

AN ORDINANCE 2008-10-02-0890

**APPROVING AN ADDENDUM TO THE MEET AND CONFER AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO PARK POLICE OFFICERS' ASSOCIATION, WHICH PROVIDES FOR, AMONG OTHER THINGS, THE TRANSFER OF PARK AND AIRPORT POLICE OFFICERS UNDER THE SUPERVISION, SPAN OF CONTROL, AND ADMINISTRATION OF THE POLICE CHIEF AND FOR THE EXTENSION OF THE MEET AND CONFER AGREEMENT THROUGH SEPTEMBER 30, 2013.**

\* \* \* \* \*

**WHEREAS,** the City of San Antonio ("City") and the San Antonio Park Police Officers' Association ("SAPPOA") entered into a Meet and Confer Agreement which was ratified by the SAPPOA on April 10, 2008, and ratified by City Council on April 17, 2008, pursuant to Ordinance No. 2008-04-17-0323 ("Meet and Confer Agreement"); and

**WHEREAS,** over the past few months, City Staff has been working on alternatives on how to best accomplish a transition of the Parks and Airport under the supervision, span of control and/or administration of the Police Chief; and

**WHEREAS,** Staff from the City Manager's Office and Police Department worked and met with numerous stakeholder groups to include the Parks & Recreation Department, Aviation Department, Human Resources Department, SAPPOA, Park and Airport Peace Officers, the Parks and Recreation Board, the Linear Creeks Advisory Committee, the Paseo del Rio Association, the Hotel/Motel Association and the Air Transportation Advisory Committee, to address their concerns over such a transition; and

**WHEREAS,** a conceptual transition agreement was reached in July, 2008 by the City and the Park and Airport Police; and

**WHEREAS,** this conceptual transition agreement was memorialized as an Addendum to the Meet and Confer Agreement; and

**WHEREAS,** among other things, the Addendum provides for an extension of the Meet and Confer Agreement through September 30, 2013; and

**WHEREAS,** the Addendum was voted on by the Park and Airport Police, who voted to ratify the addendum by a vote of 81%; and

**WHEREAS,** it is now necessary for the City Council to consider and ratify this Addendum to the Meet and Confer Agreement in order for it to take effect; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The Meet and Confer Agreement passed and approved on April 17, 2008, pursuant to Ordinance No. 2008-04-17-0323, is hereby authorized to be amended in accordance with the terms of the Addendum, attached hereto as Exhibit I.

The terms of the Addendum, as clarified and corrected by the Letter, are hereby ratified. The Addendum provides for the following: 1) an agreement to consult with the Association prior to the implementation of transfer of officers in the bargaining unit to the supervision, span of control and/or administration of the Police Chief; 2) a waiver of coverage by the Park and Airport Police to coverage by Texas Local Government Code, Chapter 143; 3) the preservation of existing ranks and classifications for current affected employees; 4) an agreement that pay and benefits for the Park and Airport Police will continue to be covered by the Meet and Confer Agreement, which shall be negotiated from time to time; 5) an agreement not to reduce the number of existing positions except by attrition; and 6) the extension of the Meet and Confer Agreement through September 30, 2013, with Article IV. Pay Plan and Article IX. Uniform Clothing: Issuance and Maintenance Allowance to take effect October 1, 2008.

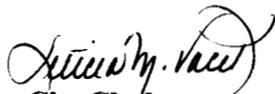
**SECTION 2.** Funding for future years of the Meet and Confer Agreement beyond September 30, 2009, as extended by the Addendum, is subject to appropriation by City Council, as evidenced by adoption of a subsequent ordinance.

**SECTION 3.** This Ordinance shall take effect immediately if passed by eight (8) affirmative votes; otherwise, this Ordinance shall take effect ten (10) days from the date of passage hereof.

