


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY VICE MAYOR KAPLAN

RESOLUTION:

- (1) DIRECTING THE CITY ADMINISTRATOR, IN CONSULTATION WITH THE CITY ATTORNEY, TO EXPLORE, AND BRING BACK TO COUNCIL, OPTIONS FOR PROVIDING ADDITIONAL PROTECTIONS FOR THE 7.5% GENERAL PURPOSE FUND (“GPF”) EMERGENCY RESERVE, INCLUDING BUT NOT LIMITED TO THE CREATION OF A SEPARATE FUND FOR THE GPF EMERGENCY RESERVE; AND**

- (2) CLARIFYING THAT NO EXPENDITURE OF THE AMERICAN RESCUE PLAN ACT (“ARPA”) FUNDS, WHICH THE CITY EXPECTS TO RECEIVE IN THE ESTIMATED AMOUNT OF ONE HUNDRED NINETY-TWO MILLION EIGHTY-FOUR THOUSAND ONE HUNDRED FIVE DOLLARS (\$192,084,105), SHALL BE MADE EXCEPT FOR THE PURPOSE AND IN THE MANNER SPECIFIED BY THE CITY COUNCIL FOLLOWING A PUBLIC PROCESS AND PUBLIC VOTE PURSUANT TO CHARTER SECTION 806.**

WHEREAS, the City of Oakland Consolidated Fiscal Policy (Ordinance No. 13487 C.M.S.) provides that the City shall maintain in each fiscal year an emergency reserve equal to 7.5% of the General Purpose Fund (Fund 1010) appropriations, excluding prior year carryforwards, encumbrances or appropriations to Fund Balance, adopted in the biennial or mid-cycle budget; and

WHEREAS, it is important that the City protects its financial integrity and ensures a public process, and maintenance of reserves consistent with the City of Oakland Fiscal Policy Ordinance No. 12487 C.M.S. and other policies established by the Council and/or the City Administrator; and

WHEREAS, Council has the authority to make budgetary decisions for the City, and therefore wishes to determine options to protect and maintain the General Purpose Fund reserve and further wishes to have a public process by which it determines such options to provide additional protections for the 7.5% GPF Emergency Reserve, including but not limited to the creation of a separate fund for the GPF emergency reserve; and

WHEREAS, the United States Congress recently passed, and President Biden signed into law the American Rescue Plan Act (“ARPA”) and the City of Oakland expects to receive an estimated amount of One Hundred Ninety-Two Million Eighty-Four Thousand, One Hundred Five Dollars (\$192,084,105) in ARPA funds; and

WHEREAS, Section 806 of the City Charter provides 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 and that no expenditure of City funds shall be made except for the purposes and in the manner specified by an appropriation of the Council; and

WHEREAS, it is vital that the City use some of the ARPA funds to remedy the cuts that hurt and endanger our communities, especially during this pandemic, but only through a transparent, public process with Council authorization as to the allocation of the funds as required by the Ralph M. Brown Act, the City’s Sunshine Ordinance and City Charter section 806; and

WHEREAS, The Council wishes to reserve action on the ARPA funds until it receives the report from Harvey Rose reviewing the projected revenues and expenses and the resulting amount of deficit as presented by the City Administrator; reviews and analyzes the Harvey Rose report and considers the City Administrator’s response and analysis of the Harvey Rose Report, if any, so the Council can balance the FY 2020-21 budget and appropriate and allocate ARPA funds and other funds with the most complete information that is available; and

WHEREAS, these needs include actions to provide for a just and healthy recovery for our community; now, therefore, be it

RESOLVED: That the Council hereby directs the City Administrator, in consultation with the City Attorney, to explore, and bring back to Council, options for providing additional protections for the 7.5% GPF emergency reserve including but not limited to the creation of a separate fund for the GPF emergency reserve; and be it

FURTHER RESOLVED: That the City Council hereby clarifies that the One Hundred Ninety-Two Million Eighty-Four Thousand One Hundred Five Dollars (\$192,084,105) in ARPA Funds the City anticipates receiving from the federal government shall not be expended except the for the purpose and in the manner specified by City Council following a public process and public vote pursuant to Charter Section 806.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California