

## MISSING ORIGINAL LEGISLATION

Resolution / Ordinance Number: 83440

City Council Meeting Date June 28, 2011

Agenda Item No. 6.1

Recorded Vote 8 ayes

### Reason for Missing Legislation:

- Draft submitted in agenda packet, original never received  
 Council amended legislation at the meeting

### Responsible Contact Information:

Department City Council

Contact Person/Ext. Claudia Burgos x 7051

Notes (if any)

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**DRAFT**

OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

9/27/2011 10:57 AM

**OAKLAND CITY COUNCIL**

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

INTRODUCED BY COUNCILMEMBER IGNACIO DE LA FUENTE

**A Resolution Declining to Accept the Public Ethics Commission-Approved 2.8% Increase in the Salary for the Office of Councilmember**

**WHEREAS**, City Charter section 202(C) mandates that the Public Ethics Commission annually adjust the salary for the Office of Councilmember by the increase in the consumer price index over the preceding year; and

**WHEREAS**, City Charter section 202 (C) further authorizes the Public Ethics Commission to increase salaries beyond the increase in the consumer price index up to a total of five percent; and

**WHEREAS**, in accordance with its powers and duties under the City Charter, the Public Ethics Commission has increased the salary for the Office of Councilmember by 2.8% effective July 1, 2011; and

**WHEREAS**, in light of the City Charter mandate, each Councilmember will receive the 2.8% salary increase unless he/she advises the City Administrator that he/she declines to accept the increase; and

**WHEREAS**, in light of the City Charter mandate, the Council as a body cannot by motion, resolution or ordinance compel individual Councilmembers to decline the salary increase; and

**WHEREAS**, given the economic downturn, and recession that have caused significant budget deficits for the City of Oakland requiring layoffs, reductions in compensation for City employees, cuts in programs and services and City shutdown days to balance the budget, a number of City Councilmembers have expressed their desire to decline to accept the 2.8% salary increase and the City Council believes it is in the best interest of the City for Councilmembers to decline to accept the salary increase; now therefore be it

**RESOLVED:** That the City Council finds and determines as a matter of policy that it is in the best interest of the City for Councilmembers to decline to accept the 2.8% salary increase that the Public Ethics Commission approved to take effect July 1, 2011; and be it

**FURTHER RESOLVED:** That an affirmative vote on this resolution serves as notice to the City Administrator of such Councilmember's decision to decline to accept the 2.8% salary increase; and be it

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**FURTHER RESOLVED:** That in accordance with City Charter section 202 (C) the salary of each Councilmember who votes against the resolution shall be adjusted by the 2.8% salary increase that the Public Ethics Commission approved unless and until such Councilmember submits a writing to the City Administrator declining to accept the 2.8% salary increase; and be it

**FURTHER RESOLVED:** That the salary of any Councilmember who is absent or who abstains from voting on this Resolution will be adjusted by the 2.8% salary increase unless and until such Councilmember states in writing to the City Administrator that they declining to accept the 2.8% salary increase.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2011  
PASSED BY THE FOLLOWING VOTE:

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN,  
NADEL, SCHAAF, AND PRESIDENT REID

NOES –

ABSENT –

ABSTENTION-

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

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# Attachment A

**CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
RESOLUTION NO. 11-01  
[Adopted 6-6-11]**



**BY ACTION OF THE OAKLAND PUBLIC ETHICS COMMISSION:**

**WHEREAS**, Oakland City Charter Section 202(c) previously authorized the Oakland Public Ethics Commission ("Commission") to establish a base salary for City Councilmembers; and

**WHEREAS**, after substantial study and review, the Commission took action in October, 1997, to establish a base salary for City Councilmembers in the amount of \$60,000 per year; and

**WHEREAS**, in March, 2004, Oakland voters amended City Charter Section 202(c) to provide that the Commission shall annually adjust City Councilmember salaries by the increase in the consumer price index over the preceding year, and that the Commission may adjust salaries beyond the increase in the consumer price index up to a total of five percent; and

**WHEREAS**, the current authorized salary for Oakland City Councilmembers is \$74,098 per year, and

**WHEREAS**, the consumer price index for the San Francisco Bay Area increased by a total of 2.8 percent between April 2010, and April 2011, inclusive; and

**WHEREAS**, a review of California cities demonstrates that Oakland City Council salaries are almost identical to the average salaries provided to councilmembers of the eight largest cities in California; and

**WHEREAS**, Oakland is facing a general fund budget shortfall estimated at \$58 million in FY 2011-2012, and at \$76 million in FY 2012-2013, based on current levels of service and revenues; and

**WHEREAS**, the City is contemplating layoffs, mandatory business shut-downs and reductions in critical and discretionary City services to bring the City's finances into balance;

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Commission does hereby increase and adjust the salary for the office of City Councilmember by 2.8 percent effective as of the first payroll period of Fiscal Year 2011-2012 as mandated by City Charter Section 202(c); and

# Attachment A

**RESOLVED**, that the Commission respectfully requests that the City Council decline to accept the salary adjustment mandated by City Charter Section 202(c) due to the significant budgetary shortfalls facing the City in Fiscal Years 2011-2013; and

**RESOLVED**, that the Commission authorizes the Executive Director to make any changes to draft versions of this Resolution as directed by the Commission and to certify and issue a final version of this Resolution without further approval by the Commission.

## CERTIFICATION RE: APPROVAL OF RESOLUTION

The foregoing Resolution was presented for approval at a duly noticed meeting of the City of Oakland Public Ethics Commission ("Commission") held on June 6, 2011. A quorum of the membership of the Commission was present at the meeting. A motion approving the Resolution was made and seconded, and the motion was adopted by a majority of said quorum.

I hereby certify that the foregoing is true and correct.

Dated: June \_\_\_\_, 2011

\_\_\_\_\_/s/  
Daniel D. Purnell  
Executive Director  
Oakland Public Ethics Commission