

To: Sunshine Reform Task Force Members  
From: Closed Session Committee  
(Susan Goldberg, Karl Hoffower, Mary Ann Ruiz, Brenda Otey, Bob Brownstein, Ed Davis)  
Date: March 15, 2007  
Subject: "Closed Session" Committee Recommendations RE: Labor

---

The Closed Session Committee met on March 5, 2007 to discuss outstanding provisions related to the conduct of closed sessions. The Committee makes the following recommendations regarding the requirements for labor negotiations:

LABOR:

The subcommittee recommends that all proposed contracts with represented and unrepresented employees and the Council appointees be approved by the policy body in open session. Notice must be 10 days for contracts that are under \$1 million, and 14 days for contracts over \$1 million before the contract is scheduled to be discussed in open session.

In addition, the following proposals would be added:

- 1) Whether or not the terms of the contract are modified as a result of the 10-day or 14-day delay and any subsequent negotiations, all terms of the contract will be retroactively applied to the date at which the original negotiations were completed or to any date that had been specified in the original negotiations.
- 2) The City Attorney is prohibited from certifying closed session tapes to prevent their disclosure if they contain discussion of plans to negotiate in bad faith and to deliberately use the 10 or 14 day delay period to produce a contract that is advantageous to the city. In addition, the guidelines regarding appeals from the city attorney's certification decisions shall make clear that the presence of such bad faith planning in closed sessions constitutes automatic grounds for overruling city attorney certification.
- 3) The City Council shall add the following behavior to its list of actions which warrant that an elected official be removed from office: to conspire to negotiate in bad faith to employ the 10 or 14 day delay between the completion of contract negotiations and the date of council approval to produce contract terms that benefit the city.