



City of Long Beach
Working Together to Serve

Office of Gerrie Schipske
Councilwoman, Fifth District

Memorandum

R-21

Date: October 20, 2009

To: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

From: Councilwoman Gerrie Schipske, Fifth District

Subject: **AGENDA ITEM:** Proposed Charter Amendment Requiring City of Long Beach to "Sunshine" Collective Bargaining Process and to Certify that the Costs of Collectively Bargained Costs Can be Met by the City During the Term of the Agreement to be Known as "Public Pay Bargaining Sunshine Requirements"

DISCUSSION

Sunshine and Fiscal Certification Requirements

The public is demanding more transparency in the collective bargaining process utilized by the City of Long Beach to negotiate wages, benefits and working conditions with its public employees and for reassurance that when the City enters into a collective bargaining agreement that the costs of the contract can be met by the City during the term of the agreement.

Currently, state law requires that the collective bargaining process for state employees, employees in higher education and employees in school districts provide for the "sunshining" of initial proposals for negotiations, including reopeners as well as proposals that arise later in the course of bargaining. The laws also require a delay after the proposals are presented at a public meeting to allow the public to become informed and provide input regarding the proposals. Additionally, in the case of schools districts, the Superintendent must disclose the costs of the contract and certify that the costs of the contract can be met by the school district during the term of the agreement.

Government Code Section 3547 provides:

- (a) All initial proposals of exclusive representatives and of public school employers, which relate to matters within the scope of representation, shall be presented at a public meeting of the public school employer and thereafter shall be public records.*
- (b) Meeting and negotiating shall not take place on any proposal until a reasonable time has elapsed after the submission of the proposal to enable the public to become informed and the public has the opportunity to express itself regarding the proposal at a meeting of the public school employer.*
- (c) After the public has had the opportunity to express itself, the public school employer shall, at a meeting which is open to the public, adopt its initial proposal.*
- (d) New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on such*

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subject by the public school employer, the vote thereon by each member voting shall also be made public within 24 hours.

(e) The board may adopt regulations for the purpose of implementing this section, which are consistent with the intent of the section; namely that the public be informed of the issues that are being negotiated upon and have full opportunity to express their views on the issues to the public school employer, and to know of the positions of their elected representatives.

Government Code Section 3547.5 provides:

(a) Before a public school employer enters into a written agreement with an exclusive representative covering matters within the scope of representation, the major provisions of the agreement, including, but not limited to, the costs that would be incurred by the public school employer under the agreement for the current and subsequent fiscal years, shall be disclosed at a public meeting of the public school employer in a format established for this purpose by the Superintendent of Public Instruction.

(b) The superintendent of the school district and chief business official shall certify in writing that the costs incurred by the school district under the agreement can be met by the district during the term of the agreement. This certification shall be prepared in a format similar to that of the reports required pursuant to Sections 42130 and 42131 of the Education Code and shall itemize any budget revision necessary to meet the costs of the agreement in each year of its term.

Nothing in the Meyers-Milias-Brown Act which governs labor relations of municipalities prohibits the City from adopting the same requirements for public disclosure and input. In fact, the California Supreme Court commented on the school district approach favorably: "Thus, although the public is excluded from actual negotiating sessions . . . its opportunity to be fully informed and to express its views is preserved." *San Mateo City School District v. PERB*, 33 Cal.3d 850, 864 (1983).

Recommendation

Motion to approve the referral to the Charter Amendment Committee for placement on the April 13, 2010 ballot, a Charter Amendment ("Public Pay Bargaining Sunshine Requirements") that will require the City Council to adopt procedures similar to Government Code Section 3547 and Government Code Section 3547.5 which open the collective bargaining process to public review and which require the disclosure of the full costs of the contracts and certification that all costs of the contracts can be met during the terms of such contracts.