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OFFICE OF THE CITY CLERK  
OAKLAND

2014 MAY 15 AM 9:50

# AGENDA REPORT

**TO:** FRED BLACKWELL  
CITY ADMINISTRATOR

**FROM:** Donna Hom, Interim  
Assistant City Administrator

**SUBJECT:** Appointment of Henry Gardner as  
Interim City Administrator and  
Authorization of an Employment  
Agreement for Interim City Administrator  
Services

**DATE:** May 16, 2014

City Administrator  
Approval

Date

5/15/14

**COUNCIL DISTRICT:** City-Wide

## **RECOMMENDATION**

Mayor Quan requests that the Council approve a resolution to confirm her appointment of Henry Gardner as the Interim City Administrator effective June 16, 2014; and

Approve a resolution authorizing the Mayor to execute an employment agreement on behalf of the City with Henry Gardner, Interim City Administrator, for the period June 16, 2014 through January 20, 2015.

## **OUTCOME**

Approval of the two resolutions will allow for the appointment of Mr. Henry Gardner as the Interim City Administrator for the period June 16, 2014 to January 20, 2015.

## **BACKGROUND**

The current interim City Administrator Fred Blackwell's incumbency ends at midnight on June 15, 2014. During Mr. Blackwell's transition period, Mayor Quan determined that it was in the best interest of the City to retain as a consultant a seasoned highly-respected administrator to assure a seamless transition given the volumes of information and a wide breadth of on-going projects and strategies critical to the continued success of the City of Oakland's operations.

The City administration conducted an informal process, and as result, Mr. Gardner emerged as the logical choice as a consultant during the transition period, and to serve as Interim City Administrator effective June 16, 2014 through January 20, 2015 given his specific and necessary expertise, education, experience and knowledge, including but not limited to prior professional

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role in this organization. Mr. Gardner served as Oakland City Manager from 1981 through 1993, and was named "Most Valuable City Manager in the Nation in 1990" by City and State Magazine. His subsequent role as executive director of the Association of Bay Area Governments was similarly distinguished. Mr. Gardner also headed Mayor Quan's transition team when she took office in 2011.

### **ANALYSIS**

The Mayor wishes to execute an employment agreement with Mr. Gardner in his capacity as Interim City Administrator with an annual cost of \$309,678. This total includes a monthly salary of \$23,437.05 plus pay in lieu of medical, dental and vision plans in the amount of \$1,619.45 and a monthly auto allowance of \$750.00. The annual total of \$309,678 is a savings of \$154,669 for the budgeted City Administrator position due to the fact that there are no payments to pension and no accrued leaves. Funding for this position will come from the budgeted City Administrator position.

Such actions will result in a seamless transition of leadership and will afford continued organizational stability and support for major activities. As interim City Administrator, Mr. Gardner will be focused on the executive management of the City's Administrative affairs and the City Administrator's duties and powers under City Charter Article V. This generally includes, but is not limited to the following areas: City budget, finances, labor relations, major economic development projects, key programs and policies, and organizational needs.

### **COST SUMMARY/IMPLICATIONS**

1. COST ELEMENTS OF AGREEMENT/CONTRACT:

Approval of this resolution will authorize an employment agreement with Mr. Henry Gardner for the period of June 16, 2014 through January 20, 2015 at a total annual cost of \$309,678 (monthly salary of \$23,437.05 plus pay in lieu of medical, dental and vision plans in the amount of \$1,619.45 and a monthly auto allowance of \$750.00).

2. SOURCE OF FUNDING:

The source of funding is available from the vacant, budgeted City Administrator position.

3. FISCAL IMPACT:

The total amount of the employment agreement on an annual basis is \$309,678 which is \$154,669 less than what is budgeted for City Administrator position given the contract does not include payments to the Cal-PERS pension system nor payment for accrued leaves. During the term of the agreement, Mr. Gardner will receive monthly compensation in the amount of \$25,806.50.

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**SUSTAINABLE OPPORTUNITIES**

***Economic:*** Maintains ongoing economic development projects.

***Environmental:*** There are no environmental opportunities.

***Social Equity:*** Leadership services provide stabilized service delivery to the residents of Oakland.

For questions regarding this report, please contact Deborah Barnes, Manager, Contracts & Compliance at [dbarnes@oaklandnet.com](mailto:dbarnes@oaklandnet.com) or (510) 238-6270.

