



# ***CITY COUNCIL AGENDA REPORT***

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MEETING DATE: March 17<sup>TH</sup>, 2015

ITEM NUMBER: **PH-1**

**SUBJECT:** CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE SECOND PUBLIC HEARING OF THE APPROVAL AND ADOPTION OF THE SIDE LETTER OF AGREEMENT BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA).

**DATE:** March 5<sup>th</sup>, 2015

**FROM:** CHIEF EXECUTIVE'S OFFICE/HUMAN RESOURCES DIVISION

**PRESENTATION BY:** LAURA KALTY, CHIEF NEGOTIATOR  
LANCE M. NAKAMOTO, HUMAN RESOURCES MANAGER

**FOR FURTHER INFORMATION CONTACT:** LANCE NAKAMOTO (714) 754-5172

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## **RECOMMENDATION:**

Staff recommends that the City Council:

1. Hold the second Public Hearing as required by COIN.
2. Approve and adopt the attached CMPMA Side Letter of Agreement (Attachment I) between the City of Costa Mesa and the CMPMA for 26 consecutive pay periods through and inclusive of February 20<sup>th</sup>, 2016.

## **BACKGROUND:**

The CMPMA MOU including subsequent side letter agreement between the City and the CMPMA expired June 30<sup>th</sup>, 2014. Employees covered by this Agreement agreed to contribute 5% of the employee's PERSable earnings towards the employee retirement contribution for a period of one-hundred and four (104) consecutive pay periods. The 104<sup>th</sup> and final pay period ended February 21<sup>st</sup>, 2015.

## **ANALYSIS:**

In accordance with the COIN Ordinance and the initial stages of the meet and confer process, negotiations are ongoing. As a result, the parties to this side letter agreement in the context of good faith negotiations in accordance with Government Code Section 3500 et seq. (Meyers-Milias-Brown Act) have agreed to extend the 5% employee contribution for a period of 26 pay periods, while negotiations continue. The first pay period will be effective February 22<sup>nd</sup>, 2015 and the deduction will continue by using Section 20516 as stated by PERS to be "Cost Sharing."

**ALTERNATIVES CONSIDERED:**

The alternative is to allow the 5% employee contribution to expire effective February 21<sup>st</sup>, 2015. Based upon CMPMA's CalPERS base salary of \$1,381,264, the value of this alternative is \$69,063.

**FISCAL REVIEW:**

As stated previously in the *Alternatives Considered Section*, the value to the City in continuing the cost sharing is approximately \$69,063. The value for the current Fiscal Year 2014-2015 is \$23,906 and an additional \$45,157 for Fiscal Year 2015-2016.

**LEGAL REVIEW:**

The City Attorney has reviewed the documents and approved them as to form.

**CONCLUSION:**

The March 17<sup>th</sup> Public Hearing is the second and final of the two mandated City Council Meetings conducted pursuant to the COIN Ordinance. In conjunction with the Public Hearing, Staff recommends that the City Council approve and adopt the CMPMA Side Letter (Attachment I).



LANCE M. NAKAMOTO  
Human Resources Manager



TAMARA S. LETOURNEAU  
Assistant Chief Executive Officer



STEPHEN DUNIVENT  
Interim Finance Director



THOMAS DUARTE

DISTRIBUTION: Chief Executive Officer  
City Clerk

ATTACHMENT: I [CMPMA Side Letter](#)