

**GRAND JUNCTION CITY COUNCIL  
MINUTES OF THE SPECIAL MEETING**

**July 12, 1999**

The City Council of the City of Grand Junction, Colorado, convened on the 12th day of July, 1999, at 6:00 p.m. p.m. at Two Rivers Convention Center to continue the discussion on the Collective Bargaining Proposal from the July 7, 1999 Regular Meeting. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Reford Theobold and President of the Council Gene Kinsey. Janet Terry was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order.

**CONTINUATION OF DISCUSSION ON COLLECTIVE BARGAINING PROPOSAL**

Mayor Gene Kinsey opened the meeting for discussion on the Collective Bargaining proposal.

Councilmember Theobold suggested discussion on the proposal submitted by City Attorney Dan Wilson.

Councilmember Enos-Martinez wondered if Council should decide whether it is in favor of a counter proposal. Councilmember Payne thought that was appropriate. Councilmember Theobold thought Council should consider the options before thinking of a counter proposal.

Councilmember Scott asked City Manager Achen if he had plans to meet the Fire and Police employees sometime in the near future. City Manager Achen was hoping for direction on what that might entail and what kind of issues he would be allowed to discuss. There is a range of options and he needed to know what Council is going to be asking of the employees. He felt it was somewhat early to know exactly what to do. His impression was that the employees would be more than willing to have such discussions.

Councilmember Spehar said his impression was that Council had three issues to discuss:

1. Whether to take a stand on the proposal that is being circulated by the employees;
2. If so, articulate Council's stand;

3. Reaction to the alternative proposal that is being drafted by the City Attorney to place a different collective bargaining question on the ballot.

Councilmember Spehar thought the three foregoing issues had been directed to City Manager Mark Achen, but he thought Mr. Achen was saying he needed additional direction from Council.

City Manager Achen said he had discussion with Mayor Gene Kinsey and indicated that without the employees having some sense of what Council might be willing to consider, it is difficult to have any discussion with the employees that might lead them to either discontinue their current effort, or to be willing to substitute another effort. He needed to know what can be discussed, what type of offers can be placed on the table and what discussion would need to take place to cause the employees to alter their current course.

Councilmember Enos-Martinez asked if it was decided at the July 7 meeting that management only will sit down with the employees, or along with one or two Council members. Mayor Kinsey said there was no specific decision. They only said that Council is always open to discuss things, and there are no firm lines drawn at this point.

Councilmember Theobald said there was a degree of discomfort with the Charter's provisions on what the manager's responsibility is versus the Council, and members of Council actually being part of some kind of discussion. That was part of the discussion and how it's to be handled.

Councilmember Scott felt the City Manager should definitely be the one to sit down with the employees in discussion. He felt there should also be representation from the Council. Councilmembers Spehar and Enos-Martinez agreed. Councilmember Theobald felt more comfortable with Council sitting and listening only with no involvement.

Councilmember Scott asked the City Manager if he thought anyone else should be with him for these meetings. City Manager Achen said it depends on Council's objectives. Determining what motivates employees and their current efforts is one objective. Council's efforts to devise a substitute alternative procedure for granting employees collective bargaining could be another objective. If Council actually wants to talk about specific terms and conditions of employment and reach some agreement about what pay and benefits and other issues should specifically be is another approach. In some cases, representatives from the Personnel Department might need to be present, perhaps the director of the department.

Councilmember Scott said it began as a money issue and has evolved into many other issues. He thought Council needs to find out what it is they want and whether Council agrees with them or not.

Councilmember Enos-Martinez said that's why it would be important for one or two Councilmembers to be present at the discussions in order to hear the requests first hand and not have to read about what has happened in another location in Colorado. Ultimately, it is the decision of the electorate.

Councilmember Theobold said it's not Council's job to deal with the specific of the issues the Police and Fire Department employees want changed. He was concerned that anything Council does or says tonight is going to sound as though it is promising to do something if the petitions are withdrawn. He did not want to give that impression. He felt the employees need to do what they want to do, including continuing with the petition. For them to withdraw the petition based on an assumption that some type of counter proposal in terms of an amendment, or some kind of a change from the City Manager in pay structure, he felt was not a good interpretation. He didn't think it would be a good move on Council's part.

