



**CITY OF PACIFIC GROVE**  
300 Forest Avenue, Pacific Grove, California 93950

**AGENDA REPORT**

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Beth Kastrup, Human Resources Analyst  
**MEETING DATE:** February 5, 2014  
**SUBJECT:** Police Management Association Unit Modification  
**CEQA:** Does not constitute a "Project" under California Environmental Quality Act (CEQA) Guidelines

**RECOMMENDATION**

Adopt a resolution to modify the Police Management Association removing the Police Chief and Police Commander classifications as represented classifications.

**DISCUSSION**

The Police Management Association (PMA) is the bargaining unit that was recognized by the City to represent Police management classifications in labor relations. In the past, the Unit represented Police Captains, when the City had such a classification. It also would represent the Police Chief position if we had a Chief who was a Pacific Grove employee. In addition, the Unit represents the Police Commander classification. There are two Police Commander positions in the approved budget, both of which are vacant. Thus, the Unit is not currently representing anyone. Further, the term of the last Memorandum of Understanding (MOU) for the Unit has expired.

Chief Myers and the City Manager intend to request that the Council convert the Administrative Commander position to a civilian administrative services manager position. The City is initiating a recruitment for the Patrol Commander position. Even when that position is filled, however, it is not appropriate for the City to bargain with a unit representing only one position. Even if the City at some point in the future were again to have a Police Chief who is a City employee, it would not be preferable for that position to be represented (since, among other reasons, having a represented Police Chief would mean that there would be no unrepresented Police manager, and thus no in-house police professional to assist the City in its negotiations with the POA).

Thus, the City desires to modify the Unit, removing the Chief and Commander positions as represented classifications. (Note: the City cannot "decertify" the unit; that action could be taken only by the employees, if there were any.) As might be expected, the City's Employer-Employee Relations Resolution (EERR) does not set forth rules or a process to modify a Unit that applies to this rather unusual circumstance. This action does not require a meet and confer; there are no current employees with whom we would meet and confer. The best approach to modify the Police Management Association is by adoption of a resolution.

**OPTIONS**

1. Provide alternative direction to staff.

**FISCAL IMPACT**

There is no fiscal impact to modify the Police Management Association so as to delete one or more represented classifications.

**ATTACHMENTS**

1. Resolution

RESPECTFULLY SUBMITTED:



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Beth Kastrup  
Human Resources Analyst

REVIEWED BY:



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Thomas Frutchey  
City Manager

**RESOLUTION NO. 14-xxx**

**ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO MODIFY THE  
POLICE MANAGEMENT ASSOCIATION MAKING THE POLICE COMMANDER  
CLASSIFICATION UNREPRESENTED**

**FINDINGS**

1. The Police Management Association is the recognized unit representing the Police management classifications, including Police Chief and Police Commander.
2. There is currently no membership in the Unit and there is no current Memorandum of Understanding for the Unit.
3. With no membership in the Unit, the City desires to modify the Unit by removing the Police Chief and Police Commander classifications.
4. The City's Employer-Employee Relations Resolution (EERR) does not set forth rules or a process that applies to such circumstances, when 1) all position represented by the Unit are vacant; 2) there is no current existing MOU between the Unit and City; and 3) the former Unit representatives have not voiced any objection.
5. The action proposed by this Resolution does not constitute a "Project" as that term is defined under the California Environmental Quality Act (CEQA), CEQA Guideline Section 15378.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF PACIFIC GROVE:**

1. The Council determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Resolution.
2. By adoption of this resolution, the Council authorizes the City Manager to reclassify the Police Chief and Police Commander classifications as unrepresented, and to take action to process the Unit modification.
3. This Resolution shall become effective immediately following passage and adoption thereof.

**PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE**  
this 5<sup>th</sup> day of February, 2014, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

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BILL KAMPE, Mayor

ATTEST:

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DAVID CONCEPCION, City Clerk

APPROVED AS TO FORM:

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DAVID C. LAREDO, City Attorney