



AGENDA REPORT

Meeting Date: May 5, 2015
Item Number: F-2
To: Honorable Mayor and Members of the City Council
From: City Attorney
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE
REGARDING LABOR NEGOTIATIONS

Attachments:

1. Ordinance
2. Legislative Digest

RECOMMENDATION

It is recommended that the City Council move to waive the full reading of the ordinance, and that the ordinance entitled "An Ordinance of the City of Beverly Hills Amending the Beverly Hills Municipal Code Regarding Labor Negotiations" be introduced and read by title only.

INTRODUCTION

On December 17, 2013, the City Council adopted an ordinance governing the procedures for adoption or amendment of a Memorandum of Understanding ("MOU") with an exclusively recognized employee organization, often referred to as the COIN (Civic Openness In Negotiations) ordinance. The COIN ordinance provides increased opportunity for public awareness and input into proposed MOUs before such MOUs are adopted.

DISCUSSION

The City of Beverly Hills is one of the few cities to adopt an ordinance designed to increase public awareness and participation in the labor negotiation process. One of the core provisions of the City's ordinance requires the City Council to solicit public input on the MOU or amendment at a minimum of two (2) city council meetings. However, as initially adopted, the ordinance provides that both of these meetings will occur after the terms of a proposed MOU or amendment have been negotiated and the MOU or amendment has been posted on the City's website.

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During its first experience using the COIN ordinance in 2014, the City Council learned that the ordinance, as currently structured, first solicits public input at a point in the process where the City Council has limited options to respond to the input. Specifically, State law prohibitions on regressive bargaining limited the City Council's flexibility to respond to public input. Therefore, in order to avoid this limitation, the proposed amendment to the COIN ordinance allows the City Council to conduct the first of the two public meetings earlier in the negotiation process. The timing of the second public meeting, however, would remain unchanged and that meeting would occur no less than two weeks after the proposed MOU or amendment has been made available for public review by being posted on the City's website.

There are no other proposed changes to the City's existing COIN ordinance. A legislative digest of the Ordinance highlighting the changes is attached to this report.

FISCAL IMPACT

There is no fiscal impact associated with the proposed amendments to the COIN ordinance. The proposed amendments change the timing, but not the substance, of the City's procedures for soliciting public input into the labor negotiation process.



Laurence S. Wiener
City Attorney

Attachment 1

ORDINANCE 15-O-_____

**AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL
CODE REGARDING LABOR NEGOTIATIONS**

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. The city council hereby amends and restates Section 2-5-503 (“ADOPTION OF A MEMORANDUM OF UNDERSTANDING”) of Article 5 (“LABOR NEGOTIATIONS”) of Chapter 5 (“CIVIL SERVICE, PERSONNEL PROCEDURES, AND EMPLOYEE REGULATIONS”) of Title 2 (“ADMINISTRATION, PERSONNEL, AND PROCEDURES”) of the Beverly Hills Municipal Code to read as follows:

“2-5-503: ADOPTION OF A MEMORANDUM OF UNDERSTANDING:

A. The city council may adopt or amend a memorandum of understanding only after conducting two public meetings. The purpose of the first meeting shall be to solicit public input early in the negotiation process concerning potential terms of the proposed memorandum or amendment. The purpose of the second meeting shall be to place a proposed memorandum or amendment on an agenda, after concluding the negotiation process, for the city council to consider adoption. The foregoing requirements shall not preclude the city council from conducting more than one public meeting before or during the negotiation process.

B. A proposed memorandum of understanding or amendment to a memorandum of understanding, as well as any fiscal impacts analysis prepared pursuant to section 2-5-505 of this chapter, shall be posted on the city’s official website at least two (2) weeks before the city council meeting at which the proposed memorandum of understanding or amendment is considered for approval.

C. The adoption or amendment of a proposed memorandum of understanding shall not be placed on the city council’s consent calendar.”

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 3. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the city within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and the city Clerk’s certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this city.

Section 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

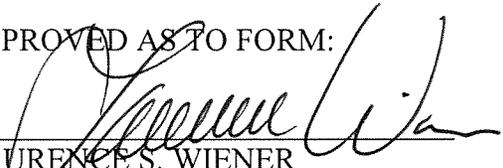
Adopted:
Effective:

JULIAN A. GOLD, M.D.
Mayor of the City of Beverly Hills,
California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

MAHDI ALUZRI
Interim City Manager

Attachment 2

LEGISLATIVE DIGEST

**AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL
CODE REGARDING LABOR NEGOTIATIONS**

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Article 5. Labor Negotiations

2-5-501: APPLICABILITY:

This article shall apply when the city council considers adopting or amending a memorandum of understanding.

2-5-502: DEFINITION:

For the purposes of this article, the following words and phrases shall be defined as follows:

MEMORANDUM OF UNDERSTANDING: A formal signed agreement between the city and an exclusively recognized employee organization.

2-5-503: ADOPTION OF A MEMORANDUM OF UNDERSTANDING:

A. The city council may adopt or amend a memorandum of understanding only after ~~the memorandum or amendment has been placed on an agenda at a minimum of two (2) city council meetings that are held at least two (2) weeks apart~~ conducting two public meetings. The purpose of the first meeting shall be to solicit public input early in the negotiation process concerning potential terms of the proposed memorandum or amendment. The purpose of the second meeting shall be to place a proposed memorandum or amendment on an agenda, after concluding the negotiation process, for the city council to consider adoption. The foregoing requirements shall not preclude the city council from conducting more than one public meeting before or during the negotiation process.

B. A proposed memorandum of understanding or amendment to a memorandum of understanding, as well as any fiscal impacts analysis prepared pursuant to section 2-5-505 of this chapter, shall be posted on the city’s official website at least ~~seventy two (72) hours~~ weeks before the ~~first~~ city council meeting at which the proposed memorandum of understanding or amendment is considered for approval.

C. The adoption or amendment of a proposed memorandum of understanding shall not be placed on the city council's consent calendar.

2-5-504: CITY REPRESENTATIVE:

Unless reported as provided below, the lead negotiator on behalf of the city during the negotiation of a memorandum of understanding or amendment to a memorandum of understanding shall not be an employee of the city and shall have demonstrated expertise in negotiating labor and employment agreements on behalf of municipalities.

If the principal representative of the city does not meet the requirements of this section, then this fact must be reported at the meetings of the city council at which the memorandum of understanding or amendment is considered.

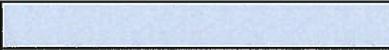
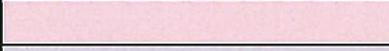
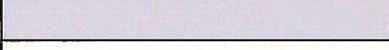
2-5-505: ECONOMIC ANALYSIS:

Unless reported as provided below, the city council shall obtain from a consultant who is not an employee, a fiscal impact analysis of the proposed memorandum of understanding or amendment to a memorandum of understanding. If a statement of actuarial impact is required by California Government Code section 7507 or its successor for any change to retirement or other postemployment benefits, then the fiscal analysis required by this section need not address the benefit changes analyzed in the statement of actuarial impact.

If a fiscal impact analysis is not obtained as required by this section, then this fact must be reported orally at the meetings of the city council at which the memorandum of understanding or amendment is considered.

Document comparison by Workshare Professional on Thursday, April 30, 2015 2:20:14 PM

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Moved cell	
Split/Merged cell	
Padding cell	

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