

APPROVED AS TO FORM AND LEGALITY

2024 DEC 23 AM 8:21

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

*Barbara J. Parker*

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 90585 C.M.S.

**RESOLUTION:**

- 1. AMENDING THE FY 2024-25 MIDCYCLE BUDGET (RESOLUTION NO. 90326 C.M.S.) TO AUTHORIZE THE TRANSFER OF FUNDS INTO THE GENERAL PURPOSE FUND AND ADJUST OTHER APPROPRIATIONS;**
- 2. AFFIRMING THE BUDGET BALANCING ACTIONS TAKEN BY THE CITY ADMINISTRATOR PURSUANT TO THE POWERS AND DUTIES GRANTED UNDER THE CITY CHARTER AND THE AUTHORITY GRANTED PURSUANT TO RESOLUTION NO. 90326 C.M.S. TO MAINTAIN THE FISCAL HEALTH OF THE CITY; AND**
- 3. MAKING EXTREME FISCAL NECESSITY DECLARATIONS NECESSARY TO UTILIZE RESTRICTED FUNDS**

**WHEREAS**, Section 801 of the Charter of the City of Oakland requires that the Oakland City Council adopt by resolution a budget of proposed expenditures and appropriations necessary for the ensuing year; 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 the City Administrator 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**, Section 504 of the City Charter provides that the City Administrator has the duty to control and administer the financial affairs of the City and to keep the Council at all times fully advised as to the financial condition and needs of the City; and

**WHEREAS**, on July 2, 2024 the City Council passed Resolution No. 90326 C.M.S adopting a Midcycle budget for Fiscal Year 2024-25, which assumed the receipt of one-time revenues of \$63 million from the City's sale of its fifty percent undivided ownership interest in the Coliseum Complex located at 7000 Coliseum Way (the "Coliseum Site"); and

**WHEREAS**, the Adopted Midcycle Budget included contingency budget amendments that would automatically take effect if the City did not receive the one-time revenues from the sale of the Coliseum Site within specified timeframes, including budget amendments outlined in the Adopted Midcycle Budget resolution and in Exhibit 3 to the Adopted Midcycle Budget resolution; and

**WHEREAS**, Resolution No. 90326 C.M.S specifies “That if the \$15 million from the land Sale of the Coliseum site is not received by September 1st 2024, or if an additional \$15 million is not received by November 1st, 2024, or if the remaining \$33 million is not received by January 15<sup>th</sup> 2025, the City Administrator is directed to: freeze the hiring of new positions; delay the beginning of new sworn trainee academies; halt the execution of unfinalized contracts and grant agreements funded from the General Purpose Fund and any Restricted Funds with structural imbalances; halt the approval of unapproved discretionary travel; take any other measures that they deem necessary to preserve the fiscal health of the City; and return to the City Council a plan to rebalance the City's budget with as expeditiously as reasonably possible”; and

**WHEREAS**, \$15 million from the land Sale of the Coliseum site was not received by September 1st, 2024, and an additional \$15 million was not received by November 1st, 2024 and therefore the contingency budget amendments took effect; and

**WHEREAS**, the City Administrator deems the Administrative Action noted in Attachment A to the agenda report accompanying this resolution to be measures necessary to preserve the fiscal health of the City; and

**WHEREAS**, the City Administrator’s plan to rebalance the City's budget requires City Council adoption of the items noted in Exhibit 1, attached hereto; and

**WHEREAS**, the First Quarter Revenue and expenditure Report showed a projected current year operating shortfall of approximately \$93 million; and

**WHEREAS**, The City’s Consolidated Fiscal Policy, Ordinance No. 13487 C.M.S., requires that in any fiscal year the General Purpose Fund Reserve Policy is not met, the City Administrator shall present to Council a strategy to meet the General Purpose Funds Emergency Reserve Policy; and

**WHEREAS**, pursuant to the City’s Consolidated Fiscal Policy, “the amounts identified as the General Purpose Funds Emergency Reserve may be appropriated by Council only to fund unusual, unanticipated, and seemingly insurmountable events of hardship of the City, and only upon a declaration of fiscal emergency by the Mayor and approved by a the majority of the City Council, or by a majority vote of the City Council”; and

**WHEREAS**, City staff estimates that budget adjustments of \$129.8 million are necessary to balance the current year without declaration of a fiscal emergency pursuant to the City’s Consolidated Fiscal Policy; and

**WHEREAS**, the actions set forth in this Resolution constitute the City Administrator’s strategy to meet the General Purpose Funds Emergency Reserve Policy, and avoid the immediate declaration of Fiscal Emergency under the Consolidated Fiscal Policy following the release of the City’s Audited Financial Statements; and

