

**Minutes of Special City Council Meeting
held Monday, February 6, 2012 at 4:00 P.M.
In the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



CALL TO ORDER

Mayor Fland Sharp called the meeting to order.

PRESENT:

Mayor: Fland Sharp

Council Members:	Lee Buck	Rick Knight
	Penny Christian	Tom Taylor
	Steve Hartkemeyer	Jeanell Wilson

Also present was City Manager George Forbes, City Attorney Susan Erdelyi, Negotiating Attorney for the City Tim Strong, Human Resources Director Karen Nelson, Human Resources Consultant Sue Taylor, Acting City Clerk Judy L. Bullock, and Cathy Martinich of the City Clerk's Office.

PURPOSE OF MEETING

Mayor Sharp explained that the purpose of the meeting was to conduct an impasse hearing regarding outstanding articles of the Collective Bargaining Agreement between the City of Jacksonville Beach and the Fire Department Employees.

STATEMENT

Mayor Sharp read the following for the record:

This is a hearing on resolution of the impasse between the City of Jacksonville Beach and the International Association of Firefighters, Local 2622, the collective bargaining representative for Fire Department employees with the City of Jacksonville Beach.

Public Comment

At this time, Mayor Sharp opened the matter for public comment.

The following people spoke in favor of the International Association of Firefighters, Local 2622:

Mitch McCue
537 15th Avenue North
Jacksonville Beach, FL

Bill Metcalf
1424 9th Street North
Jacksonville Beach, FL

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Damien Reichert
1846 North Pearl Street
Jacksonville, FL

There being no one else wishing to comment, Mayor Sharp closed the Public Comment.

STATEMENT

Mayor Sharp read the following for the record:

The Union will be the first to make its presentation, followed by the City. Each presentation cannot exceed 60 minutes. During presentation of the arguments and evidence in support of the positions, the parties shall not be interrupted by representatives from the opposing party or members of the public or Council. After both parties have made their presentations, each party will be given 5 minutes for a rebuttal, with the Union proceeding first.

UNION

Andy J. Ingram of Donnelly & Gross, P.A., Counsel for the International Association of Firefighters, Local 2622, took the floor to address the Mayor and Council. Mr. Ingram distributed copies of documents to the Mayor and Council for reference, and a copy for the record.

Mr. Ingram stated that the negotiation process has been contentious due to the economic conditions. He stated while there are issues of the contract that are at an impasse, some are close to being agreed upon. Mr. Ingram said that since he has been involved in the negotiations, the underlying theme has become "No Wages; No Waivers". He further explained that because the economic times are as they are, the Local's response is, if the City will not give financial incentives, the Union will not give up rights incentives.

Mr. Ingram referenced documents (copy on file) that were distributed to the Mayor and Council, and detailed the Articles of the contract still under dispute. After giving explanations of each of the Articles at impasse, Mr. Ingram concluded his presentation and answered questions from Council Members.

CITY

Tim Strong, Neptune Beach, FL, Negotiating Attorney for the City, took the floor to address the Mayor and Council. Mr. Strong reviewed the City's proposal with a PowerPoint presentation.

Copies of his presentation were distributed to the Mayor and Council for reference, and a copy for the record. He addressed the Articles at impasse.

Mr. Strong explained the burden of proof, and said that Council is here to make a decision based upon the best interest of the employees. He noted that the negotiations have gone on since May 3,

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2011, and the contract expired on June 15, 2011. There are now 12 items at impasse, including three (3) additional items that the Union has proposed.

Mr. Strong emphasized the City's health insurance plan continues to increase in cost. He said the City agreed to give Firefighters the same insurance plan as the other employees. He said the Union had agreed to the City's proposal, but just last Friday the Union withdrew their agreement.

Mr. Strong discussed the Union's proposal for pay and assignment of overtime. He noted that the City has offered the Fire Department the same that has been negotiated for the Police Department. Mr. Strong said that in several pages of the City's proposal, regarding sick time and assignment of overtime, the Union did not have a counter offer, after they had asked for the assignment of overtime in the contract.

Mr. Strong explained the continuing education reimbursement the City offers for tuition and books as well as the additional tuition offered by the State. He further noted that the City worked diligently toward the Paramedic incentive plan. He said the Union had agreed to the City's language, then on Friday Mr. Strong was told that they had withdrawn their agreement.

Mr. Strong reviewed the competitive salary information in his PowerPoint presentation showing that the City is competitive regarding its compensation and added that ad valorem taxes have been decreasing and are expected to further decrease this year. Mr. Strong discussed employee salaries, eliminating the step increases, and emphasized that all other employees have given up annual step increases. He noted that Mr. Ingram had stated earlier, "We are not asking for wages."

Mr. Strong went over the Union's proposed step plan and explained that after negotiations, the Union had accepted the City's offer. He added that the last proposal from the Union, before agreeing to the City's proposal, was on August 12, 2012. Mr. Strong explained that state law requires the proposals from the Union and the City be placed in an agreement to go before the Union for ratification. If the Union votes to accept the agreement, then the contract is approved. However, if the Union rejects the proposal, the contract goes back to negotiations. He added if the City's recommendations are approved, then the contract becomes effective today, even though the prior contract expired in 2011.

Mr. Strong remarked that the City does not believe that the Union entered into a good faith agreement on the wages, because the Union came back with a proposal for higher wages, so the City withdrew its tentative agreement. Mr. Strong advised, as a result of the Union's proposal today, that the City will accept the Union's agreement, in good faith, that the wages are no longer under negotiation and that they accept the City's proposal. At this time Mr. Strong stated that "Article 34, Wages" was no longer in negotiation and is withdrawn from the council's consideration.

In closing, Mr. Strong stated that Jacksonville Beach is in good financial condition due to the Council making the hard, conservative decisions regarding the City's budget.

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Rebuttal

Both parties were allowed their 5 minutes for rebuttal.

Mayor Sharp stated the parties have made their presentations and the public has been given an opportunity to comment. The Mayor asked the Council if there was any discussion or to make a motion.

Discussion: Questions were answered posed by Council Members.

Motion: It was moved by Mr. Hartkemeyer, seconded by Mr. Buck, to accept the City Proposal, as shown by strike-throughs and underlines, in the document (on file).

Roll call vote: Buck, yes; Christian, yes; Hartkemeyer, yes; Knight, yes; Taylor, yes; Wilson, yes; and Mayor Sharp, yes; motion approved unanimously.

ADJOURNMENT

There being no further business coming before the Council, Mayor Sharp adjourned the meeting at 5:19 p.m.

Submitted by: Cathy M. Martinich
City Clerk's Office

Approval:

Fland O. Sharp, MAYOR

Date: February 20, 2012