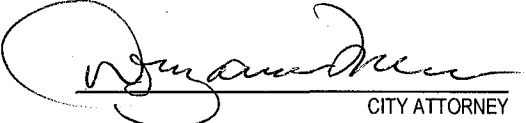


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OFFICE OF THE CITY CLERK  
INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_

  
CITY ATTORNEY

2018 JUN 30 PM 4:37

# OAKLAND CITY COUNCIL

ORDINANCE No. \_\_\_\_\_ C.M.S.

**AN ORDINANCE AMENDING ORDINANCE NO. 12187 C.M.S., "THE SALARY ORDINANCE," TO CLARIFY THE AUTHORITY OF THE CITY ADMINISTRATOR IN SETTING THE COMPENSATION AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR DEPARTMENT HEADS AND AMENDING ORDINANCE NO. 12903 C.M.S. AND REPEALING ORDINANCE NO. 12918 C.M.S.**

**WHEREAS**, Oakland City Charter section 207 charges the City Council with fixing the compensation of all City employees, officers and officials unless otherwise provided by the Charter; and

**WHEREAS**, the Council has established salary ranges for employees and adopted salary ordinances, namely Ordinance No. 12187 C.M.S. and Ordinance No. 12903 C.M.S., that grant the appointing authority the discretion to (1) set the initial salary of employees at any point in the salary range for the classification in question; and (2) grant severance pay as a hiring incentive to employees who are exempt from Civil Service and may be terminated through no fault of the employee equivalent to three months of salary if the employee has completed less than 10 years of service and up to six months of salary if the employee has completed ten years of service; and

**WHEREAS**, Ordinance No. 12918 C.M.S., adopted March 3, 2009, set restrictions on the City Administrator's authority and required City Council authorization for setting the salary for department head appointments at the midpoint in the salary range for the positions "during these challenging economic times" and the City is no longer in a recession; and

**WHEREAS**, in order to attract the most competent and effective department heads to City of Oakland service it is necessary that the City Administrator have the discretion to set salary ranges and award additional appropriate hiring incentives for department head appointees; now therefore,

## **THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section 1.00 Purpose.** This ordinance defines the authority and discretion of the City Administrator solely with respect to fixing compensation and other terms and conditions of employment in hiring agreements for department heads or unrepresented senior managers.

**Section 1.10 Initial Salary.** Notwithstanding any other provision of this Ordinance, Ordinance No. 12187 C.M.S., Ordinance No. 12903 C.M.S., Ordinance No. 12918 C.M.S., or any other Ordinance, the City Administrator may appoint a new department head or unrepresented senior manager at any point in the applicable salary schedule for the classification involved commensurate with the education and experience of the appointee; the initial salary of any

position in the City shall be within the salary schedule established for the classification to which the individual is appointed.

**Section 1.20 Leave Accrual Rate.** The City Administrator may set the appointee's vacation accrual rate commensurate with the appointee's public sector professional service time using the schedule for such accrual rates established by existing City policy for City employees.

**Section 1.21 Retroactivity.** The City Administrator may adjust the leave accrual rate for department heads or unrepresented senior managers hired into the City service between March 3, 2009 and July 30, 2016 to be commensurate with the employees' history and experience in public service and at the rates established by MOU or other existing City policy.

**Section 1.30 Relocation Expenses.** The City Administrator may authorize reimbursement for a reasonable portion of relocation expenses when funding is available. The City Administrator will determine what constitutes a reasonable portion of relocation expenses.

**Section 1.40 Professional Dues, Memberships, and Professional Development.** The City Administrator may approve payment of dues, membership, conference fees, travel, and professional development expenses related to the employee's professional and industry standing and where such activities serve to benefit the City of Oakland.

**Section 1.50 Parking.** The City Administrator may assign a department head a parking space in City-owned garages at no cost to the employee.

**Section 1.60 Other Fringe Benefits.** Consistent with the Salary Ordinance section 2.20, the City Administrator has the discretion to grant unrepresented employees the same compensation and other terms and condition of employment that are provided to represented employees under MOUs; the City Administrator may offer the maximum of any discrete fringe benefit provided to employees in any City of Oakland miscellaneous employee group contract, e.g. leave accrual rates, holidays, medical and retirement benefits, etc.

**Section 2. Conflicts.** If there is any conflict between the provisions of this Ordinance and Ordinance Nos. 12187 C.M.S., 12903 C.M.S., 12918 C.M.S., which this Ordinance supplements and amends, this Ordinance's provisions shall govern.

**Section 3. Amendments.** Amendments to any provision of this ordinance shall hereinafter be entitled "Amendments to the Salary Ordinance."

**Section 4. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses, or phrases may be declared invalid or unconstitutional.

**Section 5. Effective Date.** This Ordinance shall become effective upon approval of its second reading.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2016

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND PRESIDENT GIBSON  
MCELHANEY

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

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

DATE OF ATTESTATION: \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. 12187 C.M.S., "THE SALARY ORDINANCE," TO CLARIFY THE AUTHORITY OF THE CITY ADMINISTRATOR IN SETTING THE COMPENSATION AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR DEPARTMENT HEADS AND AMENDING ORDINANCE NO. 12903 C.M.S. AND REPEALING ORDINANCE NO. 12918 C.M.S.**

**DIGEST**

An Ordinance Amending Ordinance No. 12187 C.M.S., "the Salary Ordinance," To Clarify the Authority of the City Administrator In Setting the Compensation and Other Terms and Conditions of Employment For Department Heads and Amending Ordinance No. 12903 C.M.S. and Repealing Ordinance No. 12918 C.M.S.

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