

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO THE VOTERS FOR THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION A MEASURE THAT WOULD AMEND CITY CHARTER SECTIONS 300 AND 603 TO, AMONG OTHER THINGS:

(1) TRANSFER THE DUTIES OF SETTING THE MAYOR'S SALARY FROM THE CITY COUNCIL TO THE PUBLIC ETHICS COMMISSION TO BE ADJUSTED, SUBJECT TO CERTAIN CONDITIONS, ON A BI-ANNUAL BASIS;

(2) UPDATE THE CRITERIA FOR SETTING THE MAYOR'S SALARY TO CRITERIA SIMILAR TO THAT APPLIED BY THE COMMISSION IN SETTING THE CITY ATTORNEY'S AND CITY AUDITOR'S SALARIES; AND

DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION, AND TO TAKE ANY AND ALL OTHER ACTIONS NECESSARY UNDER LAW TO PREPARE FOR AND CONDUCT THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION

WHEREAS, on July 18, 2023, the City Council passed a motion directing the City Administrator to bring a proposal back to the City Council for a potential November 2024 ballot measure which would transfer the duties of setting the Mayor's salary from the City Council to the Public Ethics Commission; and

WHEREAS, on August 25, 2023, October 25, 2023, and December 13, 2023, the Public Ethics Commission considered whether it is the appropriate body for setting the Mayor's salary and, if so, what criteria the PEC should apply for setting that salary; and

WHEREAS, on December 13, 2023, the Public Ethics Commission adopted recommendations for how the Commission should adjust the Mayor's salary to promote pay equity and competitive compensation; and

WHEREAS, these changes will provide politically neutral, objective criteria for the Public Ethics Committee to follow in setting the Mayor’s salary that is alignment with similar processes of other City of Oakland elected officials; now, therefore, be it

RESOLVED: That the City Council hereby authorizes and directs the City Clerk, at least 88 days prior to the next general municipal election date, to file with the Alameda County Board of Supervisors and the Registrar of Voters certified copies of this resolution; and be it

FURTHER RESOLVED: That the City Council hereby proposes to amend Charter section 300 and 603 to add, delete, or modify sections as set forth below (section numbers and titles are indicated in capitalized **bold type**; additions are indicated by underscoring, deletions are indicated by ~~strike-through type~~; portions of the provisions not cited or not shown in underscoring or strike-through type are not changed).

The people of the City of Oakland do ordain as follows:

Section 1. Amendments to Section 300 of the Charter of the City of Oakland. Section 300, *The Mayor*, of the Charter of the city of Oakland is hereby amended as follows with deleted text shown as ~~strikethrough~~ and new text shown as underscored:

Section 300. The Mayor. The Mayor shall be nominated and elected from the City at large and shall receive an annual salary payable in equal monthly installments, ~~and without any additional compensation or fees provided for in Section 202 in this Charter. The salary shall be set by the Council, which shall be not less than 70% nor more than 90% of the average salaries of City Managers/Chief Executive Officers of California cities within the three immediate higher and the three immediate lower cities in population to Oakland. The Mayor’s salary shall be reviewed by the City Council in odd numbered years and may be adjusted by the Council as provided for herein.~~ The Public Ethics Commission shall bi-annually adjust the salary for the Office of Mayor by the increase in the consumer price index over the preceding two years, up to a total of five percent, to take effect in the first pay period after the first Monday of January, beginning in 2027 and every two years thereafter. The Commission, in its discretion, may waive or reduce the bi-annual salary increase where the City Council has declared, in a budget resolution for the fiscal year in which the adjustment is adopted, that the City is facing an extreme fiscal necessity, fiscal crisis or fiscal emergency; or if the General Purpose Fund revenue for the current fiscal year is projected to be less than the revenue in the prior fiscal year.

In its discretion and to provide for competitive compensation and equitable alignment, every four years to take effect in the first pay period after the start of the next Mayoral term, the Public Ethics Commission may adjust the salary for the Office of the Mayor by no more than the rate of inflation over the prior two years plus an additional 10 percent. The Commission shall consider, for a four-year discretionary adjustment, the salary of the chief executives (city manager or mayor in a strong mayor system) in comparable California jurisdictions selected by the Commission; the top of the range for the highest paid professional employee in the Office of the Mayor; and the salaries of City department heads.

Section 2. Amendments to Section 603(c) of the Charter of the City of Oakland. Section 603(c), *Councilmember Salary Increases*, of the Charter of the City of Oakland is hereby

amended as follows with deleted text shown as ~~strikethrough~~ and new text shown as underscored:

- (c) ~~Councilmember-Elected Official Salary~~ies ~~Increases~~. The Public Ethics Commission shall ~~set~~ adjust the salary for the Office of the Councilmember, Mayor, City Attorney and City Auditor ~~Council compensation~~ as provided for in Charter ~~S~~sections 202, 300, 401(1) and 403(1).

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of this Measure is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Measure. The voters hereby declare that they would have passed this Measure 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 4. Effective Date. This Measure shall be effective only if approved by a majority of the voters voting thereon and shall go into effect ten (10) days after the vote is declared by the City Council.

and be it

FURTHER RESOLVED: That each ballot used at the November 5, 2024 election shall have printed therein, in addition to any other matter required by law the following:

**CHARTER AMENDMENT TO SECTIONS 300 AND 603(C) OF THE CITY
CHARTER
MEASURE ____**

Measure _____.	Yes	
[FINAL BALLOT QUESTION SUBJECT TO CITY ATTORNEY APPROVAL]	No	

; and be it

FURTHER RESOLVED: That the City Council hereby authorizes and directs the Clerk of the City of Oakland (“City Clerk”), at least 88 days prior to the November 5, 2024 General Municipal Election, to file certified copies of this resolution with the Alameda County Board of Supervisors and the Registrar of Voters; and be it

FURTHER RESOLVED: That the City Council requests that the Board of Supervisors of Alameda County include on the ballots and sample ballots recitals and measure language to be voted on by the voters of the qualified electors of City of Oakland; and be it

FURTHER RESOLVED: That in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments for or against said proposed Charter amendment, and said date shall be posted by Office of the City Clerk; and be it

FURTHER RESOLVED: That in accordance with the Election Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk shall provide for notice, publication and printing of notices as to said proposed Charter amendment in the manner provided for by law and be it

FURTHER RESOLVED: That the City Clerk and City Administrator hereby are authorized and directed to take any and all actions necessary under law to prepare for and conduct the 2024 General Municipal Election and appropriate all monies necessary for the City Administrator and City Clerk to prepare for and conduct the November 5, 2024 general municipal election, consistent with law.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

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

3351051v3/SW