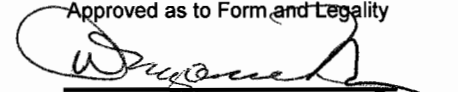


FILED
OFFICE OF THE CITY CLERK
OAKLAND

12 JUL 18 PM 12:22

Approved as to Form and Legality


Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 84009 C.M.S.

RESOLUTION IRREVOCABLY WAIVING PAYMENT OF THE PUBLIC ETHICS COMMISSION-APPROVED 2.1% INCREASE IN THE SALARY FOR THE OFFICE OF COUNCILMEMBER FOR FISCAL YEAR 2012-2013

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 2.1% effective the first payroll period of Fiscal Year 2012-2013; and

Whereas, in light of the City Charter mandate, each Councilmember will receive the 2.1% salary increase unless he/she advises the City Administrator that he/she declines to accept or irrevocably waives 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 over the past several years, 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 accept but waive payment of the 2.1% salary increase for Fiscal Year 2012-2013 and the City Council believes it is in the best interest of the City for Councilmembers to waive said salary increase for Fiscal Year 2012-2013; and

Whereas, to authorize their employer, City of Oakland, to refrain from paying the salary increase for the next fiscal year once the salary base is adjusted, Councilmembers must irrevocably waive, in writing, the increase for Fiscal Year 2012-2013; 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 accept but irrevocably waive payment for Fiscal Year 2012-2013 the 2.1% of the salary increase that the Public Ethics Commission approved to take effect the first payroll period of Fiscal Year 2012-2013; and be it

FURTHER RESOLVED: That each Councilmember who votes in favor of this resolution by virtue of his/her affirmative vote hereby gives notice to the City Administrator of his/her decision to accept but irrevocably waive said 2.1% salary increase solely for Fiscal Year 2012-2013; and be it

FURTHER RESOLVED: That in accordance with City Charter section 202(C), that each Councilmember who votes against the resolution accepts and shall receive payment of the 2.1% salary increase that the Public Ethics Commission approved in Fiscal Year 2012-2013 unless and until such Councilmember submits an irrevocable waiver of payment in writing to the City Administrator for the 2.1% salary increase; and be it

FURTHER RESOLVED: That any Councilmember who is absent or who abstains from voting on this Resolution accepts and shall receive payment of the 2.1% salary increase in Fiscal Year 2012-2013 unless and until such Councilmember submits an irrevocable waiver in writing to the City Administrator waiving payment of the 2.1% salary increase in Fiscal Year 2012-2013.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUL 17 2012

PASSED BY THE FOLLOWING VOTE:

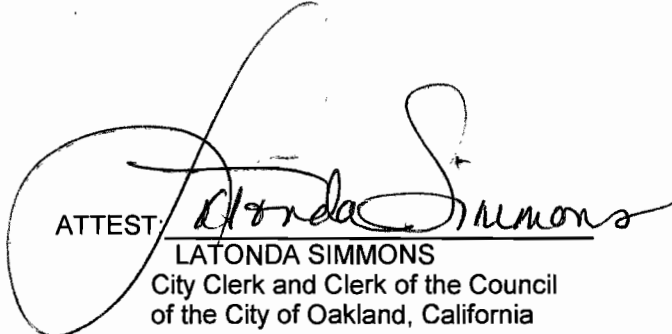
AYES- BROOKS, BRUNNER, DE LA FUENTE, ~~KAPLAN~~, KERNIGHAN, NADEL, SCHAAF and ~~PRESIDENT~~ - 6

NOES- 0

ABSENT- Reid - 1

ABSTENTION- 0

Excused- Kaplan - 1

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California