



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 17-0310, Version: 1

SUBJECT

Approve the Third Amendment to Outside Counsel Agreement with Renne Sloan Holtzman Sakai, LLP for Labor Negotiation Services

REPORT IN BRIEF

Approval is requested for a Third Amendment to the Outside Counsel Agreement with the law firm of Renne Sloan Holtzman Sakai, LLP for advice and representation regarding labor and collective bargaining matters concerning Sunnyvale Employees Association (SEA). This Third Amendment is needed to cover the costs associated with continued labor negotiations, including the ongoing fact-finding process, and will increase the not-to-exceed amount of the Agreement by \$100,000 for a new not-to-exceed amount of \$250,000.

BACKGROUND

Sunnyvale, like many other cities, routinely engages outside labor negotiators to represent the City in collective bargaining with its employee associations. Charles Sakai, an attorney who specializes in employment and labor law, and primarily handles complex negotiations and collective bargaining issues, including multi-party negotiations, interest arbitrations, and collective bargaining-related litigation, and managing partner in the law firm of Renne Sloan Holtzman Sakai, LLP, was retained by the City Attorney under Section 908 of the City Charter to represent the City and provide advice and representation regarding labor and collective bargaining matters concerning Public Safety Officers Association (PSOA), Communications Officers Association (COA), Sunnyvale Managers Association (SMA) and Sunnyvale Employees Association (SEA). Mr. Sakai has extensive experience in advising public agencies in labor relations and personnel matters and handles litigation in both State and Federal Courts. The Agreement was entered in October 2015, and the not-to-exceed amount has been increased twice to the current not-to-exceed amount of \$150,000. The term of the Agreement expires in December 31, 2018.

DISCUSSION

Mr. Sakai is currently providing advice and representation in the labor negotiations with Sunnyvale Employees Association (SEA). The negotiations with SEA began in 2015 and remain ongoing, with the parties currently engaged in the factfinding process required under state law. The status of negotiations therefore requires an increase of the not-to-exceed amount of the Agreement by \$100,000 for a new not-to-exceed amount of \$250,000.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378 (b) (4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

FISCAL IMPACT

Funds are available in the FY 2016/17 Labor Negotiations Fund.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

RECOMMENDATION

Authorize the City Attorney to execute a Third Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with the law firm of Renne Sloan Holtzman Sakai, LLP, to increase the not-to-exceed amount by \$100,000, for a new not-to-exceed contract amount of \$250,000.

Prepared by: Nichole G. Anglin, Paralegal
Reviewed and Approved by: John A. Nagel, City Attorney

ATTACHMENT

1. Draft Third Amendment to Outside Counsel Agreement