



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: APRIL 15, 2014

ITEM NUMBER: \_\_\_\_\_

**SUBJECT:     APPPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA  
POLICE ASSOCIATION NEGOTIATIONS AND AUTHORIZATION TO  
PROCEED WITH THE FINANCIAL ANALYSIS OF THE MOU PER THE  
COIN ORDINANCE**

**DATE:         APRIL 3, 2014**

**FROM:         THOMAS R. HATCH, CHIEF EXECUTIVE OFFICER**

**PRESENTATION   THOMAS R. HATCH, CHIEF EXECUTIVE OFFICER  
BY:**

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

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## **RECOMMENDATION:**

Staff recommends that the City Council:

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

## **BACKGROUND AND ANALYSIS:**

The current Memorandum of Understanding between the City and CMPA expires on June 30, 2014. The Association has made an official request to begin the meet and confer process.

On September 4, 2012, the City Council approved Ordinance No. 12-7 regarding Civic Openness in Negotiations (COIN), which sets 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.).

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; Richard M. Kreisler, Partner, Liebert Cassidy Whitmore; and, Laura Kalty, Partner, Liebert Cassidy Whitmore as the City’s representatives in negotiations with the Costa Mesa Police Association (CMPA).

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 CMPA current MOU completed per the requirements of the COIN Ordinance.

**ALTERNATIVES CONSIDERED:**

An alternative is to change the 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:**

These designations are necessary to comply with the COIN ordinance. Staff recommends that the Mayor and City Council formally approve these three individuals to represent the City in negotiations with the CMPA and direct staff to have the independent fiscal analysis completed of the current CMPA MOU.

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TAMARA S. LETOURNEAU  
Assistant Chief Executive Officer

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THOMAS R. HATCH  
Chief Executive Officer

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THOMAS DUARTE  
City Attorney

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STEVE DUNIVENT  
Interim Finance Director