



CITY OF COSTA MESA

P.O. BOX 1200, CALIFORNIA 92628-1200

FROM THE OFFICE OF THE CITY MANAGER

August 24, 2011

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

RE: LETTER OF AUGUST 22, 2011

Dear Helen:

Thank you for your letter of August 22nd and your designation of representatives to serve on the four Contracting Committees scheduled for this week. I understand that the first meetings of several of the Contracting Committees have been productive and cordial, and I trust that the remaining committees will follow suit. I must decline your request to allow Ms. Newton to serve on the committees for the reasons previously stated. I know that you and those you designate will be fully capable of providing the input needed into the committees' work.

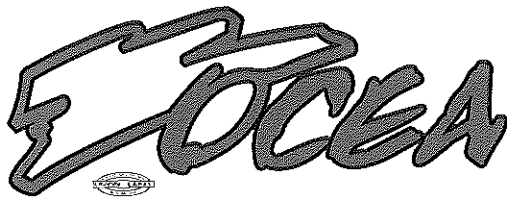
I have requested that the Payroll, Street/Storm Maintenance, Street Sweeping, Signs and Markings, and Graffiti Abatement Contracting Committees be constituted. There are no CMCEA members involved in payroll processing, so you need not name anyone to that Committee. I anticipated that Committee will hold its first meeting next week. As to the four "public services," it may make sense to compose one Committee to address each of these four services, and I welcome your thoughts on that. In any event, please designate which CMCEA employees will be designated as representatives for the committee(s) which will address these services. I would like to have the first meetings of each of the team(s) involved on August 31 and/or September 1. I will let you know regarding available time slots on those two days.

I would anticipate that we will try to set initial meetings regarding Dispatch Operations, Emergency Services Equipment and Information Technology on September 7 and 8, so please identify CMCEA employees who will serve as representatives for those committees, and we will notify you as soon as possible of time availability for these meetings as well.

Thank you for your continued cooperation.

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 22, 2011

Thomas Hatch
Chief Executive Officer
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Dear Mr. Hatch:

This is in response to your letter dated August 20, 2011. My communications to you regarding Council Policy 100-6 have not been about "nitpicking details." Your insinuation to that effect is both completely erroneous and disrespectful of me, CMCEA, and the City employees we represent. Contrary to your contention, CMCEA's insistence that the City actually follow its own policies, as well as CMCEA's efforts to ensure competent employee representation on Contracting Committees, constitute appropriate efforts to ensure transparency, accountability, and adherence to a process called for by the City's own rules.

Transparency and accountability are not just hollow words. It is inherent in true transparency and accountability that participants can't play just by the rules they like, and can't arbitrarily change the rules just to make sure every outcome conforms to the outcome they desire. Standing up to you when you attempt to do so may inconvenience you, but it is decidedly not nitpicking.

I want to be clear that as to the composition of Contracting Committees, our dispute does not at this point appear to revolve primarily around the *number* of representatives CMCEA may appoint. CMCEA interprets the policy language in that regard to mean that it may appoint a reasonable number of representatives, as it determines in good faith. Rather, it is apparent that our dispute is about something even more basic – CMCEA's ability to designate representatives of its own choosing. You wish to limit that ability, CMCEA contends you do not have that authority. Any objective reading of Council Policy 100-6 supports CMCEA's position.

Even your own words undermine the unreasonable and confrontational position you have taken. You admit in your August 20, 2011, letter that "any review of city services for reorganization, restructuring or outsourcing implicates ... human resources issues," and use that fact to explain the inclusion of various management officials on the Contracting Committees. Yet at the same time you seek to unilaterally exclude the representative CMCEA depends upon for expertise regarding those very issues, unaware or in complete disregard of the inconsistency and unfairness of your position.

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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**

Thomas Hatch
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I am sorry to conclude that through these written exchanges over the past few weeks and your various attempts to dictate the composition of CMCEA Contracting Committee representation, you have effectively confirmed that the City continues to have no intention of playing by the rules, even rules it has itself created, except when those rules promote the current Council majority's agenda.

Notwithstanding the City's position, CMCEA does believe that the process set forth in Policy 100-6 should serve an important "gatekeeper" function regarding the outsourcing of City services. Therefore, without prejudice to any remedies CMCEA may have and without prejudice to CMCEA's rights under Policy 100-6, the MOU, and California law, CMCEA designates Helen Nenadal, Monique Adam, and Kelly Vucinic to serve as its representatives on the Jail Services Contracting Committee. Helen Nenadal is hereby designated as a representative on all other contracting committees. The following are also designated as CMCEA representatives: Anna Rodriguez to Animal Control, Randy Buck to Building Inspection, and Dane Bora to Video. Only employees designated by CMCEA in writing are authorized to participate in contracting committees on behalf of CMCEA and its represented employees.

Finally Tom, it is my sincere hope that you will seriously reconsider your position and welcome Ms. Newton's participation. I can assure you that not only will she be a constructive and valuable member of any committee on which she serves, her involvement will greatly benefit the work of those committees. Likewise, her participation could greatly promote the credibility of the process in the eyes of both your employees and the public. If there are reasonable conditions you would like to propose to accommodate her participation, I would be happy to discuss those with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Helen Nenadal", with a long horizontal flourish extending to the right.

Helen Nenadal, President
Costa Mesa City Employees Association