



NOVATO FIRE DISTRICT

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September 9, 2015

The Honorable Faye D'Opal
Presiding Judge
Marin County Civil Grand Jury
3501 Civic Center Drive
San Rafael, CA 94903

Dear Judge D'Opal,

Attached are the official responses of the Novato Fire Protection District to the findings and recommendations of the Grand Jury's report titled, "The Need for Labor Negotiation Transparency Part II". Our responses to the findings and recommendations were approved by the Novato Fire Protection District Board of Directors at their meeting on September 8, 2015.

Sincerely,

Mark Heine
Fire Chief

Cc: President Jim Galli, Novato Fire Protection District Board of Directors
Mr. Riley Hurd II, Esq., Ragghianti/Freitas LLP
President Katie Rice, Marin County Board of Supervisors
Foreperson John Mann, Marin County Civil Grand Jury

Novato Fire Protection District
**Board of Directors' Responses to – “The Need for Labor Negotiation
Transparency - Part II”**

FINDINGS

F1. The residents of Marin County pay taxes to support decisions made by the Board of Directors of Special Districts; however these residents have minimal opportunity to provide input into labor negotiations.

RESPONSE: Agree.

F2. The COIN process can be implemented without affecting the manner in which tentative agreements are negotiated but which nevertheless will ensure public awareness of the terms and cost of those agreements in advance of their being adopted.

RESPONSE: Disagree. The COIN process is *designed* to affect the manner in which tentative agreements are negotiated. Furthermore, the COIN process does not “ensure” public awareness, as it still requires public participation in the process provided. Also, the specific COIN process proposed would come with great expense and would greatly extend the length of negotiations.

F3. The COIN process mandates transparency in government decision-making, allowing residents to be informed and to participate in public discussion of how their tax dollars are spent.

RESPONSE: Agree.

RECOMMENDATIONS

R1. The Special Districts listed as Respondents adopt and implement a COIN ordinance prior to June 1, 2016, or prior to the next round of negotiations, whichever comes earlier.

RESPONSE: This recommendation will not be implemented because it is not reasonable given the current state of the law. Adoption of a COIN ordinance would be premature at this time due to the ongoing legal challenge to other such ordinances, as well as the untested track record of such an ordinance in action.

R2. The Special Districts listed as Respondents adopt and implement a COIN ordinance which includes, but is not limited to the following:

1. Hire an independent, experienced Lead Negotiator to negotiate all labor agreements.
2. Hire an independent auditor to determine the fiscal impact of each provision in the current contract, and make this analysis available for public review.

3. Make public each proposal, after it is accepted or rejected by either Party, and publicly verify the costs of that accepted or rejected proposal by an independent auditor.
4. Make public seven days prior to a Board or Council meeting the negotiated tentative agreement and the fiscal analysis thereof, which are to be independently verified.
5. After seven days, place the final tentative agreement on the following two consecutive Employer's public meeting agendas: the first meeting is for discussion of the tentative agreement; the second meeting is for a vote by the Employer to approve or disapprove the tentative agreement.

RESPONSE: This recommendation will not be implemented because it is not reasonable given the current state of the law. There are likely components or iterations of the above points that would efficiently aid in transparency of negotiations. Which of those is ultimately legal, and the precise negotiation process for implementing any of the points, is unknown at this time. Immediate implementation of all of the precise points above would result in significant costs, delays, inefficiencies, and legal exposure.