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Approved as to Form and Legality

  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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### RESOLUTION AUTHORIZING THE BIENNIAL BUDGET FOR FISCAL YEARS 2019-2021 AND APPROPRIATING CERTAIN FUNDS TO PROVIDE FOR THE EXPENDITURES PROPOSED BY SAID BUDGET

**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**, the City Council has a longstanding policy of adopting a two-year budget; 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**, the City Attorney has independent authority under state law to bring certain actions on behalf of the People of the State of California and the City Council has granted the City Attorney authority to bring lawsuits on behalf of the City under various ordinances and also authorizes the City Attorney to bring certain lawsuits on a case-by-case basis; and

**WHEREAS**, the City Attorney from time to time recovers attorney's fees and costs as a result of the aforesaid lawsuits by judgment or settlement and such judgments and settlements provide that the fees shall be allocated to the Office of the City Attorney to pay a portion of the costs and fees of future affirmative litigation, including but not limited to hiring in-house or retaining outside legal counsel and experts and other legal expenses and costs related to future litigation such as public nuisance, housing, tenant protection, human trafficking, minimum wage and sick leave, discrimination based on race, gender, and other protected classes (the "Affirmative Litigation Funds"); and the City Council finds that it is efficient and cost effective to provide for allocation of such Affirmative Litigation Funds as part of the biannual budget process; and

**WHEREAS**, the City Council has reviewed departmental and non-departmental budgets in public hearings in view of estimated resources available for Fiscal Years 2019-2021; and

**WHEREAS**, the City Council has given careful consideration to the proposed budget for the use of funds for Fiscal Years 2019-2021 as set forth in the FY 2019-2021 Proposed Policy Budget document; and

**WHEREAS**, the City Council has agreed on modifications to the proposed budget as shown in **Exhibits** \_\_, which together with the proposed budget constitute the Fiscal Years 2019-2021 Adopted Policy Budget; now therefore be it

**RESOLVED:** That the City Administrator is authorized to expend in accordance with the laws of the State of California and the City of Oakland on behalf of the City Council new appropriations for departments and activity programs as incorporated in the FY 2019-2021 Adopted Policy Budget attached hereto; and be it

**FURTHER RESOLVED:** That the City Administrator may transfer operating appropriations between activity programs during the fiscal year provided that such funds remain within the departments in which the funds were approved by City Council; and be it

**FURTHER RESOLVED:** That the City Administrator may transfer capital appropriations between the Capital Improvement Program and operating departments to the extent that such transfers are necessary to fund capital-related activities of the operating departments; and be it

**FURTHER RESOLVED:** That the City Administrator may transfer operating appropriations and positions between the Department of Transportation, Oakland Public Works, and the 311 Call Center in the Office of the City Administrator during Fiscal Years 2019-2021 to facilitate the establishment and operations of those organizational units; and be it

**FURTHER RESOLVED:** That upon the passage of this Resolution, the City Council appropriates the Affirmative Litigation Funds heretofore and subsequently recovered by the City Attorney to a project account designated for the Office of the City Attorney to be included in the Self Insurance Liability Fund (Fund 1100) and to be used to pay a portion of future affirmative litigation costs and fees, such as hiring in-house or retaining outside counsel and experts and other legal expenses and costs related to lawsuits such as public nuisance, housing, tenant protection, human trafficking, minimum wage and sick leave, discrimination based on race, gender, and other protected classes, and the City Council hereby authorizes and directs the City Administrator to allocate Affirmative Litigation Funds to the project account so designated therefor without returning to Council upon receipt of documentation of the settlement or judgment that confirms the Affirmative Litigation Funds; and be it

**FURTHER RESOLVED:** That the City Administrator must obtain approval from the City Council before (1) substantially or materially altering the relative department allocations of funding set out in the Adopted Policy Budget, (2) substantially or materially changing the levels of service expressly prioritized and funded by the Adopted Policy Budget including but not limited to layoffs and/or freezes that would substantially or materially (a) change levels of service, or (b) affect programs, or (3) eliminates or suspends entire programs funded by the Adopted Policy Budget; and be it

**FURTHER RESOLVED:** That the City Administrator hereby is authorized to periodically transfer funds between Departments and completed projects as needed in order to clean-up negative budget balances within the same Fund; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized and directed to calculate all required set-asides and make appropriate adjustments, based on the final adopted budget amendments, as legally required, such as Kid's First!, the Vital Services Stabilization Fund and the 7.5 percent Emergency Reserve; and be it

**FURTHER RESOLVED:** That the City Administrator may periodically transfer unexpended funds from the Unclaimed Cash Fund (Fund 7440) to the General Purpose Fund (Fund 1010); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California

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