



Legislation Details (With Text)

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| File #: | Res. 2023-96R | Version: | 1 | Name: | |
| Type: | Action Item | Status: | | Individual Consideration | |
| File created: | 5/9/2023 | In control: | | City Council | |
| On agenda: | 5/16/2023 | Final action: | | | |
| Title: | Consider approval of Resolution 2023-96R, approving a Meet and Confer Agreement with the San Marcos Police Officers' Association; providing an effective date for the agreement; authorizing the City Manager, or her designee, to execute the agreement on behalf of the City; and declaring an effective date for this Resolution. | | | | |
| Sponsors: | | | | | |
| Indexes: | | | | | |
| Code sections: | | | | | |
| Attachments: | 1. Resolution, 2. Agreement 6 FINAL FOR RATIFICATION 4.25.23 markup.pdf, 3. Agreement 6 FINAL FOR RATIFICATION 4.25.23 no markup.pdf, 4. Summary of 2023 - 2026 Meet and Confer Changes SMPOA V2.pdf | | | | |

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

Consider approval of Resolution 2023-96R, approving a Meet and Confer Agreement with the San Marcos Police Officers' Association; providing an effective date for the agreement; authorizing the City Manager, or her designee, to execute the agreement on behalf of the City; and declaring an effective date for this Resolution.

Meeting date: May 16, 2023

Department: Human Resources, Police, City Manager

Amount & Source of Funding

Funds Required: [Click or tap here to enter text.](#)

Account Number: [Click or tap here to enter text.](#)

Funds Available: [Click or tap here to enter text.](#)

Account Name: [Click or tap here to enter text.](#)

Fiscal Note:

Prior Council Action: See background information below.

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 24, 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 has been ratified 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.

A presentation was provided at the last City Council meeting with the purpose of allowing 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.

The proposed sixth agreement has been ratified by SMPOA and is attached for City Council approval. A final copy (with a markup copy) is attached along with a summary of negotiated changes.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Recommend approval of the agreement from June 8, 2023 through September 30, 2026.