

## MINUTES

### THE COMMON COUNCIL

August 20, 2015

6:00 P.M.

**A SPECIAL MEETING OF THE COMMON COUNCIL FOR THE CITY OF CHARLESTOWN WAS HELD ON THURSDAY, AUGUST 20, 2015 AT 6:00 P.M. AT CITY HALL WITH MAYOR G. ROBERT HALL PRESIDING.**

Council members present were, Ruth Ann Rawlings, Jeff Aaron and Dan James. Also present was Mayor Hall, City Council attorney John Woodard, City Attorney Mike Gillenwater, and deputy clerk Nancy Rogers. Absent were Scott McKechnie and Kathy Cash.

#### **Pledge**

City Attorney Mike Gillenwater

#### **Public Comment**

Mr. Edward Merchant  
107 North Pennsylvania Street Suite 900  
Indianapolis IN 46204

Mr. Merchant, attorney, appeared by invitation of the local FOP in regards to the Collective Bargaining ordinance, to present some of the advantages of the ordinance. He drafted the proposed Collective Bargaining ordinance under consideration. He made the following points:

- The ordinance could attract and help keep talent and allow the City to compete with other municipalities in the area, as it could make the police department more attractive;
- If arbitration occurs, it provides more privacy from the public for the City and FOP than a proceeding in an open Courtroom proceeding;
- The discovery rules for courts make those proceedings a public record, but collective bargaining is more secretive, since the information is only shared with arbitrators, not the public, and discussions are *off the record*;
- Arbitration is not always prohibitively expensive and is often quicker than going through the courts;
- The ordinance provides for binding arbitration , so there are no appeals;
- Both parties have the ability to work together to pick an arbitrator from the provided list, through the striking process or a meeting by both parties to select an arbitrator who may specialize in whatever specific question that has risen, instead of going to trial and having a judge that may have no experience in that area of law;

- Most matters do not usually go to arbitration;
- There is a way that costs could be structured. Each party can pay their own cost. The losing party can pay the arbitrators fees; and
- Arbitration can be an effective way for both parties to keep the cost down.

Mr. Merchant responded to questions from Council members. He confirmed that the City only goes to arbitration if you can't reach an agreement on police union demands. It was his opinion that it is uncommon for arbitration to occur since most parties can reach an agreement.

Councilwoman Rawlings made the following comments, for clarification:

- On page 3, Section 8, the proposed ordinance says the bargaining unit and the *arbitrator*, but Councilwoman Rawlings said she thinks that should say *City*. Mr. Merchant said he thinks she is correct. That should be changed.
- Under section 9, regarding arbitrator's rulings regarding annual pay, fringe benefits, and hours of employment, the ordinance indicates that those are all still subject to the approval of the Council, so even after the arbitrator makes the decision the Council still has discretion on whether or not to approve it before it takes effect. Mr. Merchant said, "Yes."
- Under section 10, #1, it says the arbitrator should consider City police benefits in comparison with what occurs in other *Second Class Cities*. However, Charlestown is a *Third Class City*, so there is no problem with changing that. Mr. Merchant agreed.

Mayor Hall asked Mr. Merchant for clarification about whether arbitration is final or not, because he told Councilwoman Rawlings that the Council still has input. Mr. Merchant confirmed his earlier response.

Mr. Aaron commented with an example.

Lisa Gill  
2048 Cardinal Lane  
Jeffersonville IN 47130

Ms. Gill, President of the Jeffersonville City Council appeared and spoke favorably about collective bargaining experience she had as a member of the negotiating team for Jeffersonville.. Councilman Aaron asked Ms. Gill if they ever had to lay people off because of the Collective Bargaining Agreement, She replied "no."

Councilwoman Rawlings said she wants to vote on Ordinance 2015-OR-07 the Collective Bargaining Ordinance with corrections to the submitted text. She said in Section 8 Line 2 Change *arbitrator* to *City*. In Section 10 Page 3 item 1 change *second class city* to *third class city*.

Councilman James made a motion to approve Ordinance 2015-OR-07 on the first reading, seconded by Councilman Aaron. Approved 3-0.

Councilman James asked if they could suspend the rules and vote on it again. Mr. Gillenwater asked if they advertised it as a workshop or a regular meeting. Councilwoman Rawlings replied, as a special meeting. Mr. Gillenwater said he does not have the statute in front of him. Councilman James said he wants to vote on it and if they have to, they will vote on it again at the next meeting.

Councilman James made a motion to suspend the rules on Ordinance 2015-OR-07, seconded by Councilman Aaron. Approved 3-0.

Councilwoman Rawlings made a motion to approve Ordinance 2015-OR-07 for the second and final reading, seconded by Councilman Aaron. Approved 3-0.

**Adjournment**

Councilman James made a motion to adjourn the meeting, seconded by Councilman Aaron. Approved 3-0.

  
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MAYOR, G. ROBERT HALL

9/8/15  
DATE

ATTEST:  
  
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CLERK TREASURER, DONNA S. COOMER

9/8/15  
DATE