**WHEREAS**, in light of the extreme fiscal necessity the City is facing, the Council had determined in July 2024 that it was necessary to suspend the Charter-mandated minimum budget set-asides for the FY 2024-2025 budget cycle for the (1) Office of the City Auditor, and (2) the Democracy Dollars Fund and non-staff costs for the PEC to administer the Democracy Dollars Program, and (3) for Local Measures including The 2018 Oakland Public Library Preservation Act” (Measure D), The Library Services Retention And Enhancement Act Of 1994 As Reapproved In 2022 (Measure C), The 2020 Oakland Parks And Recreation Preservation, Litter Reduction, And Homelessness Support Act (Measure Q), The Oakland Fair Elections Act, Ballot Measure (Measure W), The Government Reform Charter Amendment Of 2022, (Measure X), and The Violence Prevention And Public Safety Act Of 2014 (Measure Z); and

**WHEREAS**, the City Administration has introduced a separate ordinance that would amend Oakland Municipal Code Chapter 15.62 (the “Affordable Housing Trust Fund”) to provide that the City Council may, upon a declaration of extreme fiscal necessity, appropriate funds in the Affordable Housing Trust Fund distributed to the City under redevelopment dissolution laws to be used for any lawful purpose; and

**WHEREAS**, the City Administration has introduced a separate resolution that would amend Resolution No. 87062 C.M.S., which established the Sugar-Sweetened Beverage Distribution Tax Sub-Fund within the General Purpose Fund for the purpose of collecting said tax revenues, to provide that the City Council may, upon a declaration of extreme fiscal necessity, suspend the requirement to consider the Advisory Board’s recommendations prior to appropriating the Sugar-Sweetened Beverage Distribution Tax funds; and

**WHEREAS**, Since July 2024 the City’s fiscal condition has become more severe; and

**WHEREAS**, overspending by the Oakland Police Department (OPD) in budgeted overtime has been an ongoing problem for several years. Independent audits and OPD overtime reports have shown that extension of shift overtime is one of the main areas of overspending and under certain circumstances, officers can extend their shift without any prior approval. Some officers extend their shifts for 500 hours or more in a year. Current OPD policy limits overtime hours per officer on a weekly basis and requires rest periods. It is essential to improve monitoring and compliance to overtime rules in general and especially to limitations of shift extensions. In addition, Harvey Rose Associates recommended enforcing a per-officer limit of 500 shift extension hours per fiscal year, which would improve fiscal accountability and officer and public health and safety; and

**WHEREAS**, the City of Oakland seeks to improve service delivery, operational efficiency, and cost-effectiveness; and

**WHEREAS**, segmenting the Human Services Department (HSD) to move into Oakland Parks, Recreation and Youth Development (OPRYD) and Housing and Community Development (HCD) may create greater efficiencies in the delivery of senior services and homeless services; and

**WHEREAS**, the division of work of Oakland Public Works and the Oakland Department of Transportation (OakDOT) into two separate departments has created duplication of efforts, inefficiency, and additional costs; and

**WHEREAS**, currently, one person is serving in the interim as the Director of Oakland Public Works and the Oakland Department of Transportation, thus creating a functionally positive opportunity to consider consolidation; now therefore be it

**RESOLVED:** That the City Council hereby amends the Adopted Midcycle Budget for Fiscal Year 2024-25 as detailed in **Exhibit 1**; and be it

**FURTHER RESOLVED:** That the Council declares that the City is experiencing a severe financial event and state of extreme fiscal necessity, and be it

**FURTHER RESOLVED:** That the City Administrator is directed to take all measures that they deem necessary to preserve the fiscal health of the City in accordance with the laws of the State of California and the City of Oakland; and be it

**FURTHER RESOLVED:** That the City Council affirms the plan to rebalance the City's budget and the administrative actions presented in **Attachment A** to the accompanying staff agenda report; and be it

**FURTHER RESOLVED:** That the Council hereby declares that the City is experiencing a severe financial event and state of extreme fiscal necessity and hereby suspends the required restrictions on the use of certain funds in the Affordable Housing Trust Fund (1870), subject to Council's adoption of the ordinance amending the Affordable Housing Trust Fund referenced herein; and be it

**FURTHER RESOLVED:** That the Council hereby declares that the City is experiencing a severe financial event and state of extreme fiscal necessity and hereby suspends the required restrictions on expenditures for the Sugar Sweetened Beverage Tax Sub-Fund (1030); and be it

**FURTHER RESOLVED:** That upon receipt of the one-time revenues in FY 2024-25 from the sale of the Coliseum Site, \$7,000,000 shall first be allocated to avoid or restore any fire station brown-outs, and \$3,000,000 of the funds shall next be deposited into the Affordable Housing Trust Fund; and be it

**FURTHER RESOLVED:** That the Council directs the City Administrator to conduct a comprehensive clean-up process, or internal audit, of business taxes and ensure timely and effective collection of unpaid business taxes. This process should begin immediately and commence in January 2025 for all categories of taxpayers including residential and commercial rental property owners, and should not only include reviewing the filings of those who have filed, but rather, prioritizing identifying and collecting from those who have not filed; and be it

