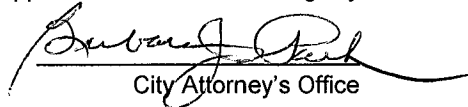


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City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY HONORABLE MAYOR LIBBY SCHAAF

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**RESOLUTION (1) CONFIRMING THE MAYOR'S APPOINTMENT OF JOHN A. FLORES AS INTERIM CITY ADMINISTRATOR FOR THE PERIOD COMMENCING ON JANUARY 21, 2015 AND ENDING AT MIDNIGHT ON JUNE 30, 2015 OR SUCH EARLIER DATE AS THE COUNCIL CONFIRMS APPOINTMENT OF A CITY ADMINISTRATOR OR THE MAYOR TERMINATES THE APPOINTMENT; AND (2) AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT ON BEHALF OF THE CITY WITH MR. FLORES**

**WHEREAS**, Oakland City Charter Article III, Section 305 (e), among other things, grants the Mayor the power to "appoint the City Administrator, subject to confirmation by the City Council" and to remove the City Administrator after providing the Council notice thereof; and

**WHEREAS**, following the departures of former City Administrator Deanna Santana and Interim City Administrator Fred Blackwell, former Mayor Quan appointed and the City Council passed a resolution confirming Henry Gardner to serve as City Administrator on an interim basis for the period of June 16, 2014 through January 20, 2015 to ensure continuity of service delivery for the City of Oakland until such time that a more formal recruitment process could be employed; and

**WHEREAS**, during Mr. Gardner's tenure as Interim City Administrator, the City engaged a search firm to assist the City with recruitment of a City Administrator and the recruitment has closed; and

**WHEREAS**, In November 2014, Oakland voters elected Libby Schaaf and she took office as Oakland's 50<sup>th</sup> Mayor on January 5, 2015; and Mayor Schaaf is moving expeditiously to review applicants for the position of City Administrator, conduct interviews and select a City Administrator and submit her appointee to the Council for confirmation; and

**WHEREAS**, Mr. Gardner is a member of and retired from the California Public Employees Retirement System ("PERS") and PERS law, regulations and administrative interpretations of PERS law (1) strictly prohibit retirees from serving in a position in a PERS agency such as the City of Oakland for more than 960 hours per fiscal year and

(2) establish a number of strict limitations on and requirements for such service, including but not limited to requiring a contract with specific beginning and termination dates and prohibiting extension of contracts; and

**WHEREAS**, Mr. Gardner's service as Interim City Administrator has been exemplary; however, based on PERS requirements and limitations, Mr. Gardner's service as Interim City Administrator will end at midnight on January 20, 2015; and

**WHEREAS**, John A. Flores has been identified as the best candidate for the interim appointment in light of his more than 30 years of administrative and managerial experience in municipal government, including more than 18 years as City Manager of the City of Emeryville (1988 -2006), a full service urban city, and more than eleven years as Deputy City Manager of the City of Oakland (1976-1988), where he was responsible for the Economic Development/Urban Land Use functional area that included Public Works, Community Development, Economic Development and Employment (Redevelopment) and Planning; and

**WHEREAS**, Mr. Flores' notable accomplishments include his service as the Executive Director of the Emeryville Redevelopment Agency in which capacity he reorganized city redevelopment efforts, facilitating approval of several large development projects, including a retail shopping center, medical office complex (\$300.0 million), biotech life science center (\$1.0 billion) and developed a strong liaison with the Emery Unified School District, Chamber of Commerce, business community and residents; and

**WHEREAS**, Mr. Flores is a member of and retired from PERS and therefore is subject to the requirements and limitations of PERS law, regulations and administration interpretations of PERS law, including but not limited to PERS' requirement that retirees enter into contracts with PERS agencies such as the City of Oakland with specific beginning and termination dates; and

**WHEREAS**, pursuant to Article IV, section 400 of the Charter of the City of Oakland, the City Administrator may be hired by contract for a term not exceeding four years, provided that no such contract shall prevent the Mayor removing the City Administrator at any time; and

**WHEREAS**, pursuant to Article III Section 305(e) of the Oakland City Charter, Mayor Schaaf has appointed Mr. John A. Flores as the Interim City Administrator for the period of January 21, 2014 through June 30, 2015, subject to confirmation by the City Council and subject to Mayor's Schaaf's powers under the City Charter to remove Mr. Flores at any time; and

**WHEREAS**, Mayor Schaaf's appointment of Mr. Flores as Interim City Administrator is for the purpose of providing continuity until she completes the recruitment process for a City Administrator; now, therefore, be it

**RESOLVED:** That the City Council hereby confirms Mayor Schaaf's appointment of Mr. John Flores to serve as the Interim City Administrator for the period of January 21, 2015 through June 30, 2015; and be it

**FURTHER RESOLVED:** That the Mayor hereby is authorized to execute an employment agreement with Mr. John Flores for a salary up to the maximum amount provided for the City Administrator classification, approximately \$23,437.05 per month, for the period of January 21, 2015 through June 30, 2015; and be it

**FURTHER RESOLVED:** That funding for the contract will be drawn from the vacant budget City Administrator position; and be it

**FURTHER RESOLVED:** That the agreement and other actions authorized hereunder shall be reviewed and approved by the City Attorney for form and legality prior to execution and filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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

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