



MAKING GOVERNMENT WORK BETTER COMMITTEE

Meeting Report
March 12, 2003

PRESENT: Chair Nora Campos, Councilmember Chuck Reed, Councilmember David Cortese, Councilmember Linda LeZotte

ABSENT: None

STAFF: Kay Winer, Danielle Kenealey, Meghan Horrigan, Sarah Hensley, Julie Mark, Brooke Myhre, Deborah Powell, Rick Doyle, Nina Grayson, Eduardo Luna, Jennifer Calloway, Ralph Tonseth, Peter Jensen, Cathy Gaskell, Dale Foster, Dana Reed, Rob Piper, Dennis Hawkins

The meeting was convened at 2:33 PM

1. Report on Park Ranger Staffing (Parks, Recreation and Neighborhood Services) – Deferred from February 19

Sarah Hensley, Director of Parks, Recreation and Neighborhood Services (PRNS) gave an introduction to the report.

Julie Mark, Deputy Director of PRNS gave an over view of the follow-up report which included streamlining the Ranger recruitment process, the request to unfreeze Park Ranger positions, the expansion strategy for assigning Park Rangers, the re-engineer management and maintenance coverage of facilities during high use periods, the re-evaluation of volunteer programs, a review of opportunities for cadet type programs and a review of overall staffing.

Chair Campos asked what level of service could be expected and what the cost savings would be to establishing a Ranger Cadet program.

Sarah answered that, at this time, the department would utilize only existing resources and volunteers. Staff would also monitor the program and keep statistics to determine its effectiveness. She added that the cost savings would be long-term.

Chair Campos asked if senior volunteers, specifically retired Park Rangers, would be used.

Sarah answered that the program would be open to everyone and seniors with Ranger experience would be welcome.

Councilmember Cortese stated that there were a couple of high schools that might be good locations for this program.

Upon motion of Councilmember Reed, seconded by Councilmember LeZotte, the Committee accepted the staff report.

2. Report on CSA Performance Measurements (Manager)

Kay Winer, Deputy City Manager gave an introduction to the report.

Brooke Myhre, Principal Budget Analyst, QUEST Partnership gave an overview of the report, with an emphasis on accomplishments to date. He stated that the alignment portion was developed first, identifying the hundreds of operational services. They were then categorized into 75 core services and brought before City Council. The Council felt that 75 core services was still too complex and so seven City Service Areas, which crossed organizational lines, were identified. This has helped to streamline the process. The next step will be to provide a report in this year's budget document. The CSA portion will be presented as a stand-alone document in the budget report.

Councilmember Reed asked how performance measures are validated.

Brooke answered that the whole process is a work-in-progress and a detailed report will be included in the budget. An annual review is encouraged. He added that a methodology sheet has been developed to document each measure. The process is reviewed continuously and keeps evolving. Additionally, staff pays attention to what other cities are doing and gets valuable ideas and information from them.

Chair Campos asked when the next status report would be presented.

Brooke answered that staff is proposing a 6 month timeline on status reports.

Councilmember Reed stated that performance measure focus should be on the things that the City can actually do something about.

Brooke answered that there is a difference between a Community Indicator and a performance measure. Staff uses the community indicator to determine how the City will respond.

Upon motion of Councilmember Cortese, seconded by Councilmember Reed, the Committee accepted the staff report with the direction that the next status report includes a future reporting schedule.

3. Single Audit Reports (Finance) – **Recommend Deferral to April 9**

No Committee action taken. This item was deferred to April 9.

4. Memorandum on Internal Controls (Finance) – **Recommend Deferral to April 9**

No Committee action taken. This item was deferred to April 9.

5. Audit follow-up on Prevailing and Living Wage (Public Works/City Attorney's Office)

Rick Doyle, City Attorney stated that this joint memo was issued in response to Councilmember concerns expressed at the October 22, 2002 Council meeting.

