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Memorandum

To: City Administration Committee (for the November 30 committee meeting)

From: Ari Lavine, City Attorney *AL*

Date: November 16, 2022

Re: Outside Counsel to Conduct Labor Contract Negotiations

In recent decades, labor contract negotiations have predominantly been undertaken on the City's behalf by the City Attorney, the Director of Human Resources, and the City Controller. That model continued during the past decade during which I have been City Attorney, resulting in numerous successful labor contracts, across all bargaining units, that have delivered value to our employees while crucially adjusting underlying City cost structures.

Nonetheless, in light of recent events, I do not believe that it is in the City's best interests for labor contract negotiations to be led by the City Attorney going forward. To that end, the proposed resolution—that will be included in the upcoming agenda of the City Administration Committee—provides Council with an opportunity to provide funding that we believe will be adequate to enable the Mayor to retain outside counsel to conduct labor contract negotiations in my place, with the continued collaboration of the Director of Human Resources and the City Controller.

I and my office will continue with our many other responsibilities—which will easily continue to fill our time—from defending the City in litigation to supporting the City's zoning functions, real estate deals to commercial contracts, inter-municipal MOUs to legislative support, and much more.

Resolution – Funding for Mayor to Retain Outside Counsel to Conduct Labor Contract Negotiations

WHEREAS, in recent decades, labor contract negotiations have predominantly been undertaken on the City's behalf by the City Attorney, the Director of Human Resources, and the City Controller, at the direction of the Mayor; and

WHEREAS, in light of recent events, the City Attorney has recommended that it would be in the City's best interests for the Mayor to retain outside counsel to conduct labor contract negotiations, a recommendation that the Mayor shares; and

WHEREAS, the City Attorney's Office will continue with its many other responsibilities, which will easily continue to fill that office's capacity; now, therefore, be it

RESOLVED, that Common Council hereby transfers an amount not to exceed \$110,000 from Account A1990 Unrestricted Contingency to Account A1210-5435 Mayor contracts for the purposes of funding—in conjunction with approximately \$35,000 per year already budgeted for the purpose—and hiring outside counsel to conduct labor contract negotiations, including ensuing contract settlement processes (i.e., mediation, arbitration as applicable, etc.) and associated responsibilities as assigned, for all bargaining units, and be it further

RESOLVED, That the newly allocated funding be allocated \$10,000 for 2022 and \$100,000 for 2023 and Common Council directs the City Controller to encumber any possible funds from 2022 to help reduce the need to transfer a total of \$110,000 from the 2023 Unrestricted Contingency account.