

MINUTES
SPECIAL MEETING OF THE CITY COUNCIL
CITY OF SAN LUIS OBISPO
FRIDAY, JULY 28, 2000 - NOON
COUNCIL CHAMBER, 990 PALM STREET
SAN LUIS OBISPO, CALIFORNIA

ROLL CALL:

Council Members

Present: Council Member John Ewan, Vice Mayor Ken Schwartz, and Mayor Allen K. Settle

Absent: Council Members Jan Howell Marx and Dave Romero

City Staff

Present: John Dunn, City Administrative Officer; Jeff Jorgensen, City Attorney; Lee Price, City Clerk; Ken Hampian, Assistant City Administrative Officer; Bill Statler, Finance Director; Ann Slate, Human Resources Director; Bob Neumann, Fire Chief; and Wendy George, Assistant to the CAO

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR
Pursuant to Government Code § 54957.6

Agency Negotiator: Richard S. Whitmore

Employee Organizations: San Luis Obispo Firefighters' Union, IAFF, Local 3523
San Luis Obispo Police Officers' Association

City Attorney Jorgensen announced that the closed session had been held.

PUBLIC COMMENT

There were no comments on items not on the agenda.

BUSINESS ITEMS

1. **PLACING ON THE NOVEMBER 7, 2000 BALLOT A PROPOSED CHARTER AMENDMENT REGARDING BINDING ARBITRATION (CITIZEN-INITIATED).**

City Clerk Price introduced the staff report.

Public Comments:

Alan Davis, attorney representing the Police/Fire Associations, protested the Closed Session held just prior to calling the open meeting to order. He asserted that the City Council had violated the Brown Act because it had not disclosed in an open meeting what would be discussed in the Closed Session. City Attorney Jorgensen advised the Council that all requirements had been met and confirmed that the Closed Session was appropriately noticed and properly posted. Mr. Davis argued that the City has also violated provisions for meeting with labor negotiators and stated that while the City may have a duty to meet and consult, it does not necessarily have a duty to meet and confer. Speaking to the issue of the citizen-initiated ballot measure, Mr. Davis voiced objection to the ballot question and argued that the language, "final without council or voter approval" is redundant and biased. He submitted that the question should read, "Shall the Charter be amended to require that labor disputes between the SLO Police Officers Association and the SLO Firefighters Association be resolved by binding arbitration?"

Jason Berg, President of SLOPOA and Jeff Zimmerman, President of IAFF Local 3523, spoke in favor of placing the citizen-initiated measure on the ballot and urged the Council to not add to the ballot a companion measure.

---end of public comments---

Mayor Settle announced that Council Members Romero and Marx support the adoption of the CAO's recommendation and noted that their positions are on file with the City Clerk.

ACTION: Moved by Ewan/Schwartz to 1) adopt Resolution No. 9079 of the City Council of the City of San Luis Obispo, California, Calling And Giving Notice of the Holding of a General Municipal Election on Tuesday, November 7, 2000, for the Submission of a Proposed Charter Amendment (Citizen-Initiated); motion carried 3:0.

ACTION: Moved by Schwartz/Ewan to 2) Adopt Resolution No. 9080 of the City Council of the City of San Luis Obispo Setting Priorities For Filing Written Arguments Regarding a City Measure and Directing the City Attorney to Prepare an Impartial Analysis. 3) Adopt Resolution No. 9081 of the City Council of the City of San Luis Obispo Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections; motion carried 3:0.

2. RESOLUTION OPPOSING BINDING ARBITRATION AND PLACING AN ADDITIONAL CHARTER AMENDMENT REGARDING BINDING ARBITRATION (COUNCIL-INITIATED) ON THE NOVEMBER 7, 2000 BALLOT.

Human Resources Director Slate introduced the staff report. Dave Hill, City of Anaheim, discussed the effects that binding arbitration has had on his organization. Legal Counsel Whitmore provided general comments on interest arbitration and recent experiences in the cities of Salinas and Gilroy. Director of Finance Statler addressed the fiscal impacts of binding arbitration. Fire Chief Neumann, speaking on behalf of himself and the Police Chief, addressed potential program level issues and voiced concern that binding arbitration, if approved by the voters, will erode the management authority of the police and fire chiefs. Human Resources Director Slate outlined the major components of the proposed companion measure, which are intended to mitigate the impacts to the City if the citizens-initiated ballot measure passes. She emphasized that the charter amendment will only go into effect if it and the citizen-initiated charter amendment receive majority voter approval.

City Administrative Officer Dunn spoke in opposition to binding arbitration because it takes decisions away from the Council and because it diminishes the abilities of the police and fire chiefs to manage their departments. In closing, he argued that binding arbitration will reduce monetary resources available for other City services.

Public Comments:

Speaking in support of binding arbitration and in opposition to the City placing a companion measure on the ballot:

Mike Brennler, SLOPOA
Alan Davis, attorney
Jason Berg, SLOPOA President
Devin Reiss, firefighter
Jeff Zimmerman, President IAFF Local 3523

Speaking in support of the recommendation to place the companion measure on the ballot:

David Jeffrey, 1128 Iris Street
Nona Tobin, Human Resources Director for the City of San Jose
Dodie Williams, representing a broad based group of concerned members of the community
Patricia Wilmore, SLO Chamber of Commerce
Penny Rappa, 1349 Descanso
Dave Cox, member of the board of the Chamber of Commerce

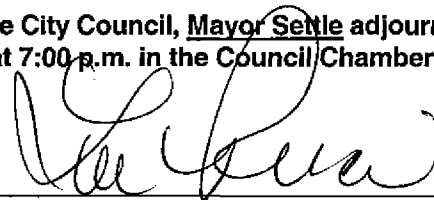
---end of public comments---

Council discussion ensued.

ACTION: Moved by Ewan/Schwartz to 1) adopt Resolution No. 9082 in opposition to the proposed charter amendment to establish binding arbitration for the San Luis Obispo Police Officers Association and the San Luis Obispo Firefighters Union (IAFF, Local 3523); motion carried 3:0.

ACTION: Moved by Schwartz/Ewan 2) Adopt Resolution No. 9083 placing an additional measure on the November 7, 2000 ballot relating to binding arbitration; motion carried 3:0.

There being no further business to come before the City Council, Mayor Settle adjourned the meeting at 3:30 p.m. to Tuesday, August 15, 2000 at 7:00 p.m. in the Council Chamber, 990 Palm Street, San Luis Obispo.



Lee Price, C.M.C.
City Clerk

APPROVED BY COUNCIL: 10/17/00
LP:dr

