
Primal Scream--An Open Letter to the Members of the Charter Review Committee-- 5/21/09

An Open Letter to the Members of the Charter Review Committee

By Denise Martin

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The California Constitution gives to the City of Vallejo all of the necessary powers to fully manage this city, and this includes everything related to the budget & salaries and benefits. But for the Binding Arbitration provision in our City Charter, the California Constitution demands that no laws interfere with these responsibilities and rights of the City.

The problem with our BA provision is that it applies to any dispute regarding salaries and benefits, which as everyone is learning in these difficult economic times, is a very serious issue with depleting revenues. The issue is IF this provision is used, those budget decisions are turned over to ONE & unelected, nonresident, unaccountable, person, who has absolutely no information regarding the management of this City. There was long debate last week at your meeting about how often the BA provision had been used or if it is used as a threat. The issue is not whether the BA provision in the City Charter has ever been used, but the fact that it sits on our books and takes away the City's rights to manage its affairs & whether pointed to as a threat or an excuse, or actually used.

Why would we, as a city, - or should we - want to give to ONE unaccountable, unelected person the absolute right to make any decision regarding the management of this City as it relates to the budget.

We as citizens must demand that our elected officials be held accountable for all of their decisions; including salary/benefit decisions which affects the budget. It is untenable that any elected official could & point the

finger” to the Binding Arbitration provision as a reason they could not vote a certain way on a serious budget issue, and equally so that an elected official would bend to the interest of one group rather than the interests of the citizens as a whole because the BA provision was used a threat. Either way, I want our elected officials accountable. We should not give them any easy way out from making the tough decisions.

There are more than enough appropriate and effective legal mechanisms in place to ensure that all parties — the city and its employees, - negotiate in good faith on all issues and have a forum other than court to address unresolved disputes; such as mediation and non-binding arbitration. These non-binding Alternative Dispute Resolution processes are successfully used in the legal and business world every day, and other municipalities. If a mediator or arbitrator is used to resolve a dispute, that person’s decision should at least be non-binding, allowing the city council the opportunity to review it and either accept or veto the decision. This way, these monetary decisions fall squarely in the hands of our elected officials. If we don’t like the councilmember’s decision — the voters won’t reelect the member; and the citizens are not left with an elected official trying to pass the buck by saying they had no power because of BA. Getting rid of Binding Arbitration for anything related to salaries and benefits gives the citizens of Vallejo the right to hold our elected officials accountable and responsible.