

RESOLUTION NO. {{item.sequential_number}}

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A MEET AND CONFER AGREEMENT WITH THE TEMPLE POLICE ASSOCIATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the “meet and confer” process is governed by Chapter 142 of the Local Government Code, which allows a “police officers’ association” to file a petition with the City requesting that the City recognize the association as the sole and exclusive bargaining agent for all officers and adopt the meet and confer process - the meet and confer process allows the City to meet and confer with the recognized police officers’ association over wages, salaries, rates of pay, hours of work, or other terms and conditions of employment;

Whereas, the meet and confer deliberations must occur in meetings open to the public and the City and a police officers’ association are not required to reach agreement on any particular topic - an agreement on any issue must be in writing and ratified by the Council and a majority of the police officers;

Whereas, a written meet and confer agreement preempts all contrary state statutes, local ordinances, executive orders, civil service provisions, or rules and allows variation of civil service rules regarding hiring requirements, pay, benefits, promotion standards, and the disciplinary process;

Whereas, members of the City Administration negotiating team include:

Erin Smith, Assistant City Manager, Lead Negotiator
Nanette Rodriguez, Assistant City Attorney
Jeff Clark, Deputy Police Chief
Traci Barnard, Director of Finance
Tara Raymore, Director of People Operations

Whereas, members of the Temple Police Association (TPA) negotiating team include:

James Carr, Sergeant, TPA President, Lead Negotiator
Jessica Johnson, TPA Vice President, Corporal
Tom Wolff, Sergeant
Jeremy Bales, Police Officer

Whereas, the current meet and confer agreement remains effective until September 30, 2025 - the City Administration negotiating team recommended revising Articles 4 and 8 before conducting negotiations regarding the entire agreement as follows:

Summary of Changes:

Article 4. Compensation

Substantive Change

- Revises the eligibility for officers to receive 320 hours of vacation pay from separating from the City to retiring from the Texas Municipal Retirement System.
- Includes a section to clarify that the effective date used for step pay increases will occur the first day of the pay period in which the swearing in occurs and not the retroactive pay date established.

Article 8. Promotional Process

Non-Substantive Change

Revises **Section 4. Eligibility for Police Department Promotional Examination** to clarify that a police officer is eligible to take the promotional exam after serving for two years following the actual promotion in their current position. Actual promotion refers to the date an officer is sworn in to fill the vacant position without regard to the amount of the time the position was vacant.

Whereas, a meet and confer agreement is enforceable and binding if the governing body of the municipality ratifies the agreement by a majority vote and the recognized police officers' association ratifies the agreement by conducting a secret ballot election at which the majority of the police officers who would be covered by the agreement favored ratifying the agreement;

Whereas, the Temple Police Association conducted a ratification election from June 14 to June 19, 2024 - during that election, the following votes were conducted by the police officers for Articles 4 and 8:

- Article 4 Revisions: 75 police officers voted "yes" to the ratification of the meet and confer agreement, 15 police officers voted "no", and 30 police officers did not vote, which constitutes as a "no" vote; and
- Article 8 Revisions: 86 police officers voted "yes" to the ratification of the meet and confer agreement, 4 police officers voted "no", and 30 police officers did not vote which constitutes as a "no" vote.

Whereas, Staff recommends Council ratify a meet and confer agreement with the Temple Police Association;

Whereas, if ratified by the City Council, the agreement will become effective immediately and continue in effect until September 30, 2025; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council ratifies a meet and confer agreement with the Temple Police Association and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's Office, to execute any necessary documents.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 18th day of **July, 2024**.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney