February 10, 1986

REPORT TO THE HONORABLE
  MAYOR AND CITY COUNCIL
PROPOSED CHARTER AMENDMENT BY POLICE
OFFICERS ASSOCIATION; INITIATIVE CONCERNING

   On December 23, 1985, the Police Officers Association (POA) filed signed petitions with the City Clerk seeking to cause an initiative measure to be placed before the electorate at the June 1986 election. This proposal would amend our City Charter by adding a new section (130.1) establishing a Fiscal Year 1986-87 base salary for police officer classifications by a comparable formula computation. We have reviewed the proposal at some length.

   Our review persuades us that the proposal raises substantial issues of legality. In summary, we believe the proposal may be invalid because:

   1) It is in direct conflict with Section 11.1 of the City
       Charter which was approved by the voters in November
       1980. Although on its face the proposal purports only to
       amend some of the Charter's salary setting provisions by
       an addition of Section 130.1, it fails to recognize
       significant impact it will have on the City's ability to
       comply with several other Charter provisions such as
       11.1, 69, 70 and 71, and makes no effort to rationalize
       or conform or comply with them; and

   2) It was not brought to the City for good faith meet and
       confer discussion and thus falls within the prohibition
       expressed by our State Supreme Court in the recent Seal
       Beach decision.

   We are advised by the City Clerk that it appears that the proposal will qualify for the June 1986 ballot and it is our understanding that you wish to consider an alternative measure to be placed on the same ballot. We will, of course, assist you and the City Manager in drafting that alternative measure in order to assist in clarifying the issues, but our views concerning the

validity of the POA proposal will not be modified by any action you might take in offering an alternative.

   In the event the electorate approves the measure, my office, at your direction, can seek to have the proposal invalidated by the courts.

                        Respectfully submitted,

JOHN W. WITT
City Attorney