Nina Grayson, Director, Office of Equality Assurance gave an overview of the report which included the pro's and con's of a State Labor Compliance program, possible funding alternatives for the Office of Equality Assurance and the District Attorney Office willingness to assist in prosecuting prevailing wage fraud cases.

Nina stated that over the past two years, the Office of Equality Assurance (OEA) has recovered in excess of \$980,000 that went to 1,030 workers who were underpaid. So far, this fiscal year shows a recovery amount of \$433,000 for 524 workers and two contractors have actually been debarred. In December, the City Manager made a recommendation to the Redevelopment Agency Director that the Agency fund two, full-time positions in OEA for monitoring and enforcement on all their projects. The Agency's response was to offer employees on a six-month rotation basis. Because these are full-time Redevelopment Agency employees that are on loan to OEA, they continue to receive their same salaries and benefits which has caused some labor issues to arise. The Office of Employee Relations has been notified of these issues.

Rick stated that the Attorney's Office is working on a new structure that would justify a liquidated damages clause. Currently no such penalty exists. Staff has also contacted the District Attorney's office and learned that non-compliance is a misdemeanor. Conceptually, the DA would be able to prosecute however, staff does not know of any past cases of this. It is the goal of the City Attorney's Office to find the most effective way to encourage compliance.

Councilmember Reed asked how dealing with non-compliance with the Living & Prevailing Wage is different than dealing with other compliance failures.

Nina answered that on Public Works construction contracts, final retention will be held. Currently, the City does not have the ability to do this with Living Wage issues. The

Resolution does not allow for it but part of the recommendation in this report is to draft amendments to the City's Living Wage and Prevailing Wage resolutions to provide this authority.

Councilmember Reed asked how the level of compliance might be raised.

Rick answered that staffing issues prevent a higher level of monitoring that would be necessary.

Councilmember Reed asked why the City is discussing alternatives to becoming a State-Certified Labor Compliance Program.

Nina answered that becoming a State-Certified Labor Compliance Program would lengthen the process time considerably. Staff feels it is more efficient to operate the program locally, using liquidated damages.

Councilmember LeZotte stated that the bulk of the work is Redevelopment Agency projects and an amendment should also be added that calls for the Agency to fund the two full-time positions.

Councilmember Cortese added that staff should also look into the possibility of holding the retention to the resolution of the DIR. He stated that another way to catch non-compliance would be through educating the workforce as this might create "whistle blowers".

Nina replied that OEA does make an effort to educate employees. Although confidentiality is guaranteed, workers are often afraid of losing their jobs.

Councilmember Reed asked how much of the fraud the City is catching.

Nina answered approximately 80% of the contractors who complete their jobs are in compliance. She added that staff might need to change the way that performance measures are used.

The Committee discussed current monitoring efforts and suggested that staff return to the Committee in May with a draft amendment that includes the following changes:

1. A representative from either the Labor Council or the Building Trades Council should be involved in drafting the amendment
2. The Redevelopment Agency should support the monitoring efforts

Councilmember LeZotte stated that she would like to make a second motion that the Redevelopment Agency fund the two full-time positions.

Neil Struthers, CEO, Building Trades Council (Public) stated that the current situation is like giving a free loan to the contractors. 20% of the contractors are still in non-compliance. The City needs a new definition of a "Responsible Contractor".

Upon motion of Councilmember LeZotte, seconded by Councilmember Cortese, the Committee accepted the staff report and directed staff to return to the Committee with a draft amendment that includes the following:

- 1. A representative from either the Labor Council or the Building Trades Council should be involved in drafting the amendment**
- 2. The Redevelopment Agency should support the monitoring efforts**

A second motion was made by Councilmember LeZotte, seconded by Councilmember Reed that the Redevelopment Agency fund two full-time positions for the Public Works Office of Equality Assurance

- 6. Call Center Handling of Service Requests Audit Report (Auditor) - Recommend Deferral to April 9**

No Committee action taken. This item was deferred to April 9.

