



## **STAFF REPORT**

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### **Resolution Approving Revised Joint Powers Agreement for the Bay Area Employee Relations Service**

Honorable Mayor and Council Members

#### **Summary**

The attached resolution adopts an updated Joint Powers Agreement with Bay Area Employee Relations Service (BAERS). BAERS is requesting adoption of the revised Agreement by each Member Agency prior to January 1, 2004.

#### **Background and Discussion**

An updated Joint Powers Agreement is attached for adoption by the City of Belmont. Along with other changes, it formally changes the organization's name from the Intergovernmental Employee Relations Service to Bay Area Employee Relations Service. The City of Belmont has been a member of BAERS since July 1, 2000.

Since 1974, the Service has provided information to Member agencies of a consortium that operates under a Joint Powers Agreement for Intergovernmental Employee Relations Services. Members use the data that ERS provides to analyze and to determine salaries, benefits and related policies that affect both represented and unrepresented employees. Typically, this information is applied in internal organization processes such as labor negotiations, periodic compensation studies and position/classification reviews.

The Joint Powers Agreement is being updated principally to adapt to changes in services and delivery methods that have occurred since it was last modified in 1987. The revised Agreement acknowledges BAERS's responsibility for maintaining and enhancing the structure and content necessary for an Internet web site that now serves as a significant vehicle for sharing compensation and related information among Members. The data content on the site currently covers 54 Member and non-member agencies and summarizes labor relations data for over 260 collective bargaining agreements. The City uses this information extensively for salary surveys and other labor relations activities.

Compared to the current Agreement, the revised version contains few changes to existing working relationships and structure. The new version would continue the relationship in which the County of Santa Clara serves as the host agency and functions as the employer for BAERS staff. BAERS is not intended to operate as a separate entity with its own employees.

The Agreement continues to vest policy control in a Board comprised of one representative from each of the 41 Member agencies. Under the revised agreement, the Board can now authorize the release of web

site information for sale to non-member agencies with the understanding that the liability provisions of the agreement (Article 18) protect the consortium and its members. A Management Committee would continue to analyze issues and make policy, budget and fee recommendations to the Board

Under the revised agreement, a Member of BAERS may not withdraw for a one-year period commencing with the effective date of its participation in BAERS. Following this commitment to BAERS, Members may, as has been the policy, withdraw at the end of the fiscal year, provided it has given written notice (Article 19).

The Agreement presented for adoption also includes changes that were added following the period of time that was reserved for review by agency legal counsels. The following summarizes some of the items that may be of general interest.

Article 9 (Management Committee) was modified to require that the composition of this seven-person group include one representative from the County. Article 18 (Liability) now contains language to clarify that the County is not liable for the use of information by other parties to the Agreement. (Similar language applicable to other Members had already been included). The paragraph addressing confidentiality in Article 16 now provides guidance in the event that a California Public Records Act request is received. Article 25 (Amendment) was modified to require that all but one section of the Agreement could be modified by a two-thirds vote of the full membership (as opposed to a simple majority). The requirement for the three-fourths vote in respect to By-laws remains unchanged.

The agreement has been reviewed and approved by the City Attorney.

**Fiscal Impact**

No Fiscal Impact

**Recommendation**

Staff recommends adoption of the amended Joint Powers Agreement with Bay Area Employee Relations Service.

**Attachments**

Joint Powers Agreement for the Bay Area Employee Relations Service

Respectfully submitted,

\_\_\_\_\_  
Deirdre Dolan  
Human Resources Director

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Jere A. Kersnar  
City Manager

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BELMONT ADOPTING THE AMENDED JOINT POWERS  
AGREEMENT FOR THE BAY AREA EMPLOYEE RELATIONS  
SERVICE

WHEREAS, California Government Code Section 6500 et seq. provides that two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, the City of Belmont joined the Joint Powers Agreement for the Intergovernmental Employee Relations Service, now known as the Bay Area Employee Relations Service, by Resolution 8800, adopted on July 27, 2000; and

WHEREAS, the Joint Powers Agreement has been amended to adapt to changes in service and delivery methods since it was last modified in 1987;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Belmont authorizes the City Manager to sign the amended Joint Powers Agreement for the Bay Area Employee Relations Service.

\* \* \* \* \*

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on November 25, 2003 by the following vote:

AYES, COUNCILMEMBERS: \_\_\_\_\_

NOES, COUNCILMEMBERS: \_\_\_\_\_

ABSTAIN, COUNCILMEMBERS: \_\_\_\_\_

ABSENT, COUNCILMEMBERS: \_\_\_\_\_

\_\_\_\_\_  
CLERK of the City of Belmont

APPROVED:

\_\_\_\_\_  
MAYOR of the City of Belmont