**FURTHER RESOLVED:** That the Council directs the City Administrator to include in an OPD Overtime Report to the Finance and Management Committee in Spring 2025 information on: (a) the number of hours worked last fiscal year in violation of the policy limiting overtime hours per officer on a weekly basis and requiring rest periods and the cost of those hours; (b) How many officers extended their shift 500 hours or more last year and the cost of those hours; (c) report on methods that have been implemented, and further methods to be implemented, to ensure policy compliance; (d) improve regular overtime reporting for the purposes of real time monitoring and preventing overspending, including but not limited to technology improvements, including,

specifically for extension-of-shift overtime; and (e) run a report using existing data systems, on the number of extension-of-shift overtime hours accrued this fiscal year to date per officer, and implement management methods to prevent further accrual of extension-of-shift overtime among those who have already exceeded limits; and be it

**FURTHER RESOLVED:** That the Council directs the City Administrator to explore the segmenting of HSD's senior and other relevant services with OPRYD and homeless services with HCD, and return to the Council with recommendations, cost savings and next steps in the spring of 2025, and meet and consult with relevant workforce representatives on such potential change, and ensure community engagement and align any such recommended changes with the adoption of the FY 2025-2027 biennial budget; and be it

**FURTHER RESOLVED:** That the Council directs the City Administrator to consider the potential merger of Oakland Public Works and OakDOT, and meet and consult with relevant workforce representatives on such potential change, and return to the Council with recommendations, cost savings and next steps for the potential merger in the spring of 2025, to ensure community engagement and align any such recommended changes with the adoption of the FY 2025-2027 biennial budget; and be it

**FURTHER RESOLVED:** That the City Council recommends the City Administrator proceed with plans for the July 2025 police academy, offering current pending applicants an opportunity to enroll; and be it

**FURTHER RESOLVED:** That the City Council directs the City Administrator to continue to work to identify, find, validate and collect additional funding sources to reduce the projected deficit, avoid layoffs and fire station brown-outs, and provide city services. These efforts should include expediting the filling of vacant revenue generating positions such as parking enforcement staff, considering reductions from non-represented management staff, and conducting meet-and-confer with labor partners on potential layoffs and department mergers; and be it

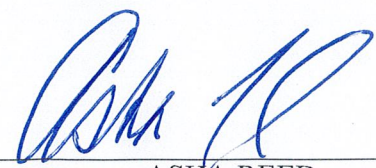
**FURTHER RESOLVED:** That this Resolution shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **DEC 17 2024**

AYES - ~~FIFE, GALLO~~, JENKINS, KALB, KAPLAN, ~~RAMACHANDRAN~~, REID, AND PRESIDENT FORTUNATO BAS **-5**

1-NOES - **Gallo**  
ABSENT - **Φ**  
ABSTENTION - **Φ**  
**2-Excused - Rife**  
**Ramachandran**

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

**FY 2024-25 Budget Amendments  
City Council Authority Items**

**EXHIBIT 1**

<i><b>Fund</b></i>	<i><b>Dept.</b></i>	<i><b>Description</b></i>	<i><b>Level of Action</b></i>	<i><b>GPF Percentage</b></i>	<i><b>Total Amount</b></i>	<i><b>GPF Amount</b></i>
1010	Citywide	Unrestrict Funding and Transfer Fund Balance from 1100 - Self Insurance Liability	Council	100%	(14,851,619)	(14,851,619)
1010	Citywide	Unrestrict Funding and Transfer Fund Balance from 1870 - Affordable Housing Trust Fund	Council	100%	(5,778,000)	(5,778,000)
1010	Citywide	Unrestrict Funding and Transfer Fund Balance from 1030 - Measure HH (SSBDT)	Council	100%	(2,550,000)	(2,550,000)
1010	Citywide	Unrestrict Funding and Transfer Fund Balance from 1020 - Vital Services Stabilization Fund	Council	100%	(503,000)	(503,000)
1010	EWD	Adds \$400,000 O&M for Scotlan Convention Center	Council	100%	400,000	400,000
1010	OPD	Transfer Eligible Expenditures to Measure Z FB	Council	100%	(2,489,849)	(2,489,849)
1010	EWD	Adds \$157,125 O&M for Raiders Training Facility Prop Tax	Council	100%	157,125	157,125
1011	Citywide	Transfer Fund Balance from 1011 in excess of Fiscal Emergency Declaration required reserve threshold	Council	100%	(9,622,793)	(9,622,793)
4200	Citywide	Reallocation of Fund Balance	Council	80%	(5,605,295)	(4,482,370)
<b>City Council Authority Total</b>					<b>(40,843,430)</b>	<b>(39,720,506)</b>