



Southern Marin Fire Protection District

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August 27, 2015

Faye D'Opal, Presiding Judge
Marin County Superior Court
Marin County Civil Grand Jury
3501 Civic Center Drive, Room 275
San Rafael, CA 94903-4257

Re: Marin County Civil Grand Jury Report - "The Need for Labor Negotiations Transparency – Part II"
Report Date: June 12, 2015
Public Release Date: June 17, 2015

Dear Judge D'Opal,

Attached is the response of the Board of Directors of the Southern Marin Fire Protection District to the findings and recommendations of the Grand Jury's Report titled, "The Need for Labor Negotiations Transparency – Part II". The response was approved during the Board's public meeting on August 26, 2015.

Sincerely,

Christian Tubbs
Interim Fire Chief/District Manager

Cc: Board of Directors
Gregory W. Stepanicich, Richards, Watson & Gershon

Enclosure: Response

**Southern Marin Fire Protection District
Response to Marin County Civil Grand Jury Report
“The Need for Labor Negotiations Transparency”**

FINDINGS

F1. The residents of Marin County pay taxes to support decisions made by the Board of Directors of Special Districts; however these residents have minimal opportunity to provide input into labor negotiations.

RESPONSE: The District partially disagrees. The SMFPD has a Board of Directors elected to represent the interests of the residents of the District in a legal, transparent, efficient and effective manner. Current employee contracts (MOUs) and District financial condition (adopted budget and supporting materials) are available to the public. Labor negotiator selection and MOU adoption take place at public meetings with an opportunity for public comment. These issues are also discussed at the Finance Committee and Personnel Committee meetings which are also open to the public. Information regarding these committees meetings will be more widely distributed in the future. Their agendas have not previously been promoted beyond legal requirements.

F2. The COIN process can be implemented without affecting the manner in which tentative agreements are negotiated but which nevertheless will ensure public awareness of the terms and cost of those agreements in advance of their being adopted.

RESPONSE: The District partially disagrees. The COIN process is designed to affect the manner in which tentative agreements are negotiated. Any COIN process would need to reconcile the way the law has developed regarding the application of the good-faith bargaining standard to the ultimate adoption of tentative agreements. Increasing public awareness of the terms and cost of labor negotiations in advance of their adoption can occur without the COIN process.

F3. The COIN process mandates transparency in government decision-making, allowing residents to be informed and to participate in public discussion of how their tax dollars are spent.

RESPONSE: The District agrees that the COIN process would increase the amount of information that the District would publish during the negotiation process and that it stands to reason that public discourse would follow. It is not clear at this time what portions of the specific COIN process will become settled legal options. In the meantime, revised and expanded District policies can promote transparency in government decision-making.

RECOMMENDATIONS

R1. The Special Districts listed as Respondents adopt and implement a COIN ordinance prior to June 1, 2016, or prior to the next round of negotiations, whichever comes earlier.

RESPONSE: The adoption of a COIN ordinance would be premature at this time due to the ongoing legal challenge and untested track record of such an ordinance in action. Therefore the COIN ordinance outlined in the Grand Jury report will not be implemented at this time, however elements may be implemented in the future.

R2. The Special Districts listed as Respondents adopt and implement a COIN ordinance which includes, but is not limited to the following:

1. Hire an independent, experienced Lead Negotiator to negotiate all labor agreements.
2. Hire an independent auditor to determine the fiscal impact of each provision in the current contract, and make this analysis available for public review.
3. Make public each proposal, after it is accepted or rejected by either Party, and publicly verify the costs of that accepted or rejected proposal by an independent auditor.
4. Make public seven days prior to a Board or Council meeting the negotiated tentative agreement and the fiscal analysis thereof, which are to be independently verified.
5. After seven days, place the final tentative agreement on the following two consecutive Employer's public meeting agendas: the first meeting is for discussion of the tentative agreement; the second meeting is for a vote by the Employer to approve or disapprove the tentative agreement.

RESPONSE: The District believes that the adoption of a COIN ordinance would be premature at this time due to the ongoing legal challenge and untested track record of such an ordinance in action. Therefore the COIN ordinance outlined in the Grand Jury report will not be implemented at this time, however elements may be implemented in the future.