



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** LaTonda Simmons  
Assistant City Administrator

**SUBJECT:** Resolution Ratifying Actions Taken By  
The Mayor During The Oakland City  
Council 2020 Annual Recess

**DATE:** September 4, 2020

City Administrator Approval

Date:

Sep 22, 2020

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt Resolution Ratifying Actions Taken By The Mayor During The Oakland City Council 2020 Annual Recess In Conformance With Rule 21 Of The Council's Rules Of Procedures Codified In Resolution No. 88266 C.M.S., Passed July 28, 2020.**

## **EXECUTIVE SUMMARY**

During the City Council annual recess period, the Mayor is authorized to take actions that would normally be taken by the City Council, except for those reserved for the City Council pursuant to the City Charter as referenced in Rule 21 of the Council's Rules of Procedures, Resolution No. 88266 C.M.S., **(Attachment A)**.

In accordance with Rule 21 of the Council's Rules of Procedures, this report requests that the City Council confirm the action taken during the 2020 annual recess. City of Oakland Recess Agenda dated August 18, 2020 **(Attachment B)**.

## **BACKGROUND / LEGISLATIVE HISTORY**

The City Council annual summer recess commences August 1<sup>st</sup> through August 31<sup>st</sup> each year. During the recess, City of Oakland business is governed by specific sections of the Oakland Municipal Code (O.M.C.) and Council's Rules of Procedures (Resolution No. 88266 C.M.S.).

O.M.C. 2.04.020. (I) states that during the City Council annual recess, the City Administrator's purchasing authority shall not exceed **\$500,000 for goods, materials, supplies, services, and construction contracts, and \$300,000 for professional and consultant services**. Council approval is not required for contracts within these limits during the recess, provided vendors and contractors are selected in accordance with the City's advertising and bidding/request for proposal/qualifications requirements, and other requirements of the Purchasing Ordinance.

City Council  
October 6, 2020

Contract approval purchasing levels higher than \$500,000 for goods and during the Council recess must justify why the item cannot be deferred until Council's legislative session resumes. All actions exceeding the City Administrator's authority during the Council recess are set forth in the Council's Rules of Procedures.

Council's Rules of Procedures, Rule 21, *Action During Council Recess*, authorizes the Mayor to take action during the Council recess under the following circumstances:

- Actions that would normally be taken by the Council **except for** actions 1) requiring the adoption of an ordinance, and 2) appropriating funds.
- Purchases carried out during the recess must conform to the requirements set forth in the Purchasing Ordinance. For example, funds must be previously budgeted by the City Council for the purchase and staff must conduct advertising and/or bidding Request for Proposal/ Qualification (RFP/Q) processes as required by the Purchasing Ordinance, Oakland Municipal Code Section Ch. 2.04.
- Resolutions and agenda reports for purchases approved during the recess must be posted on the summer recess 2-week agenda to provide public notice and the opportunity for public comment and input for matters to be approved on behalf of the Council during the recess.
- Purchases and other approvals involving expenditure or disposition of funds are limited to previously adopted budgeted amounts.
- Justification is provided as to why actions taken on behalf of the Council during the recess cannot be deferred for Council approval after recess.

Rule 21 also states that the Mayor may convene emergency Council meetings to take emergency actions necessary for the immediate preservation of the public peace, health or safety.

### **ANALYSIS AND POLICY ALTERNATIVES**

Pursuant to the Council's Rules of Procedures, the following action and resolution was approved by the Mayor during the 2020 annual recess and is presented to the City Council for confirmation.

- Resolution Fixing The Rate Of Property Tax And Levying A Tax On Real And Personal Property In The City Of Oakland For Fiscal Year 2020-2021 For Voter-Approved Indebtedness (**See Executive Summary in the Agenda Report for this item in the August 18, 2020 agenda packet for reasons the item could not be deferred**)

### **FISCAL IMPACT**

There is no fiscal impact associated with this report and resolution. Fiscal impacts related to the item approved during the Council recess is discussed in the agenda report included in **Attachment B**.

**PUBLIC OUTREACH / INTEREST**

No public outreach was required for this report other than compliance with the City's requirements pursuant to the Sunshine Ordinance related to posting on the City's website.

**COORDINATION**

The City Attorney's Office and the Controller's Bureau were consulted in preparation of this report.

**SUSTAINABLE OPPORTUNITIES**

**Economic:** There are no economic opportunities associated with this report.

**Environmental:** There are no environmental opportunities associated with this report

**Race and Equity:** There are no race and equity opportunities associated with this report, however, essential city services that serve the public greatly rely upon revenues generated from the voter-approved special tax measures.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Ratifying Action Taken By The Mayor During The Oakland City Council 2020 Annual Recess In Conformance With The Council's Rules Of Procedure Codified In Resolution No. 88266 C.M.S., Passed July 28, 2020.

For questions regarding this report, please contact Sandra Eve at 238-2900.

Respectfully submitted,



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LaTonda Simmons  
Assistant City Administrator

Prepared by:  
Sandra Eve  
City Administrator Analyst

Attachments (2):

A: Resolution No. 88266 C.M.S. Council's Rules of Procedures

B: August 18, 2020- City of Oakland Recess Agenda