. November 1988 and March 2004); and

**WHEREAS**, the City Council wishes to improve the City's efficiency in accepting, appropriating and utilizing grants in order to encourage the solicitation and offering of such grants to the City and to facilitate their timely use by the City for the public's benefit; and

**WHEREAS**, to improve the City's efficiency in accepting, appropriating and utilizing grants, the City Council wishes to delegate authority to the City Administrator, within set dollar limits, to accept and appropriate monies derived from restricted and unrestricted grants to the City of Oakland; and

**WHEREAS**, the City Administrator will comply with all charter requirements for fiscal administration and expenditure of such funds and otherwise apply proper and sufficient procedures and controls necessary to monitor and ensure fiscal and performance accountabilities; now, therefore, be it

**RESOLVED:** That the City Administrator, on behalf of the City Council, is hereby authorized to accept and appropriate, without prior City Council approval, monies derived from:

1. ~~Any unrestricted grant with a market or monetary value of twenty five thousand dollars (\$25,000.00) or less, and~~
2. Any restricted grant with a market or monetary value of fifty thousand dollars (\$50,000.00) or less,

provided that the grant is for programs and projects approved by the City Council in a current operating or Capital Improvement Program (CIP) budget, that the grant does not

create unbudgeted costs for the City and does not require specific approval by the legislative body; and be it

**FURTHER RESOLVED:** That all funds accepted hereunder shall be deposited into the City Treasury and the City Administrator will provide an annual report to Council on all grants accepted hereunder during the previous year; and, be it

**FURTHER RESOLVED:** That expenditures of grant funds shall be in accordance with the requirements of the City of Oakland "Purchasing Ordinance" (Ordinance No. 7937 C.M.S., as amended); and be it

**FURTHER RESOLVED:** That the City Administrator shall present a report annually to the City Council listing the grants accepted and appropriated on behalf of the City Council during the prior year.

356528

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES -        BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN,  
                  REID AND PRESIDENT DE LA FUENTE

NOES -  
ABSENT -  
ABSTENTION -

ATTEST:

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

OFFICE OF THE CITY CLERK  
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APPROVED AS TO FORM AND LEGALITY  
**DRAFT**  
CITY ATTORNEY

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**WHEREAS**, Council adopted Ordinance 8144 C.M.S., June 9, 1970, which authorized the City Manager and Directors of Museum, Parks and Recreation and Library to accept unrestricted gifts and donations for use by the respective department, but excluded authority to accept gifts and donations for construction of public improvements; and

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1. Up to ~~twenty-five~~ ten thousand dollars (~~\$25,000.00~~ \$10,000.00) for non-restricted gift proceeds – i.e., monetary gifts or donations, or monetary proceeds from gifts or donations, with no special conditions, limitations or restrictions by the donor on use; and
2. Up to fifty thousand dollars (\$50,000.00) for restricted gift proceeds – i.e., monetary gifts or donations, or monetary proceeds from gifts or donations, with special conditions, limitations or restrictions by the donor on use.

For monetary proceeds from or monetary gifts/donations that exceed the above limits, *restricted or otherwise*, the City Administrator is authorized to expend such monies in accordance with any special conditions without City Council action, when the gift has been approved, accepted and appropriated by City Council resolution.

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NOES-

ABSENT-

ABSTENTION-

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OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

Approved by the Finance and Legality

**DRAFT**

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Oakland City Attorney's Office

# OAKLAND CITY COUNCIL

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**WHEREAS,** to improve the City's efficiency in accepting, appropriating and utilizing grants, the City Council wishes to delegate authority to the City Administrator, within set dollar limits, to accept and appropriate monies derived from restricted and unrestricted grants to the City of Oakland; and

**WHEREAS,** the City Administrator will comply with all charter requirements for fiscal administration and expenditure of such funds and otherwise apply proper and sufficient procedures and controls necessary to monitor and ensure fiscal and performance accountabilities; now, therefore, be it

**RESOLVED:** That the City Administrator, on behalf of the City Council, is hereby authorized to accept and appropriate, without prior City Council approval, monies derived from:

1. Any unrestricted grant with a market or monetary value of ~~twenty five~~ten thousand dollars (~~\$25,000.00~~\$10,000.00) or less, and
2. Any restricted grant with a market or monetary value of fifty thousand dollars (\$50,000.00) or less,

provided that the grant is for programs and projects approved by the City Council in a

*Revised per request of Finance Committee Chairperson Jean Quan made January 10, 2006*

current operating or Capital Improvement Program (CIP) budget, that the grant does not create unbudgeted costs for the City and does not require specific approval by the legislative body; and be it

**FURTHER RESOLVED:** That all funds accepted hereunder shall be deposited into the City Treasury; and, be it

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