

**RESOLUTION NO. 050210-04**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**WHEREAS**, the Texas Legislature provided in Subchapter C of Chapter 174 of the Texas Local Government Code, (the Fire and Police Employee Relations Act) for the adoption of a form of labor negotiation known as the Collective Bargaining process. This process, when adopted in a local election, requires a municipality to negotiate and enter into written agreements with firefighters and/or police officers regarding wages, salaries, rates of pay, hours of work, and other terms and conditions of employment or other personnel issues; and

**WHEREAS**, the firefighters won the right to engage in collective bargaining with the City as provided in the Fire and Police Employee Relations Act in a May, 2004 election; and

**WHEREAS**, the firefighters have designated the Austin Association of Professional Fire Fighters (Association) as their sole and exclusive bargaining agent to negotiate with the City on their behalf and the Association has designated a bargaining team to conduct its collective bargaining negotiations with the City; and

**WHEREAS**, under the Fire and Police Employee Relations Act, the City must provide firefighters with compensation and other conditions of employment that are comparable to the private sector; recognize and bargain collectively with the firefighters' recognized bargaining agent; and conduct deliberations open to the public; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

1. The City Manager is responsible for conducting collective bargaining negotiations in an orderly fashion and in a manner which will protect the integrity of both the process itself and the City's goals in utilizing the process.

2. The City Manager shall designate the members of the City's bargaining team which shall conduct all negotiations with the firefighters' bargaining team and shall report to the City Manager. The City Manager shall ensure that the City's bargaining team collectively bargains with the firefighters' bargaining team at reasonable times in open deliberations in accordance with the law.

3. The City Manager shall ensure that any written agreement negotiated under the collective bargaining process is consistent with the City's available resources; the community's service requirements; the City's ability to provide

for the needs of the City's non-Civil Service workforce; and the management responsibilities established in Chapter B of the City's Personnel Policies.

4. It is the desire of the City Council that collective bargaining negotiations occur in scheduled public bargaining sessions between the City's bargaining team and the firefighters' bargaining team, rather than by communication with individual members of the Council, in order to comply with both state law and the City Charter; to achieve an efficient and organized process; and to preserve in full the prerogatives of each member of the City Council in any final determinations and approvals of a collectively bargained agreement.

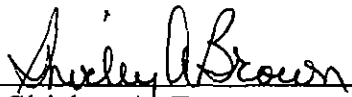
5. The City Manager and the City's bargaining team shall work to address and resolve the legitimate interests of the firefighters' bargaining team in having its positions and proposals fully and fairly known and understood by the City, including members of the Council, and to provide a legal framework for the Council to be fully aware of any issues or disagreements concerning the bargaining process, for the full and fair benefit of all parties to this process.

6. All media inquiries concerning the progress or status of negotiations will be referred to the City Manger's office, which shall handle such inquiries in accordance with ground rules adopted by the parties to the negotiations.

7. To the extent that previous Resolutions adopted on July 31, 1975, and June 13, 1995, require the provision of any benefit or special consideration such as payroll deduction of association dues; association bulletin boards in the workplace; use of City communication systems; distribution of association materials in the workplace; or any other such items related to the firefighters or the Association, those Resolutions are hereby amended to provide that any such benefits or considerations are considered to be negotiable under the collective bargaining process and may be provided through that process or at the discretion of the City Manager.

**ADOPTED:** February 10, 2005

**ATTEST:**

  
Shirley A. Brown  
City Clerk