CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS

CC: 10C
Amend No. _____

Date prepared: May 22, 2009 **Council Meeting Date: June 16, 2009**

TO: Honorable Mayor and City Council

FROM: Carl Swenson, City Manager

PREPARED BY: Wynette L. Reed, Human Resources Director
Steve Kemp, City Attorney

SUBJECT: Resolution ordering that the Memorandum of Understanding with the United Phoenix Firefighters Association (P.F.F.A.), Local 493, July 1, 2008 to June 30, 2010 be amended pursuant to Resolution 09-45 declaring a fiscal crisis.

RECOMMENDATION:

Discussion and possible action by the Mayor and City Council to approve the attached Resolution directing that the current Memorandum of Understanding (M.O.U.) with the United Phoenix Firefighters Association (P.F.F.A.), Local 493, two year contract, FY 2009-2010 be amended to provide that there will be no adjustments to base pay for the period July 1, 2009 – July 1, 2010.

SUMMARY:

The current Memorandum of Understanding (M.O.U.) between the City of Peoria and the United Phoenix Firefighters Association (P.F.F.A.) is a two year contract beginning July 1, 2008 and ending June 30, 2010 with a base wage only re-opener for the second year.

The City is making this change to the M.O.U. due to the current *economic condition* and is consistent with the lack of wage increases for all other employees. The change to the current M.O.U. is as follows:

Article 3: Wages

Notwithstanding anything contained in this Memorandum of Understanding (dated July 2008 through June 2010 between the City of Peoria and United Phoenix Fire Fighters

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CITY CLERK USE ONLY:

☐ **Consent Agenda**
☐ **Carry Over to Date:**_____
☐ **Approved**
☐ **Unfinished Business (Date heard previous:**_____**)**
☐ **New Business**
☐ **Public Hearing: No Action Taken**

ORD. #_____ **RES. #** 09-83
LCON# 138088 **LIC. #**_____
Action Date:

REV. 07/05

Association Local 493), the Association and the City agree that the operation of Article 3, subsection 4 titled Merit Increase shall be suspended for the period commencing on

July 1, 2009 and ending on the termination date of this Memorandum of Understanding on June 30, 2010. The Association and the City acknowledge that each member's base pay as of July 1, 2009, shall be the base pay used for calculation of any premium payments under this article.

In addition: 0% COLA and 0% Market Adjustment for period July 1, 2009 to June 30, 2010.

FISCAL NOTE: No funds are included in the adopted tentative budget for 2009 – 2010 for adjustments to base pay.

ATTACHMENT: Resolution directing that the Memorandum of Understanding, FY 2008-2010 be amended.

RESOLUTION NO. 09-83

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA INCLUDING ADDITIONAL LANGUAGE IN THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED PHOENIX FIRE FIGHTERS, LOCAL 493 AND THE CITY PURSUANT TO RESOLUTION 09-45 DECLARING A FISCAL CRISIS AND ESTABLISHING POLICIES AND PROCEDURES GOVERNING WAGES, HOURS AND CONDITIONS OF WORK FOR FIRE FIGHTERS EMPLOYED IN THE PEORIA FIRE DEPARTMENT BASED ON A DETERMINATION OF THE APPROPRIATE ACTION IN THE PUBLIC INTEREST INCLUDING THAT OF THE EMPLOYEES AND DECLARING AN EMERGENCY OR ALTERNATE EFFECTIVE DATE AND PROVIDING FOR RETROACTIVITY.

WHEREAS, on February 23, 1988 the Peoria City Council adopted Ordinance No. 88-14 formally recognizing the United Phoenix Fire Fighters Association ("PFFA") as the designated representative for Fire fighters and establishing a formalized framework for employer-employee relations between the City and PFFA;

WHEREAS, the Peoria City Council has amended the Ordinance No. 88-13 from time to time ("PFFA Ordinance"), and some of the generally applicable provisions of the PFFA Ordinance have been codified in Peoria City Code §§ 19-16 through -21;

WHEREAS, pursuant to the PFFA Ordinance, the City and PFFA have entered into successive Memoranda of Understanding ("MOU") governing the wages, hours, and working conditions for Peoria Fire fighters;

WHEREAS, in 2008, the City and PFFA entered into the latest MOU governing the time period of July 1, 2008 – June 30, 2010;

WHEREAS, it is expected that both parties in good faith and fair dealing are authorized by their respective principals to negotiate and agree and will in good faith recommend to their respective principals the agreement that they have executed;

WHEREAS, the City Council of the City of Peoria on April 21, 2009 adopted a resolution declaring a fiscal crisis (Resolution 09-45) and authorizing the City Manager to commence negotiations with the PFFA regarding changes to the adopted Memorandum of Understanding between the City and PFFA;

WHEREAS, the parties reached a tentative agreement that was submitted to the membership of the PFFA for ratification and the membership has elected not to ratify such tentative agreement.

WHEREAS, the PFFA President informed the City on or after June 5, 2009 that the PFFA membership had voted to not approve the tentative agreement amending the MOU;

WHEREAS, after a tentative agreement amending the Memorandum of Understanding pursuant to a fiscal crisis declaration has been rejected and negotiations ended, the City Council is vested with the legal authority to take such action as deems appropriate in the public interest, including that of the employees in question, and

WHEREAS, the City Council has determined that it is in the public interest, including but not limited to the interest of the employees that are represented by the Peoria Fire fighters Association to protect and mitigate the fiscal crisis involving the City as follows:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Wage Package. That the City shall adopt the following provision governing wages, holidays, uniform allowances and hours of work, as set forth in Appendix A, commencing on July 1, 2009.

SECTION 2. Term and Effect.

A. This Resolution will remain in full force and effect commencing on its effective date and will automatically terminate on June 30, 2010, unless extended by the Peoria City Council.

B. The City Council reserves its right to amend, modify, repeal or enact additional legislation pertaining to this matter as it deems appropriate in the public interest.

SECTION 3. Effective Date. That this Resolution shall be effective through June 30, 2010. This Resolution shall become effective on one of the following two dates:

A. If a sufficient number of the Mayor and Councilmembers present vote that an EMERGENCY exists because the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety of the City of Peoria, then this Resolution shall be in full force and effect beginning on the first day of July 1, 2009, and the Resolution is hereby exempt from the referendum provision of the Constitution and laws of the State of Arizona.

B. If a sufficient number of the Mayor and Councilmembers present do not vote to declare than an emergency exists, then this Resolution shall become effective in the manner provided by law, however all provisions shall be retroactive to July 1, 2009.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, with a vote of _____Ayes and _____Nays, this 16th day of June, 2009.

_____
Bob Barrett, Mayor

ATTEST:

_____
Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

APPENDIX A – Wages

TENTATIVE AGREEMENT - PFFA
MAY 20, 2009

Article 3: Wages

Notwithstanding anything contained in this Memorandum of Understanding (dated July 2008 through June 2010 between the City of Peoria and United Phoenix Fire Fighters Association Local 493), the Association and the City agree that the operation of Article 3, subsection 4 titled Merit Increase shall be suspended for the period commencing on July 1, 2009 and ending on the termination date of this Memorandum of Understanding on June 30, 2010. The Association and the City acknowledge that each member's base pay as of July 1, 2009, shall be the base pay used for calculation of any premium payments under this article.

In addition: 0% COLA and 0% Market Adjustment for period July 1, 2009 to June 30, 2010.