

TO: Finance and Management Committee

FROM: Office of the City Attorney

DATE: June 28, 2011

RE: RESOLUTION SETTING THE SALARY FOR THE CITY AUDITOR OF THE CITY OF OAKLAND PURSUANT TO OAKLAND CITY CHARTER, SECTION 403, EFFECTIVE 2015

SUMMARY

This resolution sets the salary of the City Auditor, effective January 5, 2015.

The City Charter empowers the City Council to set the City Auditor's salary. The City Charter, however, prohibits any reduction of the City Auditor's salary during the current term. Attached is a resolution setting the City Auditor's salary beginning January 5, 2015. Since it is unlikely that the City Council will increase the City Auditor's salary, any decrease may be premature because any decrease cannot take effect until January 5, 2015. (City Charter, Section 403.)

FISCAL IMPACT

The cost to the City's General Fund is between \$129,500 and \$166,500, depending on what salary the City Council sets.

BACKGROUND

At the June 2, 2011, Finance and Management Committee meeting, the Committee reviewed the average salaries of City Auditors of California cities within the three immediate higher and the three immediate lower cities in population to Oakland.

KEY ISSUES AND IMPACTS

City Charter, Section 403 empowers the City Council to set salary of the City Auditor. The salary shall not be less than 70% or more than 90% of the average salaries of City Auditors of California cities within the three immediate higher and the three immediate lower cities in population to Oakland. The City Auditor's salary may not be reduced during the City Auditor's term of office, except as a part of a general reduction of salaries for all officers and employees in the same amount or proportion.

**RESOLUTION SETTING THE SALARY AND SALARY RANGE FOR
THE CITY AUDITOR OF THE CITY OF OAKLAND**

June 28, 2011

The salary of the office shall be set by the Council, which shall be not less than 70% nor more than 90% of the average salaries of City Auditors of California cities within the three immediate higher and the three immediate lower cities in population to Oakland, and may not be reduced during the City Auditor's term of office, except as a part of a general reduction of salaries for all officers and employees in the same amount or proportion. (Section 403.)

The current term will end on January 5, 2015.

Under the City Charter, the City Council may increase the City Auditor's salary at any time. Short of a general reduction of all salaries, it cannot reduce the salary until January 5, 2015.

Since it is unlikely that the City Council is going to increase the City Auditor's salary, the City Council should wait until 2014 to set the salary. This is because the current salary survey may be out of date for the 2015 term.

SUSTAINABLE OPPORTUNITIES

Not applicable.


DISABILITY AND SENIOR CITIZEN ACCESS

Not applicable.

RECOMMENDATION

The City Council should wait until 2014 if it intends to reduce the City Auditor's salary.

Respectfully submitted,


MARK MORODOMI
Supervising Attorney
Office of the City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

26TH JUN 23 PM 12:45

Approved as to Form and Legality

M. Moradom
City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. ___ C.M.S.

RESOLUTION SETTING THE SALARY FOR THE NEWLY ELECTED CITY AUDITOR OF THE CITY OF OAKLAND PURSUANT TO THE OAKLAND CITY CHARTER, ARTICLE IV, SECTION 403, EFFECTIVE 2015

WHEREAS, Article IV, Section 403, of the Oakland City Charter provides that the salary of the elected City Auditor shall be set by the City Council; and

WHEREAS, the salary may not be reduced during the City Auditor's term of office, except as part of a general reduction of salaries of all officers and employees in the same amount or proportion; and

WHEREAS, the current term of office for the City Auditor shall end on January 4, 2015;

WHEREAS, the City Charter provides that the salary shall be not less than 70% and no more than 90% of the average salaries of City Auditor of California Cities with the three immediate higher and the three immediate lower cities in population to Oakland; and

WHEREAS, the City Council has conducted a salary review and determined the salary range according to this formula is \$129,500 and \$166,500; and

THEREFORE RESOLVED, that effective January 15, 2015, the salary of the newly elected City Auditor shall be \$_____.

IN COUNCIL, OAKLAND, CALIFORNIA _____, 20__

PASSED BY THE FOLLOWING VOTE:

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

AYES-
NOES -
ABSENT -
ABSTENTIONS -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council of the
City of Oakland, California