

**APPROVED**  
BY THE CITY COUNCIL

**JAN 27 1998**

OFFICE OF THE  
CITY CLERK



4.6

OFFICE OF THE  
CITY MANAGER

CITY OF SACRAMENTO  
CALIFORNIA

CITY HALL  
ROOM 101  
915 I STREET  
SACRAMENTO, CA  
95814-2684

PH 916-264-5704  
FAX 916-264-7618  
TDD (ONLY) 916-264-7227

January 21, 1998

City Council  
Sacramento, CA

Honorable Members in Session:

**SUBJECT: PROPOSED BALLOT INITIATIVE FOR THE JUNE 1998 ELECTION:**  
A Measure Amending the City Charter to Provide Mandatory Binding Arbitration if Contract Negotiations Between the Recognized City Firefighters Organization and the City Administration Reach an Impasse

**LOCATION: CITYWIDE**

**RECOMMENDATION:** It is recommended that the City Council review the proposed ballot measure, provide direction to staff and continue to February 10, 1998 for final Council action.

**CONTACT PERSON: Betty Masuoka, Deputy City Manager (264-5738)**

**FOR COUNCIL MEETING OF:** January 27, 1998

**SUMMARY:** The attached request has been received by staff from Local 522 which requests the City Council to place on the June 2, 1998 General Election a measure which would require binding arbitration for employees represented by "a recognized employee organization, which primarily represents fire fighters". This measure would apply to those employees represented by Local 522.

The provisions of the proposed measure are basically the same as the measure that was passed by the voters in 1996 which granted binding arbitration to the employees of the Police Department.

**COMMITTEE ACTION:** This report was heard at the January 20, 1998 meeting of the Law and Legislation Committee. The Committee approved staff recommendation and directed that the report be forwarded to the full City Council.

Respectfully Submitted,

  
Betty Masuoka  
Deputy City Manager

Recommendation Approved:

  
 William H. Edgar  
City Manager

C:\DATA\1998\BINDING.L&L

# RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF SACRAMENTO, CALIFORNIA, ORDERING THE  
SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN  
MEASURE RELATING TO BINDING ARBITRATION FOR THE EMPLOYEES AT THE  
GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 2, 1998 AS  
CALLED BY RESOLUTION NO. 98-004

WHEREAS, a General Municipal Election on Tuesday, June 2, 1998 has been called by Resolution No. 98-004 adopted on January 6, 1998, and

WHEREAS, the City Council desires to submit the to voters at the election a question relating to the recovery of city administrative costs for the Sacramento Employees Retirement System;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SACRAMENTO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Shall the City Charter of the City of Sacramento be amended to provide mandatory binding arbitration if contract negotiations between the recognized city firefighters organization and the City administration reach an impasse?	YES	
	NO	

Section 2. That the proposed measure submitted to the voters is attached as Exhibit A.

Section 3. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

# Sacramento Area Fire Fighters Local 522

International Association  
of Fire Fighters  
AFL-CIO

California Professional  
Firefighters  
CLC

January 12, 1998

Laws & Legislative Committee  
c/o Betty Masuoka, Deputy City Manager  
City Manager's Office  
915 I Street, Room 101  
Sacramento CA 95814

Dear Ms. Masuoka:

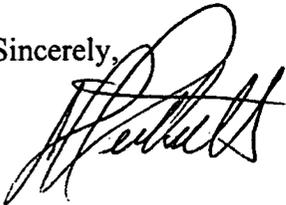
As you know, in 1996 Sacramento City voters approved an initiative that amended the City Charter to provide for binding arbitration if negotiations between the City and the Police Officers Association reach an impasse.

On behalf of Sacramento Area Fire Fighters Local 522, I respectfully request the City Council, at its February 10, 1998 meeting, approve placing the attached measure on the June 2, 1998 ballot for voter consideration.

Our measure would appropriately be titled as: **An Initiative Amending the City Charter To Provide Mandatory Binding Arbitration If Contract Negotiations Between The Recognized City Firefighters Organization And The City Administration Reach An Impasse.**

Thank you for your assistance. Please do not hesitate to contact me at 916 739-8522 if you need any additional information.

