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Desert Hot Springs Police Union sues over cuts

Desert Hot Springs may face bankruptcy if it loses in court



The Desert Hot Springs Police Union filed a lawsuit against the city Friday for back wages, estimated to be more than \$1 million. / Gerry Maceda, Special to The Desert Sun

DESERT HOT SPRINGS — The Desert Hot Springs Police Union filed a lawsuit against the city Friday for back wages, estimated to be more than \$1 million.

In an effort to avoid municipal bankruptcy and following negotiations between the city and its unions, City Council unanimously passed a motion in December cutting almost all city salaries, including those of police, by more than 22 percent. Council also placed a cumulative cap on all incentive pay, and capped salary increases at 3 percent.

Wendell Phillips, an attorney representing the police union, said under state employment laws, Desert Hot Springs city leaders were required to conduct a fact-finding review once they declared an impasse with union leaders, before cutting employee salaries or positions.

Phillips said city leaders never started this process and only met with union representatives two times during negotiations before the salary cuts were approved.

“The City Council decided to implement a decision that is going to cost them their best people and in our view that was a wrong decision to make,” Phillips said on Friday.

Councilman Joe McKee said Friday that if the police union prevails the city will be forced into bankruptcy. McKee said it’s the City Council’s responsibility to not let that happen.

“What the police union doesn’t understand is that as a sign of good faith we haven’t asked for a quote from the sheriff’s department,” McKee said. “By doing this they are forcing us to go to the Riverside County Sheriff’s Department.”

A number of Coachella Valley cities that do not have their own police departments contract for police services with the sheriff’s department.

McKee said the decision to cut salaries was “not about winning. This is about the city surviving.”

Phillips said the police union believe’s the city’s threat of municipal bankruptcy was just a “Trojan Horse” and that the city was never truly in dire straits financially.

City leaders were never in a position to legally declare bankruptcy, he contended.

Phillips said he believes the city’s declaration of a fiscal emergency — a legal step taken by municipalities to gain more legroom while negotiating with unions — was illegal.

“My position is they never accepted or responded to the last offer that was presented by the City Council and the council took that offer off the table,” said Steve Quintanilla, Desert Hot Springs city attorney, of police union leaders. “The fiscal emergency determination was made independently of the negotiations with the police union.”

They just reduced their wages without going through the legal process, Phillips said. "Obviously, the meter is going to run until we get to court on April 15."

The union wants a judge to order the city to restore police salaries while this suit is ongoing. The hearing is scheduled for April 15 in Indio.

According to Desert Hot Springs Finance Director Amy Aguer, cuts to police salaries and vacancies in the department that were left vacant are expected to save the city more than \$1.1 million.

Desert Hot Springs spends about \$16.6 million on city services while only collecting \$14.1 million in revenues, according to the most recent estimates.

Public safety spending takes up the largest share of the city's spending.

Aguer said that the employee cuts to city salaries and other contact savings will leave the city with an ending balance of more than \$700,000 by the end of this fiscal year in June. However, the city still needs to make more than \$700,000 in additional cuts in order have enough money to continue paying city employees before the next fiscal year's budget is implemented.