



CITY COUNCIL AGENDA REPORT

MEETING DATE: March 17th, 2015

ITEM NUMBER: CC-13

SUBJECT: APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA CITY EMPLOYEES ASSOCIATION MEET AND CONFER RE SALARY REOPENER AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE MOU PER THE COIN ORDINANCE

DATE: MARCH 5TH, 2015

FROM: THOMAS R. HATCH, CHIEF EXECUTIVE OFFICER

PRESENTATION BY: THOMAS R. HATCH, CHIEF EXECUTIVE OFFICER

FOR FURTHER INFORMATION CONTACT: TAMARA S. LETOURNEAU, ASSISTANT CHIEF EXECUTIVE OFFICER (714) 754-5122

RECOMMENDATION:

Staff recommends that the City Council:

1. Designate Tamara Letourneau, Assistant Chief Executive Officer and Laura Kalty, Partner, Liebert Cassidy Whitmore as the City's representatives in negotiations with the Costa Mesa City Employees Association (CMCEA) as to the salary reopener.
2. Authorize staff to have the independent fiscal analysis of the current CMCEA Memorandum of Understanding (MOU) completed per the requirements of the COIN Ordinance.

BACKGROUND AND ANALYSIS:

The current Memorandum of Understanding between the City and CMCEA specifies a "singular reopener." The negotiations shall be limited to base salary only, *Article 3 – Salaries and Wages, 3.1* states:

"...Therefore, on or about June 1, 2015, the parties shall convene the meet and confer process in this singular regard."

Per the COIN ordinance, the City Council must designate a principal representative and at least one representative on behalf of the City to represent the City in negotiations. The ordinance states that "in an effort to avoid inherent conflicts of interest, the principal representative negotiating on behalf of the city 1) shall not be an employee of the City, 2) shall not be a member of any retirement system providing a defined benefit to the member, and 3) shall have a demonstrated expertise in negotiating labor and employment agreements on behalf of municipalities.

The City Council shall designate one or more executive employees to be present during negotiations and to assist the principal negotiator as the city council and/or principal negotiator deem appropriate." Staff recommends that the City Council designate Tamara Letourneau, Assistant Chief Executive Officer and Laura Kalty, Partner, Liebert Cassidy Whitmore as the City's representatives in negotiations with the CMCEA.

Further, Section 2-237 of the COIN Ordinance requires that an independent auditor complete a fiscal analysis of the fiscal impacts of the current MOU. In addition, Section 2-237 (b) states "the report and findings of the independent auditor shall be completed and made available for review by the City Council and the public at least 30 days prior to consideration by the city council of an initial meet and confer proposal to be presented to any recognized employee organization regarding negotiation of an amended, extended, successor, or original memorandum of understanding." To that end, staff recommends that the City Council authorize staff to have the independent fiscal analysis of the current CMCEA MOU completed per the requirements of the COIN Ordinance.

ALTERNATIVES CONSIDERED:

An alternative is to propose other designated representatives and authorize the completion of the fiscal analysis.

FISCAL REVIEW:

The funds are budgeted in the General Fund in the Human Resources Division budget for outside legal counsel for negotiations. The cost to complete the fiscal analysis by the independent auditor is approximately \$2,500 and is budgeted in the General Fund in the Finance Department budget.

CONCLUSION:

Staff recommends that the Mayor and City Council formally approve Ms. Letourneau and Ms. Kalty to represent the City in negotiations with the CMCEA as to the salary reopener and direct staff to have the independent fiscal analysis completed of the current CMCEA MOU.



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Assistant Chief Executive Officer



THOMAS R. HATCH
Chief Executive Officer



THOMAS DUARTE
City Attorney



STEVE DUNIVENT
Interim Finance Director

DISTRIBUTION: Chief Executive Officer
City Clerk