Sincerely,



Jim Luttrell  
President

JL:pb

Enclosure

**ARTICLE XIX  
IMPARTIAL AND BINDING ARBITRATION  
FOR FIRE DEPARTMENT EMPLOYEE DISPUTES**

**Section 600 Declaration of Policy.** It is hereby declared to be the policy of the City of Sacramento that strikes by fire fighters are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes.

**Section 601 Prohibition Against Strikes.** If any fire fighter employed by the City of Sacramento wilfully engages in a strike against the City, said employee shall be dismissed from his or her employment and may not be reinstated or returned to City employment except as a new employee. No officer, board, council or commission shall have the power to grant amnesty to any employee charged with engaging in a strike against the City.

**Section 602 Obligation to Negotiate in Good Faith.** The City, through its duly authorized representatives, shall negotiate in good faith with a recognized employee organization, which primarily represent fire fighters, on all matters relating to the wages, hours, and other terms and conditions of City employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of a negotiated agreement. Unless and until an agreement is reached through negotiations between authorized representatives of the City and a recognized employee organization, which primarily represents fire fighters, for the non-management and non-confidential members of the fire department or a determination is made through the impartial arbitration procedure hereinafter provided, no existing benefit, term or condition of employment for said non-management or non-confidential

fire department employees shall be altered, eliminated or changed.

**Section 603 Impasse Resolution Procedures.**

a) All disputes or controversies pertaining to wages, hours or terms and conditions of employment for non-management and non-confidential employees which remain unresolved after good faith negotiations between the City and a recognized fire department employee organization, which primarily represents fire fighters, shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the City or by the recognized employee organization involved in the dispute.

b) Representatives designated by the City and representatives of the recognized employee organization involved in the dispute shall each select and appoint one arbitrator to the Board of Arbitrators within three (3) days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the City and the employee organization, and shall serve as the neutral arbitrator and Chairperson of the Board. In the event that the City and the recognized employee organization involved in the dispute cannot agree upon the selection of the neutral arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, either party may then request the State Mediation and Conciliation Service of the State of California Department of Industrial Relations to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the City and the employee organization cannot agree within three (3) days after receipt of such list on one of seven (7) persons to act as the neutral arbitrator, they shall alternately strike names from the list of nominees until one name remains and that person shall then become the neutral

6

arbitrator and Chairperson of the Arbitration Board.

c) Any arbitration proceeding convened pursuant to this Article shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure. The Arbitration Board shall hold public hearings, receive evidence from the parties and cause a transcript of the proceedings to be prepared. The Arbitration Board, in the exercise of its discretion, may meet privately with the parties and mediate or mede-arb issues in dispute. The Arbitration Board may also adopt such other procedures that are designed to encourage an agreement between the parties, expedite the arbitration hearing process, or reduce the costs of the arbitration process.

d) In the event no agreement is reached prior to the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Arbitration Board may establish, a last offer of settlement on each of the remaining issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms to those factors traditionally taken into consideration in the determination of wages, hours, benefits and terms and conditions of public and private employment, including, but not limited to the following: changes in the average consumer price index for goods and services; the wages, hours, benefits and terms and conditions of employment of employees performing similar services to the extent that such can be reasonably done, including comparable classifications in public employment in the Sacramento metropolitan area, and in the three California cities next larger and the three California cities next smaller in population than Sacramento; and

the financial condition of the City of Sacramento its ability to meet the costs of the decision of the Arbitration Board.

e) After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten (10) day period the parties shall meet privately, attempt to resolve their differences, and by mutual agreement amend or modify the decision of the Arbitration Board. At the conclusion of the ten (10) day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board, as it may be modified or amended by the parties, shall be publicly disclosed and shall be binding on the parties. The City and the employee organization shall take whatever action is necessary to carry out and effectuate the arbitration award. No other actions by the City Council or by the electorate to confirm or approve the decision of the Arbitration Board shall be permitted or required.

f) The expenses of any arbitration proceeding convened pursuant to this Article, including the fee for the services of the chairperson of the Arbitration Board and the costs of preparation of the transcript of the proceedings shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses.