



	Presented
Comment:	8/13/07
Verified by:	<i>K. Smithers</i>

WASILLA CITY COUNCIL INFORMATION MEMORANDUM

IM No. 07-18

TITLE: INITIATIVE PETITION CERTIFIED BY CITY CLERK; ORDINANCE SERIAL NO. 07-45, AN ORDINANCE PROVIDING FOR COLLECTIVE BARGAINING FOR THE EMPLOYEES OF THE CITY OF WASILLA.

Agenda of: August 13, 2007
 Originator: Kristie Smithers, City Clerk

Date: August 3, 2007

Route to:	Department	Signature/Date
X	Deputy Administrator Planning, Economic Development, Human Resources	<i>J. Hauke</i>
X	City Clerk	<i>K. Smithers</i>

REVIEWED BY MAYOR DIANNE M. KELLER: *J. Hauke for the Mayor*

FISCAL IMPACT: yes no Funds Available yes no

Account name/number:

Attachments: Proposed Ordinance Serial No. 07-45

SUMMARY STATEMENT:

The Petition circulated by Wasilla citizens to provide for collective bargaining for City employees received the requisite number of signatures of qualified voters for placement on the October 2, 2007, regular election ballot. If adopted the initiative will establish collective bargaining as the negotiating process for City employees and repeal Resolution Serial No. W78-A-1, rejecting the provisions of the Public Employment Relations Act contained in Title 23 of the Alaska Statutes. The initiative also repeals WMC 3.90.080, establishing a meet and confer mechanism for the City to discuss terms and conditions of employment with its employees.

As a matter of general information AS 29.26.170(b) provides: "If the governing body adopts substantially the same measure, the petition is void and the matter initiated may not be placed before the voters." This provision of Title 29 should be read in conjunction with AS 29.26.190, which precludes the modification or negation of an ordinance or resolution adopted by the voters within two years after its effective date. This also applies to an ordinance or resolution adopted by the council as a result of an initiative petition.

**CITY OF WASILLA
ORDINANCE SERIAL NO. 07-45**

**AN ORDINANCE PROVIDING FOR COLLECTIVE BARGAINING FOR THE
EMPLOYEES OF THE CITY OF WASILLA.**

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the Wasilla Municipal Code.

* **Section 2. Adoption of Section.** WMC 3.90.085 is adopted to read as follows:

A. The City recognizes the right of its public employees to organize for the purpose of collective bargaining, to form or join employee organizations, and to negotiate with and enter into written agreements with the City on matters of wages, hours, and other terms and conditions of employment.

B. The terms on which City employees may organize and on which the City and its employees will engage in collective bargaining shall be governed by the Public Employment Relations Act (AS 23.40.070 – AS 23.40.260) and the regulations promulgated by the Alaska Public Relations Agency pursuant to AS 23.40.380 or other authority granted by the Alaska legislature. The Alaska Labor Relations Agency is designated the administrative agency having jurisdiction to hear and decide questions affecting the employees of the City of Wasilla arising under the Public Employment Relations Act.

* **Section 3. Repeal of Resolution.** Resolution Serial No. W78-A-1, is repealed in its entirety.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

[WHEREAS, THE CITY OF WASILLA DESIRES TO REJECT THE PROVISIONS OF THE "PUBLIC EMPLOYMENT RELATIONS ACT" AS SET FORTH IN AS 23.40.070 THROUGH AS 23.40.260; AND,

WHEREAS, PROVISION IS MADE IN SECTION 4, CH. 113. SLA 1972 THAT ORGANIZED BOROUGHES AND POLITICAL SUBDIVISIONS OF THE STATE MAY, BY ORDINANCE OR RESOLUTION, REJECT THE PROVISIONS OF THE PUBLIC EMPLOYMENT RELATIONS ACT.

NOW, THEREFORE BE IT RESOLVED, THAT THE CITY OF WASILLA HEREBY REJECTS THE PROVISIONS OF AS 23.40.070 THROUGH AS 23.40.260 OTHERWISE KNOWN AS THE PUBLIC EMPLOYMENT RELATIONS ACT.]

Section 4. Repeal of Section. WMC 3.90.080, as follows, is repealed in its entirety:

[3.90.080 EMPLOYEE MEETINGS

A. PURPOSE. THE PURPOSE OF THIS SECTION IS TO RECOGNIZE EMPLOYEE ORGANIZATIONS AND TO PROVIDE A MECHANISM FOR CITY EMPLOYEES AND THEIR REPRESENTATIVES TO MEET AND CONFER WITH RESPECT TO TERMS AND CONDITIONS OF EMPLOYMENT AND TO REPLACE THE REQUIREMENTS OF THE PUBLIC EMPLOYMENT RELATIONS ACT THE PROVISIONS OF WHICH THE CITY REJECTED IN RESOLUTION NO. W78-A-1. THE VALIDITY OF THE CITY'S REJECTION OF THE PUBLIC EMPLOYEE'S RELATIONS ACT HAS BEEN CONFIRMED BY THE DECISION OF THE ALASKA LABOR RELATIONS AGENCY IN DECISION AND ORDER NO. 197 DATED NOVEMBER 7, 1995, CASE NO. 95-413 RC.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

B. RECOGNIZING EMPLOYEE ORGANIZATIONS.

1. NOT FEWER THAN ONE TIME EACH CALENDAR YEAR, THE COUNCIL, OR ITS DESIGNATED REPRESENTATIVES, SHALL MEET AND CONFER WITH THE EMPLOYEES OF THE CITY, OR THEIR DESIGNATED REPRESENTATIVE(S), WITH RESPECT TO TERMS AND CONDITIONS OF EMPLOYMENT FOR THE CITY. ADDITIONAL MEETINGS MAY BE HELD, IF DESIRABLE OR REQUESTED.

2. THE MEETING SHALL BE HELD AT SUCH TIME AND PLACE AS THE COUNCIL MAY DESIGNATE WITH REASONABLE NOTICE TO ALL EMPLOYEES SO AS TO ENABLE THEM OR THEIR REPRESENTATIVES TO SUBMIT PROPOSED CHANGES IN TERMS AND CONDITIONS OF EMPLOYMENT IN WRITING AND/OR THROUGH PUBLIC TESTIMONY. EMPLOYEE REPRESENTATIVES WILL BE COMPENSATED FOR THESE MEETINGS. IF MEETINGS ARE HELD DURING WORKING HOURS, EMPLOYEE REPRESENTATIVES WILL BE GIVEN ADMINISTRATIVE LEAVE TO ATTEND.

3. THE COUNCIL MAY BY REGULATION ADOPT REASONABLE RULES FOR CONDUCT OF THE MEETINGS AND THE SUBMISSION OF PROPOSED CHANGES IN PERSONNEL POLICIES. ANY EMPLOYEE, AND ANY REPRESENTATIVE OF ANY EMPLOYEE, SHALL BE ENTITLED TO SUBMIT PROPOSED CHANGES AND ADDRESS THE COUNCIL, SUBJECT TO THE COUNCIL'S REGULATIONS.

4. MEETINGS MAY BE HELD ANNUALLY IN THE MONTHS OF MARCH AND NOVEMBER AND SHALL SPECIFICALLY INCLUDE ANY EMPLOYEE

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

PROPOSALS CONCERNING COMPENSATION SO THAT ANY CHANGES MAY BE CONSIDERED FOR INCLUSION IN THE UPCOMING BUDGET.]

* **Section 5. Effective date.** Ordinance Serial No. 07-45 shall take effect upon the certification of the election if a majority vote favors the ordinance.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]