

SOLANO COUNTY
Legislative Committee Meeting

Committee
Supervisor Linda J. Seifert (Chair)
Supervisor Erin Hannigan

Staff
Michelle Heppner

August 5, 2013
1:30 p.m. to 2:30 p.m.

Solano County Administration Center
Sixth Floor Conference Center, Room 6003
675 Texas Street
Fairfield, CA 94533

AGENDA

I. Public Comment (Items not on the agenda)

II. Discussion of Federal Bills and consider making a recommendation (Waterman & Associates)

Non-action Items:

- Status of fiscal year 2014 Appropriations
- Immigration reform
- Water Resources Development Act
- Farm Bill
- Workforce Investment Act (Senate Committee action)

P4 Public-Public / Public-Private intergovernmental support agreements (See attached Slides)

III. Report on State Budget and Legislation and consider making a recommendation for a position on legislation (Paul Yoder)

1. Human Resources
[AB 537](#) ([Bonta D](#)) Meyers-Milias-Brown Act: impasse procedures.
Current Analysis: 06/25/2013 [Senate Public Employment And Retirement \(text 6/17/2013\)](#)
Update - County currently has a Watch position on this bill
2. Update on CEQA Reform
3. Update on AB 109 (Distribution of the unallocated Growth Funds)
4. Update on Affordable Care Act
5. Update on November 2014 Water Bond Ballot Measure

IV. Items from the Public

*Mr. Steve Zander, Program Director, Air Force
Community Partnership Program – Air Force
Community Partnership Program*



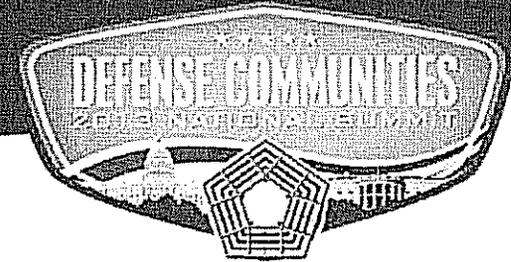
June 12, 2013

JUNE 12-14, 2013

Supporting, Sustaining and Transitioning our Nation's Defense Infrastructure

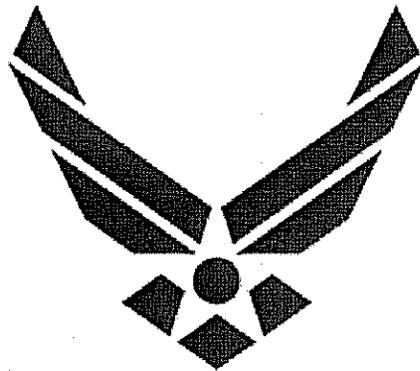
United States Air Force

Integrity - Service - Excellence



AF Community Partnership Initiative

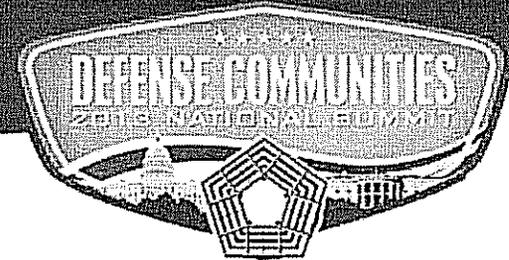
Public-Public; Public-Private Partnerships (P4)



“Leveraging military installation and local community capabilities and resources to reduce operating and service costs in support of the AF mission”

U.S. AIR FORCE

Shared Environment



- Reduced budgets & fiscal challenges
- Manpower cuts; hiring freezes; realignments; furloughs?
- Force structure changes and defense industry reductions
- Innovative partnerships—sparked by new legislation
- Need to make “Every Dollar Count,” provide quality services, allocate risk, share value

This is NOT business as usual

Vision and Goals



AF and Local Community Leadership is key!

Bring AF leadership and resource support as Installation and Community leaders develop, prioritize and implement community partnership initiatives

Practice the “Art of the Possible”

Identify ways to get to “Yes” by identifying resource requirements:

Time, Money, Manpower, Authority

Possible Stakeholders



- Local, State & Federal Governments (City Managers, Emergency Management, and Public Works)
- Regional Planning Organizations
- Key Tenant Organizations
- Economic Development Organizations
- Educators and University Organizations
- Non-Governmental Organizations
- Conservation Organizations
- Union Representatives
- Utility Companies
- Community Thought Leaders (e.g., Community Alliances, Chambers of Commerce)
- Non-Profits
- Private sector experts (as appropriate)

