

Agenda Item Details

Meeting	Oct 12, 2021 - Bryan City Council Second Regular Meeting
Category	6. Statutory (Automatic Approval) Agenda - This agenda consists of items previously approved by Council action such as adoption of items that are part of an approved budget or capital improvement projects, first and only readings of ordinances, interlocal agreements, or action that is required by law or delegated to the City Manager. Items may be removed from the statutory agenda for separate consideration at the request of two Councilmembers.
Subject	B. Approval of proposed Meet and Confer Agreement Amendment between the City of Bryan and the Bryan Firefighters Association
Type	Action (Statutory)
Preferred Date	Oct 12, 2021
Absolute Date	Oct 12, 2021
Fiscal Impact	No
Budgeted	No
Budget Source	N/A

Summary:

On September 13, 2016, the City Council passed Resolution No. 3678, which granted recognition of the Bryan Firefighters Association, International Association of Firefighters, Local 1204 (Association) as the sole and exclusive bargaining agent for all firefighters employed by the City of Bryan, excluding the head of the Fire Department and excluding employees of the Department under Section 142.108(b) of the Texas Local Government Code (i.e., essentially for all civil service employees).

After passing Resolution No. 3678, a Meet and Confer Agreement between the City and the Association was drafted, and subsequently ratified/approved by the City Council on May 16, 2017, which was the first such agreement. On January 14, 2020, the City Council ratified/approved the second and more extensive Meet and Confer Agreement (attached for reference), which expires on December 31, 2022.

This Council Action Form (CAF) is for the City Council to consider further amending the current Meet and Confer Agreement. In summary, the amendment allows the Fire Chief, in order to conduct business more effectively throughout the Department and chain of command, to create the rank of and appoint a Deputy Chief and appoint an Assistant Chief to serve at his pleasure. Currently, through Texas Local Government Code, Chapter 143, the Fire Chief can appoint only a single Assistant Chief, whereas any other Assistant Chief must be a tested position. At this time, there is no rank of Deputy Chief in the Department. Chapter 142 of the Texas Local Government Code allows a Meet and Confer Agreement to usurp the Chapter 143 language.

Staff Analysis and Recommendation:

Meet and Confer for firefighters is provided in Chapter 142, Subchapter C, of the Texas Local Government Code.

Based on the City Council's historic action, including approval of the Meet and Confer Agreements in 2017 and 2020, City staff recommends ratifying/approving the proposed Agreement amendment. The proposed Agreement amendment allows the Fire Chief an opportunity to create the rank of and appoint a Deputy Chief and appoint an Assistant Chief to serve at his pleasure. Currently, through Texas Local Government Code, Chapter 143, the Fire Chief can appoint only a single Assistant Chief. There is currently no rank of Deputy Chief.

The City was notified, via the Fire Chief, the Association ratified/approved the proposed Agreement amendment. City staff, including the Fire Chief, has been involved with drafting this proposed Meet and Confer Agreement amendment and recommends approving the Agreement amendment.

Options:

1. Ratify/Approve the proposed Meet and Confer Agreement amendment
2. Modify and then ratify/approve the proposed Meet and Confer Agreement amendment, which may require additional negotiations with the Bryan Firefighters Association and consideration at a future City Council meeting
3. Provide other direction to staff
4. Take no action and make no changes to the current Meet and Confer Agreement

Attachments:

1. Proposed Meet and Confer Agreement Amendment
2. Meet and Confer Agreement (January 1, 2020 – December 31, 2022)
3. Amended Article XVIII Fire Chief Appointments (of the proposed Meet and Confer Agreement)

[Proposed_MeetandConfer Agreement_Amend 10-2021.pdf \(297 KB\)](#)

[BRYAN FIREFIGHTERS ASSOCIATION IAF LOCAL 1204_MEET AND CONFER AGMT.pdf \(902 KB\)](#)

[Amended Article_Fire Chief Appt Article_MCA 10-2021.pdf \(139 KB\)](#)