

**From:** [Rick Tinsley](#)  
**To:** [Gitta Ungvari](#)  
**Cc:** [Rick Tinsley](#); [Laurel Prevetti](#); [Wendy Wood](#); [Katy Nomura](#); [Gabrielle Whelan](#); [Council](#)  
**Subject:** Questions for January 8, 2023 FinCom Meeting  
**Date:** Tuesday, December 12, 2023 10:22:42 AM

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[EXTERNAL SENDER]

Hello Gitta,

As we discussed last night I would like the Finance Commission (and the public) to fully understand the Town's labor negotiation process and how the Town Council benchmarks our employees' compensation. This is one of the most significant aspects of the Town Council's fiduciary responsibility since personnel costs represent a substantial and growing majority of the Town's total spending and also directly drive our increasing unfunded pension liability. As further described in my Nov 1, 2023 email below, the Finance Commission made specific recommendations to the Town Council regarding labor negotiations but after more than one year it appears the Town Council has not taken any action or even discussed these issues.

As you know, for years the Finance Committee and Finance Commission repeatedly asked for more detail and insight into our labor negotiation practices so that we can make more informed recommendations to the Town Council but have routinely been rebuffed by the Town Manager with various excuses that such disclosure would be "against state law," "inappropriate," "beyond our purview," "contrary to confidentiality arrangements," etc. None of these excuses are convincing or even accurate and no one has even attempted to explain why such secrecy serves the interests of our citizens and taxpayers. Therefore, as Chair, I am making Labor Negotiations Process the primary agenda topic for the January 8, 2023 FinCom meeting and hereby request the Staff answer the following questions in advance of the meeting:

1. Has the Town routinely performed compensation surveys prior to each round of contract negotiations with our various bargaining units? Provide a list of all such surveys for the past 10 years including:
  - a. the dates of each survey
  - b. who performed each survey
  - c. the cost of the survey if third parties were utilized
  - d. the specific job titles/positions covered in each
  - e. the municipalities or other employers that were used as comparisons in each
  - f. was the survey made public
  - f. the specific Staff, Council Members, and/or others who actually received each survey if it was not made public.
2. Has the Town, at any time, entered into either written or verbal agreements or arrangements with bargaining units or other third parties preventing or limiting or discouraging the disclosure of information related to labor negotiations or compensation surveys that would otherwise be legally disclosable?
  - a. If so, provide a list of all such agreements or arrangements for the last 10 years.
  - b. Was each agreement or arrangement explicitly approved by a Town Council

vote in a scheduled meeting? Do meeting minutes document this in each case? Are such meeting minutes published?

c. What is the rationale for such secrecy arrangements? How exactly does the Town benefit from such arrangements? How can Finance Commissioners or any public citizen verify such benefits?

d. Does the Town Manager support a proactive public input and outreach process as recommended by the Finance Commission in November 2022?

3. Please provide details about any third party consultants or contractors the Town has used for the past 10 years for labor negotiations and/or compensation surveys.

a. List of such consultants and the services they have provided.

b. Total amounts paid to such consultants by year.

c. Which specific Town Staff members interact with or manage such consultants regarding labor negotiations or salary surveys?

d. Do such consultants interact with Town Council members? Only in Closed Sessions? In any open meetings? Otherwise?

e. How long has the Town employed each consultant? Do we have a policy or practice of periodically changing consultants as we do with auditors?

Gitta, I will call you on Thursday at our normal time to discuss further.

Thanks,

Rick Tinsley

[REDACTED]

----- Forwarded Message -----

**From:** Rick Tinsley [REDACTED]

**To:** Council <council@losgatosca.gov>

**Cc:** Katy Nomura <knomura@losgatosca.gov>; Laurel Prevetti <lprevetti@losgatosca.gov>; Gitta

Ungvari <gungvari@losgatosca.gov>

**Sent:** Monday, October 30, 2023 at 05:27:35 PM PDT

**Subject:** Nov 1, 2023 SPECIAL MEETING OF THE TOWN COUNCIL: CLOSED SESSION

Council Members,

Regarding the meeting "with Town Negotiators listed below in closed session pursuant to Government Code §54957.6 regarding negotiations with the Employee Organizations," I would like to remind the Town Council of two important recommendations that were unanimously approved by the Finance Commission in November of 2022:

1. Finance Commission Recommendation to Create a Public Input and Outreach in Labor Negotiations Policy Modeled after Menlo Park.

