



Memorandum

TO: RULES AND OPEN GOVERNMENT COMMITTEE
FROM: Councilmember Donald Rocha
SUBJECT: TRANSPARENCY AND CONSISTENCY IN LABOR NEGOTIATIONS
DATE: September 8, 2011

Approved *Don Rocha* Date *9/8/11*

RECOMMENDATION

Direct staff to provide an info memo, which would include staff analysis previously only provided in closed session that details the negotiation position of the Council majority adopted at the June 24, 2011 City Council meeting as put forward in the memorandum from Mayor Reed, Vice Mayor Ngyuen, Councilmembers Herrera, Constant, and Liccardo under item #2, entitled "All Other Current Employees Who Decline to Opt-In."

ANALYSIS

On June 24, 2011 the City Council held a Special Meeting which included Item 3.1 under the Strategic Support Services section for action on the Declaration of a Fiscal and Public Safety Emergency and discussion of possible ballot language. A memorandum was submitted by the Mayor, Vice Mayor and three Councilmembers two days prior to the meeting which recommended direction for an Opt-In program for retirement benefits. The direction contained in the memo was adopted by a six-vote majority of the City Council. At the time there was little staff analysis on the direction; we didn't know what the impact would be on future benefit levels and employee compensation should the direction ultimately be implemented.

There was significant debate on the issue by not only the Council but also the public as to what action the Council should take. After months of prior debate and discussion the direction from this meeting defined the Council position for negotiations with our bargaining units. Given the significance of this decision, it is my opinion that in the interest of transparency and consistency, the information regarding this position that was provided to the Council, whether in open or closed session, should also be provided to the public.

The Council has primarily adopted its direction on employee compensation reductions and retirement reform in public. The merits of various proposals were freely discussed in open session. To the extent the Council continues to receive information about the merits of its direction, it should continue to make that information public consistent with past practice.

Releasing this information is also in the interest of good faith negotiations. Information that helps us evaluate the viability of various pension reform alternatives should be shared with our bargaining units because collaborative problem solving is only possible if both sides in the negotiation are working from the same analysis and technical data.