**PASSED AND APPROVED** this 2<sup>ND</sup> day of OCTOBER, 2008.

  
M A Y O R

**ATTEST:**

  
City Clerk

**APPROVED AS TO FORM:**

  
City Attorney



Request for  
**COUNCIL  
ACTION**

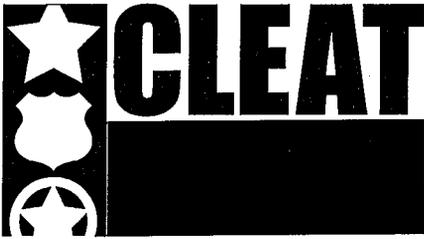
City of San Antonio



**Agenda Voting Results - 26**

<b>Name:</b>	26
<b>Date:</b>	10/02/2008
<b>Time:</b>	11:42:53 AM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	An Ordinance approving an Addendum to the Meet and Confer Agreement between the City of San Antonio and the San Antonio Park Police Officers Association, which provides for the transfer of Park and Airport Police Officers under the supervision, span of control, and administration of the Police Chief and for the extension of the Meet and Confer Agreement through September 30, 2013. [Sharon De La Garza, Assistant City Manager; Nikki Ramos, Interim Director, Human Resources]
<b>Result:</b>	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2	x					
Jennifer V. Ramos	District 3		x			x	
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				x



# COMBINED LAW ENFORCEMENT ASSOCIATIONS OF TEXAS

**A GREATER FORCE OF LAW ENFORCEMENT PROFESSIONALS**

PLEASE RESPOND TO  
THE OFFICE CHECKED.

**Administration Office**  
400 W. 14th St., Suite 200  
Austin, TX 78701  
512/495-9111  
512/495-9301 FAX  
800/252-8153 WATS

**North Texas Office**  
904 Collier  
Fort Worth, TX 76102  
817/882-9548  
817/882-9586 FAX  
800/825-3281 WATS

**South Texas Office**  
1939 N.E. Loop 410, Suite 210  
San Antonio, TX 78217  
210/826-1899  
210/826-2299 FAX  
800/752-5328 WATS

**East Texas Office**  
14405 Walters Rd., Suite 300  
Houston, TX 77014  
281/880-5252  
281/880-9998 FAX  
800/422-5328 WATS

**West Texas Office**  
747 E. San Antonio, Suite 103  
El Paso, TX 79901  
915/533-4924  
915/533-5117 FAX  
800/328-9940 WATS

**Coastal Bend Office**  
3122 Leopard St.  
Corpus Christi, TX 78408  
361/883-3224  
361/884-8357 FAX

**Northeast Texas Office**  
2427 Baker Dr., Suite D  
Mesquite, TX 75150  
972/686-5220  
972/686-3350 FAX

**Golden Triangle Office**  
5675 Eastex Frwy., Suite M-8  
Beaumont, TX 77706  
409/347-1281  
409/347-1283 FAX  
866/992-5328 WATS

**Arlington Office**  
1801 West Park Row  
Arlington, TX 76013  
817/792-3534

September 11, 2008

Mr. Erik Walsh, Assistant City Manger  
City Manager's Office  
100 Military Plaza  
City Hall 1<sup>st</sup> Floor  
San Antonio, TX 78205

## **RE: San Antonio Park and Airport Police Amendment**

Dear Mr. Walsh,

This letter is pursuant to your conversation today with Mr. Ron DeLord, Executive Director of the Combined Law Enforcement Associations of Texas. Please be advised that there is a typographical error in the Addendum to the Meet and Confer Agreement recently executed between the City of San Antonio and the San Antonio Park and Airport Police Officers Association. Under Section II of the Addendum entitled "**Effective Date and Term**", Sub Section 2.1, the sentence near the end of the paragraph "Articles IV and V take effect on October 1, 2008" should read as "Articles IV and IX take effect on October 1, 2008." Could you please ensure that this error is corrected prior to the Addendum being presented to the City Council for ratification. It is my understanding that following ratification by the City Council the corrected Addendum will be resigned by Frank Gonzalez, President of the San Antonio Park Police Officers Association.

Thank you for your attention to this matter. Please feel free to call me at (210) 826-1899 if you have any questions.

Sincerely,

Robert P. Leonard II  
Staff Attorney



**ADDENDUM  
TO  
MEET AND CONFER AGREEMENT  
BETWEEN THE  
CITY OF SAN ANTONIO  
AND THE  
SAN ANTONIO PARK POLICE OFFICERS ASSOCIATION**

Effective upon execution of this Addendum to the Meet and Confer Agreement between the City of San Antonio and the San Antonio Park Police Officers Association, the following shall be added:

**Transfer of Officers to Supervision, Span of Control and/or Administration by the Chief of Police of the San Antonio Police Department**

Consultation with the Association Prior to Implementation.

