



# AGENDA REPORT

**TO:** Jestin D. Johnson  
City Administrator

**FROM:** Tonya Gilmore  
Acting Deputy City  
Administrator

**SUBJECT:** Resolution Ratifying the Mayor's  
Actions During the 2023 Annual  
Recess

**DATE:** August 14, 2023

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City Administrator Approval 

Date: Sep 12, 2023

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## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution Ratifying Actions Taken By The Mayor During The Oakland City Council 2023 Annual Recess In Conformance With The Council's Rules Of Procedures Codified In Resolution No. 89588 C.M.S., Passed February 7, 2023**

## **EXECUTIVE SUMMARY**

During the City Council's annual recess period, the Mayor is authorized to take actions that would normally be taken by the City Council that cannot be deferred for Council action following the recess, 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. 89588 C.M.S.

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 2023 annual recess. The City of Oakland Recess Agenda dated August 22, 2023 (**Attachment A**).

## **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, the 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. 89588 C.M.S.).

O.M.C. section 2.04.020(H) 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 3, 2023

Contract approvals exceeding the foregoing recess purchasing levels must set forth reasons why the item cannot be deferred until the Council's legislative session resumes. All actions exceeding the Mayor'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 the Council would normally take **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, except contracts authorized under O.M.C. section 2.04.020(H) (City Administrator Recess Purchasing Authority).

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 2023 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 2023-2024 For Voter-Approved Indebtedness (See Executive Summary in the Agenda Report dated August 22, 2023, for reasons the item could not be deferred) **Attachment B.**

### **FISCAL IMPACT**

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

### **PUBLIC OUTREACH / INTEREST**

No public outreach was required for this report other than posting on the City's website.

### **COORDINATION**

The City Attorney's Office and the Budget Bureau were consulted in preparation for 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 City Council Adopt A Resolution Ratifying Action Taken By The Mayor During The Oakland City Council 2023 Annual Recess In Conformance With The Council's Rules Of Procedure Codified In Resolution No. 89588 C.M.S., Passed February 7, 2023.

For questions regarding this report, please contact Candice Parker Trigg, Administrative Analyst, at 510-238-2900.

Respectfully Submitted,

*Tonya Gilmore*

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Tonya Gilmore  
Acting Deputy City Administrator

Prepared by:  
Candice Parker Trigg, Administrative Analyst  
City Administrators Office

Attachments (2):

A: August 22, 2023, City of Oakland Recess Agenda  
B: Agenda Report dated August 22, 2023