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

From: Rick Tinsley [REDACTED]
Sent: Monday, October 30, 2023 5:27 PM
To: Council <Council@losgatosca.gov>
Cc: Katy Nomura <KNomura@losgatosca.gov>; Laurel Prevetti <LPrevetti@losgatosca.gov>; Gitta Ungvari <GUngvari@losgatosca.gov>
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[EXTERNAL SENDER]

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