



City Hall, Council Chambers
401 S. Johnstone Avenue
Bartlesville, OK 74003

**MINUTES OF THE
SPECIAL MEETING
OF THE
BARTLESVILLE CITY COUNCIL**

**Friday, April 20, 2018
12:00 p.m. (noon)**

**Mayor Dale Copeland
918-338-4282**

MINUTES

(Notice of Meeting and the Agenda was posted at 5:00 p.m. April 17, 2018.)

City Council Members Present: Mayor Dale Copeland, Vice Mayor John J. Kane, Jim Curd, Jr., Alan Gentges, and Trevor Dorsey.

City staff present: Mike Bailey, Acting City Manager, Administrative Director/CFO; Ed Gordon, City Manager; Jerry Maddux, City Attorney; Kelli Williams, Chief Communications Officer; Fire Chief John Banks; Assistant Fire Chief David Topping; Josiah Rovenstine, IAFF President; David Taylor, Third District Vice President for Professional Fire Fighters of Oklahoma; various firefighter; and Elaine Banes, Executive Assistant.

- 1. Mayor Copeland called the business meeting of the Bartlesville City Council to order at 12:00 p.m.**
- 2. Roll call was conducted and a quorum established.**
- 3. Mr. Gordon provided the invocation.**
- 4. Citizens to be heard.**

David Taylor spoke on behalf of the IAFF 200 providing the information contained in the IAFF's last best offer; the City's last best offer information; the arbitrators finding that City revenues were sufficient to cover the Union's last best offer; and that the arbitrator determined that the Union's last best offer as superior. Mr. Taylor concluded respectfully requesting that the City Council accept the arbitrator's decision in favor of the IAFF Local 200.

- 5. Discuss and take action to accept or reject the arbitration decision in the matter of IAFF, Local 200 and the City of Bartlesville, FMCS #18-00813 in favor of Local 200 as the Collective Bargaining Agreement between the parties for Fiscal Year 2017-2018. Presented by Jerry Maddux, City Attorney.**

Mr. Maddux reported that in the case that arbitration is necessary and under the way the law is written, after each side submits names for arbitrators, the Union has the final choice of arbitrator. He continued covering the Union's last best offer which provides a 5% raise, which would then give them a higher raise/wages than the Fraternal Order of Police or general employees starting the 2018-19 year. General employees and the FOP received bonus payments totaling \$1240 and a week of special vacation for FY 2017-2018. Therefore, if the City accepts the arbitrator's decision, it would not be fair to the policemen and general employees.

Mr. Maddux continued stating that the IAFF has agreed to meet Monday with staff where they will be presented a proposal that will give them exactly what the police and general employees received for FY 2017-18, plus a guaranteed minimum of a 2.5% increase for every fireman on their anniversary date, and a 1% cost of living increase for FY 2018-19, as well as a guaranteed minimum of a 2.5% increase for every fireman on their anniversary date and whatever COLA is granted to the other employee groups for FY 2019-20. Mr. Maddux covered how 5% step increases are very rare in today's economy; how there

are no Bartlesville firemen who are topped out; and that the City did not agree to the 5% Union request, primarily due to cost and sustainability. He explained that if the Union and the City were able to settle Monday for 2018-19 and 2019-20, there is an appropriation clause that says this is binding so long as the City has the funds to bind it, and although the City is not required to bind the funds, they have done so in the past.

Mr. Maddux explained that should Council reject the Decision, then they have to follow legal process which involves the option to call for the election so that citizens can determine whether to reject or accept the Decision. Due to the timing of the situation, there appears not to be a legal way to get an election called prior to the end of the fiscal year, June 30, 2018. He explained that the City is required to give the Washington County Election Board 60 days of notice which would not be possible due to the details involved. It is the desire of the City to come to an agreement if at all possible.

Mayor Copeland commented that he had read the complete arbitrator's decision, and he felt it is fair to say that the City wants to make the best decision affecting all of the employees, as well as what is fiscally responsible for the taxpayers. He added that the City reclassified all employee positions last year including the fire fighters who received a 6.7% to 12.5% wage increase. He added that the City worked hard to bring salaries into proper balance.