Councilmember Scott agreed with Councilmember Theobold, although it's going to directly or indirectly involve Council, so he felt Council needs to be somewhat involved. He suggested the City Manager, the two department heads, someone from the Fire and Police and two Councilmembers meet with the employees and find out what they are looking for. It needs to be made clear that the meeting is not for promises of any kind, merely discussion to see where the City stands with the employees.

Councilmember Enos-Martinez said there should be no negotiations or promises, but felt Council needs to sit down and hear what they have to say. She thought Council may have waited too long for such a discussion.

Councilmember Theobold didn't feel Council should be blamed any more than anyone else for having two weeks to accomplish this. Councilmember Spehar said ten weeks ago Council was asked whether it wanted to take a position on the proposal being advanced by the employee associations for the Police and Fire Departments. He thought that was the first question that should be answered.

Councilmember Theobold said originally his opinion was yes. Since then he has talked to some of the employees who would prefer to wait until the petition is actually filed and certified, and is comfortable in waiting until that point. He believed that if the petition is turned in and certified as willing to be on the ballot, then Council should decide. But he was willing to defer that decision until Council sees what's before it.

Councilmember Scott agreed because if Council had taken a position ten weeks ago, it would have affected the outcome of some of the people that signed the petition.

Councilmember Theobold said he wasn't sure it will make a big difference either way, but was willing to wait.

Councilmember Payne agreed to let it happen. He felt it was too late for any type of negotiations. He understood that the deadline for filing the petition is July 26, 1999, two weeks from today. He agreed with sitting down and talking with the employees.

Councilmember Theobold thought it was important to limit the number of people involved in discussions to six or eight.

City Manager Achen said certainly a small group is easier, but he was unsure whether the employees have even pulled together and know exactly what they want. He said that because in Commerce City the election occurred in November and it wasn't until June that the employees were able to submit their demands or requests. He was sure the leadership of both the employee groups could give Council a very good impression of the issues, without specific details. Depending on how much lead time is given the employees to discuss the issues among themselves, they will be better able to give some feedback than if a certain deadline is given them.

Councilmember Theobold said he assumed Council will want as much lead time as is necessary to accomplish this. Council is doing this because there are some unhappy employees and they're trying to solve a problem within the organization. Council is not doing this because there is a petition being circulated. Council is not going to stop if the petition is dropped, or turned in, or defeated or anything else. It just makes good sense in dealing with two City departments. He wasn't sure there's an urgency that this happen before a certain date that is tied to an election because he felt this issue is separate.

Councilmember Scott said a suggestion was made at the July 7 meeting that if this were to go through, there would need to be a charter amendment to pay for it. He felt that should be considered, and have plenty of lead time on that also. Councilmember Enos-Martinez disagreed saying Council should listen to the employees, but she saw no urgency for such discussions.

Councilmember Theobold did not want to have an artificial deadline saying they must sit down by tomorrow morning or July 26, 1999, or any other time, but would rather it be at a time that is appropriate. If the people who are representing the Police and Fire Department need ample time to talk to their membership and what is important to the group, he felt it is critical that it be done first.

Councilmember Spehar thought the group should be asked. He felt that saying this discussion is not driven by the petition drive is untrue. Assuming from the detail in the petition proposal, there has been some discussion on the part of the employee associations already regarding their desires. He thought Council should ask the groups if they are ready to talk to Council. If so, he thought they should do it as soon as possible. This came up at the first Council meeting in May, 1999 (ten weeks ago) and he thought Council could have a meeting soon based upon whether the employees tell them they are ready to have such a meeting. He felt it was important, if Council is going to be asked at some point in the future to take a stand on a proposal if it gets on the ballot, they should have such a meeting. It should take place some time in the next two weeks.

Councilmember Payne said Council meets again one week from tonight and it will be the last time Council is together before the petition is submitted and certified. Council must decide to have the meeting some time this week. A workshop is scheduled next Monday and a regularly scheduled Council meeting next Wednesday. Any other meeting would have to be called as a special meeting of Council. So he felt there is a degree of urgency in either having to meet this week or calling a special meeting after the petition is submitted.

Councilmember Theobald said he wasn't sure what will come out of the meeting that will change Council's discussion next Wednesday. He didn't see a direct linkage between the results of that meeting and Council's discussion on Wednesday regarding Council's stand, if so, what is it, etc.

Councilmember Spehar said this discussion has been in a vacuum and Council is discussing it this evening pretending that representatives of the employees associations are seated in the back of the room. At some point Council needs to ask them if they can meet with them and what do they want to tell Council.

Councilmember Theobald said Council can leave it up to the City Manager to put the meeting together.

Councilmember Scott asked City Manager Achen to see if he could set up a meeting for next Tuesday. Mark Achen said he was sure he could do that but was not sure about the exact date. Mr. Achen said there is a real value to have a sense of what Council's objective is. There is an urgency if Council is trying to change the employees' course of action.

Councilmember Enos-Martinez said she didn't think Council is trying to do that. She just wanted to know what else is going on. She has heard several comments in the community, and she wants to know what other issues exist besides pay.

Councilmember Theobold said he hears from Council a desire to change a course of action.

Councilmember Enos-Martinez said Council does not have that power. The voters have that power. Councilmember Spehar agreed.

Councilmember Spehar said he would like to hear what the Fire and Police employees think the issues are. He has seen a reaction to a proposal and very little discussion, if any at all, on what the issues might be that prompted the proposal. He certainly hasn't been able to see it from the employees' side trying to be sensitive to the charter issue. He would like to hear it directly from the employees.

Councilmember Theobold said if by next Wednesday, Council can get a big picture or a detailed picture or even a partial picture, so be it. He asked Mr. Spehar if that's to Council's advantage from his perspective. Councilmember Spehar said he has given up thinking this group is ever going to say yes or no to anything about this proposal. He is only interested in informing himself now.

Councilmember Scott did not want the Police or Fire Department employees to feel outnumbered in the discussion.

City Manager Mark Achen said it would be most practical to have their leadership, whether it's the Board of Directors or whatever, which would probably mean a handful of employees from each department. They might give a variety of perspectives particularly if it's not clear to them exactly what they want, but they have concerns and issues and they haven't refined those specifically.

Councilmember Theobold suggested Gene Kinsey as the Mayor and Jim Spehar, who definitely has a high interest, represent Council at the meeting.

Councilmember Spehar said he had no problem with it being a public meeting. Councilmember Theobold said he felt it would be far more productive if it's a small or a closed meeting. Councilmember Scott agreed with Councilmember Theobold.

Councilmember Enos-Martinez thought the public should hear it especially if they will be casting a vote at the polls.

Councilmember Payne said with only two Council people being at the meeting, it does not require advertising or publication. Let the doors be open. He had no problem with the media attending.

Councilmember Theobold said as soon as it is opened to the public, it changes the atmosphere of the meeting. He didn't feel that would be the most productive. His

concern was not that what goes on remains secret. His concern is that what goes on remains productive. He wanted to see a small number of people focused on an issue.

Councilmember Spehar said the groups should be asked what kind of meeting they prefer and the City should accommodate their desire. If they have no concerns about a public meeting and if more than two council people wish to participate, then fine.

Councilmember Theobold said it's appropriate for Council to decide what it's going to look like. He was not willing to defer the decision to someone else.

Officer Dave Stassen, President of the Peace Officers Association, said, from the employees' standpoint, they would be willing to sit down with a smaller group for the same reasons that Councilmember Theobold has noted. He felt the discussion would be more open and productive. Their concern is that the momentum of the current effort wouldn't change because of the meeting, although depending on what the outcome of the meetings might be, the process could change. They would discuss whether or not that document is set in stone.

Councilmember Scott asked Officer Stassen if one week is enough time for his people to get together. Officer Stassen said the earliest they could meet would be Thursday of this week (July 15, 1999).

Councilmember Payne suggested giving direction to City Manager Mark Achen to set up a meeting for open discussion and Council be advised a week from Wednesday (July 21, 1999) of the result of the meeting, with a report given by the Council representatives who were in attendance.

Councilmember Theobold suggested having the City Attorney and other City Staff, as appropriate, to continue working on the other proposal in order to give Council something to react to on the 21<sup>st</sup> of July. Councilmember Spehar thought that would be appropriate.

Mayor Kinsey suggested inviting the School District 51 representatives to participate in the meeting as they have experience on local collective bargaining. City Manager Mark Achen said he is trying to get school district representatives to do that for a pre-meeting on Wednesday, July 21, 1999.

### **ADJOURNMENT**

The meeting was adjourned at 6:36 p.m.

Stephanie Nye, CMC/AAE  
City Clerk