

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
SUBJECT: CONTRACT – BURKE, WILLIAMS, & SORENSEN FOR
LEGAL SERVICES
STAFF PRESENTER: LYNNE MARGOLIES,
HUMAN RESOURCES
AGENDA ACTION: RESOLUTION

ISSUE(S)

Shall the Council approve an agreement to retain special labor relations services for SRCEA and SRCAA and human resources services, including legal advice, opinion, and/or assistance as requested by the City for an amount not to exceed \$150,000?

BACKGROUND

Public Agencies are subject to the Meyers-Milias-Brown Act which establishes regulations for labor relations. In October of 2011, Governor Brown signed AB646 which established the right of public agency employee organizations to request that the parties' differences be submitted to a factfinding panel after the declaration of impasse. In August of this year, after meeting and conferring in good faith, impasse was declared by both SRCAA representing Santa Rosa City Attorneys Unit 17 and SRCEA representing Units 4 - support services, 6 – professional and 7 – technical. Both associations have requested factfinding.

The City of Santa Rosa has not used factfinding in the bargaining process before. However, factfinding has been used for years by schools in their bargaining, and although there are some differences in timelines and allocation of costs, the legal process and the information required is quite similar. Our Human Resources Department has neither the expertise nor the staffing to carry out this very detailed, defined legal process, and must contract with an outside firm to assist in preparing and to represent the City.

Although the process is new to the City and relatively new to local public agencies, the process has been used in binding interest arbitration and by schools for quite a while. It is not a process that should be undertaken without experienced expert guidance. M. Carol Stevens is an experienced public agency labor negotiator, a partner in the law firm of Burke, Williams, & Sorensen. She is an active presenter of Labor Academies offered by CALPELRA, the California Public Employers Labor Relations Association. This professional, nonprofit association established in 1975 and is comprised of public

sector management representatives, from city, county, or state government, school and special districts, as well as attorneys and private consultants.

M. Carol Stevens has represented the City in the fire negotiations and is knowledgeable of our policy, MOU's, staff and City finances and issues. It is critical that we have someone to represent us who can immediately guide us in the process of information gathering in the very short time-period allowed. She is well respected and ready to lend her expertise. She will be assisted by staff well versed in PERB proceedings, interest arbitrations and fact-finding.

ANALYSIS

The criteria the City must present for fact-finding are specified by statute. They include, state and federal laws, local rules, regulations and/or ordinances; stipulations of the parties; the interests and welfare of the public and the financial ability of the public agency; comparison of wages, hours and conditions of employment of the employees involved in the fact-finding proceeding with those of other employees performing similar services in comparable public agencies; the consumer price index for goods and services; overall compensation presently received by employees, including direct compensation, vacations, holidays, other excused time, insurance, pensions, health benefits, the continuity and stability of employment and all other benefits received; as well as any other facts normally or traditionally taken into consideration.

The process is time consuming and will involve guiding our staff in the collection and presentation of the proper data, as well as presenting the information during the actual hearings, estimated at 6 days. The estimate is for factfinding for two different bargaining units, and the data and hearings are separate for each. Additionally, it is expected she will need to brief the Council on any progress. The dollars recommended in the contract are based on an estimate of 200 to 300 hours for each fact-finding process. All efforts will be made to be efficient and economical in the use of Burke, Williams & Sorensen and the contract will be billed on an hourly basis and monitored closely.

RECOMMENDATION

It is recommended by the Department of Human Resources that the Council, by resolution, approve an agreement between Burke, Williams, & Sorensen and the City of Santa Rosa for an amount not to exceed \$150,000.00. Funds for these services to be paid out through the end of 2014 from the Human Resources budget, Key Number 040101, Object Code 5320.

Author: Lynne Margolies

Attachments:
None