

# CITY OF OAKLAND

## AGENDA REPORT

OFFICE OF THE CITY CLERK

2006 JUN 15 PM 2:20

TO: Office of the City Administrator  
ATTN: Deborah A. Edgerly  
FROM: Finance and Management Agency  
DATE: June 27, 2006

RE: **An Ordinance Amending the Salary Schedule of Ordinance No. 12187 (The Salary Ordinance) to Increase the Salaries of City Councilmembers by 4%, Pursuant to the Recommendation of the Public Ethics Commission.**

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### SUMMARY

Staff has prepared an amendment to Oakland's salary ordinance (Ordinance No. 12187 C.M.S.) to increase the salaries of City Councilmembers by four percent (4%) pursuant to the Oakland Public Ethics Commission, Resolution No. 06-01, attached as Exhibit 1.

The above salary adjustment has been made pursuant to City Charter Section 202 (c) which authorizes the Oakland Public Ethics Commission ("Commission") to adjust the salary for the office of City Councilmember by an amount of up to five percent annually beginning in FY 2003-04.

According to the Office of the City Attorney, City Council action on these items is "ministerial" in nature and not discretionary.

Staff recommends approval of the amendment and ordinance.

### FISCAL IMPACT

This four percent (4%) increase was included in the City Administrator's Budget for FY 2006-07.

### BACKGROUND

The Commission established City Council salaries in November 1997, and has approved increases annually to the current annual salary of \$63,000.

In November 1998, Oakland voters adopted Measure X, which amended the Commission to adjust City Council salaries annually "by the increase in the consumer price index over the preceding year." The Commission may also adjust salaries beyond the increase in the consumer price index up to a total five percent. Any annual increase beyond five percent must be approved by the voters.

Item # \_\_\_\_\_  
City Council  
June 27, 2006

At its regular meeting on June 5, 2006, the Commission adopted Resolution 06-01 which approved a four percent salary increase for City Councilmembers, effective immediately. This 4% increase will result in Councilmembers salaries of \$65,520 per year.

### **KEY ISSUES AND IMPACTS**

The City Council must take action in order to effect the Commission's decision. This may be accomplished by amending the City's salary ordinance to reflect the new salary level.

According to the Office of the City Attorney, the City Council should amend the salary ordinance to reflect the Commission's latest adjustment.

The Office of the City Attorney advises that this action is non-discretionary, a "ministerial" duty which the City Council must take so that the Commission's decision can be carried out. The City Attorney has previously advised that the failure to amend the salary ordinance to effect the Commission's decision could subject the City to a court order requiring the City Council to comply with its ministerial duties.

### **SUSTAINABLE OPPORTUNITIES**

There are no direct economic, environmental or social equity opportunities or impacts associated with the City Council action requested in this report.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

There are no disability and senior access issues associated with the City Council action requested in this report.

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**RECOMMENDATION**

Staff recommends that the City Council adopt the proposal amendment to the City salary ordinance effecting a four percent increase to the salary for the office of City Councilmember.

Respectfully submitted,

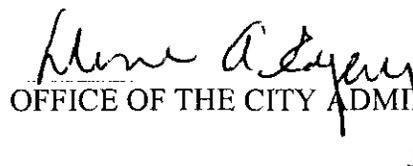


**William Noland, Agency Director  
Finance & Management Agency**

Reviewed by:  
Marcia L. Meyers, Director  
Office of Personnel Resource Management

Prepared by:  
Claire Iandoli, Sr. Supervising HR Analyst  
Office of Personnel Resource Management

APPROVED AND FORWARDED TO THE  
CITY COUNCIL:

  
OFFICE OF THE CITY ADMINISTRATOR

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

OFFICE OF THE CITY CLERK

*Janet Chan*  
City Attorney

2006 JUN 15 PM 2: 20

# OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

**AN ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. (THE SALARY ORDINANCE) TO INCREASE THE SALARIES OF CITY COUNCIL MEMBERS BY FOUR PERCENT (4%), PURSUANT TO THE RECOMMENDATION OF THE PUBLIC ETHICS COMMISSION**

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

**Section 1.** Effective, date of passage, the salaries of City Council members is increased by four percent (4%) effective July 1, 2006, pursuant to Public Ethics Commission Resolution No. 06-01, which is attached and incorporated by reference.

**Section 2.** Effective, date of passage, The Salary Ordinance, No. 12187 C.M.S., is amended to increase the salaries of City Council members by four percent (4%).

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

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

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

**CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
RESOLUTION NO. 06-01**



**BY ACTION OF THE OAKLAND PUBLIC ETHICS COMMISSION:**

**WHEREAS**, Oakland City Charter Section 202(c) previously authorized the Oakland Public Ethics Commission ("Commission") to establish a base salary for City Councilmembers; and

**WHEREAS**, after substantial study and review, the Commission took action in October, 1997, to establish a base salary for City Councilmembers in the amount of \$60,000 per year; and

**WHEREAS**, in March, 2004, Oakland voters amended City Charter Section 202(c) to provide that the Commission shall annually adjust City Councilmember salaries by the increase in the consumer price index over the preceding year, and that the Commission may adjust salaries beyond the increase in the consumer price index up to a total of five percent; and

**WHEREAS**, on June 6, 2005, the Commission increased the salary for the office of City Councilmember by 2.1 percent, which amount represented the increase in the consumer price index for the San Francisco Bay Area between April, 2004, and April, 2005, inclusive; and

**WHEREAS**, the current salary for Oakland City Councilmembers of \$64,324 per year is close to the mean and median annual salaries for councilmembers in eight of the largest cities in California, and

**WHEREAS**, the Commission desires to preserve the existing base salary for Oakland City Councilmembers against increases in the cost of living; and

**WHEREAS**, the consumer price index for the San Francisco Bay Area increased by a total of 3.2 percent between April, 2005, and April, 2006, inclusive; and

**WHEREAS**, the City of Oakland has previously granted contractual salary increases to Oakland's non-sworn bargaining units in the amount of 4 percent commencing on July 1, 2006;

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Commission does hereby increase and adjust the salary for the office of City Councilmember by four (4.0) percent effective as of the first payroll period of Fiscal Year 2006-2007; and

**RESOLVED**, that the Commission authorizes the Executive Director to make any changes to draft versions of this Resolution as directed by the Commission and to certify and issue a final version of this Resolution without further approval by the Commission.

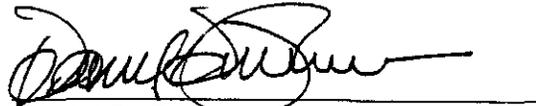
### CERTIFICATION RE: APPROVAL OF RESOLUTION

The foregoing Resolution was presented for approval at a duly noticed meeting of the City of Oakland Public Ethics Commission ("Commission") held on June 5, 2006. A quorum of the membership of the Commission was present at the meeting. A motion approving the Resolution was made and seconded, and the motion was adopted by a majority of said quorum.

I hereby certify that the foregoing is true and correct.

Dated:

6/6/06



Daniel D. Purnell  
Executive Director  
Oakland Public Ethics Commission

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**Digest**

AN ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 (THE SALARY ORDINANCE) TO INCREASE THE SALARIES OF CITY COUNCIL MEMBERS BY 4%, PURSUANT TO THE RECOMMENDATION OF THE PUBLIC ETHICS COMMISSION.

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