

SPECIAL COMMON COUNCIL MEETING

Council Chambers
County-City Building

February 23, 2011
5:00 P.M.

Mayor Andrew Halverson, Presiding

Roll Call: Alderpersons Mallison, Suomi, O'Meara, Wiza, M. Stroik (5:02 p.m.), Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks and Moore (5:02 p.m.).

Also

Present: City Attorney Molepske; City Clerk Moe; Director Lemke; Cathy Dugan; Barb Jacob; Jeff Presley; Lyna Matesi; Personnel Manager Jakusz.

Mayor Halverson said municipalities had asked for flexibility within the current collective bargaining law to help address the obvious reductions from the state. However, in its current form the budget repair bill is unacceptable. If this bill passes in its current form it would make it nearly impossible for us to continue with public transit. Those who are the least fortunate in our community would be affected most egregiously. He noted that last year the City provided over 250,000 rides. The Mayor thanked Ald. Wiza for providing the draft resolution. He believes the resolution makes it clear that the City wants to be a cooperative partner in working with the State to solve their financial problems. Because of the leadership of the 14 Senators, the City had more time to analyze the budget repair bill where more issues are being revealed each day. The specific threat to our transit system convinced him of the need to call a special Common Council. The intent is not to politicize the Council, but rather make known the disastrous impact this bill would have on the City's service level if it passed.

2. Consideration of Resolution opposing provisions in the proposed budget adjustment bill.

Ald. Mallison **moved**, Ald. Brooks, approval of the resolution opposing provisions in the proposed budget adjustment bill.

Ald. Mallison disclosed that he is a United Steel Worker. He thanked the Mayor for his opposition to the budget repair bill and Ald. Wiza for bringing forward this resolution. He believes it is time for this governing body to act. He feels that having union members pay more for their insurance and pensions is needed; however, he does not feel it is warranted at this level or this quickly. He is completely opposed to ending collective bargaining.

Ald. Brooks disclosed that he is a teacher. He said this is not about the money. He believes that everyone needs to do their part. However, he feels it has been made clear that this is not

about balancing the state budget but rather an attack on unions, the middle class and our democracy together.

Ald. Trzebiatowski spoke on the initial fiscal impact and the multiplier effect of the bill. He also raised concerns about money being taken from the reserve accounts in the public employee trust fund.

Mayor Halverson read the resolution.

Ald. Moore said he does not appreciate getting the resolution at the last minute. He has heard conflicting information about the impact on the transit system and he is trying to get some answers. He said he will not support the resolution until he can get answers.

Mayor Halverson apologized for the short notice. He believes the City has no choice given the quick speed in which the legislature is acting.

Ald. Wiza noted that he is not a union employee but he does work for a living. The reason he asked for a special meeting to consider his resolution is because he did not see any formal action being taken by the City. He noted the resolution before the Council is slightly different from his. He asked the City Attorney to explain the potential lose of federal transportation funds.

City Attorney Molepske said he reviewed the Legislative Fiscal Bureau papers and documents from the Office of Labor Management Standards in the U.S. Department of Labor. He said if bargaining rights are taken away from transit employees and the City then submits an application for federal transit funds, we would not receive the funds as the City can no longer collectively bargain under this act with individual employees. We would have to create a separate agency which would run the bus system assuming we are allowed to do so under this proposed new statute. He cannot say if this is the case after reading the legislative report. If the City does not receive the \$800,000 in federal assistance, we would not have the ability to operate the transit system. If the system goes out of business, under the contracts and grants we currently have, the City is probably obligated to pay a portion of the funds back. The City is also required to pay to the drivers their salary and benefits for the next three years to five years.

Ald. Wiza asked if the City would create a separate entity to run the transit system in order to avoid losing federal funds.

City Attorney Molepske said he does not know how this bill will impact the City in that regard.

