



## Legislation Details (With Text)

<b>File #:</b>	18-086	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Consent Item	<b>Status:</b>		Passed	
<b>File created:</b>	2/14/2018	<b>In control:</b>	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency		
<b>On agenda:</b>	3/5/2018	<b>Final action:</b>	3/5/2018		

**Title:** SUBJECT: Consideration of an Amendment to Agreement with Liebert Cassidy Whitmore for Legal Services Related to Employee Relations and Labor Negotiations

### REPORT IN BRIEF

Considers approving an amendment to the existing \$60,000 Legal Services Agreement with Liebert Cassidy Whitmore by \$40,000 to the not to exceed amount of \$100,000.

### RECOMMENDATION

City Council - Adopt a motion:

A. Approving an amendment to an agreement for professional services with Liebert Cassidy Whitmore to increase the amount by \$40,000 for a total of not to exceed \$100,000; and,

B. Authorizing the City Manager or Assistant City Manager to execute the necessary documents.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Original Agreement, 2. Amendment to the Agreement

Date	Ver.	Action By	Action	Result
3/5/2018	1	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	approved	Pass

*Report Prepared by: Deneen Proctor, Director of Support Services*

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Whitmore to increase the amount by \$40,000 for a total of not to exceed \$100,000; and,

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## **ALTERNATIVES**

1. Approve as recommended by staff; or
2. Approve subject to modification as conditioned by City Council; or
3. Refer to staff for reconsideration of specific items; or,
4. Deny

## **AUTHORITY**

Charter of the City of Merced, Section 200, et seq.  
Merced Municipal Code Section 3.04

## **CITY COUNCIL PRIORITIES**

As provided in the 2017/2018 adopted budget.

## **DISCUSSION**

On July 5, 2017, City Council approved an agreement with the law firm of Liebert Cassidy Whitmore for Labor Contract Negotiations in the amount of \$40,000. The open groups were American Federation of State Local and City Employees (AFSCME), Merced Association of City Employees (MACE), International Fire Fighter's Association Local 1479 (Fire) and the Management Compensation Plan.

The City has been able to reduce legal costs by using City staff to perform much of the clerical work including drafting Tentative Agreements. This has continued to be the practice during this round of negotiations as well. Due to the rapidly changing landscape of employment law, Liebert Cassidy Whitmore was tasked with and performed a comprehensive legal review of all three Memorandum of Understandings (MOU) as well as the Management Compensation Plan. Following their review, recommendations for "clean up" language changes were made to sections in all open MOUs. This also entailed additional discussion by e-mail and telephone and the drafting of Tentative Agreement language by Liebert Cassidy Whitmore staff. The performance of those tasks has resulted in unanticipated legal services fees.

The additional amount of \$40,000 is necessary to complete the negotiation process with the aforementioned open groups and provide MOUs that incorporate updated legal language. The actual costs incurred will depend on how long the negotiation processes take to complete, which we anticipate will be for an amount that will not exceed \$100,000.

## **IMPACT ON CITY RESOURCES**

No appropriation of funds is necessary. Funding is available within the FY17-18 budget.

## **ATTACHMENTS**

1. Original Agreement
2. Amendment to Agreement