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CITY OF OAKLAND



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Office of the City Attorney  
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June 20, 2012

Honorable City Council  
Oakland, California

Re: **June 28, 2012 Resolution Declining to Accept the Public Ethics Commission-  
Approved 2.1% Increase in the Salary for the Office of Councilmember**

Dear President Reid and Members of the Council:

At the Council's June 18, 2012 special budget meeting, the council unanimously passed a motion (moved by Schaaf, seconded by Kernighan) (1) scheduling a resolution declining the council salary increases that city charter section 202 (C) requires the Public Ethics Commission to authorize each year for the office of city council member and (2) requesting that the city attorney's office prepare the resolution for council's consideration.

Pursuant to the Council's request, we prepared the attached resolution for the June 28<sup>th</sup> Special Council Budget meeting. A vote in favor of the resolution will authorize the city administrator to refrain from granting the increase. Any council member who votes no, abstains or is absent at the time the vote is taken will receive the charter-mandated salary increase unless he/she provides a writing to the City administrator declining the increase.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara J. Parker', written in a cursive style.

Barbara J. Parker  
City Attorney

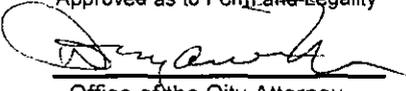
Attachment

7

SPECIAL MEETING OF  
THE OAKLAND CITY COUNCIL

JUN 28 2012

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Office of the City Attorney

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

Resolution Declining to Accept the Public Ethics Commission-  
Approved 2.1% 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 2.1% 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 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 decline to accept the 2.1% 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 2.1% 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 decline to accept the 2.1% salary increase; and be it

7  
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JUN 28 2012

**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 2.1% salary increase that the Public Ethics Commission approved unless and until such Councilmember submits a writing to the City Administrator declining to accept the 2.1% 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 2.1% salary increase unless such Councilmember submits a writing to the City Administrator declining to accept the 2.1% salary increase.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and  
PRESIDENT REID

AYES-  
NOES-  
ABSENT-  
ABSTENTION-

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

**7**

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JUN 28 2012