

# Agenda Report

**TO:** City Council

**DATE:** May 10, 1999

**FROM:** City Manager

**SUBJECT:** SB 402 - An act to add Section 1281.1 to, and to add Title 9.5 (commencing with section 1299) to Part 3 of, the Code of Civil Procedure, relating to public employment relations.

## **RECOMMENDATION:**

It is recommended that Council: 1) Adopt a resolution opposing Senate Bill 402, which is designed to revise the code of Civil Procedure relating to public employment relations and, 2) Direct staff to draft appropriate correspondence in opposition of the bill.

## **BACKGROUND:**

Senate Bill 402 is a measure carried by Senator John Burton. In its original form it was, in the vernacular of the State Capitol, a "spot" bill, meaning the details were to be filled in later. The measure has now been amended and the details are in print. SB 402 has been amended to contain the actual language mandating a system of compulsory and binding arbitration to resolve "impasse" at the collective bargaining table for police and fire unions.

Compulsory and binding arbitration forces elected officials to give up their authority to make decisions over salaries, retirement, and other benefits, as well as other "conditions of employment" to an arbitrator who knows little, if anything, about the financial condition of the City or the priorities set by the City Council. Both parties do not have to agree to arbitration. The public safety unions alone can force the City into arbitration. The arbitrator is given authority in disputes over basic decisions, for which the council was elected, and can render a legally binding opinion/decision about the amount of city funds to be paid for a particular benefit.

Prudent fiscal management rests with the City Council. Compulsory and binding arbitration takes the control over the budget for police and fire services away from City Council. Currently taxpayers can hold elected officials responsible and accountable for the decisions they make in the local government collective bargaining process. An arbitrator cannot be held responsible for any decision that he or she makes.

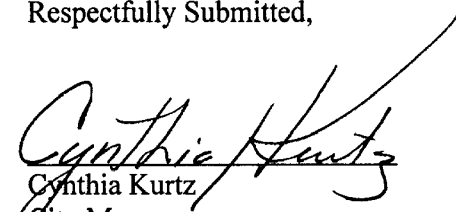
**Senate Bill 402**  
**Page two of two**

Finally, this will impose huge financial burdens on the City to implement procedural requirements (e.g., arbitrator, staff time, documents, etc.) and the costs for any potential salary increases imposed on the City.

**FISCAL IMPACT**

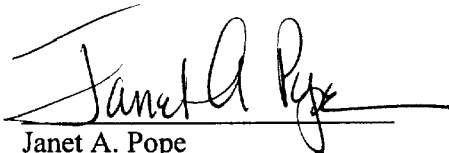
If this bill passes, the City can expect increased costs associated with the implementation of the procedural requirements (arbitrator, staff time, documents, etc.) and the cost of any salary increases imposed on the City to which the City did not consent with no legal recourse or ability to appeal.

Respectfully Submitted,



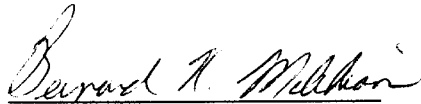
Cynthia Kurtz  
City Manager

Prepared by:

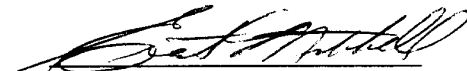


Janet A. Pope  
Assistant to the Chief of Police

Approved:



Bernard K. Melekian  
Chief of Police



Ernest Mitchell  
Fire Chief