Ald. Wiza asked the City Attorney if his research on the bill had convinced him to a significant extent that the City is likely to lose federal funding and if the consequence of that may or may not be the elimination of the City's transit system.

City Attorney Molepske replied yes. If this bill goes through and eliminates collective bargaining and all the associated rights of municipal employees, then we would not be eligible to obtain these funds unless the City was to create a separate transit authority. The transit authority would have to contract with a management company to operate the system, hire the employees, and they would be bound by the same rules of collective bargaining that we are as of today and the day they entered into it.

Ald. Wiza also questioned the second, "Be it resolved", regarding phasing in the increases to health insurance and retirement contributions. His specific concern was with the elimination of collective bargaining. He does have reservations with some of the resolution's wording but he will vote for it.

Ald. R. Stroik feels this is a tough resolution for him. He believes this is politicizing the local government. He has problems with the fifth, sixth and seventh paragraphs. If the resolution was amended to exclude the fifth, sixth and seventh, "Whereas", he would support it.

Mayor Halverson said the research conducted by Public Works and Transit shows that we are at high risk of losing federal funds which is why this is before the Common Council. The elimination of collective bargaining is a close second.

Ald. O'Meara said the issue is not about money, but rights of individuals. This is about the dignity of people that work for us, people who are our neighbors. Although there are clauses that he would like to change, he is going to support this resolution.

Ald. R. Stroik wants to focus on the transit issue with the resolution and avoid the politics.

Ald. Mallison does not feel it is politicizing the Council. He believes the Council should support the will of the people of the City.

Ald. Mallison **moved**, Trzebiatowski seconded, to call the question.

Roll Call: Ayes: Mallison, Suomi, O'Meara, Trzebiatowski, and Brooks.
Nays: Wiza, M. Stroik, Slowinski, Molski, R. Stroik, and Moore. Motion fails.

Ald. Suomi said she supports this resolution because it creates a collaborative environment which she feels is needed. She asked the City Attorney if the City has any legal recourse if this bill is passed.

City Attorney said the City's power comes from the State. Generally, unless it is unconstitutional, we probably do not have a lot to stand on. At the federal level we could challenge it on a factual basis but not necessarily on the law.

Ald. Wiza said the resolution he sent to the Mayor was in opposition to removing collective bargaining. The potential lose of transit funds is a direct result of the elimination of collective bargaining.

Ald. Wiza **moved**, amending the resolution to kept only “Whereas” #1, #5, and #8 and the “Now, Therefore, Be it Resolved” paragraph.

Motion fails due to a lack of a second.

Ald. Slowinski said he was not happy with the amount of time they had to review the resolution. He said he cannot support the resolution due to the short time frame.

Mayor Halverson said he wished there was more time but the legislature is acting quickly. He noted that the resolution was drafted based on the real concern about the City losing federal transit funding. The risk of losing collective bargaining is also laid out in the resolution. He said he did not originally intend to bring forward a resolution on the budget repair bill. It was not until the full impact of the budget repair bill on the City’s transit system was known that he felt it had risen to a level of concern where action was needed.

Ald. Trzebiatowski believes the Governor needs to explore other alternatives to address the budget shortfall. He is in favor of the resolution.

Ald. R. Stroik moved to eliminate paragraphs 5, 6 and 7.

Motion fails due to a lack of a second.

Ald. Brooks believes that he is supporting the beliefs of his district by supporting this resolution.

Ald. R. Stroik stated he fully believes the issues are with the transit system. He feels the state budget needs to be fixed and certain paragraphs in the resolution are irrelevant. He believes in collective bargaining and he believes in the resolution except for paragraphs 5, 6 and 7. As there is no compromise within the Council, he will be voting no.

Roll Call: Ayes: Mallison, Suomi, O’Meara, Wiza, M. Stroik, Trzebiatowski, Molski and Brooks.

Nays: Slowinski, R. Stroik, and Moore. Motion adopted.

3. Adjourned at 6:14 p.m.