



Office of the City Manager

**RECESS ITEM**  
CONSENT CALENDAR  
September 10, 2013

To: Honorable Mayor and Members of the City Council  
From:  Christine Daniel, City Manager  
Submitted by: David Abel, Acting Director of Human Resources  
Subject: Contract No. 9105A Amendment: Meyers Nave for Chief Labor Negotiation Services

RECOMMENDATION

Adopt a Resolution ratifying the action taken by the City Manager during recess, which authorizes the City Manager to execute an amendment to Contract No. 9105A with the law firm of Meyers Nave for the services of Eddie Kreisberg to perform Chief Labor Negotiator services, increasing the contract not to exceed amount by \$25,000 for a not to exceed amount of \$75,000.

NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS

The City has been in meet and confer with the Berkeley Fire Fighters Association (BFFA) on a successor Memorandum Agreement since September 2012. Mr. Kreisberg is an experienced labor negotiator and was retained to provide services as the City's Chief Negotiator. The City and BFFA continue to engage in meet and confer in an effort to reach agreement. A delay in negotiations would be disruptive to the relationships that have been established and would likely impede the City's ability to reach an agreement if the Meyers Nave contract is not amended.

FISCAL IMPACTS OF RECOMMENDATION

Original contract amount, Sep 12, 2012 .....	\$35,000
Amendment, Mar. 29, 2013:.....	15,000
Proposed increase (this amendment).....	<u>25,000</u>
<b>Total New Contract Amount .....</b>	<b><u>\$75,000</u></b>

Funding for this amendment is available in 10-1702-410-30.21. The contract has been entered into the contract management database and assigned CMS No. S123Y.

CURRENT SITUATION AND ITS EFFECTS

In September 2012, after the City's then Human Resources Director announced his retirement, the City sought the services of an experienced labor negotiator to assist it in negotiations with the BFFA. On September 12, 2012, the City entered into a contract

with the law firm of Meyers Nave for the services of Eddie Kreisberg, a partner of the firm with substantial labor negotiations experience with various other local public agencies.

The City is obligated to engage in meet and confer in good faith with the BFFA in an effort to reach agreement on a successor Memorandum Agreement. Mr. Kreisberg has been the Chief Labor Negotiator for the City's bargaining team since the parties began meeting. In the last nine months, there have been sixteen meet and confer sessions between the City and BFFA for which Mr. Kreisberg has performed Chief Labor Negotiator services. His services include meeting with the City Manager and other staff to analyze and prepare the City's proposals and to analyze the BFFA's proposals. In addition, during this same period, Mr. Kreisberg has met in closed session with the Mayor and Council.

Currently, Meyers Nave is close to reaching its contract limit of \$50,000. The City is engaged in on-going meet and confer with BFFA. Unless the contract amount is increased, Mr. Kreisberg would be unable to perform Chief Labor negotiator Services.

#### BACKGROUND

The original contract for services was entered into on September 12, 2012 and amended on March 29, 2013 for an amount not to exceed \$50,000.

The City was in need of the services of an outside Labor Negotiator for BFFA negotiations because the City's prior Chief Labor Negotiator, the former Director of Human Resources, announced his retirement and was not available to conduct these negotiations. Additionally, Human Resources staff was engaged in labor negotiations with two other unions and did not have sufficient staff to also perform negotiation duties with the BFFA.

#### RATIONALE FOR RECOMMENDATION

The City is required under state law to meet and confer in good faith with the BFFA in an attempt to reach agreement on a successor Memorandum Agreement. In order to ensure that the City meets its obligation it is appropriate for the City to contract for these specialized Labor Negotiation services.

#### ALTERNATIVE ACTIONS CONSIDERED

An alternative would be for the work to be performed by the Human Resources Department. However, changing the Chief Negotiator in the midst of negotiations would be disruptive and could impede the parties from reaching agreement.

#### CONTACT PERSON

David Abel, Acting Director of Human Resources, 981-6807

Attachments:

1: Resolution

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

CONTRACT NO. 9105A AMENDMENT: MEYERS NAVE FOR CHIEF LABOR  
NEGOTIATION SERVICES

WHEREAS, the City is required by law to engage in meet and confer in good faith with the Berkeley Fire Fighters Association (BFFA) in an attempt to reach agreement on a successor Memorandum Agreement; and

WHEREAS, on September 12, 2012, the City entered into a contract with Meyers Nave (Contract No. 9105) in the amount of \$35,000 for attorney Eddie Kreisberg to perform Chief Labor Negotiator services; and

WHEREAS, on March 29, 2013, the contract was increased by \$15,000 for a total contract not-to-exceed amount of \$50,000; and

WHEREAS, Mr. Kreisberg has been the City's Chief Labor Negotiator since the City and BFFA began meet and confer in October 2012; and

WHEREAS, the City and BFFA will continue to engage in meet and confer in an effort to reach agreement on a successor Memorandum Agreement; and

WHEREAS, the City is close to reaching its contract limit of \$50,000 and unless the contract amount is increased, the City would be without the services of a Chief Labor Negotiator; and

WHEREAS, funding for this amendment is available in the current year budget in budget code 010-1702-410-3021; CMS No. S123Y.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to the contract with Meyers Nave for Chief Labor Negotiator services to increase the amount by \$25,000, for a total not to exceed \$75,000. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.