If the City transfers officers in the bargaining unit to the supervision, span of control and/or administration by the Chief of Police of the San Antonio Police Department, the Chief of Police shall meet, discuss and solicit input from the Association. The Association shall be provided a copy of all written recommendations (other than attorney – client communications) in regards to any such transfer on or before such public presentation to the City Manager.

Pre-emption of Coverage Under Chapter 143 of the Texas Local Government Code.

The Association agrees that if officers are transferred to the supervision, span of control and/or administration by the Chief of Police of the San Antonio Police Department or his designee, this Addendum pre-empts Chapter 143, Texas Local Government Code, and the Association waives all claims to coverage by Chapter 143.

Pre-emption of Coverage Under Collective Bargaining Agreements.

The Association agrees that if officers are transferred to the supervision, span of control and/or administration by the Chief of Police of the San Antonio Police Department or his designee, this Addendum pre-empts any claims that such officers are covered by any collective bargaining agreement between the City of San Antonio and the San Antonio Police Officers Association, or that the officers have any claims to wage and benefit equity except as provided for in the Meet and Confer Agreement (the “Agreement”). The Association agrees to support and assist the City in obtaining contractual modification of the SAPOA agreement to ratify and confirm the provisions herein.

Preservation of Existing Ranks and Classifications for Current Employees.

The City agrees that if current employees who are certified peace officers are transferred to the supervision, span of control and/or administration by the Chief of Police of the San Antonio Police Department or his designee, such individual employee officers will retain their rank and

classification except as provided for pursuant to city civil service rules and regulations or this Agreement. The City has agreed that such officers shall continue to perform dedicated law enforcement duties as directed by the Chief of Police of the San Antonio Police Department in the City parks or the City airports. The City and the Chief of Police retain the prerogative and legal authority to hire and utilize certified peace officers who are transferred to the supervision, span of control and/or administration by the Chief of Police of the San Antonio Police Department or SAPD officers, or both in connection with law enforcement and public safety in San Antonio City parks and airports.

#### Pay and Benefits.

Pay and benefits for park and airport officers covered by this Addendum shall continue to be controlled by the existing Meet and Confer Agreement, which shall be negotiated from time to time with the San Antonio Park Police Officer's Association.

#### Existing Positions and Attrition.

Positions actually filled as of the date of transfer to the supervision, span of control, or administration by the Chief of the SAPD, will not be reduced except by attrition, and not by the elimination of authorized positions which are actually filled by existing employees at the time.

## **II. EFFECTIVE DATE AND TERM**

Section 2.1, Effective Date and Term of this Agreement, is amended to read as follows:

This amendment to this Agreement and the above addendum shall take effect on (1) the date on which it is ratified by the Association by conducting a secret ballot election at which the majority of the police officers voting who are covered by the Agreement vote in favor of ratifying the amendment to this Agreement and the above addendum to this Agreement, or (2) the effective date of the ordinance approving this amendment to this Agreement and addendum to the Agreement by majority vote of the City Council of the City, whichever is later, and the duration of the Memorandum of Understanding ("the Agreement") shall be amended to remain in effect until September 30, 2013. Articles IV and IX take effect on October 1, 2008. The provisions of this amendment to this Agreement and the above addendum to this Agreement are effective only during the term of this Agreement and dissolve upon its expiration.

**CITY OF SAN ANTONIO**

**SAN ANTONIO PARK POLICE  
OFFICERS ASSOCIATION**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

Printed  
Name: \_\_\_\_\_

Printed  
Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
City Attorney



**CITY OF SAN ANTONIO**  
**Request for Council Action**

Agenda Item # 26  
Council Meeting Date: 10/2/2008  
RFCA Tracking No: R-3929

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**DEPARTMENT:** Human Resources

**DEPARTMENT HEAD:** Nikki M Ramos

**COUNCIL DISTRICT(S) IMPACTED:**  
City Wide

**SUBJECT:**  
Addendum to Meet & Confer Agreement - City and Park Police Officers Association

**SUMMARY:**

This ordinance approves an Addendum to the Meet and Confer Agreement between the City of San Antonio (City) and the San Antonio Park Police Officers Association (SAPPOA). The Addendum addresses the transfer of Park and Airport Police Officers under the supervision, span of control, and/or administration by the Chief of Police of the San Antonio Police Department (SAPD). The Addendum also extends the Meet and Confer Agreement through September 30, 2013.

**BACKGROUND INFORMATION:**

On March 17, 2008, the City Council passed an ordinance approving the Meet and Confer Agreement between the City and the SAPPOA. The agreement covers Park Police Officers, Airport Police Officers, City Marshals, and Code Compliance Abatement Officers.

Over the past several months, City staff has been working on alternatives on how to best accomplish a transition of Park and Airport Police functions under the control of the Chief of Police of the SAPD. The goal of this transition of functions is to establish a single command structure and standardize operational and training protocols. Staff from the City Manager's Office (CMO) and the SAPD have worked and met with numerous stakeholder groups to address their issues and concerns over such a transition. These groups included the Parks & Recreation, Aviation and Human Resources Departments, SAPPOA, Park and Airport Police Officers, the Parks & Recreation Board, the Linear Creeks Advisory Committee, the Paseo del Rio Association, the Hotel/Motel Association, and the Air Transportation Advisory Committee.

In July 2008, a conceptual transition agreement was reached between the City and the SAPPOA leadership. This conceptual agreement led the way to a vote on an Addendum to the Meet and Confer Agreement. In August 2008, 81 percent of Park and Airport Police Officers voted to ratify the Addendum. The Addendum provides for the following:

1. An agreement to consult with the SAPPOA prior to the implementation of the transfer of officers in the bargaining unit to the supervision, span of control, and/or administration of the Chief of Police.
2. A waiver of coverage by the Park and Airport Police to coverage by Texas Local Government Code, Chapter 143.

3. The preservation of existing ranks and classifications for current affected employees.
4. An agreement that pay and benefits for the Park and Airport Police will continue to be covered by the Meet and Confer Agreement, which shall be negotiated from time to time.
5. An agreement not to reduce the number of existing positions except by attrition.
6. The extension of the Meet and Confer Agreement through September 30, 2013.

In addition, the City agreed to begin immediately advertising to fill existing vacant Park Police positions. Lastly, the SAPPOA and the City agreed to convert 15 of the existing Park Police vacancies to non-law enforcement positions. These new positions will assume the non-law enforcement responsibilities that are currently handled by the Park Police. This change will enhance security in City parks by allowing the Park Police to primarily focus on law enforcement duties.

City staff briefed the Public Safety Committee on this issue on August 13, 2008.

Subsequent to the vote to ratify the Addendum, the City received a letter from a Park and Airport Police representative requesting a correction of a typographical error in the Addendum under Section II. Effective Date and Term, Sub Section 2.1. The sentence near the end of the paragraph "Articles IV and V take effect on October 1, 2008" should read as "Articles IV and IX take effect on October 1, 2008." Correction of this typographical error does not alter the Meet and Confer Agreement. City staff are in agreement with this request.

**ISSUE:**

Texas Local Government Code, Section 142.064, requires that any meet and confer agreement reached or addendum to such must be put in writing and voted on and approved by City Council and the SAPPOA membership. The Addendum to the Meet and Confer Agreement addresses the transfer of Park and Airport Police Officers under the supervision, span of control, and/or administration by the Chief of Police of the SAPD and extends the meet and confer agreement through September 30, 2013.

**ALTERNATIVES:**

If the proposed Addendum to the Meet and Confer Agreement is not approved, City Council could recommend that the parties reconvene to reach an alternative addendum.

This would require that the alternative addendum be returned to the SAPPOA membership for ratification.

City Council could also choose to not approve the Addendum in which case no transition of these positions under the control of the Chief of Police of the SAPD would occur at this time under the proposed mechanism.

**FISCAL IMPACT:**

There is no fiscal impact from approval of this item. All costs to continue to provide Park and Airport Police services are included in the FY 2009 Adopted Budget as approved by City Council on September 11, 2008.

**RECOMMENDATION:**

Staff recommends approval of the Addendum to the Meet and Confer Agreement.

**ATTACHMENT(S):**

File Description

File Name

[Letter from Combined Law Enforcement Associations of Texas \(CLEAT\)](#)

CLEAT\_Letter.pdf

[Meet & Confer Addendum](#)

San Antonio Park POA MOU Addendum-Amendment.doc

[Voting Results](#)

[Ordinance/Supplemental Documents](#)

200810020890.pdf

**DEPARTMENT HEAD AUTHORIZATIONS:**

Nikki M Ramos Director (Interim) Human Resources

**APPROVED FOR COUNCIL CONSIDERATION:**

Sharon De La Garza Assistant City Manager