


City Attorney's Office

OAKLAND CITY COUNCIL
RESOLUTION NO. _____ C.M.S.

RESOLUTION FINDING AND DETERMINING (1) THAT IT IS IN THE BEST INTEREST OF THE CITY FOR COUNCILMEMBERS TO IRREVOCABLY WAIVE PAYMENT OF SALARY EQUIVALENT TO 10 DAYS OF PAY FOR THE PERIOD OF JANUARY 12, 2021 THROUGH JUNE 30, 2021 IN LIGHT OF THE ECONOMIC DOWNTURN RESULTING FROM THE COVID-19 PANDEMIC; AND (2) THAT NOTICE OF SUCH WAIVER SHALL BE PROVIDED BY SUBMITTING SUCH WAIVER IN WRITING TO THE CITY ADMINISTRATOR

WHEREAS, Oakland City Charter Section 202 mandates that the Public Ethics Commission (“PEC”) bi-annually adjust City Councilmember salaries by the increase in the Consumer Price Index over the preceding two years and grants the PEC the discretion to increase salaries beyond the increase in the Consumer Price Index up to a total of five percent per year; and

WHEREAS, by virtue of the Charter mandate, neither the Council nor the City Administrator has authority to reduce Councilmember salaries set by the PEC in accordance with its Charter-mandated authority; and

WHEREAS, on July 17, 2012 the Oakland city Council, facing a significant recession and economic downturn adopted Resolution No. 84009 C.M.S. stating the Council’s position that Councilmembers should irrevocably waive payment of a portion of their Public Ethics Commission-Approved Salary, establishing a precedent for adopting such actions in face of the city’s economic hardship; and

WHEREAS, given the COVID-19 pandemic and resulting economic downturn that have caused budget deficits for the City of Oakland, estimated by the City Administrator to be more than \$62 million, requiring 10 days of furlough for certain unrepresented City employees, and potentially cuts in programs and services and layoffs to balance the budget, a number of City Councilmembers have expressed their desire to waive salary equivalent to 10 days of pay for the period of January 12, 2021 through June 30, 2021; and

WHEREAS, the City Council believes it is in the best interest of the City for Councilmembers to waive said 10 days of salary payments; and

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

WHEREAS, to authorize their employer, City of Oakland, to refrain from paying the Councilmembers 10 days of salary for the period of January 12, 2021 through June 30, 2021, Councilmembers must irrevocably waive, in writing, payment of salary equivalent to 10 days of pay through June 2021; 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 payment of salary equivalent to 10 days of pay for the period of January 12, 2021 through June 30, 2021; 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 irrevocably waive salary equivalent to 10 days of pay for the period of January 12, 2021 through June 30, 2021, provided that each such Councilmember shall receive full payment of their salary until such Councilmember submits an irrevocable waiver of payment in writing to the City Administrator for up to 10 days of pay; and be it

FURTHER RESOLVED: That in accordance with City Charter section 202, each Councilmember who votes against the resolution shall not have a reduction in salary and shall receive full payment of their salaries until such Councilmember submits an irrevocable waiver of payment in writing to the City Administrator for up to 10 days of pay; and be it

FURTHER RESOLVED: That any Councilmember who is absent or who abstains from voting on this Resolution shall receive full payment of their salaries until such Councilmember submits an irrevocable waiver of payment in writing to the City Administrator for up to 10 days of pay; and be it

FURTHER RESOLVED: That to facilitate submission of waivers of payment in writing to the City Administrator for up to 10 days of pay for period of January 12, 2021 through June 30, 2021, the following language is provided: "I, Councilmember [name] hereby irrevocably waive payment of salary equivalent to 10 days of pay for the period of January 12, 2021 through June 30, 2021."

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT
FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
Acting City Clerk and Clerk of the Council
of the City of Oakland, California