Potential Cross-Functional Initiatives



- Prisoner Detention
- Shared use Firing Ranges
- Cooperative Police Training
- Many of the AF Services provided Airmen support programs:
 - Youth Programs
 - Lodging
 - Community Educational Center near front gate
 - Waste Management/Recycling
 - Snow removal
 - Cooperative Fire Training/Support
- Chaplain Programs
- Pharmacy
- Data Center Training/Cable Maintenance
- Expand bus system
- Airport Operations and Maintenance
- University training of critical need interns
- Strategic Sourcing
- Sharing of Security intelligence

AF Community Partnership Process



The AF Community Partnership Process is simple:

- Provide a Partnership “Brokering Team” when Installation and Community Leaders commit to using the AF process
- Schedule a series of 6 meetings that enable identifying potential partnership initiatives—this series of meetings helps identify potential initiatives that address mutual need and capacities
- Once initiatives are “fleshed-out” in adequate detail, bring in experts to help define the way forward—this will help drive initiative priority
- By the time of the Table Top Exercise, identify exactly what resources are required, when resources will be needed, and who programs

The process is simple, but gaining efficiency requires hard work

AMENDED IN SENATE JUNE 17, 2013

AMENDED IN ASSEMBLY APRIL 17, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 537

Introduced by Assembly Member Bonta

February 20, 2013

An act to amend Sections 3505, 3505.1, 3505.2, and 3507 of, and to add Section 3505.8 to, the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 537, as amended, Bonta. Meyers-Milias-Brown Act: impasse procedures.

The Meyers-Milias-Brown Act requires the governing body of a local public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations. Under the act, if the representatives of the public agency and the employee organization fail to reach an agreement, they may mutually agree on the appointment of a mediator and equally share the cost.

This bill would instead authorize the representatives of the public agency or the employee organization, if they fail to reach an agreement, to request mediation. The bill would require that the parties agree upon the appointment of a mediator mutually agreeable to the parties within 5 days of a request by one of the parties. If the parties fail to agree on the selection of a mediator within 5 days, the bill would ~~provide that~~ *authorize* either party ~~may to~~ request the appointment of a mediator, as

specified. By requiring a higher level of service by a local public agency, the bill would impose a state-mandated local program.

The act requires that, in order to meet and confer in good faith, a public agency meet personally and confer promptly, and continue for a reasonable period of time, with the employee organization in order to exchange freely prior to the agency adopting a budget for the next fiscal year.

This bill would prohibit a public agency from conditioning the meeting and conferring on a limitation on the right of employees or an employee organization to communicate with officials of the agency.

The act requires, if an agreement is reached, that the parties prepare jointly a nonbinding written memorandum of understanding of the agreement that would then be presented to the governing body or its statutory representative for determination.

~~This bill would require that, if an agreement is reached, the parties would prepare a written memorandum of understanding, which would be binding upon execution or ratification, as specified. a tentative agreement reached by the parties be presented to the governing body for determination and, if not rejected within 30 days, be deemed adopted. This bill would not bar the filing of a charge for failure to meet and confer in good faith if the governing body rejects the tentative agreement. The bill would further require the parties to jointly prepare a written memorandum of understanding upon adoption of the tentative agreement by the governing body.~~

Under existing law, a written agreement to submit to arbitration a specified controversy is valid, enforceable, and irrevocable, except if grounds exist for the revocation of the written agreement.

This bill would additionally provide that an arbitration agreement contained in a memorandum of understanding entered into under the Meyers-Milias-Brown Act is enforceable, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3505 of the Government Code is amended
2 to read:

3 3505. (a) The governing body of a public agency, or the
4 boards, commissions, administrative officers, or other
5 representatives as properly designated by law or by a governing
6 body, shall meet and confer in good faith regarding wages, hours,
7 and other terms and conditions of employment with representatives
8 of those recognized employee organizations, as defined in
9 subdivision (b) of Section 3501, and shall consider fully such
10 presentations as are made by the employee organization on behalf
11 of its members prior to arriving at a determination of policy or
12 course of action.

13 (b) “Meet and confer in good faith” means that a public agency,
14 or such representatives as it may designate, and representatives of
15 recognized employee organizations, shall have the mutual
16 obligation personally to meet and confer promptly upon request
17 by either party and continue for a reasonable period of time in
18 order to exchange freely information, opinions, and proposals, and
19 to endeavor to reach agreement on matters within the scope of
20 representation prior to the adoption by the public agency of its
21 final budget for the ensuing year. A public agency shall not propose
22 as a condition of meeting and conferring a limitation on the right
23 of an employee organization or employees of the agency to
24 communicate with officials of the agency. The process should
25 include adequate time for the resolution of impasses where specific
26 procedures for such resolution are contained in local rule,
27 regulation, or ordinance, or when such procedures are utilized by
28 mutual consent.

