



CITY OF COSTA MESA

P.O. BOX 1200, COSTA MESA, CALIFORNIA 92628-1200

FROM THE OFFICE OF THE INTERIM DIRECTOR OF COMMUNICATIONS

PRESS RELEASE

Corrects name of plaintiff to Costa Mesa City Employees' Assn. (it's not Orange County Employees Assn.)

July 18, 2011

CONTACT

Bill Lobdell, (949) 887-2541

wlobdell@ci.costa-mesa.ca.us

www.ci.costa-mesa.ca.us

www.facebook.com/CostaMesaCityHall

Twitter @CityofCostaMesa

Judge temporarily prohibits Costa Mesa from outsourcing jobs to private companies until lawsuit is heard; contracting to public agencies OK

COSTA MESA, CALIF.—Orange County Superior Court Judge Tam Nomoto Schumann issued a preliminary injunction late last week prohibiting the City of Costa Mesa from outsourcing jobs to private companies until a lawsuit filed against the City by the Costa Mesa City Employees' Assn. (CMCEA) is heard.

No trial date has been set for the civil suit, which seeks to halt the outsourcing plan.

The ruling doesn't prohibit the City from contracting jobs with the County of Orange, neighboring cities and other public agencies or exploring the viability of outsourcing services to private companies.

The ruling also doesn't affect a proposal by the Orange County Fire Authority to provide fire services for Costa Mesa and hire all City firefighters. The Costa Mesa Firefighters Assn. employees are not covered in the injunction.

The written injunction clarified initial remarks made at a hearing on July 5 by Judge Schumann, who said at the time: "So as far as the City's ability to explore other avenues of perhaps fiscal soundness, I do not think that this injunction extends to preventing the City from doing that as long as they do not terminate folks without following the proper procedures."

Schumann did not make a reference to halting outsourcing to private companies until a verdict was reached in the CMCEA lawsuit (see transcript below).

The City Attorney's Office had originally interpreted the judge's oral remarks to mean that the outsourcing process—including the potential contracting of jobs to private companies—could continue as long as the City could show that it had followed "proper procedures."

“The injunction makes it clear that the judge has ordered the City to not outsource jobs to private companies until the CMCEA lawsuit is concluded,” City Attorney Tom Duarte said. “We respect her decision and are now looking at our next legal options.”

In March, the City Council voted to send six-month layoff notices to 213 city employees—more than 40% of its workforce. The Council wanted to explore the viability of outsourcing to stem rising pension costs, among other concerns. Because of contracts with employees’ association, the City was mandated to give six-month warnings for any outsourced job.