

# CITY OF OAKLAND



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

REBECCA KAPLAN  
Vice Mayor  
atlarge@oaklandca.gov

(510) 238-7008  
FAX: (510) 238-6910  
TDD: (510) 839-6451

Date: March 8, 2021  
To: Members of City Council and Members of the Public  
From: Vice Mayor Kaplan  
Re: **Conduct a Discussion of the Legal Memo, “Authority of City Administrator to Implement Budget Reductions Affecting Levels of Services,” Dated February 12, 2021.**

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Dear Colleagues on the City Council and Members of the Public,

In December 2020, the City Administrator took a series of actions to change financial allocations, including making “administrative cuts” to some items in the previously-adopted budget. The cuts were subsequently explained in a memo, but never brought to the Council for approval or action, nor was there any public meeting prior to those actions. The Mayor and the City Administrator publicly stated that they intended to make a variety of cuts with high impacts on the public, including to close fire stations, and eliminate certain foot patrols, and more.

Memo: [https://cao-94612.s3.amazonaws.com/documents/Info-Memo-re-Budget-Shortfall\\_2020-12-21-234958\\_1.pdf](https://cao-94612.s3.amazonaws.com/documents/Info-Memo-re-Budget-Shortfall_2020-12-21-234958_1.pdf)

The Council was not provided the opportunity to vote on these cuts, which is unusual, given the charter provisions giving budget authority to the Council. This type of “administrative cut” has not been a previous practice, and does not appear to be codified in our laws. Furthermore, it also raises the question of how the Council may amend the budget, in a context in which the Administration has already made changes that were not adopted by Council.

Thus, several Council members requested a legal memo, explaining what powers are held by the Council, and what powers are held by the Administration, in terms of making decisions about what programs to fund, and what programs not to fund.

Attached here is the public legal opinion. We present it here so the Finance Committee can have this information, in order to decide how best to handle matters related to budgetary changes.

Respectfully submitted,

A handwritten signature in purple ink, appearing to read "Rebecca Kaplan".

Vice Mayor Rebecca Kaplan  
Oakland City Councilmember At Large

Finance and Management Committee  
March 8, 2021  
File # 21-0169