



**CITY OF LA MARQUE
CITY COUNCIL SPECIAL
MINUTES
of
JANUARY 25, 2021**

City Council Regular Minutes of the City of La Marque City Council held on Monday, January 25, 2021, beginning at 6:00 p.m. at 1109-B Bayou Road with the following members present:

(1) CALL TO ORDER

Mayor Bell called the Regular Meeting to order at 6:00 p.m.

(2) ROLL CALL

Keith Bell	Mayor
Joe Compian	Councilmember, District B
Robert Michetich	Councilmember, District C
Casey Mc Auliffe	Councilwoman, District D

OTHER OFFICIALS PRESENT:

Charles "Tink" Jackson	City Manager
Robin Eldridge	City Clerk
Derra Purnell	City Attorney

OTHERS PRESENT:

President- of the current CBA-

(3) CITIZENS PARTICIPATION - There was none

(4) WORKSHOP

- a. Discussion relating to the current La Marque Police Department Collective Bargaining Agreement

City Manager Jackson said that the current Police Department Collective Bargaining Agreement (CBA) ends in September of this year. The workshop has been scheduled, not to be a negotiations meeting, but to answer questions about the existing CBA that Council may have relating to how different provisions are applied, and to understand the workings of the agreement or any specific items

that are important the them in the CBA. Then he turned it over to City Council to discuss.

Some of the questions/ concerns discussed were as follows:

- Consistency at it relates to City Policy (section 5 page 17 - additional financial incentive-pay to employees who are residents of the City, and whether or not this was extended to all other employees outside of the Police Department) - clarification was that it pertains to Police and Fire only
- Payment for of training, certifications, recertifications to maintain current standings of the Police Officers, whether this is also covered for other city employees - clarification was yes, this does include other employees depending on job title and certification requirements
- Affirmative Action Program- is this in writing? - clarification - statement follows Federal laws and language (as it relates to sexual orientation)- will be, if not added in the Employee Handbook as well as this document, it will be updated as noted according to Federal laws
- Minorities- specific demographic referencing this? (“Minorities” not being descriptive enough)
- Vacation taken and accrued and value - **data was requested**
- Full cost for insurance for all employees - **data was requested**
- Sick leave pool- how it manifests- those who contribute an amount into the SLP will be eligible after the committee reviews the request. Is sick leave taken reviewed? Is there a threshold?- FMLA was briefly described, and the process of taking sick leave was discussed
- Police Cars being brought home that reside in the City and those who take vehicles home that do not live in the City - **data was requested**
- Explanation was given for the \$65.00 cost for ammunition and maintenance of uniforms/ replacement of boots, belts, etc. - ammunition is supplied for training purposes only
- City will reimburse up to \$500.00 for a firearm, otherwise each officer purchases his/her own firearm if cost is over
- Health and Safety Committee creation of a Physical Fitness Program - clarification as a quarterly assessment program and is volunteer and not mandatory, it is not required - it was asked how many officers are in the program, and what the program consists of- **date was requested**
- What it would look like to up the incentive - costs to \$500.00 if each officer was to be involved in the program - **data was requested**
- It was asked if a similar program existed within the Fire Department - clarification that this was in the process
- Expanding the physical and mental health portion of the CBA- page 44- (Chapter 143). It was asked that a more substantial support be offered to the Police Officers and all First Responders. **Data was requested** for costs

associated of having counselors on-sight and available at any time and a better way to support them in this area

- A few areas that were suggested to be taken OUT of the CBA were (records retention, investigations, and disciplinary actions)
- Civilian oversight into the CBA - a suggestion was made to involve citizens to get involved and allow their input into the CBA negotiation process for more transparency
- It was asked that the union committee send any changes and or requests that they would like to be included in the negotiation process to the city Manager and he will get those out to the Council Members to begin reviewing
- It was asked why it was mentioned in the current CBA, how certain areas would supersede certain Chapters of 143, and 174 or any other Texas Statutes - Legal said that under the Charter, and has a Home Rule City, this CBA has the authority to pre-empt certain rules or sections, where the state has given a collective bargaining agreement the authority to trump certain places, that the current CBA has chosen to do so.
- Clarification was given on a section that authorizes the Police Chief to promote a Captain or an Assistant Chief outside of any promotional exam. Ultimately, City Council would still have to approve and fund this position.
- Clarification of Page 7, Section 5 had concerns of the wording of “at the discretion of management” to be able to revoke privileges that could also be applied to difference officers, it leaves room for favoritism. Is there a process and has it been reduced to a written policy? (example- taking a city vehicle home); it is said to be outlined in the Rules and Procedures of Investigation Policy.

