



Office of the City Manager

CONSENT CALENDAR  
February 27, 2018

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: LaTanya Bellow, Director of Human Resources  
 Subject: Contract No. 9105E Amendment: Meyers Nave for Chief Labor Negotiations

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9105E in the amount of \$50,000 with Meyers Nave for Chief Labor Negotiator services, for a revised total contract amount not to exceed \$300,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the amendment is available in the FY 2018 General Fund budget, budget code 010-3803-410-3038. The contract was originally administered and paid for from funds in the City Attorney's Office:

Original Contract Amount (September 2012)	\$35,000
Prior Amendments	\$215,000
Proposed Increase (this amendment)	\$50,000
<b>Total New Contract Amount</b>	<b>\$300,000</b>
Budget Codes:	
Various	\$250,000
Proposed Increase (this amendment) 010-3803-410-3038	\$50,000
<b>Total Expense Budget for Contract</b>	<b>\$300,000</b>

The contract amendment has been entered into the City's contract management database and assigned CMS No. UGK6S.

CURRENT SITUATION AND ITS EFFECTS

Under the direction of the City Council and the City Manager, the Human Resources Department is responsible for labor relations activities which include: serving as the City's Chief Spokesperson for collective bargaining, preparing contract language, researching and analyzing union proposals, analyzing survey data, costing proposals, and preparing presentations to the City Council. The City Attorney's Office provides consultation to the Human Resources Department in the collective bargaining process. Staff negotiate successor Memoranda of Understanding (MOU) with the labor

organizations pursuant to the labor-management provisions of the Meyers-Milias-Brown Act. There are six (6) labor organizations representing the majority of City staff:

Labor Organization	Number of Employees	Term of MOU
Service Employees International Union, Local 1021 Maintenance and Clerical Chapters	433	July 2015 – June 2018
Service Employees International Union, Local 1021 Community Services & Part-Time Recreation Leaders Association	346	June 2015 – October 2018
International Brotherhood of Electrical Workers, Local 1245	11	June 2015 – June 2017
Berkeley Police Association	153	July 2014 – June 2017
Berkeley Fire Fighters Association Local 1227/I.A.F.F.	125	July 2015 – June 2017
Berkeley Chief Fire Officers Association Local 1227/I.A.F.F.	6	December 2015 – June 2018
Public Employees Union Local 1	156	June 2016 – October 2018

Due to workload and staffing changes in the Human Resources Department, the City contracted with Meyers Nave law firm for Chief Labor Negotiator services in September 2012. Mr. Edward L. Kreisberg, Principal at Meyers Nave, has served as Chief Spokesperson for the City in our negotiations with both the Berkeley Fire Fighters Association Local 1227 and the Berkeley Police Association. Mr. Kreisberg has been an effective negotiator and established good professional relationships with both labor and management representatives and has been instrumental in negotiating fair and equitable agreements. This contract amendment will allow the City to continue to utilize Mr. Kreisberg’s services for our contract negotiations on successor MOUs with both the Berkeley Fire Fighters Association and the Berkeley Police Association. The City is currently in negotiations with both labor organizations as both MOUs expired in June 2017.

**BACKGROUND**

The original contract was authorized by the City Manager on September 12, 2012 for \$35,000; amended on March 29, 2013 by \$15,000, for an amount not to exceed \$50,000. On September 10, 2013, the Council authorized Resolution No. 66,294-N.S. authorizing the City Manager to execute an amendment to Contract No. 9105A with Meyers Nave in an amount not to exceed \$75,000 for Chief Labor Negotiator services.

In December 2013, the Human Resources Department issued a Request for Proposal (RFP) for Labor Relations Consulting Services, and received eight (8) responses from prospective vendors. A selection committee from the City Manager’s Office, City Attorney’s Office, and Human Resources Department evaluated the responses based on defined rating criteria. The selection committee conducted interviews and heard presentations from three (3) of the vendors. The committee selected Meyers Nave out

of the vendors that responded to the RFP as one of the best able to meet the City's objectives.

The City Council approved amendments to the Meyers Nave contract for Chief Labor Negotiator services on April 29, 2014 for an additional \$75,000 (Resolution No. 66,541-N.S.) for a total contract amount not to exceed \$150,000; on September 15, 2015 for an additional \$20,000 (Resolution No. 67,183-N.S.), for a total contract amount not to exceed \$170,000; and on January 24, 2017 for an additional \$80,000 (Resolution No. 67,804-N.S.), for a total contract amount not to exceed \$250,000.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Meyers Nave offers the City a professional and cost-effective solution to the City's labor relations requirements.

ALTERNATIVE ACTIONS CONSIDERED

Conduct collective bargaining with existing staff, which would negatively impact the Human Resources Department's ability to meet other service demands.

CONTACT PERSON

Margarita Zamora, Employee Relations Manager, 981-6821

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 9105E AMENDMENT: MEYERS NAVE FOR CHIEF LABOR  
NEGOTIATOR SERVICES

WHEREAS, the City is required by law to meet and confer in good faith with labor organizations representing City staff in an attempt to reach agreement on successor Memoranda of Understanding; and

WHEREAS, on September 12, 2012, the City entered into a contract with Meyers Nave (Contract No. 9105) in the amount of \$35,000, amended on March 29, 2013 in an amount not to exceed \$50,000 for attorney Edward Kreisberg to perform Chief Labor Negotiator services in the City's negotiations with the Berkeley Fire Fighters Association; and

WHEREAS, City Council approved an amendment to the Contract with Meyers Nave in an amount not to exceed \$75,000 on September 10, 2013 (Resolution No. 66,294-N.S.); and

WHEREAS, in December 2013, the City issued a Request for Proposal for Labor Relations Consulting Services and selected Meyers Nave; and

WHEREAS, the City Council approved amendments to the contract with Meyers Nave on April 29, 2014 in amount not to exceed \$150,000 (Resolution No. 66,541-N.S.), and on September 15, 2015 in an amount not to exceed \$170,000 (Resolution No. 67,183-N.S.), and on January 24, 2017 in an amount not to exceed \$250,000 (Resolution No. 67,804-N.S.) for attorney Edward Kreisberg to perform Chief Labor Negotiator services in the City's negotiations with the Berkeley Police Association and the Berkeley Fire Fighters Association; and

WHEREAS, funding for this amendment is available in the current year General Fund budget in budget code 010-3803-410-3038; and the contract amendment has been entered into the City's contract management database and assigned CMS No. UGK6S.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 9105E with Meyers Nave for Chief Labor Negotiator services to increase the amount by \$50,000, for a total not to exceed \$300,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.