- 7. Santa Clara County Cities Association Audit Report (Auditor) - Recommend Deferral to April 9**

No Committee action taken. This item was deferred to April 9.

- 8. Airport Neighborhood Services Group Audit Report (Auditor)**

Eduardo Luna, Supervising Auditor gave an overview of the audit report. He stated that there were four recommendations and the administration concurred with all of them.

Councilmember LeZotte asked why the Airport's Neighborhood Services group is not responsible for monitoring and control of noise and pollution infractions.

Ralph Tonseth, Director of Aviation answered that the Airport Neighborhood Services group is focused on exterior and community outreach. Monitoring noise at the Airport requires specific technical capabilities that this group does not have.

Chair Campos noted that, with more airport construction beginning soon, the community would have more questions and concerns. She suggested the department take a pro-active approach to further outreach efforts.

Upon motion of Councilmember Reed, seconded by LeZotte the Committee accepted the staff report.

9. Fire Paramedics Staffing and Costs (Budget/Fire) – Continued Discussion

Kay stated that the reason this item has been brought back to the Committee is because there were a number of follow-up questions from last month's Committee meeting. The Fire Department's responses were provided in the report for discussion at today's meeting.

Dale Foster, Acting Fire Chief gave an overview of the report which included an analysis of priority medical dispatch, call management to minimize use of Advanced Life Support (ALS) Resources for lower priority calls, paramedic staffing, staffing costs and alternatives to reduce overtime expenses.

Councilmember Reed stated that he has heard that it is standard practice for Kaiser to recommend that people who are unsure of the seriousness of their condition call 911 for an ambulance. He asked if there was a way to reduce these calls.

Chief Foster answered that Kaiser probably does this for liability protection. Until they know how serious the condition is, they will be on the side of caution.

Councilmember LeZotte asked why staff negotiated ALS as a priority if staffing and overtime is already a problem.

Chief Foster answered that he does not feel that ALS is the heart of the overtime problems. He feels that the department needs to have paramedics on every rig.

Kay added that the Fire Department and the City Attorney's Office are scheduling a meeting to review the provision of the City's agreement with AMR. There is a difference of opinion regarding the interpretation of provisions of the agreement, i.e., requirements for Advanced Life Support (ALS), when Basic Life Support (BLS) can be used, the protocols for responding for non-emergency calls, etc.

Chair Campos asked if discussions on reclassification are still in progress.

Chief Foster answered yes, staff has started some informal discussions with Local 230 to discuss whether the department continues to take firefighters and pay them premium pay for having paramedic skills or have a separate classification for paramedics. The department will provide a status report on this issue.

Councilmember Reed stated that \$211,000 seems like a significant savings by reducing 2 trucks. He asked what the service level impact would be in reducing the trucks by two.

Chief Foster replied that he does not personally recommend any of the reductions that are listed in the report but he wanted to provide alternatives to the Committee. The Fire Department is doing the best it can to maintain service levels during the budget crunch. He

added that he felt that Council did not want to readdress the issue of dropping fire trucks from ALS to BLS.

Randy Sekany, San José Firefighters Union stated that the County EMS was requiring 2 paramedics on every call in 1992-94. When the City chose to go into the ALS business, AMR was reduced to 1 paramedic and 1 EMT per ambulance. Vacancies due to promotions and attrition should be looked at further by staff. It would be helpful if the department could retain rather than having them trade out by promotion. He stated that the Department has always had overtime costs and that it was necessary to get as many new firefighters on board as possible. The Department was reduced by 40 positions in 1990 and a conscious decision was made at that time to operate using overtime rather than full-time employees.

Upon motion of Councilmember Cortese, seconded by Councilmember Reed, the Committee accepted the staff report.

10. Oral Petitions

None

11. Adjournment

The Committee was adjourned at 4:45 P.M.



Councilmember Nora Campos, Chair,
Making Government Work Better Committee