


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 85019 C.M.S.

INTRODUCED BY HONORABLE MAYOR JEAN QUAN

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
EMPLOYMENT AGREEMENT ON BEHALF OF THE CITY WITH
HENRY GARDNER, INTERIM CITY ADMINISTRATOR, EFFECTIVE
JUNE 16, 2014 THROUGH JANUARY 20, 2015**

WHEREAS, pursuant to Article III Section 305(e) of the Oakland City Charter, Mayor Quan appointed Mr. Henry Gardner as the Interim City Administrator for the period of June 16, 2014 through January 20, 2015, subject to confirmation by the City Council, and the City Council has approved a resolution confirming the appointment; and

WHEREAS, the City desires to compensate Mr. Gardner at a level commensurate with his expertise, education and qualifications; and

WHEREAS, pursuant to Article IV, Section 400 of the Charter of the City of Oakland, the Council desires to enter into a contract setting forth the terms and conditions, of the employment of Mr. Gardner as Interim City Administrator of the City of Oakland; and

WHEREAS, Mr. Gardner's monthly compensation equal to \$23,205.00 plus pay in lieu of medical, dental and vision plans in the amount of \$1,619.45 and monthly auto allowance of \$750.00, which will provide for annual compensation equal to \$306,893.40 or a monthly payment of \$25,574.45 effective June 16, 2014; and

WHEREAS, Mr. Gardner will be entitled to receive the one percent cost of living increase effective July 1, 2014, which will provide for annual compensation equal to \$309,678.00 or a payment of \$25,806.50 on a monthly basis; and

WHEREAS, the annual compensation for Mr. Gardner, \$309,678.00 will yield a saving of \$154,669.00 for a budgeted City Administrator position due to no payments to pension and no accrued leaves; and

WHEREAS, Mr. Gardner is a CalPERS retiree ("annuitant"), and therefore subject to the 960 hour-maximum that CalPERS status allow annuitants to work for the City and continue to receive their retirement pensions; now therefore be it

RESOLVED: That the Mayor is hereby authorized to execute an employment agreement with Mr. Henry Gardner for the term of June 16, 2014 through January 20, 2015 that has an annual cost of \$306,893.40, which includes a monthly salary of \$23,205.00 plus pay in lieu of medical, dental and vision plans in the amount of \$1,619.45 and a monthly auto allowance of \$750.00; and be it

FURTHER RESOLVED: Mr. Gardner will be entitled to receive the one percent cost of living increase effective July 1, 2014, which will provide for annual compensation equal to \$309,678.00 or a payment of \$25,806.50 on a monthly basis; and be it

FURTHER RESOLVED: That funding for contract will be drawn from the vacant budgeted City Administrator position and a projected annual saving is \$154,669.00; and be it

FURTHER RESOLVED: That the Mayor hereby is authorized to extend the term of the Agreement for such additional period that CalPERS authorizes; and be it

FURTHER RESOLVED: That the agreement(s) and other actions authorized hereunder shall be reviewed and approved by the Office of the City Attorney for form and legality prior to execution and filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUN 3 2014

PASSED BY THE FOLLOWING VOTE:

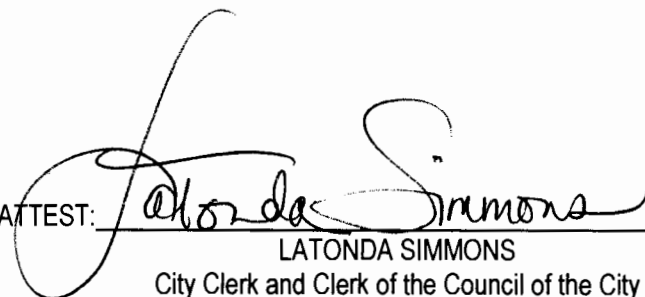
AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, AND PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



LATONDA SIMMONS

City Clerk and Clerk of the Council of the City of Oakland, California