



# Item 12 - City Attorney Salary Adjustment

Francis Upton IV (Vice-Chair)

Alea Gage

Charlotte Hill

Vincent Steele

Karun Tilak

Nicolas Heidorn, Executive Director

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TO: Public Ethics Commission  
FROM: Nicolas Heidorn Executive Director  
DATE: March 27, 2024, for the April 10, 2024, PEC Meeting  
RE: City Attorney Salary Adjustment as Required by City Charter Section 401(1)

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In November 2022, Oakland voters passed Measure X, which amended Oakland City Charter Section 401(1) to add setting the City Attorney salary level to the duties of the Public Ethics Commission (PEC or Commission). This memorandum provides background information for the Commission to adjust the City Attorney salary per the criteria specified by City Charter Section 401(1).

## Background

The City Attorney is the department head for the Office of the City Attorney and oversees a staff of approximately 82 full time equivalent (FTE) positions.<sup>1</sup> The current City Attorney was most recently elected in November 2022.

Prior to 2023, the City Attorney's salary was set by the City Council. In November 2022, Oakland voters passed Measure X, which amended the process for adjusting the City Attorney's salary, including by assigning this responsibility to the Commission. This process is codified at Section 401(1) of the City Charter, which provides that:

The salary of the elected City Attorney shall be set annually by the Public Ethics Commission to provide for competitive compensation and equitable alignment and, taking into account the top of the range for the highest paid professional employee in the Office of the City Attorney and salaries for other City department heads, and shall be comparable to the salaries of City Attorneys and other comparable positions, such as County Counsel or Port Attorney, in California cities, counties and agencies selected by the Commission. The City Attorney's salary may not be reduced during the City Attorney's term of office except as part of a general reduction of salaries of all officers and employees in the same amount or proportion.

The Commission first adjusted the salary of the City Attorney position last year. At its April 12, 2023, regular meeting, the Commission adopted a resolution setting the City Attorney's salary at **\$306,990.63**, which is the current salary for the Office.<sup>2</sup>

### Prior PEC Adjustments to the City Attorney's Salary

Year	Adopted Annual Salary	Increase Over Prior Salary (%)
2023	\$306,990.63	26.0%

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<sup>1</sup> This represents the number of Full Time Equivalent (FTE) positions adopted in the most recent Budget for Fiscal Years 2023-2024.

<sup>2</sup> According to the City's current [Salary Ordinance](#), the City Attorney's salary is \$306,990.60, or a few cents below what the PEC approved, likely because the amount the PEC approved is not evenly divisible by the City's pay periods.

## Analysis

### ***Highest Paid Professional Employee***

In adjusting the Attorney’s salary, the Charter requires that the Commission take into account “the top of the range for the highest paid professional employee in the Office of the City Attorney.” The Assistant City Attorney is the highest paid direct report for the City Attorney. The maximum annual salary for the Assistant City Attorney position in the Office of the City Attorney currently is **\$273,622.20** per year while the annual salary for the City Attorney is **\$306,990.63**.<sup>3</sup>

According to the City’s Human Resources Department, the City’s undocumented compensation practice is to have a minimum of 15 to 20 percent salary differential between a department head and their highest direct reporting employee, although among executive management this is not always achieved. For the City Attorney salary to be 15 to 20 percent above the salary of the highest direct reporting employee would be a salary between **\$314,665.53 and \$328,346.64**. The City Attorney presently makes 12.2 percent more than the highest paid professional employee, which is below that range.

In 2022, the City negotiated annual wage increases for represented employees through the collective bargaining process. The non-public safety wage increases, as opposed to Police and Fire wage increases, may be considered in establishing the new wage since it applies to both City Attorney employees and to other department heads. (Salary Ordinance 12187 C.M.S. section 2.20, as amended by Ordinance 13786 C.M.S., allows the City Administrator to provide the same negotiated wage increases to unrepresented employees, including department heads.) Upcoming scheduled wage increases under the current collective bargaining agreements with non-public safety represented employees include 2 percent in July 2024 and 2 percent in March 2025. After July 1, 2024, when the 2 percent wage increase is effective for non-sworn City employees, a 15 to 20 percent salary differential over the City Attorney’s top staff position will be **\$320,958.84 to \$334,913.57**.

### ***Other City Department Heads***

In adjusting the Attorney’s salary, the Charter requires that the Commission take into account “salaries for other City department heads.”

Table 1, below, provides the salaries for other City department heads as of February 2024.

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<sup>3</sup> Salary data provided by Anjali Saxena, Payroll Manager, Finance Department. February 21, 2024.

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**Table 1: City Department Head Salaries**

Director Title	Annual Salary
Chief of Police	\$ 338,241.00
Chief of Fire	\$ 307,945.92
<b>City Attorney</b>	<b>\$ 306,990.58</b>
Director of Public Works	\$ 301,421.40
Director of Finance	\$ 288,007.44
Director of Transportation	\$ 259,914.60
Director of Library Services	\$ 259,914.60
Director of Planning & Building	\$ 259,914.60
Director of Information Technology	\$ 259,914.60
Director of Housing & Community Dev	\$ 259,914.60
Director of Animal Services	\$ 259,914.60
Director of Human Services	\$ 247,548.24
Director of Economic & Workforce Dev	\$ 247,548.24
Director of Workplace & Employment Stnd	\$ 241,212.84
Director of Human Resources Management	\$ 236,390.64
Inspector General	\$ 229,727.04
EEO & Civil Rights Director	\$ 229,727.04
Director of Race and Equity	\$ 229,727.04
Chief of Violence Prevention	\$ 225,499.92
Executive Director CPRA	\$ 219,220.80
City Auditor	\$ 213,137.52
City Clerk	\$ 212,257.20
Executive Director, Public Ethics Comm	\$ 191,213.76
<b>Mean (Excluding Attorney)</b>	<b>\$ 250,832.44</b>
<b>Median (Excluding Attorney)</b>	<b>\$ 247,548.24</b>

Based on the above data, the salary range for Oakland department heads is from **\$191,213.76 to \$338,241.00**. The mean annual salary for a department head (excluding the City Attorney) is **\$250,832.44** per year and the median annual salary is **\$247,548.24**. Of Oakland’s 23 department heads, the City Attorney has the **third highest salary** (3rd of 23).

In terms of staff size, the Attorney’s Office is a mid-sized City department (13th of 23). Of the four departments (excluding the City Attorney’s Office) with between 50 and 150 FTE, the mean annual salary for a department head is **\$250,942.02** per year and the median annual salary is **\$253,731.42**. However, the City Attorney’s Office likely includes more employees with post-graduate professional degrees (attorneys) than many other departments.

### **Public Sector Attorney Positions**

In adjusting the Attorney’s salary, the Charter provides that the Attorney’s compensation shall be “comparable to the salaries of public sector Attorney positions in California cities and counties selected by the Commission.”

In accordance with the Charter criteria, the Commission surveyed the salaries of City Attorneys from

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other California cities within the four immediate higher and four lower populations compared to Oakland (see Table 2 below).<sup>4</sup>

**Table 2: California Cities Attorney Salaries**

Jurisdiction	Population	Annual Salary
City and County of San Francisco	831,703	\$ 308,724.00
City of Fresno	543,428	\$ 240,000.00
City of Sacramento	518,161	\$ 351,048.19
City of Long Beach	458,222	\$ 354,540.88
<b>City of Oakland</b>	<b>419,556</b>	<b>\$ 306,990.58</b>
City of Bakersfield	408,373	\$ 227,585.28
City of Anaheim	328,580	\$ 322,058.00
City of Stockton	319,731	\$ 280,800.00
City of Riverside	313,676	\$ 341,004.00
<b>Mean (Excluding Oakland)</b>		<b>\$ 303,220.04</b>
<b>Median (Excluding Oakland)</b>		<b>\$ 315,391.00</b>

Based on the data above, the salary range for the City Attorney position in comparable-size California cities is from **\$227,585.28 to \$354,540.88**. The mean annual salary is **\$303,220.04** and the median annual salary is **\$315,391.00**. Oakland’s City Attorney makes 101.2% of the mean and 97.3% of the median City Attorney salary in comparable-size cities.

In accordance with the Charter criteria, staff also surveyed City Attorney salaries for surrounding Bay Area Cities, the salary of the County Counsel for Alameda County, and the salary of the Counsel for the Oakland Port Authority (see Table 3 below).

**Table 3: Bay Area Cities City Attorney Salaries**

Jurisdiction	Annual Salary
County of Alameda	\$ 399,630.40
City and County of San Francisco	\$ 308,724.00
City of Alameda	\$ 300,481.00
City of Berkeley	\$ 336,000.08
City of Fremont	\$ 341,499.37
City of Hayward	\$ 335,608.00
City of Mountain View	\$ 335,338.38
<b>City of Oakland</b>	<b>\$ 306,990.58</b>
City of San Jose	\$ 392,718.73
City of Santa Clara	\$ 345,000.00
Oakland Port Authority	\$ 352,800.00
<b>Mean (Excluding Oakland)</b>	<b>\$ 344,780.00</b>
<b>Median (Excluding Oakland)</b>	<b>\$ 338,749.73</b>

Based on the above data, the salary range for the City Attorney position in Bay Area jurisdictions is from **\$300,481.00 to \$399,630.40**. The mean annual salary is **\$344,780.00** per year and the median

<sup>4</sup> The salary data in the tables below was provided by the human resources departments of each jurisdiction.

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annual salary is **\$338,749.73**. Oakland’s City Attorney makes 89.0% of the mean and 90.6% of the median City Attorney salary in Bay Area cities.

