

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

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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.<sup>1</sup>

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26 <sup>1</sup>The 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**.<sup>2</sup> 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.<sup>3</sup> 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           <sup>2</sup>The 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           <sup>3</sup>To 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



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THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT