

**THE CITY OF OKLAHOMA CITY  
OFFICE OF  
THE MUNICIPAL COUNSELOR**

Council Agenda  
Item No. IX.Q.1-7.  
8/16/2016

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

- RE: 1 Enter into executive session to discuss collective bargaining negotiations for fiscal year 2016-2017 with the International Association of Fire Fighters, Local 157, as authorized by 25 O.S. (2015 Supp.) § 307(B)(2);  
AND
2. Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney regarding the interest arbitration proceeding between the City and the International Association of Fire Fighters, Local 157, in FMCS No. 16-5449-6, as authorized by 25 O.S. (2015 Supp.) §307(B)(4), because disclosure would seriously impair the ability of the public body to conduct the pending proceeding;  
AND/OR
3. Resolution to accept the selection of the IAFF's last best offer as the majority award of the arbitration board in the interest arbitration proceeding between the International Association of Fire Fighters, Local 157, and The City of Oklahoma City, for a FY 2016-2017 Collective Bargaining Agreement;  
AND/OR
4. Acknowledge the August 2, 2016, Filing of a Request for Special Election in FMCS No. 16-5449-6 by the City Manager with the City Clerk, with copies of such Request for Special Election to also be delivered to the Mayor and City Council by the City Manager if the Request is filed by the City Manager with the City Clerk;  
AND/OR
5. Notification of the Mayor and City Council of The City of Oklahoma City by the City Clerk of the August 2, 2016 Filing of a Request for Special Election in FMCS No. 16-5449-6 by the City Manager with the City Clerk; and Acceptance of Such Notification by the Mayor and City Council;  
AND/OR
6. Resolution of the City Council of The City of Oklahoma City approved pursuant to authority of 11 O.S. § 51-108(B) AND (C); rejecting the July 25, 2016, decision of the interest arbitration board in FMCS No. 16-5449-6; authorizing and directing the Mayor of the City to issue a Proclamation calling a special election to be held within the City on Tuesday, date to be determined at August 2, 2016, Council meeting], for the purpose of submitting the two last best offers of The City of Oklahoma City and the International Association of Firefighters, Local 157 (IAFF) in FMCS No. 16-5449-6 to a vote of the qualified, registered voters of the city for their selection; directing the City Manager, Municipal Counselor, and/or City Clerk to take certain other actions necessary for the calling and holding of the special election as required by the laws of the State of Oklahoma;  
AND/OR
7. Proclamation of the Mayor calling a special election within The City of Oklahoma City for the purpose of submitting the two last best offers submitted by the City and the International Association of Firefighters, Local 157, to the interest arbitration board in

FMCS No. 16-5449-6 to the qualified, registered voters of The City of Oklahoma City for their selection.

As Mayor and Council were previously advised, on July 25, 2016, by a 2-1 vote, the arbitration board in the interest arbitration proceeding between the City and the International Association of Fire Fighters, Local 157 (IAFF), selected the last best offer of the IAFF. This proceeding is designated as FMCS No. 16-5449-6.

To discuss and address this decision, we have provided seven Agenda Items for consideration by the Mayor and City Council. These seven Agenda Items, as listed on the August 2, 2016, City Council Agenda, are set forth above.

We recommend that the Mayor and City Council first go into executive session to fully discuss the options at their disposal. Please refer to Agenda Items No. 1 and 2 as listed above.

When the Mayor and City Council return from executive session, they will have two basic options to choose from:

- As their first option, Mayor and City Council can accept the interest arbitration board's majority decision as the contract of the parties for FY 2016-2017. This option is embodied in Agenda Item No. 3 listed above.
- As their second option, Mayor and City Council may choose to submit the two last best offers submitted to the arbitration board to City voters for their selection at a special election. This option is embodied by the combination of Agenda Items No. 4, 5, 6, and 7 listed above. The legal issues related to these four Agenda Items, and the specific method of implementing them, will be discussed with Mayor and City Council in the executive session.

If Mayor and Council do desire to choose the second option and submit the last best offers to City voters at a special election, they will first need to choose a date for the special election when they return from executive session. In this regard, please note that a blank for the date of the special election is provided for in the Resolution and Proclamation, respectively referenced as Agenda Items No. 6 and No. 7; Mayor and Council will need to fill in this date in the Resolution and the Proclamation if a special election is desired. The only legally permissible dates for holding this special election are the following:

- Tuesday, November 8, 2016; however, this technically available date is now a practically unfeasible special election date due to the necessity of determining the ballot title through a negotiation and possible arbitration proceeding between the City and the IAFF, as provided for by the FPAA; or
- Tuesday, January 10, 2017; or
- Tuesday, February 14, 2017 (the same date as the City Council primary election); or
- Tuesday, May 9, 2017; or
- Tuesday, June 13, 2017.

If Mayor and Council do choose to call the special election (the second option as described above), the appropriate publication dates will be provided to them in the open meeting prior to adoption of Agenda Items No. 6 (the Special Election Resolution) and No. 7 (the Special Election Proclamation).

Recommendations:

1. Enter executive session under Agenda Items No. 1 and 2 above to fully discuss this matter, including the legal issues and mechanics relating to both of the City's legal options, as outlined above; and then
2. Return from executive session and either:
  - A. Adopt Agenda Item No. 3 above, thereby accepting the arbitration board's majority decision as the contract of the parties for FY 2016-2017; or
  - B. Implement and adopt Agenda Items No. 4, 5, 6, and 7, in accordance with certain legal mechanics to be outlined for Mayor and City Council in executive session, thereby submitting the two last best offers of the parties to City voters at a special election for selection of one or the other as the contract of the parties for FY 2016-2017.

Attachments