29 ~~SEC. 2. Section 3505.1 of the Government Code is amended~~
30 ~~to read:~~

31 ~~3505.1. If agreement is reached by the authorized~~
32 ~~representatives of the public agency and a recognized employee~~
33 ~~organization or recognized employee organizations, they shall~~
34 ~~jointly prepare a written memorandum of understanding, which~~
35 ~~shall be binding upon final execution by the authorized~~
36 ~~representatives or, if ratification is required by the recognized~~
37 ~~employee organization’s internal rules, upon ratification pursuant~~
38 ~~to those rules.~~

1 SEC. 2. Section 3505.1 of the Government Code is amended
2 to read:

3 3505.1. If a tentative agreement is reached by the authorized
4 representatives of the public agency and a recognized employee
5 organization or recognized employee organizations, ~~they shall~~
6 ~~jointly prepare a written memorandum of such understanding,~~
7 ~~which shall not be binding, and present it that tentative agreement~~
8 *shall be presented to the governing body or its statutory*
9 *representative for determination. If the governing body does not*
10 *reject the tentative agreement within 30 days from its presentation,*
11 *it shall be deemed adopted. A decision by the governing body to*
12 *reject the tentative agreement shall not bar the filing of a charge*
13 *of unfair practice for failure to meet and confer in good faith. If*
14 *the governing body adopts the tentative agreement, the parties*
15 *shall jointly prepare a written memorandum of understanding.*

16 SEC. 3. Section 3505.2 of the Government Code is amended
17 to read:

18 3505.2. If after a reasonable period of time, representatives of
19 the public agency and the recognized employee organization fail
20 to reach agreement, either the public agency or the recognized
21 employee organization or recognized employee organizations may
22 request mediation. Within five days of a request by one of the
23 parties, the parties shall agree upon the appointment of a mediator
24 mutually agreeable to the parties. If the parties fail to agree on the
25 selection of a mediator within five days, either party may request
26 that the board appoint a mediator. The board shall, no later than
27 five days after receipt of the request, appoint a mediator in
28 accordance with rules prescribed by the board. Costs of mediation
29 shall be divided one-half to the public agency and one-half to the
30 recognized employee organization or recognized employee
31 organizations.

32 SEC. 4. Section 3505.8 is added to the Government Code, to
33 read:

34 3505.8. An arbitration agreement contained in a memorandum
35 of understanding entered into under this chapter shall be
36 enforceable in an action brought pursuant to Title 9 (commencing
37 with Section 1280) of Part 3 of the Code of Civil Procedure. An
38 assertion that the arbitration claim is untimely or that the party
39 seeking arbitration has failed to satisfy the procedural prerequisites
40 to arbitration shall not be a basis for refusing to submit the dispute

1 to arbitration. All procedural defenses shall be presented to the
2 arbitrator for resolution. A court shall not refuse to order arbitration
3 because a party to the memorandum of understanding contends
4 that the conduct in question arguably constitutes an unfair practice
5 subject to the jurisdiction of the board.

6 SEC. 5. Section 3507 of the Government Code is amended to
7 read:

8 3507. (a) A public agency may adopt reasonable rules and
9 regulations after meeting and conferring in good faith with
10 representatives of a recognized employee organization or
11 organizations for the administration of employer-employee
12 relations under this chapter. An impasse in these negotiations shall
13 be resolved pursuant to the procedures of Sections 3505.4 to
14 3505.7, inclusive.

15 (b) The rules and regulations described in subdivision (a) may
16 include provisions for all of the following:

17 (1) Verifying that an organization does in fact represent
18 employees of the public agency.

19 (2) Verifying the official status of employee organization
20 officers and representatives.

21 (3) Recognition of employee organizations.

22 (4) Exclusive recognition of employee organizations formally
23 recognized pursuant to a vote of the employees of the agency or
24 an appropriate unit thereof, subject to the right of an employee to
25 represent himself or herself as provided in Section 3502.

26 (5) Additional procedures for the resolution of disputes involving
27 wages, hours, and other terms and conditions of employment.

28 (6) Access of employee organization officers and representatives
29 to work locations.

30 (7) Use of official bulletin boards and other means of
31 communication by employee organizations.

32 (8) Furnishing nonconfidential information pertaining to
33 employment relations to employee organizations.

34 (9) Any other matters that are necessary to carry out the purposes
35 of this chapter.

