



City of Sacramento City Council

915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: 3/1/2011

Report Type: Staff/Discussion

Title: Report Back: Council Options for Imposing a Pay and Hiring Freeze

Report ID: 2011-00262

Location: Citywide

Recommendation: Recieve and file.

Contact: Matt Ruyak, Supervising Deputy City Attorney, (916) 808-5346, Office of the City Attorney

Presenter: Matt Ruyak, Supervising Deputy City Attorney, (916) 808-5346, Office of the City Attorney

Department: City Attorney

Division:

Dept ID:

Attachments:

1-Description/Analysis

2-Background

City Attorney Review

Approved as to Form
Matthew Ruyak
2/24/2011 12:37:22 PM

City Treasurer Review

Treasurer Comments are forthcoming
City Treasurer

Approvals/Acknowledgements

Department Director or Designee: Matthew Ruyak - 2/24/2011 8:51:45 AM

Assistant City Manager: Patti Bisharat - 2/24/2011 12:20:26 PM

Description/Analysis

Issue: This report responds to Councilmember Sheedy's request at the February 15 Council meeting.

Policy Considerations: This report presents Council with a basic overview of its ability to impose a pay and hiring freeze.

Environmental Considerations: None.

Sustainability: Not applicable.

Commission/Committee Action: None.

Rationale for Recommendation: None.

Financial Considerations: None for this report.

Emerging Small Business Development (ESBD): Not applicable.

City Council Options to Effectuate a Pay and Hiring Freeze

Background:

1. The Request

At the February 15, 2011, Council meeting, Councilmember Sheedy asked for “a report back from the City Attorney on the City Council’s ability to impose a freeze on new hires and on raises that are not tied to promotions or to a contract, [and] not includ[ing] public safety or emergency personnel.”¹ The proposed purpose of the report back is “to know, as a Council, what options [the Council] ha[s] on those types of things.”²

2. Council Budget and Staffing Authority

Pursuant to the City Charter, “all powers of the city shall be vested in the city council except as otherwise provided in this Charter.”³

The City Council is ultimately responsible for adoption of the City’s budget, by resolution, and the budget “may be amended during the fiscal year in accordance with the procedure established by the council.”⁴

In addition to having direct authority over the city attorney, city clerk, city treasurer, city manager, and councilmember/mayoral staff, the City Council, through its adoption of the annual budget resolution, sets an approved number of full-time equivalent (FTE) positions in the various departments and offices.

Pursuant to this broad authority, the City Council sets the salary range and classifications for City staff by resolution, and delegates certain authority to the charter officers to set compensation for unrepresented staff within the established salary ranges and within the budget.

This broad authority ultimately provides Council the ability to impose a pay and hiring freeze policy as to unrepresented City staff. There are no Charter or City Code provisions in derogation of this authority.

3. Tools to Effectuate Council Policy

The Sacramento City Council takes official action by one of three methods: (1) ordinance; (2) resolution; or (3) motion. While the Council can use any three of these tools to impose a pay and hiring freeze, the tool chosen will determine its formality,

¹ See February 15, 2010, Council Meeting video at hour 2:20:10, available at http://sacramento.granicus.com/ViewPublisher.php?view_id=22.

² *Ibid.*

³ Sacramento City Charter, § 20.

⁴ Sacramento City Charter, § 111.

flexibility, and the means of enforcement.

An **ordinance** is the law of the City. It is enforceable against all persons within the jurisdiction of the City. Most often, it is “codified” into the Sacramento City Code, although there are occasionally uncodified ordinances. An ordinance can only be changed by another ordinance, although some ordinances contain language allowing for explication by resolution or regulation.

A **resolution** is a formal expression of the Council’s will and policy, but is of lesser dignity than an ordinance because it is adopted with less formality. A resolution is “an expression of opinion or mind or policy concerning some particular item of business coming within the legislative body’s official cognizance . . . and relating to the administrative business of the municipality.”⁵ It is directory to those within the resolution’s purview, but is not enforceable against the public in general. A resolution may be changed by resolution.

A **motion** is a parliamentary act. Ordinances and resolutions are adopted after a motion is made, seconded, and voted upon. But a motion may itself be the vehicle for accomplishing the Council’s direction, without an ordinance or resolution. For example, final Council decisions made in closed session are accomplished by motion and vote.

⁵ McQuillin, *Municipal Corporations*, § 15.02; see also *City of Sausalito v. County of Marin* (1970) 12 Cal.App.3d 550, 565-566.