

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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4
5 DELPHINE ALLEN, et al.,
6 Plaintiffs,

7 v.

8 CITY OF OAKLAND, et al.,
9 Defendants.

MASTER CASE FILE
NO. C00-4599 TEH

ORDER APPOINTING
COMPLIANCE DIRECTOR

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11 Pursuant to the December 12, 2012 order, the Court hereby appoints Thomas C.
12 Frazier to serve as the Compliance Director. Commissioner Frazier's resume is attached to
13 this order. He will begin on March 11, 2013, and will re-locate to the Oakland area.

14 On March 4, 2013, Defendant City of Oakland filed a response detailing the monetary
15 compensation received by the Chief of Police and City Administrator. The City reported that
16 the annual monetary compensation paid to the Chief of Police is \$257,973, including a base
17 salary of \$221,998 and longevity pay, a uniform allowance, and an education premium
18 totaling \$35,975. The City reported that the City Administrator receives annual monetary
19 compensation of \$282,000, including a base salary of \$273,000 and an auto allowance of
20 \$9000. The City did not include in these figures "vacation, executive leave, or other types of
21 leave or benefits that an employee has the option to cash out or use." Defs.' Mar. 4, 2013
22 Response at 2. The City did not indicate any projected changes to the reported
23 compensation.¹

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26 ¹The Court interprets the City's silence on this matter to indicate that the Chief of
27 Police and City Administrator will not receive any cost-of-living or other annual increases
28 over the next three years. See Mar. 1, 2013 Order at 1 ("The filed information shall include
any projected increases or decreases over the next three years."). If there are any such
increases during the Compliance Director's term, the Court may modify the Compliance
Director's salary accordingly.

1 The Court finds good cause for the Compliance Director to be paid more than the
2 Chief of Police but less than the City Administrator. The Compliance Director shall
3 therefore receive annual monetary compensation of \$270,000. The Court finds it prudent to
4 have the Compliance Director's salary paid through the Court. Accordingly, the City shall
5 deposit \$270,000 into the Court's registry by wire no later than **March 25, 2013**.² The Clerk
6 of Court shall disburse \$20,769.22 to the Compliance Director during the second week of
7 April 2013, to compensate the Compliance Director for his first four weeks of service.
8 Thereafter, the Clerk shall disburse \$10,384.61 to the Compliance Director on a biweekly
9 basis.³ The Court will order subsequent deposits each year that the Compliance Director
10 remains in place. Whenever the Compliance Director's service is terminated, the Clerk shall
11 disburse to the City the balance of funds on deposit in the registry, including any earned
12 interest.

13 As previously ordered, the Compliance Director shall also receive benefits
14 commensurate with those of the Chief of Police and City Administrator, including any leave
15 or benefits that may be used or cashed out. The Compliance Director and the City
16 Administrator shall reach an agreement concerning benefits no later than **March 25, 2013**.
17 Nothing in that agreement shall alter the Compliance Director's status as an agent of the
18 Court, and not an employee of or contractor to the City. If the City wishes to designate a
19 different individual who will be responsible for reaching agreement with the Compliance
20 Director, it must file a statement with the Court designating that individual on or before
21 **March 11, 2013**.

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24 ²The Court requires funds to be deposited by wire because of the time required for
25 checks to clear and so that the Compliance Director can be paid within one month of the
26 effective date of his appointment. If the City prefers to deposit a portion of the funds by wire
and a portion by check, at least \$45,000 must be deposited by wire. The City must deposit
the entire \$270,000 – whether by wire or by a combination of wire and check – no later than
March 25, 2013.

27 ³To account for rounding, the Clerk shall include in the last biweekly disbursement for
28 each twelve-month period the remaining balance of the principal deposited for that year's
salary.

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Any staff for the Compliance Director shall, upon the Court's approval, also be paid through the Court's registry. The City shall pay directly for all other costs related to the Compliance Director's work.

IT IS SO ORDERED.

Dated: 03/04/13



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT