



Matthew H. Hymel
COUNTY ADMINISTRATOR

April 28, 2015

Daniel Eilerman
ASSISTANT COUNTY
ADMINISTRATOR

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

Angela Nicholson
ASSISTANT COUNTY
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SUBJECT: Discuss the Civic Openness in Negotiations (COIN) Ordinance enacted in Costa Mesa, CA

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Dear Board Members,

RECOMMENDATION: This item is being presented for your Board to have an opportunity to discuss the provisions of the Civic Openness in Negotiations (COIN) ordinance that was adopted in Costa Mesa. This item is not an action item.

SUMMARY:

COIN was enacted by the City Council in Costa Mesa in 2012. This ordinance or some of its provisions have been considered in other public jurisdictions including Sunnyvale, Fullerton, Yorba Linda, Beverly Hills, Palos Verdes, Orange County and Gilroy. To date, it has been adopted in part in Fullerton, Beverly Hills, Palos Verdes and Orange County.

PRIMARY PROVISIONS OF COIN:

1. The public entity will hire a professional negotiator for all negotiations on wages, hours and terms and conditions of employment.
2. The public entity will hire an independent auditor to assess fiscal impacts of each provision in the current contract 30 days before bargaining begins. The fiscal impact is available for public review.
3. The public entity will hire an independent auditor to assess the fiscal impact of every proposal made by the management side or labor side at the bargaining table. The fiscal impact is available for public review.
4. The Council/Board of the public entity will publically report out from closed session on prior offers or counteroffers which are no longer being considered by the entity.
5. The Council/Board will publically disclose any employee representative whom the Council member/Board member has communicated with about a pending meet and confer process.

- 6. The public entity will post tentative agreements with the labor unions for public review at least two meetings prior to Council/Board vote.
- 7. The public entity will consider the tentative agreement at a minimum of two Council/Board meetings.

PENDING LEGAL ISSUES:

The Orange County Employees Association (OCEA) has filed an Unfair Practice Charge with the Public Employment Relations Board (PERB) requesting that the PERB determine the County violated PERB Regulations and the MMBA when it adopted the COIN Ordinance and to require the County to rescind its COIN Ordinance, because it failed to meet and confer in good faith prior to implementation of the ordinance. It is unknown when this case will be resolved by the PERB.

Please let me know if you have questions or concerns.

REVIEWED BY:

- | | |
|---|---|
| <input type="checkbox"/> Department of Finance | <input checked="" type="checkbox"/> N/A |
| <input type="checkbox"/> County Counsel | <input checked="" type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> Human Resources | <input type="checkbox"/> N/A |

Respectfully submitted,



Angela Nicholson
Assistant County Administrator

Reviewed by:



Matthew H. Hymel
County Administrator

- cc: Joanne Peterson, Director, Human Resources
 Roy Given, Director, Finance
 Roger Crawford, Deputy Director, Human Resources
 Cristine Alilovich, Assistant Director, Finance