



THE CITY OF SAN DIEGO

OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

Date Issued: January 11, 2013

IBA Report Number: 13-02

City Council Docket Date: January 14, 2013

Item Number: S-400 & S-401

FY 2014 Labor Contract Negotiations

On Monday, January 14, 2013 City Council is being asked to take action on two items related to the City's upcoming FY 2014 labor negotiations process:

Item S-400- Approve an agreement with Burke, Williams and Sorensen ("Burke"), LLP, to serve on the City's Management Team for FY 2014 labor contract negotiations.

Item S-401- Approve the City Management Team for the purpose of meeting and conferring with the City's recognized Labor organizations.

Both items are docketed as "Supplemental" and back-up materials were made available to our office on Thursday evening, January 10, 2013. Due to the limited time available, our report points out some variances in the "Burke" contract from the prior year which Council may want to discuss further at the Council meeting, and also notes two additions to the Management Team action.

FY 2014 Burke Contract for Labor Contract Negotiations

Scope of Services

The Scope of Services has been revised this year to clarify Burke's role as providing negotiation services and not legal services. Burke's role with respect to legal work is limited to legal work that is requested by or approved by, in writing, the Office of the City Attorney.

Response to IBA and City Council Member Requests

Language included in last year's contract which called for Burke to respond in a timely matter to requests for advice on labor negotiations by the IBA and members of the City Council, has been struck. We recommend this language be reinstated.

FY 2014 Labor Negotiations Management Team

Designation of Mayor Filner as the City's Chief Negotiator

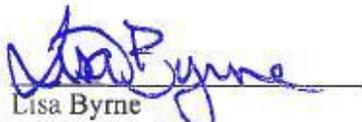
While Mayor Sanders served as the City's Chief Negotiator throughout his administration, this is the first time in the Mayor-Council form of government where the Council is being asked to officially designate the Mayor as the City's Chief Negotiator as part of the Management Team action. This is consistent with the language of Principle 7 of the "Ten Fundamental Principles for an Effective, Cooperative and Transparent Mayor-Council Form of Government" (approved by the Council on October 15, 2012) which calls for the Mayor to:

"Work cooperatively and timely with the City Attorney, Independent Budget Analyst and Council to effectively carry out the City's labor relations policies and duties under State and local law if the Council chooses to designate the Mayor as the City's Chief Labor Negotiator."

Principle 7 emphasizes the importance of the Mayor communicating and working cooperatively with the Council throughout the negotiations process if the Council does choose the Mayor as the Chief Negotiator. Council may want to provide greater specificity to the Mayor regarding communication and approval protocols during the negotiations process.

City Attorney Staff

This year as part of the Management Team action, six representatives of the City Attorney's Office have been designated in the resolution "to attend closed session meetings of the Council" and "to perform legal work" as related to the labor negotiations process.


Lisa Byrne
Fiscal & Policy Analyst


APPROVED: Andrea Tevlin
Independent Budget Analyst