36 (c) Exclusive recognition of employee organizations formally
37 recognized as majority representatives pursuant to a vote of the
38 employees may be revoked by a majority vote of the employees
39 only after a period of not less than 12 months following the date
40 of recognition.

1 (d) No public agency shall unreasonably withhold recognition
2 of employee organizations.

3 (e) Employees and employee organizations shall be able to
4 challenge a rule or regulation of a public agency as a violation of
5 this chapter. This subdivision shall not be construed to restrict or
6 expand the board's jurisdiction or authority as set forth in
7 subdivisions (a) to (c), inclusive, of Section 3509.

8 SEC. 6. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.

BILL ANALYSIS

6

SENATE PUBLIC EMPLOYMENT & RETIREMENT BILL NO: AB 537
 Jim Beall, Chair HEARING DATE: June 24, 2013
 AB 537 (Bonta) as amended 6/17/13 FISCAL: YES

PUBLIC AGENCIES: COLLECTIVE BARGAININGHISTORY :

Sponsor: American Federation of State, County and Municipal
 Employees (AFSCME)
 California Professional Firefighters (CPF)
 Service Employees International Union California
 (SEIU)

Other legislation: AB 616 (Bocanegra) 2013
 Currently in Senate PE&R Committee
 AB 1181(Gray) 2013
 Currently in Senate PE&R Committee
 AB 1606 (Perea),
 Chapter 314, Statutes of 2012
 AB 646 (Atkins),
 Chapter 680, Statues of 2011

ASSEMBLY VOTES :

PER & SS	5-2	4/24/13
Appropriations	12-5	5/24/13
Assembly Floor	54-24	5/30/13

SUMMARY :

AB 537 makes changes to the Meyers-Milias-Brown Act (MMBA) governing collective bargaining between local public agencies and their employees with respect to ground rules, ratifications of MOUs, mediation, arbitration and factfinding.

BACKGROUND AND ANALYSIS :1)Existing law :

a) establishes the Meyers-Milias-Brown Act (MMBA), which
 Glenn A. Miles

Date: June 24, 2013

Page

1

provides a statutory framework for local government employer-employee relations by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between local public employers and public employee organizations.

- b) under MMBA, authorizes local public agencies to adopt reasonable rules and regulations after consultation in good faith with representatives of an employee organization or organizations.
- c) requires a public agency to meet and confer in good faith with the representatives of a recognized employee organization regarding wages, hours, and other terms and conditions of employment.
- d) delegates jurisdiction over the employer-employee

relationship to the Public Employment Relations Board (PERB) and charges PERB with resolving disputes and enforcing the statutory duties and rights of local public agency employers and employee organizations.

- e) provides that an agreement between the parties shall not be final and binding upon the parties to the negotiations until it is presented to the public agency's governing body or statutory representative for determination.
- f) provides that if, after a reasonable amount of time, representatives of the public agency and the employee organization fail to reach agreement, either party may request mediation. Within 5 days of the mediation request, existing law requires both parties to agree on the appointment of a mediator and equally share the cost. However, there is no provision for when the parties cannot agree on a mediator.
- g) authorizes an employee organization to request that the parties' differences be submitted to a factfinding panel following the appointment of a mediator or entering into a mediation process, or following a written notice of a declaration of impasse.

Glenn A. Miles

Date: June 24, 2013

Page

2

- h) allows a public agency to implement its last, best and final offer once any applicable mediation and factfinding procedures have been exhausted and provides that even with implementation of the best and final offer a recognized employee organization has the right each year to meet and confer with the public agency.

2) This bill : _

-
- a) prohibits a public agency from proposing, as a condition for meeting and conferring, ground rules that limit the right of an employee or employee organization to communicate with officials of the public agency.
 - b) requires that if a tentative agreement is reached by the authorized representatives of the public agency and a recognized employee organization or recognized employee organizations, that agreement shall be presented to the governing body for determination and provides that the governing body has thirty (30) days to reject the tentative agreement or it shall be deemed adopted.
 - c) clarifies that a decision by the governing body not to adopt the tentative agreement shall not bar the filing of an unfair practice charge for failure to have met and bargained in good faith through authorized representatives.
 - d) requires, if the governing body adopts the tentative agreement, that the parties shall jointly prepare a written memorandum of such understanding.
 - e) authorizes either party to request mediation if they fail to reach agreement, with the following stipulations:
 - i) requires both parties to agree upon the appointment of a mediator within five days of the request.
 - ii) specifies that if the parties fail to agree on the appointment of a mediator, either party may request PERB appoint a mediator.
 - iii) requires PERB to appoint a mediator within five days

of receiving the request.

