

RESOLUTION NO. 12-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING RESOLUTION 83-10 BY INCORPORATING FACT-FINDING AS AN IMPASSE RESOLUTION PROCESS MANDATED BY AB 646

WHEREAS, the City Council previously adopted its Resolution No. 83-10 providing a reasonable and orderly method of resolving questions regarding wages, hours and other terms and conditions of employment and procedures for recognizing employee organizations.

WHEREAS the City Council desires to amend Resolution No. 83-10 to clarify its intent to comply with AB 646 mandating fact-finding as an impasse resolution tool.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES HEREBY ORDAIN AS FOLLOWS;

Section 1.

Resolution No. 83-10 is hereby amended by adding the following language to Section 8.

SECTION 8. IMPASSE PROCEDURE

- A. Upon reaching impasse as defined in Section 2 (E) of this Resolution, the employer shall notify the California State Mediation and Conciliation Service (CSMCS) that the parties have failed to reach agreement and schedule mediation as soon as possible. A mediator will be selected by the mutual agreement between the City representative and the recognized employee representative. The mediator will be charged with the duty to meet in private with the parties involved in an attempt to assist in the resolution of the impasse. Prior to mediation the parties shall exchange statements of their positions on all disputed issues. The mediator shall make no findings, or public recommendations or positions. Mediator suggestions shall be non-binding on the parties.
- B. If the mediator is unable to effect settlement within thirty (30) days after his or her appointment, the parties shall proceed to fact-finding.

- C. Within five (5) days of proceeding to fact-finding the parties shall mutually request that the CSMCS provide a list of seven (7) qualified fact-finders. The parties will select a fact-finder from the list who will certify that he or she will start the fact-finding hearing within ten (10) days of notification by the parties. The parties shall confirm this pre-designated chair-person no later than five (5) days following receipt of the list from CSMCS.
- D. Within five (5) days of appointing a chair-person each party shall select a person to serve as its member of the fact-finding panel.
- E. The panel shall within ten (10) days after its appointment meet with the parties or their representatives, either jointly or separately, to make inquiries and gather facts.
 - 1. No later than the first meeting of the fact-finding panel, the Finance Director shall prepare a report on the City's financial condition, including projections of revenues and expenditures going forward at least three (3) fiscal years.
 - 2. In assessing comparability, the fact-finding panel shall consider the wages and benefits paid by private employers as well as public employers.
- F. The fact-finding report must include specific consideration of the impacts of any recommendation which will result in an increased cost to the City, including the impact of that additional expense on the ability of the City to continue to provide services.
- G. Findings and recommendations made by the fact-finding panel shall be made on an issue-by-issue basis. The panel shall limit its findings and recommendations to issues that fall within mandatory subjects of bargaining.
- H. If the dispute is not settled within thirty (30) days of the chair-person's appointment, the panel shall make a written report of findings of fact and advisory recommendations for terms of settlement. The fact-finding panel shall submit the written report to the parties within thirty-five (35) days of the chair-person's appointment.
- I. The parties shall maintain the confidentiality of the report for a period of ten (10) days. If the parties have not reached agreement within that time the City shall make the report public.

- J. Each party shall bear its own costs for mediation and fact-finding, including the costs of advocates. Any cost for the mediator, neutral fact-finding chair-person, facilities, or similar costs shall be shared by the parties.
- K. On or after the date the City has released the fact-finders' report to the public, or upon conclusion of mediation if the parties waived fact-finding, the City Council may hold a public hearing on the impasse and implement the terms of its last best and final offer.
- L. The provisions of this section shall apply only for as long as state law requires the parties to proceed to fact-finding as currently required by Government Code Section 3505.5 and 3505.7.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster,
CA, do hereby certify that this is a true and correct copy of the original Resolution No. 12-14, for
which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____
day of _____, _____.

(seal)
