



Legislation Details (With Text)

**File #:** ID#23-312    **Version:** 1    **Name:**

**Type:** Presentation    **Status:** Individual Consideration

**File created:** 4/20/2023    **In control:** City Council

**On agenda:** 5/2/2023    **Final action:**

**Title:** Receive a staff presentation related to the ongoing Meet and Confer negotiations between the City and the San Marcos Police Officer’s Association including an explanation of considered reform policies and an update on negotiated contract parameters.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. COSM\_Meet and Confer Update\_May 2023 FINAL

Date	Ver.	Action By	Action	Result
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**AGENDA CAPTION:**

Receive a staff presentation related to the ongoing Meet and Confer negotiations between the City and the San Marcos Police Officer’s Association including an explanation of considered reform policies and an update on negotiated contract parameters.

**Meeting date:** May 2, 2023

**Department:** Human Resources, Police, City Manager

**Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** The City Council received a previous version of this presentation during executive session on February 21, 2023 and provided considerations to staff related to the five reforms requested by members of the community.

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Public Safety, Core Services & Fiscal Excellence

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

**Background Information:**

On September 6, 2022, the San Marcos City Council approved a meet and confer agreement between the City of San Marcos and the San Marcos Police Officers Association (SMPOA) that would have been in effect until September 30, 2025. While the negotiations for that agreement were underway but after the issues list had been locked, members of the community began circulating demands for five police reforms they wanted to be included in the agreement.

On November 2, 2022, the City Clerk's Office received a petition from members of the community calling for a repeal of the agreement approved on September 6. Publicly circulated information tied the repeal petition to the fact that the five reforms were not included in the agreement. The petition was certified as valid by the City Clerk on January 3, 2023.

On February 7, 2023, the City Council considered the petition and voted to repeal the agreement rather than to send the agreement to the voters at the next regular election. By law, the Council could have handled the petition either way. The Council set an effective date for the repeal of June 7, 2023 and directed the City Manager to re-engage the SMPOA in negotiations for a new agreement with a goal of bringing the new agreement back to Council before that date.

On February 21, 2023, the City Council met in executive session for the purpose of discussing the duties of the City Manager in relation to the upcoming negotiation process. Considerations were discussed relating to the five police reforms requested. The City Council provided direction on which items the City Manager was to

negotiate as part of the new agreement.

Negotiations between the City and the SMPOA commenced on March 9, 2023 and continued through April 25, 2023 with final agreement on the issues list. Although there was not policy included for all five of the reforms requested by some members of the community, all five reforms were discussed and the policy changes included in the new agreement are ones that both the City Manager's team and the SMPOA bargaining team agree are significant positive steps toward effective police reform for our community. The following new policy issues will be in the new agreement that will be considered by the SMPOA and then by the City Council on May 16, 2023:

1. The role of an arbitrator when considering disciplinary appeals will be limited compared to what is provided for in Civil Service law.
2. A new performance review system will be adopted for use when considering employees for promotion. This new system will consider letters of reprimand and suspensions as factors in the overall score of the candidates being considered for promotions.
3. Both teams agreed on updated ground rules allowing for live streaming of the negotiation meetings.
4. The term of the new agreement will be from June 8, 2023 through September 30, 2026, with a one-year extension provision through September 30, 2027 upon agreement of both parties.
5. Modifications to the Civil Service 180-day rule during which the Chief must conclude discipline negotiated in the previous agreement was preserved in the new agreement, allowing the department more time to investigate and act on instances of misconduct.

The purpose of this presentation is to allow members of the public to receive information about this meet and confer process, the five reforms suggested by the community group, the staff and Council considerations regarding each of the reforms, and the policy items agreed upon in the new agreement.

**Council Committee, Board/Commission Action:**

N/A

**Alternatives:**

N/A

**Recommendation:**

Receive staff presentation.