- f) specifies that an arbitration agreement contained in a MOU is enforceable, as specified, with the following stipulations:
- i) prohibits assertions of failing to satisfy procedural requirements from being a basis for refusing to submit the dispute to arbitration.
 - ii) requires that all procedural defenses shall be presented to the arbitrator for resolution.
 - iii) prohibits a court from refusing to order arbitration because the issue could also constitute an unfair labor practice under the jurisdiction of PERB.
- g) requires a public agency to engage in the meet and confer process before adopting reasonable rules and regulations governing the administration of employer-employee relations and specifies that disputes arising under this provision will be resolved pursuant to the factfinding procedures of the MMBA.
- h) provides that if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to current law governing state mandated local costs.

FISCAL :

According to the Assembly Appropriations Committee, the fiscal impact of administering the provisions of this bill is: 1) approximately \$750,000 for necessary staffing as estimated by PERB; and 2) potential state mandated reimbursement of local costs that would depend on the number of requests for arbitration and mediation but could be in the millions of dollars.

The Commission on State Mandates has approved a test claim for any local government subject to the jurisdiction of PERB that incurs increased costs as a result of a mandate, meaning

Glenn A. Miles

Date: June 24, 2013

Page

4

their costs are eligible for reimbursement. There are several thousand local governments, many with dozens of bargaining units that would be subject to the bill.

COMMENTS :

1)Arguments in Support :

According to the California Professional Firefighters (CPF), "AB 537 proposes to enact changes that will advance the parties' mission of protecting the health and welfare of the

public, providing impasse remedies necessary to afford public employers the opportunity to safely alleviate the effects of labor strife that would otherwise lead to the disruption of the efficient delivery of public services to the people of California."

The Service Employees International Union (SEIU) notes that by addressing 5 concerns, including arbitration agreements, mediation, ground rules, contract ratification, and employee relations ordinances, AB 537 is intended "to ensure meaningful dialogue between employers and employees, as well as provide a reasonable method for resolving disputes."

The Association for Los Angeles Deputy Sheriffs states the bill "clarifies that a public agency must meet and confer in good faith with recognized employee organizations before adopting reasonable rules and regulations governing the administration of employer-employee relations."

2)Arguments in Opposition :_

The California State Association of Counties (CSAC) argues that "AB 537 ignores decades of local rulemaking on collective bargaining procedures and undermines counties' constitutional right to provide for the compensation of employees."

CSAC also believes that the bill would result in increased costs to counties and PERB due to the expansion of access to Glenn A. Miles

Date: June 24, 2013

Page

5

mediation. CSAC questions whether AB 537 "can be implemented as a practical matter" because with 58 counties, 482 cities, and over 2000 special districts, many with dozens of bargaining units, it is unlikely that there are enough mediators to meet the new demand for mediation that would be created by the bill and thus, the collective bargaining process would become long and drawn out. "Factfinding and mandatory mediation will add 90 days or more each to the bargaining timeline, a process that can already take 6 months or more."

3)SUPPORT :

American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, Co-Sponsor
California Professional Firefighters (CPF), Co-Sponsor
Service Employees International Union California (SEIU), Co-Sponsor
Association for Los Angeles Deputy Sheriffs (ALADS)
California Association of Professional Employees (CAPE)
California Labor Federation (CLF)
Glendale City Employees Association (GCEA)
Laborers International Union of North America (LIUNA), Locals 777 & 792
Los Angeles Probation Officers' Union, AFSCME, Local 685
Organization of SMUD Employees
Riverside Sheriffs' Association
San Bernardino Public Employees Association
San Luis Obispo County Employees Association
Santa Rosa City Employees Association

4)OPPOSITION :

Association of California Water Agencies (ACWA)
Butter County Board of Supervisors
California Association of Sanitation Agencies (CASA)
California State Association of Counties (CSAC)
City of Brawley
City of Ceres
City of Del Mar

City of El Centro
City of Livingston
City of Lodi
Glenn A. Miles
Date: June 24, 2013
6

Page

City of San Luis Obispo
City of San Mateo
City of Santa Barbara
City of Santa Maria
City of Vista
Contra Costa County
County of Sutter
County of Tehama
El Dorado Irrigation District (EID)
League of California Cities, Oppose Unless Amended
Los Angeles County Board of Supervisors
Marin County Board of Supervisors
Napa County Board of Supervisors
Orange County Board of Supervisors
Placer County Board of Supervisors
Rural County Representatives of California (RCRC)
Sacramento County Board of Supervisors
Urban Counties Caucus (UCC)

#####

Glenn A. Miles
Date: June 24, 2013
7

Page