



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/05/2024

ITEM NO: 12

DATE: February 26, 2024
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide Direction Regarding the Development of a Labor Negotiations Policy Similar to the City of Menlo Park as Recommended by the Finance Commission

RECOMMENDATION:

Provide direction regarding the development of a Labor Negotiations Policy similar to the City of Menlo Park as recommended by the Finance Commission.

BACKGROUND:

The Finance Commission considered the topic of labor negotiations in November 2022 and January 2024. In November 2022, the Finance Commission unanimously passed the following motions:

- Motion to recommend for Council consideration that during labor negotiation, the Town should not engage in any sort of confidentiality agreements with any of the bargaining units in terms of conditions that otherwise would be disclosable under the Brown Act.
- Motion to recommend for Council consideration the adoption of procedures regarding public input and outreach related to labor negotiation in a similar way as Menlo Park administers its public communication regarding labor negotiations.
- Motion to recommend for Council consideration that the Town website should provide a reference to the publicly available Town employee compensation data.

The first two motions were referred to the Council Policy Committee and they were added to the Committee's 2023 work plan. Due to other priorities, the items remain on the Policy Committee's 2024 work plan.

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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BACKGROUND (continued):

With respect to the third motion, two California public employee salary and benefit databases are linked to the Town's Human Resources Department website (<https://www.losgatosca.gov/418/Salaries>). The Town of Los Gatos and other municipalities are included in these databases.

At its January 2024 meeting, the Finance Commission expressed frustration about the lack of progress by the Policy Committee regarding the 2022 recommendations. As a result, the Commission unanimously approved the following motions:

- Motion to recommend the Town Council consider the Menlo Park's policy and act upon it accordingly.
- Motion to make a recommendation to the Town Council that it direct our labor negotiator to document in writing the ground rules that have been agreed upon with each of our three-bargaining units.
- Motion to make a recommendation to the Town Council to publish salary surveys prior to beginning negotiations.

The first motion pertaining to the Menlo Park Policy (Attachment 1) is the subject of this report.

DISCUSSION:

Attachment 1 contains the Menlo Park Public Input and Outreach Regarding Labor Negotiations Policy. The purpose of the Policy is to "incorporate public input into the labor negotiations process." Among other items, the Policy requires public input prior to the first Council closed session to discuss labor negotiations. The Policy also contains other requirements to keep the Council apprised of the status of negotiations with additional opportunities for public input.

Prior to all Los Gatos closed sessions, the public has the opportunity to provide comments on the agenda items, including labor negotiations. The Town Council may also wish to provide an opportunity for public comment on labor negotiations during a regular open session, recognizing that the Town must follow State law with respect to fair bargaining practices.

ALTERNATIVES:

The Town Council has several alternatives:

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ALTERNATIVES (continued):

- Prepare a Similar Policy and Return Directly to Town Council: If the Town Council is interested in Los Gatos having a similar policy as Menlo Park, the Council should provide specific direction to staff with respect to the parameters that it would like to see in a Los Gatos Policy. In addition, staff will work with legal counsel to ensure that the draft Los Gatos Policy is consistent with current law. With this option, the draft Policy would return directly to Town Council.
- Prepare a Similar Policy and Ask the Policy Committee for its Review and Recommendation: With this option, the draft Policy would return directly to Council Policy Committee for review, discussion, and recommendation prior to returning to Council for consideration.
- Ask the Policy Committee to Make a Recommendation on this Matter: The Council could ask the Policy Committee to consider the merits of the Menlo Park Policy and make a recommendation to Town Council. If it wished, the Council could indicate the priority of this work plan item and provide any general direction on the topic.
- Not Pursue a New Policy at this Time: The Council may decide that the current practice is sufficient for public input into the labor negotiations process.
- Take Other Action: The Council is welcome to consider other options and provide direction accordingly.

CONCLUSION:

Staff welcomes the Council's discussion and direction on this matter.

COORDINATION:

The preparation of this report was coordinated with the Town Attorney.

FISCAL IMPACT:

The agenda item has no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

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Attachment:

1. Menlo Park Negotiations Policy