

April 28, 1998

The Benicia City Council meets the 1st and 3rd Tuesday of each month at 7:30 p.m. in the Council Chambers. Copies of Council Agendas are available in the City Clerk's office on the Friday afternoon before the Council meeting.

SPECIAL MEETING - CITY COUNCIL

APRIL 28, 1998

A special meeting of the City Council of the City of Benicia was called to order by Mayor Jerry Hayes at 7:02 p.m. Tuesday, April 28, 1998, in the Commission Meeting Room, City Hall, 250 East L Street.

Notice was duly given twenty-four hours prior to the meeting by the City Clerk.

Minutes for April 21, 1998

ROLL CALL:

Present: Councilmembers Corbaley, Cox-Golovich, Gizzi and Mayor Hayes

Absent: Councilmember Messina

PLEDGE OF ALLEGIANCE:

Mayor Hayes led the pledge to the flag.

(Councilmember Messina arrived at 7:04 p.m.)

BUSINESS:

APPEAL OF DECISION BY CITY MANAGER TO DENY REQUEST OF BENICIA POLICE DEPARTMENT LIEUTENANTS TO LEAVE MIDDLE MANAGEMENT BARGAINING GROUP AND JOIN THE BENICIA POLICE OFFICERS ASSOCIATION (BPOA) BARGAINING UNIT
Otto Giuliani, City Manager, made a brief statement and introduced Brian Dolin, Attorney representing BPOA, who outlined the basis for the Appeal.

Lt. Mike Daley explained why the Lieutenants are not comfortable in the Mid-Management Group; what is in the best interest of the Lieutenants and the Police Department; group that they have most in common with and would have the least negative impact.

Councilmember Corbaley requested clarification of the reasons that the Lieutenants left the BPOA in 1987.

Lt. Mike Daley stated that in 1987 the issues of trust and confidentiality were the predominant factors for the request by the BPOA for the Lieutenants to relinquish their membership.

Frank Hartig, President, BPOA, stated the entire current membership has voted to take the Lieutenants back in the BPOA.

Brian Dolin, Attorney representing BPOA, referred to denial letter and Resolution No. 5324; feels City has not complied with its own Resolution; questioned if the MERO for the City has been designated by Resolution; and stated that the initial meet and confer session never happened.

Heather McLaughlin, City Attorney, clarified that the Personnel Rules and City Ordinance designate Otto Giuliani, City Manager, as the MERO and a possible misunderstanding on the initial meet and confer session.

Linda Johnson, Assistant City Manager/Personnel Services Manager, restated that per Resolution No. 5324, management employees who are in the same unit as non-management employees may not represent those employees on matters within the scope of representation.

Further comments were made by Mayor, Council, Heather McLaughlin, City Attorney, Brian Dolin, Attorney representing BPOA, Officer Frank Hartig, President, BPOA, Linda Johnson, Assistant City Manager/Personnel Services Manager, Otto Giuliani, City Manager, and Lt. Mike Daley.

Mayor Hayes suggested deferring decision until the meet and confer session can be held.

Councilmember Gizzi stated that some issues could be resolved by changes in the BPOA By-Laws.

Councilmember Corbaley expressed her concerns over conflict of interest issue.

A motion was made by Councilmember Corbaley, seconded by Councilmember Gizzi, to defer this item in order to allow groups to meet and confer to resolve issues that have been raised.

Councilmember Corbaley amended her Resolution to include a 30 day deadline.

Councilmember Gizzi seconded.

On an amended motion of Councilmember Corbaley, seconded by Councilmember Gizzi, and unanimously carried, this item was deferred in order to allow groups to meet and confer to resolve issues that have been raised, with a 30 day deadline.

ADJOURN TO BROWN ACT WORKSHOP

Mayor Hayes adjourned the special meeting at 8:42 p.m. to a Brown Act Workshop.

Linda S. Purdy, City Clerk