



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
Larry Lisenbee

**SUBJECT:** Second Amendment to Renne  
Sloan Holtzman & Sakai LLP  
Legal Services Agreement

**DATE:** June 15, 2006

## **RECOMMENDATION**

It is recommended that the City Council take the following actions:

- a. Adoption of a resolution authorizing the City Attorney to negotiate and execute a second amendment to the agreement with Renne Sloan Holtzman & Sakai LLP for legal services in connection with labor relations and negotiations, modifying the scope of services, increasing compensation by \$175,000, for a total amount not to exceed \$425,000, and extending the term through June 30, 2007.
- b. Adoption of the following amendments to the 2005-2006 annual Appropriation Ordinance in the General Fund:
  1. Increase the City Attorney's Office Non-Personal/Equipment appropriation by \$175,000.
  2. Decrease the Salary Reserve by \$175,000.

## **OUTCOME**

Execution of the second amendment to the agreement with Renne Sloan Holtzman & Sakai, LLP and appropriation of funding for this amendment will allow Renne Sloan to continue to provide legal services in connection with labor relations and negotiations.

## **BACKGROUND**

On January 18, 2005, the City Attorney executed an agreement with the law firm of Renne Sloan Holtzman & Sakai, LLP for a term ending June 30, 2005, in a total amount not to exceed \$75,000, to provide legal services in connection with labor relations and employment matters, specifically regarding impasse resolution procedures involving successor Memorandum Of Agreement (MOA) negotiations with the San Jose Police Officers Association (SJPOA) and International Association of Firefighters (IAFF). The City Council also approved a First Amendment to this Agreement, extending the term

June 15, 2006

**Subject: Legal Services Agreement**

Page 2

through June 30, 2006, and increasing compensation to an amount not to exceed \$250,000.

### **ANALYSIS**

The Renne Sloan Holtzman & Sakai law firm has extensive experience with police and fire labor negotiations, and with interest arbitration proceedings. The firm has provided negotiation and legal services to the City since January of 2005 in contract negotiations with the SJPOA and IAFF.

The law firm provided legal support during the mediation process, and is currently working with Employee Relations and the City Attorney's Office on labor negotiation strategy. Additionally, partners in the firm are involved with ongoing negotiation sessions during impasse. The firm also provided support during the recent litigation in which the Superior Court denied IAFF's request for a three party arbitration, which would have included the SJPOA, and instead ordered the IAFF to arbitration against the City only. The law firm will be providing expertise in preparation for the upcoming interest arbitration regarding a new IAFF MOA. More recently, Renne Sloan has begun to provide legal services in connection with the successor MOA for the International Union of Operating Engineers, Local No. 3, including assistance in related litigation.

Continued participation by the law firm in negotiations and strategy sessions is essential for successful completion of litigation, negotiations and, if necessary arbitration. If the IAFF matter proceeds into an extensive and lengthy arbitration proceeding, it may be necessary to request additional funding to cover arbitration legal services.

### **PUBLIC OUTREACH**

Not applicable.

### **COORDINATION**

This memorandum has been coordinated with the Office of Employee Relations.

### **CEQA**

Not a Project.

---

Richard Doyle, City Attorney

---

Larry D. Lisenbee, Budget Director

cc: Les White

For questions please contact DANIEL TONG, Chief of Staff at (408) 535-1957.