



CITY COUNCIL AGENDA REPORT

MEETING DATE: AUGUST 21, 2012

ITEM NUMBER:

SUBJECT: CIVIC OPENNESS IN NEGOTIATIONS ORDINANCE

DATE: AUGUST 21, 2012

FROM: THOMAS R. HATCH, CITY CHIEF EXECUTIVE OFFICER

**PRESENTATION BY: THOMAS R. HATCH, CITY CHIEF EXECUTIVE OFFICER
BOBBY YOUNG, FINANCE & I.T. DIRECTOR**

**FOR FURTHER INFORMATION CONTACT: THOMAS R. HATCH, CITY CHIEF
EXECUTIVE OFFICER, (714) 754-5328**

RECOMMENDED ACTION:

Introduce, give first reading to be read by title only, and waive further reading of Ordinance No. 12-XXXX regarding civic openness in negotiations.

BACKGROUND:

In keeping with the City's policy of maintaining transparency and openness, staff has prepared the attached proposed Civic Openness in Negotiations (COIN) ordinance. This ordinance would set forth procedures and practices to keep the public informed of labor negotiations, consistent with the Meyers-Milias Brown Act (Government Code section 3500 *et seq.*).

ANALYSIS:

The proposed ordinance would apply to all meet and confer processes undertaken pursuant to the Meyers-Milias Brown Act, where either the City or a recognized employee organization proposes changes in wages, hours, or any other terms or conditions of employment. It would establish a principal negotiator for the City. It would establish a method for an independent economic analysis of the fiscal impacts attributed to each term and condition of employment subject to the meet and confer process. This analysis would be made available to the public at least thirty (30) days before consideration by the City Council of an initial meet and confer proposal to be presented to any recognized employee organization of an amended, extended, successor, or original memorandum of understanding.

The proposed ordinance would also set forth requirements for reporting out of closed session with the facts, as well as their significance and impact, of all prior offers, counteroffers, and meet and confer-related bargaining positions received or made by either the City or an employee organization and that are no longer being considered. Each City Council member would be required to disclose the identity of any employee association

representative with whom that Council Member has had any communications regarding the subject matter of a pending meet and confer process.

The proposed ordinance would require that, prior to the rendering of a final City Council determination regarding adoption of a memorandum of understanding, the matter shall be heard at a minimum of two (2) City Council meetings, and the materials for the matter shall be posted on the City's website at least seven (7) days' prior to the first meeting.

The proposed ordinance also includes a reorganization Chapter VI (Personnel) of the Costa Mesa Municipal Code to include articles, Article 1 consisting of the existing sections within the chapter, and Article 2 consisting of the Civic Openness in Negotiations (COIN) sections.

FISCAL REVIEW:

If adopted, the City would be required to procure an independent financial auditor/consultant for the purpose of valuing the contract(s) 30 days prior to being negotiated. The amount of this service is unknown at this time.

LEGAL REVIEW:

The City Attorney's Office has reviewed the proposed ordinance.

CONCLUSION:

In order to establish Civic Openness in Negotiations, staff recommends adopting the attached proposed ordinance, at this time introducing, giving first reading to be read by title only, and waiving further reading of the ordinance.

THOMAS R. HATCH
City Chief Executive Officer

BOBBY YOUNG
Finance and I.T. Director

THOMAS P. DUARTE
City Attorney

- Attachments: 1 – [Proposed Civil Openness in Negotiations Ordinance](#)
2 – [Sample Financial Analysis for Contracts with:](#)
Costa Mesa Employees Association (CMCEA),
Costa Mesa Police Officer's Association (CMPOA),
Costa Mesa Firefighter's Association (CMFA)

Distribution: City CEO
City Clerk