



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
December 20, 2022

TOPIC: Increase Transparency with City Labor Negotiations

AGENDA TITLE:

Increase Transparency with City Labor Negotiations

RECOMMENDED ACTION

Accept informational report and provide direction to staff.

DISCUSSION

On October 4, 2022, the City of Santa Ana City Council ("Council") directed staff to bring back options in regards to increasing transparency with City labor negotiations, specifically labor negotiations with the Santa Ana Police Officers Association ("SAPOA").

Labor Negotiations between the City of Santa Ana ("City") and its respective labor unions is governed by California Government Code ("GC") §3500 (Meyers-Milias Brown Act or "MMBA"). The MMBA of 1968 established collective bargaining for California's municipal, county, and local special district employers and employees. GC §3505 states in part,

"The governing body of a public agency,..., shall meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of such recognized employee organizations, as defined in subdivision (b) of Section 3501, and shall consider fully such presentations as are made by the employee organization on behalf of its members prior to arriving at a determination of policy or course of action."

Pursuant to the MMBA, each party must negotiate in good faith and to endeavor to reach an agreement on matters within the scope of representation. Labor negotiations between public municipalities, including the City, and labor unions ("labor," "unions," or "labor unions") generally occur in private; that is, negotiations are closed from the public and the public does not view and/or opine on the City or labor's proposal(s). At the onset and during the course of labor negotiations (with a respective union), the City's labor strategy is discussed and determined during Council closed session deliberation and conveyed via the City's labor representative to a respective labor union at the negotiation table. As a local municipality may be negotiating simultaneously with multiple labor unions, it is

essential to retain the confidentiality of the City's respective labor strategy. However, there are options to increase transparency with labor negotiations. With that said, there are three options for ongoing and future labor negotiations, which include:

- (1) Maintain the status quo for conducting labor negotiations. Specifically, the City's labor representative receives Council direction during closed session deliberation and proposals between the parties are exchanged in a closed, non-public negotiation sessions;
- (2) Adopt a set of collective bargaining rules between the City and its respective labor unions which negotiations are conducted in an open setting so that members of the public who wish to observe can do so; or
- (3) Adopt a quasi-modified style of labor negotiations, in which the City's labor representative would continue to receive Council direction regarding the City's labor strategy during closed session deliberation and proposals between the parties would continue to be exchanged in closed, non-public negotiation sessions. However, the City would publically post (via the City website) the City and labor's proposals and costing of said proposals, after said has been exchanged between the parties during the course of negotiations. This option is done at a few agencies in Southern California who have adopted transparency ordinances requiring the posting of proposals. In Orange County, this includes the cities of Huntington Beach and Costa Mesa.

In regards to option 2 above, the City would need to develop proposed rules for conducting labor negotiations in public, and the City would be required to meet and confer with each labor union over the proposed rules. Moreover, it would likely be an unfair labor practice charge to refuse to bargain with labor unions except for in a public setting.

In regards to option 3 above, the City is not required to meet and confer with the respective labor unions to publically post the City and labor's proposals and costing of said proposals, after said has been exchanged between the parties during the course of negotiations.

Accordingly, if Council desires to increase transparency with City labor negotiations and modify how negotiations are currently conducted, staff recommends the Council adopt option 3 above for labor negotiations between the City and all respective labor unions (not solely the SAPOA). It is significant to note that option 3 can be implemented immediately for all ongoing and future labor negotiations.

ENVIRONMENTAL IMPACT

There is no environmental impact associated with this action.

FISCAL IMPACT

There is no fiscal impact.

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