

BILL NO. 19-42

AN ORDINANCE APPROVING THE 2019 LABOR AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE FRATERNAL ORDER OF POLICE LODGE #50 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY; APPROPRIATING \$1,278,037 AND CONTAINING AN EMERGENCY CLAUSE.

WHEREAS, the Fraternal Order of Police Lodge #50 (hereinafter FOP) has long represented police officers and sergeants of the City of Lee's Summit, Missouri (hereinafter "City") regarding terms and conditions of employment, historically through a process known as "meet and confer"; and,

WHEREAS, in response to the 2007 Missouri Supreme Court decision in Independence-National Education Association v. Independence School District, which held that the constitutional right to organize and bargain collectively as outlined in Article I Section 29 of the Missouri Constitution applies to public employees as well as private-sector employees, in 2014, the City and FOP negotiated the first formal collective bargaining agreement between the parties (hereinafter "the 2014 Agreement") setting forth provisions regarding wages, benefits, and other terms and conditions of employment for employees represented by FOP; and,

WHEREAS, the 2014 Agreement was eligible for re-negotiation in June 2017, and, upon duly provided notice by FOP, City and FOP began the process of renegotiation soon thereafter; and,

WHEREAS, on February 7, 2019, FOP and City finalized the terms of a two-year agreement for presentation to the City and members of the FOP for consideration (hereinafter "the 2019 Agreement"); and,

WHEREAS, the 2019 Agreement contains several substantive modifications to the 2014 Agreement including, among other items, a "step plan" pay program for 132 members to be effective March 9, 2019, provisions intended to clarify management's rights and responsibilities regarding City and Police Department policies and procedures, and the modification of the process of consideration and implementation of past practices; and,

WHEREAS, City desires to approve the 2019 Agreement, which shall expire on March 9, 2021, in order to allow for changes to wages as contemplated therein to take effect on March 9, 2019, as well as to allow for immediate operation under the new provisions contemplated therein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the 2019 Labor Agreement by and between the City of Lee's Summit, Missouri and the Fraternal Order of Police Lodge #50, a true and accurate copy being attached hereto and incorporated herein as though fully set forth as Exhibit A, be and hereby is approved.

SECTION 2. That the City Manager is authorized to execute said Agreement by and on behalf of the City.

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SECTION 3. That there is hereby appropriated an annual amount of \$1,278,037 to be pro-rated as provided in ordinance No. 8563 passed by the Council of the City of Lee's Summit, Missouri on the 19th day of February, 2019, with wage adjustments implemented in a manner as shown in Exhibit A .

SECTION 4. That should any section, sentence, or clause of this ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

SECTION 5. That this Ordinance approving, and ratifying the 2019 Agreement with the Fraternal Order of Police Lodge #50 is an emergency within the meaning of Sections 3.13(f) (1) and (3) of the Charter of the City of Lee's Summit, Missouri in that it relates to the public peace, property, health safety and morals of the City and provides for an appropriation of the current expenses of the City government. The same shall be in full force and effect immediately from and after its adoption and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this 5th day of March, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*