Joshua Human, Patrol Sergeant and current the Union President- Page 9 Article 7 Section 3, the question of how any staff could “interfere” as it relates to this section? - **Mr. Human was asked to get back with the City Manager about what he finds out.**

- Overtime and how it was distributed was discussed. Availability based on whether the officer is off work, and or just got off duty is the method used to decide who works overtime. **Chief Jackson was asked to get back with Council on the possibility of certain officers receiving more opportunities for overtime then other officers. (Some type of list)**
- Seniority - for taking vacations - is there a system in place? It was said that there has never been a time where there have been any probes in this area.
- It was asked how vacation is accrued and carried over, and it was clarified that there will be one consistent process to deal with all aspects and be part of this CBA and will be included in the Personnel Manual. A “leave”

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Policy may be brought to City Council on it's own then implemented into the Employee Personnel Manual that will have a maximum carry over.

- Every member of the Police Department is a member of the CBA
- Extra job - requirements to wear a uniform within the City while working extra jobs, this depends on the job and what that job requires, sometimes plain-clothes are required
- Article 33, Section 4, page 51- (Personnel files)- asked what a letter of counseling was - a written admonishment issued to an officer for a level of violation of a policy (that doesn't meet the level of a disciplinary action according to Civil Service) with-holding the letter from the file (if after investigations - proved be unfound); and after 6 mos. being able to ask that the letter be removed; (hearings and or third-party arbitration was explained by Chief Jackson.) Six months seemed like such a short time- as mentioned by a member of Council.
- Clarity was asked on records retention (types of violations that can be removed, and the amount of time lapsing before they can have them removed); Legal explained that there are a lot of overlaid laws tied into this (Civil Service Rules, Records Retention Laws, TCLOSE); Each document will have a different records retention requirement: (Disciplinary actions- suspension, demotion and termination) - Civil Service those are in the Employee Personnel File and are considered permanent
- Has a Sworn notarized affidavit on a complaint always been required? (for Criminal misconduct, or specific violation of department rules) - under those categories, a sworn notarized affidavit complaint is required; are there any other avenues that a citizen can report their complaints to (yes, City Manager); Mr. Human explained the differences in the seriousness of kinds of complaints (official oppression, retaliation, rudeness, wrongful arrest); filing false complaints are an arrestable offenses. Citizens can go to any member of the Police Department, any Council Member or City Manager, and it was promised that all complaints regardless of where the complaints are turned into, will be investigated. Further discussion continued which included time frame for a complaint to be investigated, right to contact an attorney on both sides.

CLEAT Representative (John Kerr) was also on the call for any questions

- Time lapse from notice to the officer to be interviewed from a sworn complaint filed. "Reasonable" sounds vague but has defined legal standards. Mr. Kerr added that this is actually in the case of unreasonable situations, based on the time in which complaints are received. Is it

situations, rather than reasonable situations. Is it reasonable for an officer to get legal representation at 2:00 in the morning?

- Holidays - rates and or compensatory pay was explained the accrual and/or taking time; options for compensatory/overtime (monetary ratio)
- Good control over this is important and make sure that this can be managed, to remain financial control. **How much overtime is a result of sick-leave- date was requested even if estimated.**
- There will be some written comments forthcoming from Councilmember Compian on the current CBA
- Military leave- was clarified (not to exceed fifteen days per year); does this need to be increased? It was verified that this has never been an issue.
- Page 38-43 Safety and Equipment was clarified - officers are not allowed to take on extra jobs at establishments that receive more than 50% of their sales in alcohol, according to the Texas Association of Police Chiefs
- A question was asked was there not a zero tolerance to alcohol and alcohol abuse section in the CBA. (if found during random drug-testing, or involved in motor vehicular accident); it was said that there is zero tolerance in the Employee Personnel Manual

Councilmember Compian asked what the process was in the CBA negotiations. It was said to have this item on an upcoming agenda to form a negotiations committee to do this.

(5) **REQUESTS AND ANNOUNCEMENTS**

Mayor Bell thanked all for participating in this productive workshop.

(6) **ADJOURNMENT**

** Councilwoman Mc Auliffe made a motion to adjourn the regular meeting at 8:09 p.m. Councilmember Compian seconded. **MEETING ADJOURNED**

This unofficial copy of the minutes from the above meeting are posted for convenience only. Executed or certified copies of the minutes can be requested by contacting the City Clerk.
