

Brettle, Jessica

From: Rice, Danille
Sent: Thursday, February 18, 2021 5:01 PM
To: Council, City; Council Agenda Email
Cc: ORG - Clerk's Office; Executive Leadership Team; Anthony, Tori; Lee, Frank; Blanch, Sandra; Raisch, Nicholas
Subject: Council Agenda Consent Questions for February 22, Item 5



Council Question Response

Dear Mayor and Council Members:

On behalf of City Manager Ed Shikada, please find below the staff responses to inquiries made by Council Member Tanaka in regard to the February 22, 2021 Council Meeting agenda.

Item 5: Compliance with PERB order in Decision No. 2664-M and Adoption of Extension Agreement with UMPAPA

1. Does PERB have any legal backing forcing the city to comply with the order to pay out \$1.8M payout?

Yes. In California, orders issued by administrative agencies on matters within their jurisdiction have the force and effect of law.

2. Why didn't the agreement that was settled on in 2016 never reach the council in the first place?

In 2016 the City and the association believed they had a conceptual agreement; however after reviewing the package for final adoption the parties realized there was a misunderstanding on one of the proposals. That misunderstanding resulted in the parties' inability to reach agreement at all. The union then filed an appeal with PERB and after a mediation session and reviewing the circumstances, PERB ruled in favor of the union.

3. It is mentioned that the money is coming from the enterprise fund for F21, can you elaborate on how that won't have an impact on the budget for this year, and why is this money only being made available now when we had to make such harsh cuts earlier?

The Enterprise Funds are able to absorb the cost of this cash settlement from salary savings that occurred from vacant positions that occurred during the year. The vacancy rate in the department was higher than anticipated for FY21 due to a number of reasons, including difficulty recruiting and impacts from COVID. Since the department is able to absorb the cost using one-time vacancy savings and negotiated concessions (1-year wage freeze/extension), additional cuts are not required and there is not an ongoing impact.

Thank you.



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