



BOARD OF SUPERVISORS
COUNTY OF BUTTE STATE OF CALIFORNIA

Resolution No. 10-026

**A RESOLUTION RESOLVING IMPASSE IN THE MEET AND CONFER PROCESS
AND APPROVING ADOPTION OF TERMS AND CONDITIONS OF EMPLOYMENT FOR
DECEMBER 1, 2009 – JUNE 30, 2010 FOR THE COUNTY EMPLOYEES IN THE
BUTTE COUNTY CORRECTIONAL OFFICERS' ASSOCIATION SUPERVISORY UNIT**

WHEREAS, California Government Code Sections 3500 through 3511 (hereinafter the "Meyers-Milias-Brown Act" or "the Act") provide in pertinent part that representatives of the governing body of the County shall meet and confer in good faith with representatives of a recognized employee organization in order to endeavor to reach agreement regarding proposed changes in wages, hours and other terms and conditions of employment; and

WHEREAS, the Memorandum of Understanding (hereinafter "the MOU") between Butte County and the Butte County Correctional Officers' Association Supervisory Unit (hereinafter "BCCOA Supervisory Unit") expired September 30, 2008; and

WHEREAS, County representatives and representatives of BCCOA Supervisory Unit have been meeting and conferring since June 27, 2008 on proposed changes to the MOU in accordance with the Meyers-Milias-Brown Act; and

WHEREAS, the County's bargaining representatives submitted the County's Last, Best and Final Offer to BCCOA Supervisory Unit on November 12, 2009; and

WHEREAS, on November 24, 2009, BCCOA Supervisory Unit voted to reject the County's Last, Best and Final Offer; and

WHEREAS, the County's bargaining representatives informed BCCOA Supervisory Unit's representatives on December 1, 2009 that because time was of the essence, the terms of

the County's Last, Best and Final Offer would be brought to the Board of Supervisors for adoption at the first regularly scheduled meeting in January, 2010; and

WHEREAS, on December 4, 2009, BCCOA Supervisory Unit's bargaining representatives confirmed in writing to County's bargaining representative that the County's Last, Best and Final Offer was rejected, that BCCOA Supervisory Unit had no new counter offers, that the parties were at impasse, and agreed that the matter should be brought before the Board of Supervisors; and

WHEREAS, authority for a public agency to unilaterally implement its Last, Best, and Final Offer is set forth in California Government Code Section 3505.4, which states: "If after meeting and conferring in good faith, an impasse has been reached between the public agency and the recognized employee organization, and impasse procedures, where applicable, have been exhausted, a public agency that is not required to proceed to interest arbitration may implement its last, best, and final offer, but shall not implement a memorandum of understanding. The unilateral implementation of a public agency's last, best, and final offer shall not deprive a recognized employee organization of the right each year to meet and confer on matters within the scope of representation, whether or not those matters are included in the unilateral implementation, prior to the adoption by the public agency of its annual budget, or as otherwise required by law."; and

WHEREAS, the parties have concluded any and all impasse resolution procedures as required by all applicable statutes, rules, regulations and agreements; and

WHEREAS, the County's bargaining representatives and the County's Chief Administrative Officer hereby recommend unilateral approval and adoption of the County's Last, Best and Final Offer.

NOW, THEREFORE, THE BUTTE COUNTY BOARD OF SUPERVISORS DOES RESOLVE AS FOLLOWS:

Section 1. Resolution No. 10-026 is approved, thereby unilaterally adopting the County's Last, Best and Final Offer as set forth in the attached Terms and Conditions of Employment for the term of December 1, 2009 - June 30, 2010 for County Employees in the BCCOA Supervisory Unit, Exhibit A hereto.

Section 2. This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Board of Supervisors, of the County of Butte, State of California, at a regular meeting of said Board, held on the 9th day of February 2010, by the following vote:

AYES: Supervisors Kirk, Lambert, Yamaguchi, and Chair Connelly

NOES: Supervisor Dolan

ABSENT: None

NOT VOTING: None

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly adopted at a regular meeting of the County of Butte Board of Supervisors on February 9, 2010.

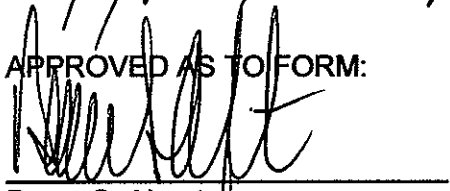


Bill Connelly, Chairman of the Board of Supervisors

ATTEST:
SCOTT TANDY, Interim Chief Administrative Officer
and Clerk of the Board of Supervisors

BY: 

APPROVED AS TO FORM:



Bruce S. Alpert
County Counsel

Attachment

**TERMS AND CONDITIONS OF EMPLOYMENT FOR FISCAL YEAR 2009-2010
FOR COUNTY OF BUTTE EMPLOYEES IN THE BUTTE COUNTY
CORRECTIONAL OFFICERS' ASSOCIATION SUPERVISORY UNIT**

The following terms and conditions of employment shall be in effect December 1, 2009 – June 30, 2010 for County of Butte employees in the Butte County Correctional Officers' Association Supervisory Unit ("BCCOA Supervisory Unit"):

1. **Term:** December 1, 2009 - June 30, 2010.
2. **Retired Employee Options:** Effective January 1, 2010, sick leave conversion at the time of retirement will be calculated at the Employee A - Core Plan amount, which is the Blue Shield HMO, Delta DPO and Vision Service Plan premiums.

Employees hired after January 1, 2010 are not eligible for the conversion of sick leave to health insurance or one year's paid health coverage as outlined in Section 13.05.

3. **Maintenance of Benefits:** The County agrees to maintain all other terms and conditions of employment set forth in the Memorandum of Agreement between the County of Butte and the BCCOA Supervisory Unit that expired September 30, 2008.