

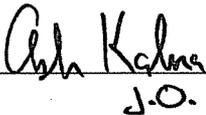


Memorandum

To: HONORABLE MAYOR AND CITY COUNCIL **From:** Councilmember Nancy Pyle,
Councilmember Ash Kalra

Subject: SEE BELOW **Date:** July 30, 2010

Approved: 

Date:  7/30/10

SUBJECT: CONSIDERATION OF AN AMENDMENT TO, OR REPEAL OF, CHARTER SECTION 1111 REGARDING BINDING ARBITRATION

RECOMMENDATION:

Direct the City Manager to present information about the proposed Binding Arbitration changes and the Memo distributed by the City Attorney's Office on Friday July 30, 2010 titled "Questions Related to Proposed City Charter Amendment Ballot Measure" at a Council Study Session as soon as possible and no later than November 30, 2010. After the information is presented, Council will discuss potential changes to Binding Arbitration. The Council Study Session should include at least the following information:

- Rationale for originally approving Binding Arbitration
- Examples of how other municipalities have amended Binding Arbitration
- Any potential legal challenges to changing Binding Arbitration

And the opportunity for other Councilmembers to submit requests for information regarding changing Binding Arbitration and the Memo from the City Attorney prior to the Study Session.

After discussion from all Councilmembers at the Council Study Session, Council can direct the City Attorney to draft the necessary language for a Charter Amendment reflective of the direction from Council.

BACKGROUND

The labor negotiations with our public safety officers this year have demonstrated how differently unions choose to work with city negotiators under the umbrella of Binding Arbitration. Asking Council to approve a ballot measure that limits the powers of Binding Arbitration with very little

notice and no prior discussion by the full council, while approving a negotiated agreement with the POA, will not help to create a productive bargaining process.

The changes proposed to Binding Arbitration are lengthy. Prior to submitting ballot language with changes to the City Charter, there should be ample opportunity for the entire Council to receive information about the proposed changes. At the very least, Council should also be given a reasonable amount of time to meet with the public safety representatives and ask questions of staff. Council should be presented information about the proposed changes in a Study Session. Proposing changes to the City Charter affecting a 30 year old provision during the July recess, challenges the spirit of Sunshine.

With the direction to present information about Binding Arbitration by November 30, 2010 at a Council Study Session, there will be ample time to prepare the language for a Charter change if there were to be a special election in Spring 2011.