



CITY OF COSTA MESA

P.O. BOX 1200, CALIFORNIA 92628-1200

FROM THE OFFICE OF THE CITY MANAGER

August 19, 2011

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

RE: RESPONSE TO LETTER DATED AUGUST 16, 2011

Dear Helen:

Thank you for your letter of August 16, 2011, and for agreeing to designate representatives for the Jail Services Committee and to meet on August 23, 2011 at 2:00 p.m. The meeting will take place in Conference Room 3A. However, I do not believe that Council Policy 100-6 can fairly be read to allow appointment of representatives of the Association who are not involved in providing the "specific service being evaluated." Nor can the policy be read to allow the Associations to designate as many representatives as they want to any given committee. This is particularly true where more than one Association may be involved in a particular Contracting Committee. The purpose of inclusion of the "Employee Representative" on the Committee appears to be to allow the Association to select from among its members an employee who has specific knowledge of the particular service being analyzed to provide meaningful input on the evaluation of outside services versus retention of City employees, alternative methods of delivering that particular service, sufficient to be able to identify options to be analyzed and to assess current and alternative levels of service and costs associated therewith. I simply do not see that you are in a position to do that given that you do not work in providing jail services. Moreover, the policy was not designed to allow for the designation of a representative who not only does not provide the service being evaluated but is not a City employee.

Nonetheless, I am willing to compromise on this issue by permitting your Association to designate one representative who has experience and works in the particular service being evaluated and one general representative of the Association. Since Ms. Newton is not a City employee, she will not be permitted to serve on the Committee. Thus, I presume it will be you serving on the Jail Services Committee with Monique Adam.

We are also scheduling meetings for the Video Committee, the Animal Control Committee and the Building Inspection Committee as follows:

Animal Control

Monday	August 22	10:00 a.m. or
Wednesday	August 24	1:00 p.m.

Video

Monday	August 22	2:00 p.m. or
Tuesday	August 23	9:00 a.m.

Building Inspection

Monday	August 22	11:00 a.m. or
Monday	August 22	3:00 p.m. or
Wednesday	August 24	8:30 a.m.

Please advise me of which meeting date is preferable for your representatives on the Animal Control, Video and Building Inspection Contracting Committees, and provide me with names of those who will serve on these Committees as soon as possible.

We will endeavor to provide all members of each Committee with as much material in advance as is possible.

Sincerely,



Thomas R. Hatch
Chief Executive Officer



ORANGE COUNTY EMPLOYEES ASSOCIATION

830 N. Ross St., Santa Ana, CA 92701 • (714) 835-3355 • (714) 835-7654 FAX • www.oceamember.org • www.facebook.com/oceamember

August 16, 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 12, 2011. In response to the second paragraph of your letter, I want to clarify that I am familiar with the language of the court's preliminary injunction. I agree that the injunction is limited to prohibiting the City from laying off CMCEA-represented employees as a result of any contracting out to any entity which is not a "Local Agency" under Government Code Section 54980, or contracting out services currently performed by CMCEA employees to any entity which is not a "Local Agency" under that code section.

Clearly there are other actions the City may take that are not prohibited by the injunction. I simply want to underscore that participation by CMCEA in the process contemplated by Council Policy 100-6 does not constitute a waiver of any issues raised in our lawsuit against the City and we do not intend to take any action which could prejudice those contentions or be in violation of the court's order.

Beyond that, I remain uncomfortable embarking on this process without having first reviewed the City Attorney's guidelines. The Council majority's actions and statements, most recently the comments directed at me personally during the last City Council meeting, have made it clear that the City's motives do not promote the best interests of its employees.

However, based on your representation that the guidelines will be consistent with Council Policy 100-6 and the MOU, CMCEA agrees to designate representatives for the Jail Services Contracting Committee. Those representatives will be Helen Nenadal, Jamie Newton, and Monique Adam. We will be prepared to attend the first meeting of the Committee on August 23, 2011, at 2:00 p.m. Nevertheless, in the interest of cooperation and transparency, I hope the City Attorney will complete the guidelines he proposes promptly, and that CMCEA will have the opportunity to review them prior to the August 23rd meeting.

Thank you for your response and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Helen', is written over a light blue horizontal line.

Helen Nenadal, President
Costa Mesa City Employees Association

ROBERT GIBSON, President • LEZLEE NEEBE, 1st Vice President • ARLYN BUCK, 2nd Vice President
BUTCH GARCIA, Secretary • MARIA CORONA, Treasurer • ALAN CLOW, Insurance Officer • FRANK ELEY, Past President