Mr. Gentges questioned as to when the steps occur, merit or automatically. Mr. Maddux responded that step increases occur on either the employee's anniversary date of hiring or on promotion date. He added that they are supposed to be based on merit, but he could not recall a time when every fireman did not receive a merit increase. Mr. Gentges inquired if adding a proper evaluation process could be included in the contract, to which Mr. Maddux agreed that a process can be included in the contract. Mr. Gentges then confirmed that if the Council accepted the Decision, then the firemen would receive less money than if the Council votes to reject the decision. Mr. Maddux confirmed that would be the case for the FY 2017-18 Agreement. Mr. Gentges and Mr. Maddux covered how this Decision can impact future years; how the city is not required to bind themselves more than a year; how a 5% increase may not be sustainable in the future; how 2.5% is more sustainable; how if an agreement cannot be settled Monday, that will affect FY 2018-19 negotiations; the negotiation tactics involved; Mr. Bailey clarifying a potential 1% COLA increase in addition to the 2.5% increase for FY 2018-19; the advantages of the 2.5% offer; Mr. Bailey explained the adding and dropping of steps; and that sales tax and other revenues determine raises and cost of living amounts. Mr. Bailey added that the City is averaging less than 3% in growth in sales tax with this year at about 1/2 increase in this fiscal year. He concluded stating that he feels confident of a 2.5% increase for FY 2018-19 and FY 2019-20.

Mr. Curd stated that he was in favor of a multi-year contract. Mr. Gentges stated that he supported merit based step increases; agreed with Mr. Maddux that there is not sufficient notice for an election; and hoped an agreement can be made on Monday for a multi-year contract so as to not have to arbitrate next year. Mr. Maddux stated that arbitration hinges on what the Union proposes, but feels that the City and IAFF have a good relationship and works together well. He added that the last time an arbitrator's decision went to election was after 9/11, and the City prevailed.

Mayor Copeland stated his appreciation of a good discussion, adding that in a perfect world, funding wages would not be an issue. He continued that the decision today is not taken lightly. Again, he mentioned that he was pleased that last year the firemen received a step change, increasing wages 6.7% up to 12%.

Mr. Curd moved to reject the arbitration decision as presented, seconded by Vice Mayor Kane.

Ayes: Mr. Dorsey, Mr. Gentges, Mr. Curd, Vice Mayor Kane, Mayor Copeland
Nays: None
Motion: Passed

Mayor Copeland stated his appreciation of the tone, courtesy and respect of all involved in this process.

6. **If necessary, in accordance with 11 O.S. § 51-108(B), discuss and take action to file written notice with the City Clerk of the decision of the City Council to submit to a vote of the people the issue of which of the two last best offers should be the collective bargaining for Fiscal Year 2017-2018; to direct the City Clerk to prepare a resolution calling for a special election of the qualified voters of the City of Bartlesville to select which of the last best offers of the City of Bartlesville or the International Association of Firefighters, Local 200 should be the Collective Bargaining Agreement for FY 2017-2018; and authorizing the Mayor to sign a letter so instructing the City Clerk. Presented by Jerry Maddux, City Attorney.**

Mr. Maddux reported that in accordance with the law, the City Council needs to authorize the Mayor to sign a letter instructing the City Clerk to prepare a resolution calling for a special election.

Mr. Gentges moved to file written notice with the City Clerk to prepare a resolution calling for an election as presented, seconded by Vice Mayor Kane.

Ayes: Mr. Gentges, Mr. Curd, Vice Mayor Kane, Mr. Dorsey, Mayor Copeland
Nays: None
Motion: Passed

7. **If necessary, direct the City Attorney to provide written notice to the IAFF, Local 200 of the filing of the request for a special election to be held to determine which last best offer will be the collective bargaining agreement for Fiscal Year 2017-2018. Presented by Jerry Maddux, City Attorney.**

Mr. Maddux reported that in accordance with the law, the City Council needs to authorize him to provide written notice to the IAFF, Local 200 of the filing of the request for a special election.

Vice Mayor Kane moved to direct the City Attorney to provide written notice to the IAFF, Local 200 of the filing of the request for a special election as presented, seconded by Mr. Dorsey.

Ayes: Mr. Curd, Vice Mayor Kane, Mr. Dorsey, Mr. Gentges, Mayor Copeland
Nays: None
Motion: Passed

8. City Manager and Staff Reports.

Mr. Bailey thanked the IAFF representatives for negotiating in a professional manner.

9. City Council Comments and Inquiries.

Mr. Gentges thanked all of the firemen, families of firemen, police representatives and citizens who attended the meeting.

Mayor Copeland stated that these decisions are not taken lightly, and he added his appreciation to everyone involved.

Mayor Copeland also stated that he had attended the 9/11 Ceremony held on April 19 at Central Fire Station. He appreciated the Bartlesville Fire Fighter Honor Guard and those who were honored at the ceremony.

The Mayor also reminded everyone of Operation Clean House being held tomorrow, April 22, and how important recycling is to the community.

10. **There being no further business to conduct, Mayor Copeland adjourned the meeting at 12:40 p.m.**

Mike Bailey

Mike Bailey, City Clerk, Acting City Manager,
Administrative Director/CFO

Dale W. Copeland
Dale W. Copeland, Mayor