Respectfully submitted,

  
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DONNA HOM  
Interim Assistant City Administrator

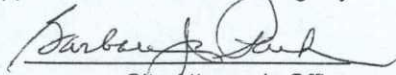
Reviewed by:  
Deborah Barnes, Manager, Contracts & Compliance

Prepared by:  
Mary Mayberry, Administrative Services Manager I

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OAKLAND

Approved as to Form and Legality

  
City Attorney's Office

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## OAKLAND CITY COUNCIL

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

INTRODUCED BY HONORABLE MAYOR JEAN QUAN

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### RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF HENRY GARDNER AS INTERIM CITY ADMINISTRATOR FOR THE PERIOD JUNE 16, 2014 THROUGH JANUARY 20, 2015

**WHEREAS**, the City of Oakland has experienced the transition of the City Administrator, Deanna Santana after three years of service to its citizens and city employees; and

**WHEREAS**, Oakland City Charter Article III, Section 305 (e) provides, among other things, that the Mayor shall "appoint the City Administrator, subject to confirmation by the City Council"; and

**WHEREAS**, the Honorable Mayor Jean Quan appointed then Assistant City Administrator Fred Glover Blackwell to serve as the new Interim City Administrator pending confirmation of his appointment by the City Council; and

**WHEREAS**, in March 2014, Mr. Blackwell was offered and accepted a new position with the San Francisco Foundation, and that his most difficult decision was one that was a natural professional progression and one that most closely matches his familial history and values; and

**WHEREAS**, faced with this unprecedented situation, to ensure continuity of service delivery for the City of Oakland and in light of impending time constraints imposed by current and upcoming project timelines and deadlines, Mayor Quan wishes to fill the City Administrator position on an interim basis until such time that a more formal recruitment process could be employed; and

**WHEREAS**, Mayor Quan identified Mr. Henry Gardner, a former City Administrator as the best candidate for the interim appointment, in light of his past experience and his exemplary track record as the City Manager, having served the City of Oakland as Oakland City Manager from 1981 through 1993, and being named Most Valuable City Manager in the Nation in 1990 by City and State Magazine; his subsequent equally distinguished role as executive director of the Association of Bay Area Governments, and his service heading Mayor Quan's transition team when she took office; and

**WHEREAS**, pursuant to Article III Section 305(e) of the Oakland City Charter, Mayor Quan has appointed Mr. Henry as the Interim City Administrator for the period June 16, 2014 through January 20, 2015, subject to confirmation by the City Council; now, therefore, be it

**RESOLVED:** That the City Council hereby confirms Mayor Quan's appointment of Mr. Henry Gardner to serve as the Interim City Administrator for the period of June 16, 2014 through January 20, 2015.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND  
PRESIDENT KERNIGHAN

NOES -

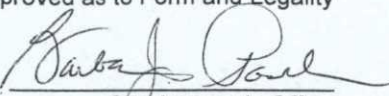
ABSENT -

ABSTENTION -

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

  
City Attorney's Office

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## OAKLAND CITY COUNCIL

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

INTRODUCED BY HONORABLE MAYOR JEAN QUAN

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**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN  
EMPLOYMENT AGREEMENT ON BEHALF OF THE CITY WITH HENRY  
GARDNER, INTERIM CITY ADMINISTRATOR, EFFECTIVE JUNE 16,  
2014 THROUGH JANUARY 20, 2015**

**WHEREAS**, pursuant to Article III Section 305(e) of the Oakland City Charter, Mayor Quan appointed Mr. Henry Gardner as the Interim City Administrator for the period of June 16, 2014 through January 20, 2015, subject to confirmation by the City Council, and the City Council has approved a resolution confirming the appointment; and

**WHEREAS**, the City desires to compensate Mr. Gardner at a level commensurate with his expertise, education and qualifications; and

**WHEREAS**, pursuant to Article IV, Section 400 of the Charter of the City of Oakland, the Council desires to enter into a contract setting forth the terms and conditions of the employment of Mr. Gardner as Interim City Administrator of the City of Oakland; now therefore be it

**RESOLVED:** That the Mayor is hereby authorized to execute an employment agreement with Mr. Henry Gardner that has an annual cost of \$309,678, which includes a monthly salary of \$23,437.05 plus pay in lieu of medical, dental and vision plans in the amount of \$1,619.45 and a monthly auto allowance of \$750.00; and be it

**FURTHER RESOLVED:** That funds to complete this project will be drawn from the vacant budgeted City Administrator position; and be it

**FURTHER RESOLVED:** That the agreement(s) and other actions authorized hereunder shall be reviewed and approved by the Office of 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, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND  
PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

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

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