



MEMORANDUM

To: Mayor and City Council Members

From: Spencer Cronk, City Manager *sc*

Date: February 6, 2023

Subject: Ongoing labor negotiations with Austin Police Association

I write ahead of the coming week's conversations related to ongoing labor negotiations with the Austin Police Association to restate my goals for the negotiations, and to strongly recommend that you allow the City's negotiating team to stick with the timeline and goals that we have discussed with Council over the past year.

I continue to have confidence in our negotiating team and I am optimistic that the City and the police officers will soon have an agreed labor contract. Our two primary objectives in bargaining are (1) to strengthen our existing civilian oversight program by incorporating as many of the principles from the Equity Action voter initiative as can be achieved through agreement, and (2) to address APD's very significant staffing needs for retaining current officers and recruiting high quality new officers to APD. Our negotiating team is laser-focused on these objectives while being mindful that in the end we must reach an agreement that will be approved both by the police officers and the Council.

Based on the assessments of our negotiating team, our police chief, and my own analysis, a longer term contract like the 4-year term I have been discussing with Council is critical to achieving these two primary objectives. I am deeply concerned that shifting to a one-year approach now will put each of these objectives at serious risk. First, a one-year contract may actually weaken our civilian oversight program in the long run and undo the very significant gains that the City and our community stakeholders have worked to achieve over the past 20 years. During that period, the City and our community stakeholders have worked to create a strong civilian oversight program by negotiating with the Austin Police Association for significant changes to state laws that impede effective civilian oversight while still protecting the fundamental rights of our police officers.

It is imperative to understand that these negotiated changes will go away if the City has no labor contract with our police officers because we can only modify the restrictive state law provisions through an approved labor contract. Council cannot simply pass an ordinance that contradicts

state law, and we do not believe we can get Association agreement absent the stability of a long term contract. With no contract, the City ends up with a much weaker and less transparent civilian oversight program than we have currently, which would of course be inconsistent with the goals you have conveyed to me and highly frustrating for Austin residents.

Second, I am also concerned that a short-term contract will do damage to our recruiting and retention efforts at APD. I have discussed that issue extensively with APD Chief Joe Chacon. He has expressed deep concern over how a one-year contract could affect staffing and believes the stability of a long-term contract is very important to achieving his recruitment and retention goals. High quality police officer candidates are less attracted to a department that appears to have unstable labor/management relations, which is what Chief Chacon and I believe a one-year contract will look like to such candidates if the City and the Association are back at bargaining table just a few months entering a one-year contract. Chief Chacon is also concerned that if the Association is backed into a corner, they will likely not agree to many of the terms of the voter initiative that is on the May ballot. Obviously, he does not want to put our officers, and potentially the level of police protection for our community, in an all-or-nothing position.

I also want to address the timing issue, which seems to be driving some of the conversation and desire to try and negotiate a one-year contract. As you know, we have been in negotiations, off and on, for the past 11 months. Such negotiations usually follow a pattern of being slow and contentious, and then move faster and achieve compromise at the end. The current negotiations are no different from normal. For months the team used the termination date of the current agreement to drive the timing of negotiations. That is why the last bargaining dates are set for mid-February. We need the pressure of the contract expiring to get the best deal possible. We are on schedule and believe we are close to an agreement that meets our two primary objectives.

In summary, I do not want to see civilian oversight weakened in Austin, nor do I want to impair APD's ability to attract and retain the best police department in Texas. I understand and respect the political dynamics involved with this situation, and I join you in honoring the ballot initiative process as an expression of the will of Austin residents. None of us wants to interfere in that process. The best way to honor this ballot initiative process is to allow my negotiating team to complete its work and bring you a labor contract that builds on what we have already achieved in civilian oversight through partnership with our community stakeholders and our police officers, and which includes as much of the voter initiative ordinance as we can attain without risking loss of the gains already achieved. We are optimistic that we will have an agreement you can support within the next several weeks, and I ask that you allow my team the time needed to achieve this goal.

xc: CMO Executive Team
Sarah Griffin, Labor Relations Officer
Anne Morgan, City Attorney
Joseph Chacon, APD Police Chief