### Staff Recommendation

Based on the above data and the criteria set forth in City Charter Section 401(1), Commission Staff recommends adjusting the City Attorney’s annual salary to **\$320,958.84**, which is a **4.6%** increase over the Attorney’s current salary, effective in the first pay period after July 1, 2024. This adjustment would provide competitive compensation and equitable alignment of the City Attorney’s salary by providing the City Attorney with a salary that is 15 percent above the top of the range for the highest paid professional employee in the Attorney’s Office after accounting for the scheduled 2 percent negotiated wage increase for non-sworn City employees effective July 2024, that is comparable to the salaries of City Attorneys in other comparable-size cities and Bay Area jurisdictions, and that also takes into account the salaries of other City department heads.<sup>5</sup>

**Table 4: Comparison Summary**

Summary of Comparisons				
	Lowest	Highest	Mean	Median
Other Department Heads (n=22)	\$191,213.76	\$338,241.00	\$250,832.44	\$247,548.24
50-150 FTE Department Heads (4)	\$236,390.64	\$259,914.60	\$250,942.02	\$253,731.42
Top Paid Employee	+ 15%: \$314,665.53	+ 20%: \$328,346.64	+ 17.5%: \$321,506.09	-
Top Paid Employee (after 2% COLA)	+ 15%: \$320,958.84	+ 20%: \$334,913.57	+ 17.5%: \$327,936.21	-
Comparable-Size Cities (8)	\$227,585.28	\$354,540.88	\$303,220.04	\$315,391.00
Bay Area Jurisdictions (10)	\$300,481.00	\$399,630.40	\$344,780.00	\$338,749.73
<b>City Attorney - Current Salary</b>				
<b>\$306,990.58</b>				
<b>City Attorney - Recommended Salary</b>				
<b>\$320,958.84</b>				

Following the Commission’s determination of the adjustment amount, Commission Staff will transmit the salary adjustment resolution to the City Administrator, the Department of Human Resources (to amend the salary ordinance), and the Treasury Division - Payroll (to implement the increase).

**Attachment:** Draft Resolution. See also Measure X Ballot Pamphlet Packet attachment with Item 11.

<sup>5</sup> Salary adjustment calculated as follows: Highest paid City Attorney office employee salary + 15% differential + 2% increase to maintain parity with scheduled wage increase for non-public safety employees effective July 1, 2024.

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**CITY OF OAKLAND**  
**Public Ethics Commission**



**RESOLUTION NO. 24-03**  
**[Proposed 4-10-24]**

## **RESOLUTION AUTHORIZING A SALARY INCREASE FOR THE OFFICE OF CITY ATTORNEY PURSUANT TO OAKLAND CITY CHARTER SECTION 401(1)**

By action of the Oakland Public Ethics Commission:

**WHEREAS**, Oakland City Charter section 401(1) provides: “The salary of the elected City Attorney shall be set annually by the Public Ethics Commission to provide for competitive compensation and equitable alignment and, taking into account the top of the range for the highest paid professional employee in the Office of the City Attorney and salaries for other City department heads, and shall be comparable to the salaries of City Attorneys and other comparable positions, such as County Counsel or Port Attorney, in California cities, counties and agencies selected by the Commission. The City Attorney's salary may not be reduced during the City Attorney'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**, Oakland City Charter section 207 charges the City Council with fixing the compensation of all City employees, officers and officials unless otherwise provided by the Charter; and

**WHEREAS**, Ordinance No. 12187 C.M.S., the “Salary Ordinance,” as amended, sets forth a salary schedule reflecting all classifications of employment within the City including those of city employees and city officers; and

**WHEREAS**, a salary adjustment to \$320,958.84 would provide competitive compensation and equitable alignment of the City Attorney’s salary by providing the City Attorney with a salary that is 20 percent above the top of the range for the highest paid professional employee in the Attorney’s Office, that accounts for the scheduled 2 percent negotiated wage increase for other City employees effective July 2024, that is comparable with the salaries of City Attorneys in other comparable-size cities and Bay Area jurisdictions, and that also accounts for the salaries of other City department heads.

**Now, therefore be it:**

**RESOLVED**, that the Commission does hereby authorize an annual salary of \$320,958.84 for the office of City Attorney as mandated by City Charter Section 401(1), effective as of the first payroll period of Fiscal Year 2024-2025.

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### **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 held on April 10, 2024, where a quorum of the membership of the Commission was present. The Commission approved the resolution by a vote of \_\_\_ to \_\_\_.

AYES: GAGE, HILL, STEELE, TILAK, UPTON IV AND CHAIR MICIK  
NOES:  
ABSTAIN:  
ABSENT:

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**CITY OF OAKLAND**  
**Public Ethics Commission**



**RESOLUTION NO. 24-03**  
**[Proposed 4-10-24]**

I hereby certify that the foregoing is true and correct.

\_\_\_\_\_  
Nicolas Heidorn, Executive Director  
Oakland Public Ethics Commission

\_\_\_\_\_  
Date