



OFFICE OF THE SUPERINTENDENT

5735 47th Avenue • Sacramento, CA 95824

Jorge A. Aguilar, Superintendent

BOARD OF EDUCATION

March 5, 2020

Jessie Ryan
President
Trustee Area 7

Sent via email to dfisher@saccityta.com

Christina Pritchett
Vice President
Trustee Area 3

David Fisher
Sacramento City Teachers Association
5300 Elvas Avenue
Sacramento, CA 95819

Michael Minnick
2nd Vice President
Trustee Area 4

RE: Successor Contract Negotiations

Lisa Murawski
Trustee Area 1

Dear Mr. Fisher:

Leticia Garcia
Trustee Area 2

I write to thank you and the Sacramento City Teachers Association (“SCTA”) negotiations team for meeting with the District’s negotiations team on March 3, 2020 to begin successor contract negotiations. I understand that there were some productive conversations. I also understand that SCTA requested some follow up information and documents and our District staff is working to get you the requested items as quickly as possible so that you have those before the next bargaining session.

Mai Vang
Trustee Area 5

The District’s negotiations team reported to me that SCTA’s lead negotiator, Mr. John Borsos, raised some questions during the March 3 negotiations session about the authority of the District’s negotiations team to reach agreements at the negotiations table without the Sacramento County Office of Education’s Fiscal Advisor being on the negotiations team. In order to address your concerns and allow our important negotiations work to move forward, I am sharing the District’s understanding of the role that the Fiscal Advisor plays generally and, more specifically, as it relates to negotiations. It has been and remains the District’s position that we do not need the Fiscal Advisor or any representative of the Sacramento County Office of Education (“SCOE”) to be on the District’s negotiations team. Rather, our team has the authority of the Governing Board of our District to negotiate and reach tentative agreements with SCTA.

Darrel Woo
Trustee Area 6

As you may know, Education Code section 42127.6(a)(1)(A) allows the county superintendent of schools to “assign a fiscal expert” to advise a district “on its financial problems” if the district has a qualified or negative budget certification. The purpose of such advisement is to “ensure that the district meets its financial obligations.” (*Id.*) SCOE has assigned a fiscal advisor, Terri Ryland, to our District and works closely with our District staff in that capacity.

Olivia Ang-Olson
Student Board Member

As you may also know, a school district with a qualified or negative rating must also allow the county office of education at least 10 working days to review and comment on any proposed tentative agreement made between the exclusive representative (union) and

the district. (Gov. Code § 3540.2(a).) The district must provide the county superintendent of schools with all information relevant to yield an understanding of the financial impact of such an agreement. (*Id.*)

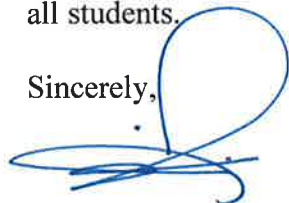
Reading Government Code section 3540.2(a) and Education Code section 42127.6(a)(1)(A) together, it is not within the duties of a fiscal expert appointed by a county superintendent to sit at a bargaining table. The fiscal expert's duties revolve around advisement, guidance, and assistance based on data and conversations with district employees, but does not include involvement in making deals with third parties, such as unions, vendors, consultants, etc., or making decisions *for* a district.

In addition, the powers of stay and rescind do not require SCOE or its Fiscal Advisor to be present at the bargaining table. Stay and rescind allows a county office to stay or rescind any *action* that is determined to be inconsistent with the ability of the district to meet its obligations for the current or subsequent fiscal year. (Education Code section 42127.6 (e)(2), (5)). As such, the power to stay and rescind applies to actions taken by the District, not proposals that the District may make prior to taking action on an issue. The District's negotiations team, like SCTA, is required by law to come to the negotiations table with authority and to take any necessary steps prior to negotiations to receive the direction and authority that will allow it to negotiate in good faith. Nothing in the Education Code or in the Educational Employment Relations Act ("EERA") authorizes or requires SCOE or its fiscal advisor to be on the District's negotiations team.

Further, as specified in Government Code section 3540.2(a), it is a county office's and county superintendent's duty to review and comment on any proposed tentative agreements between a district and a union, not that of the fiscal expert.

I want to reiterate that the District's negotiations team has the authority to bargain and reach tentative agreements with SCTA through the negotiations process. The District looks forward to continuing the bargaining process with SCTA so that we can together identify solutions to our budget challenges that are acceptable for the District and our employees, thereby allowing the District and its employees to continue the shared goal of enhancing educational opportunities for all students.

Sincerely,



Jorge A. Aguilar
Superintendent