



CITY OF COSTA MESA

P.O. BOX 1200, CALIFORNIA 92628-1200

FROM THE OFFICE OF THE CITY MANAGER

August 15, 2011

Helen Nenadal, President
Costa Mesa City Employees Association
c/o Orange County Employees Association
830 N. Ross Street
Santa Ana, California 92701

RE: LETTER OF AUGUST 12, 1011

Dear Helen:

Thank you for your letter of August 12, 2011. I cannot agree that it is premature to designate your representatives to the four identified Contracting Committees. Nothing in the Council Policy or the MOU allows you to condition your designation on receipt of any documentation in advance of that designation or prior to the first meeting of the Committee. You will have an opportunity for your representatives to review the City Attorney guidelines at the same time as the other members of the Committee, which is completely consistent with that policy. I am sure you will find that the guidelines are consistent with the Policy and the MOU.

I am unclear on what you mean by your position that CMCEA's participation in the Committees would be "subject to" its contention that outsourcing must be restricted to public sector entities. The injunction precludes the City from laying off employees in your group pursuant to a contract with any private entity prior to trial in this matter. It does not prevent the City from constituting these Committees, evaluating both public and private outsourcing, and issuing requests for proposals to both private and public entities. Neither the MOU nor Council Policy 100-6 precludes discussion, consideration, or evaluation of private contracting or seeking proposals from both public and private entities. We understand that you do not intend to waive any claims of your lawsuit, but we believe that your Association, in conjunction with the other members of the Committees, have both a right and obligation to address all possible outsourcing options consistent with the terms of your MOU and Council Policy 100-6.

Please advise me of which meeting date (August 17 or August 23) is preferable for your representative on the Jail Services Contracting Committee and provide me with names of those who will serve on the other Committees so that we can schedule meetings as soon as possible. I expect to have available dates for the other Committee meetings to provide to you by tomorrow. You may want to designate both a representative and an alternate so that we can move forward expeditiously. Designated representatives will of course be fully compensated for the time they serve on these Committees.

Sincerely,

Thomas R. Hatch
Chief Executive Officer



ORANGE COUNTY EMPLOYEES ASSOCIATION

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August 12, 2011

Thomas Hatch
Chief Executive Officer
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Dear Mr. Hatch:

Thank you for your letter dated August 11, 2011. We are pleased that the City has stated its intention to follow Council Policy 100-6, which we view as a required procedural obligation of the City as opposed to a non-mandatory "guideline" as characterized by your letter.

In light of your request to the City Attorney to prepare "guidelines" to assist the various Contracting Committees, I think asking CMCEA to set meeting dates and designate employee representatives is premature. CMCEA would like to receive and review the City Attorney's "guidelines" before making a decision on designation of representatives or attending meetings. Hopefully, the City and CMCEA will be in agreement regarding the "spirit" of the Council policy, and hopefully the City Attorney's "guidelines" will in fact be consistent with that spirit.

Any participation by CMCEA in such a Committee would be subject to its contention, consistent with the Preliminary Injunction, that any outsourcing must be restricted to public sector entities. Furthermore, any such participation would be without prejudice to the legal issues raised in CMCEA's pending lawsuit against the City. Finally, by this letter I want to confirm that any previous employee input in the development of Requests for Proposal was not undertaken by or on behalf of CMCEA as suggested by your letter, but rather as the result of direction to CMCEA bargaining unit employees by their superiors.

Please let me know when the City Attorney's guidelines are available for review. Thank you for your response and cooperation.

Sincerely,

Helen Nenedal, President
Costa Mesa City Employees Association

