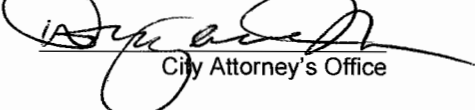


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 OCT -3 PM 4:20

Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 84575 C.M.S.

INTRODUCED BY COUNCIL PRESIDENT PATRICIA KERNIGHAN

RESOLUTION IRREVOCABLY WAIVING PAYMENT OF THE .4% PORTION OF THE PUBLIC ETHICS COMMISSION-APPROVED 2.4% INCREASE IN THE SALARY FOR THE OFFICE OF COUNCILMEMBER FOR FISCAL YEAR 2013-2014, TO REDUCE THE SALARY INCREASE TO 2% FOR FISCAL YEAR 2013-2014

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 2.4% effective July 1, 2013; and

WHEREAS, in light of the City Charter mandate, each Councilmember will receive the 2.4% salary increase unless s/he advises the City Administrator that s/he irrevocably waives to accept the increase for Fiscal Year 2013-2014; and

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

WHEREAS, given the slow reversal of the economic downturn and recession that 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 in order to balance the budget, a number of City Councilmembers have expressed their desire to irrevocably waive the 2.4% or some portion of the salary increase for fiscal year 2013-2014 and the City Council believes it is in the best interest of the City for Councilmembers to so waive 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 irrevocably waive the .4% portion of the 2.4% the salary increase that the Public Ethics Commission approved to take effect July 1, 2013 for fiscal year 2013-2014, in order to reduce the salary increase to 2% for Fiscal Year 2013-2014; 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 irrevocably waive the .4% portion of the 2.4% salary increase for fiscal year 2013-2014, in order to reduce the salary increase to 2% for Fiscal Year 2013-2014; and be it

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 2.4% salary increase that the Public Ethics Commission approved unless and until such Councilmember submits a writing to the City Administrator irrevocably waives the 2.4% or some portion of the salary increase for fiscal year 2013-2014; and be it

FURTHER RESOLVED: That the salary of any Councilmember who is absent or who abstains from voting on this Resolution will adjusted by the 2.4% salary increase unless and until such Councilmember states in writing to the City Administrator that s/he irrevocably waives the 2.4% or some portion of the salary increase for fiscal year 2013-2014.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUL 30 2013

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BROOKS, GALLO~~, GIBSON MCELHANEY, KALB, KAPLAN,
SCHAAF, ~~REB~~ AND PRESIDENT KERNIGHAN - 5

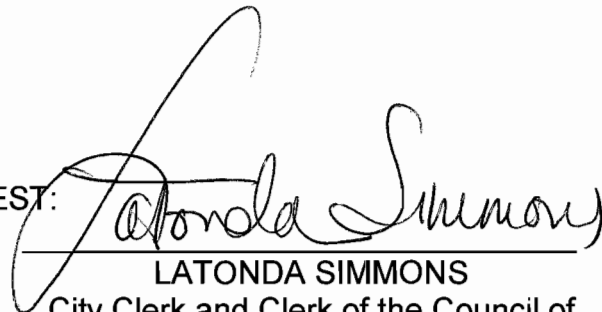
NOES - ~~Redd, Gallo~~ - 2

ABSENT - 0

ABSTENTION - 0

EXCUSED - Brooks - 1

ATTEST:



LATONDA SIMMONS

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