## 2. Finance Commission Recommendation for Council Not to Engage in Confidential Agreements with Bargaining Units that Would Prevent Disclosure that Would Otherwise be Properly Disclosed under the Brown Act.

I understand the Council pushed these recommendations to the Council Policy Committee which moved them near the bottom of their work list and, as far as I know, has not yet discussed them. Since labor and personnel constitute a substantial majority of the Town's total spending these issues are highly material to the Town's overall financial well being.

As this meeting is being held pursuant to Government Code §54957.6, I would like to remind the Council that nothing in that code (or any other part of Government Code) conflicts with the above recommendations. Nothing in the Code prevents, for example, the publication of compensation surveys, proposals, or other work products after such closed meetings. The Town historical practice of keeping everything secret and the public in the dark with respect to labor negotiations is purely of its own choosing and the Council can and should change such practices whenever it sees fit. Again I refer you to the far greater levels of disclosure and transparency that Menlo Park citizens enjoy.

I would also point out another section of our Government Code: Subsection (c) of Gov. Code Section 19826 which states:

(c) At least six months before the end of the term of an existing memorandum of understanding or immediately upon the reopening of negotiations under an existing memorandum of understanding, the department shall submit to the parties meeting and conferring pursuant to [Section 3517](#) and to the Legislature, a report containing the department's findings relating to the salaries of employees in comparable occupations in private industry and other governmental agencies.

It is obviously a common-sense best practice to do an honest and objective evaluation of compensation. I have asked many people at many times whether the Town has done such compensation surveys but have never gotten a straight answer - most people seem afraid to even talk about it. It appears that we may have paid consultants to do such surveys at times although they have been kept secret and never published as far as I can tell. If we have done compensation surveys in the past why have they not been published since their contents are, by definition, publicly available data, and the reports are paid for with taxpayer dollars?

If we have not ever done such surveys, it seems like it is high time we started as suggested by the California Gov Code and common sense best practices.

Thank you for your attention to these important matters.

Rick Tinsley

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**From:** [Phil Koen](#)  
**To:** [Wendy Wood](#)  
**Cc:** [Gitta Ungvari](#); [Laurel Prevetti](#)  
**Subject:** Fwd: Questions for January 8, 2023 FinCom Meeting  
**Date:** Wednesday, December 13, 2023 8:54:49 AM

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[EXTERNAL SENDER]

Wendy,

It doesn't appear other members of the FC were copied on the email sent by Rick. For sake of full disclosure, could you please distribute Rick's email to the entire FC. I would do this but I don't want to trigger a Brown Act violation.

For sake of clarity, to the best of my memory, the information requested in addition to the 10 year horizon was not discussed nor voted on at any FC meeting, nor was the decision to make the "labor negotiations process the primary topic for the January 8th 2024 (sic 2023) FinCom meeting". As Chair he of course has the authority to set the agenda. However, since none of this was discussed with the full FC nor voted on, this is surprising to me.

Thank you,

Phil Koen

Begin forwarded message:

**From:** Rick Tinsley [REDACTED]  
**Date:** December 12, 2023 at 10:38:28 AM PST  
**To:** Phil Koen [REDACTED]  
**Subject:** Fw: Questions for January 8, 2023 FinCom Meeting

FYI

----- Forwarded Message -----

**From:** Rick Tinsley [REDACTED]  
**To:** Gitta Ungvari <[gungvari@losgatosca.gov](mailto:gungvari@losgatosca.gov)>  
**Cc:** Rick Tinsley [REDACTED]; Laurel Prevetti <[lprevetti@losgatosca.gov](mailto:lprevetti@losgatosca.gov)>; Wendy Wood <[wwood@losgatosca.gov](mailto:wwood@losgatosca.gov)>; Katy Nomura <[knomura@losgatosca.gov](mailto:knomura@losgatosca.gov)>; Gabrielle Whelan <[gwhelan@losgatosca.gov](mailto:gwhelan@losgatosca.gov)>; Council <[council@losgatosca.gov](mailto:council@losgatosca.gov)>  
**Sent:** Tuesday, December 12, 2023 at 10:22:36 AM PST  
**Subject:** Questions for January 8, 2023 FinCom Meeting

Hello Gitta,

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