



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Request to Join in Amicus Brief in the case of Metropolitan Water District of Southern California, et al. v. Superior Court of California.

MEETING DATE: May 1, 2002

PREPARED BY: Randall A. Hays, City Attorney

RECOMMENDATION: That the City join the Amicus Brief in the case of Metropolitan Water District of Southern California, et al. v. Superior Court of California.

BACKGROUND: Amicus Briefs are filed in various actions, which involves matters of wide-ranging concern to provide information and additional argument to the Court in order to assist the Court in understanding all of the issues and arrive at a conclusion.

This case involves a decision which has found that it is necessary to enroll in CalPers, workers who are paid and employed by private companies but are doing work for the city. An example of that we have seen recently is the utilization of contract Building Inspector employees. Review of the decision by a 7-0 vote has been granted by the California Supreme Court. Obviously, this ruling severely limits agencies operational flexibility by limiting agencies ability to use temporary labor for legitimate purposes such as capitol improvement projects and various other professional services. Another example in Lodi is the utilization of outside structural plan checking consultants.

Again, it is the recommendation of the League of California Cities to its members that they join in the Amicus Brief presentation to the California Supreme Court in this case.

Funding: Not applicable.

Respectfully submitted,


Randall A. Hays, City Attorney

APPROVED: _____


H. Dixon Flynn - City Manager