

**City of Yuba City
Human Resources Department
Staff Report**

Date: November 21, 2006
To: Honorable Mayor and Members of the City Council
From: Steve Johnson, Human Resources Director *Steve Johnson*

Summary

Subject: Projected Legal Services required by Human Resources to best protect the City's interests in upcoming Labor Negotiations and defense of personnel actions.

Recommendation: Adopt a resolution authorizing the Human Resources Director to contract with certain legal firms to represent the City in labor negotiations and the legal defense of personnel actions and to authorize the Assistant City Manager (Administrative Services) to make a supplemental budget appropriation in the amount of \$50,000 to the Human Resources Department's Professional Services account number 7210-62701

Alternative: Do not adopt the resolution

Fiscal Impact: \$50,000 during the current fiscal year

Details

Background: The Human Resources Department is requesting a supplemental budget appropriation of \$50,000 through the end of the current Fiscal Year to pay for costs associated with upcoming Labor Negotiations and meetings and unexpected personnel actions that will require legal representation.

The City has agreed to renegotiate the current Letter of Understanding (LOU) with the City's Police Officers Association (POA), and staff would like to begin the meet and confer process with POA as soon as possible. In addition, negotiations on current Agreements expiring at the end of June, 2007 with the Yuba City Firefighter's Local 3793, Fire Management Association and the First Level Manager's will begin in the spring of next year. Negotiations with the City's Police Sergeants Association may also be needed depending on the scope of changes that are agreed to in the POA LOU. Attorney Dick Whitmore, from the law firm of Liebert, Cassidy and Whitmore, has agreed to assist the City as Chief Negotiator during the upcoming negotiations. Mr. Whitmore has over 30 years of experience in the field of labor negotiations and labor law and is imminently qualified to represent the City during these and other negotiations.

The City has also agreed to meet with Yuba City Firefighter's Local 3793, the POA and the Yuba City Employees Association (YCEA) outside of the formal negotiation process, with Sacramento-based Attorney Neil Bodine who is a recognized expert in the field of Interest Based Bargaining (IBB). Mr. Bodine has agreed to meet with these three Associations for the expressed purpose of finding ways to continue to build the important labor-management relationship on a going basis. Mr. Bodine's partial list of clients includes: PORAC, the City of Modesto, the Stanislaus County, and the Orange County Employees Association

Finally, Human Resources staff is requesting that part of the supplemental appropriation be used for anticipated costs associated with pending personnel actions that may be appealed to the City's Personnel Board and City Council. The City has continued its practice of working closely with the law firm of McDonough, Holland and Allen on these actions, and would request that this firm represents the City in front of the Personnel Board and City Council should these personnel actions require administrative review.

Since the supplemental appropriation request is occurring outside of the City's regular budget cycle, City Council review and approval of this action is required.

Recommendation: The City Council adopt a resolution authorizing the Human Resources Director to contract with certain legal firms to represent the City in labor negotiations and the legal defense of personnel actions and to authorize the Assistant City Manager (Administrative Services) to make a supplemental budget appropriation in the amount of \$50,000 to the Human Resources Department's Professional Services account number 7210-62701

RESOLUTION NO. 06-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AUTHORIZING THE HUMAN RESOURCES DIRECTOR TO CONTRACT WITH CERTAIN LEGAL FIRMS TO REPRESENT THE CITY IN LABOR NEGOTIATIONS AND THE LEGAL DEFENSE OF PERSONNEL ACTIONS AND TO AUTHORIZE THE ASSISTANT CITY MANAGER (ADMINISTRATIVE SERVICES) TO MAKE A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$50,000 TO THE HUMAN RESOURCES DEPARTMENT'S PROFESSIONAL SERVICES ACCOUNT NUMBER 7210-62701

BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF YUBA CITY AS FOLLOWS:

WHEREAS, the current labor agreements between the City of Yuba City and the Firefighters Associations, the First Level Managers Association, and the Mid Managers Association, are up for renewal this year; and

WHEREAS, the City has agreed to renegotiate the current Letter of Understanding with the Police Officers Association; and

WHEREAS, this Council anticipates a need for legal defense of certain pending personnel actions;

WHEREAS, this Council desires to provide legal representation in these matters;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YUBA CITY, AS FOLLOWS:

That the City Council does here by authorize the Human Resources Director to contract with certain legal firms to represent the City in labor negotiations and the legal defense of personnel actions and to authorize the Assistant City Manager (Administrative Services) to make a supplemental budget appropriation in the amount of \$50,000 to the Human Resources Department's Professional Services account number 7210-62701.

The foregoing Resolution of the City Council of the City of Yuba City was duly introduced, passed and adopted at a regular meeting thereof held on the 21st day of November 2006.

AYES:

NOES:

ABSENT:

Eric Hellberg, MAYOR

Attest:

Steve Johnson, CITY CLERK