

**SPECIAL MEETING OF THE STUART CITY COMMISSION
HELD ON MAY 6 2008
AT 9:00 A.M. IN THE CITY COMMISSION CHAMBERS
121 SW FLAGLER AVENUE
STUART, FLORIDA 34994**

Roll call was answered by:

**Mayor Jeffrey A. Krauskopf
Vice Mayor James A. Christie
Commissioner Carol S. Waxler
Commissioner Michael J. Mortell
Commissioner Mary Hutchinson**

Also present were:

**City Manager: Dan Hudson
City Attorney: Paul J. Nicoletti
City Clerk: Cherie White**

Mayor Krauskopf delivered the Invocation, followed by the Pledge of Allegiance led by the Commission.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING AND EXPLANATION OF POSITIONS

Presentation by Union and City Staff explaining each position; and public hearing regarding impasse resolution with the Palm Beach County Police Benevolent Association, Inc. (PBA) and the Special Magistrate's Recommended Order dated April 2, 2008

City Manager Hudson : stated that for the record he has a high regard for the employees of the City of Stuart especially the police department. I think most of you are aware I served as a budget director in a law enforcement agency early in my career, so I do have a special fondness for the career. The questions that relate to merit and performance and financing in the contractor purely financial in nature due to the circumstances the City find's itself in. In fact those most local governments in the State of Florida find themselves in presently. It really has nothing to do with the abilities or professionalism or the demeanor of any of the officers involved. IN this case you have a second issue with regards to the bonus verses merit question and that is a question of fitness for duty testing that has been raised by the union.

Attorney Nicoletti gave a brief introduction regarding the impasse hearing and that the City was unable to successfully conclude negotiations with the Palm Beach County Police Benevolent Associations regarding two issues. Those issues are determined and how we pay merit increases. It has always been based on a percentage or a step. Most recently a step was contained within the contract and in lieu of that the City has proposed a one time bonus of either \$750.00 or \$1,500.00 depending on the evaluation. The second issue involved the physical agilities testing and the city for the past several years has had a consistent program based primarily on the United States Navy's physical training test, and had implemented it in a certain fashion. The PBA had asked that it be eliminated or that it be modified substantially. The City rejected that proposal.

Once we were at impasse we had a hearing before a special magistrate that was on February 21, 2008. Magistrate Goldie heard testimony from both sides and then April 2, 2008 made a recommended order. I am not going to get into the order because Robert Killbride and Mr. Fagen will discuss that with you. The recommendations made by the magistrate were rejected by the City Manager and that is what brings this case before the City Commission today.

Robert Killbride gave his testimony to the City Commission with the City's recommendation for the ratification of the contract. He requested the City Commission approve the bonus program in lieu of the current step plan as well as retain the physical abilities testing in place.

Lawrence Fagen, In-House Council for Police Benevolent Association, He reiterated the impasse issues. He also reiterated the magistrate's decision and asked the Commission if they have a copy of his decision. He feels that decision is the PBA's stand on the two outstanding impasse issues. He feels the merit pay for police officers should be different because they are different from City employees.

Merit Pay discussion;

Magistrate's recommendation page 7 his recommendations were;

Recommended the merit pay system currently in the contract should remain. The concern of the PBA members is the Bonus program is not pensionable and is not a part of their retirement. Other cities in the State of Florida are experiencing financial constraints. Those cities are able to reallocate or reprioritize so the police officers pay is not modified. Magistrate Goldie findings were read into the record.

Fitness for duty discussion;

He referred the Commission to page 5, and read into the record the Magistrate's recommendations. He stated In order to comply with these Navy policy height weight criteria for the current four quarterly annual weigh ins people are purging taking diet pills, they're starving. And as a result as a need to comply and are also becoming ill which then makes them unfit.

He stated the PBA is aware of the fiscal constraints of the City and stated their jobs are extremely difficult from any other city employee.

The Commission deliberated the matter.

Police Chief Morley came forward and stated he supported the current fit for duty policy. Morley stated they currently have the most liberal height weight chart in place. He did feel the Jan 1st weight in is tough, due to the holidays.

MOTION: COMMISSIONER HUTCHINSON: MOVED APPROVAL OF STAFF
RECOMMENDATION OPTION "D" DENY THE
UNIONS DEMAND AND IMPLEMENT THE
ONE TIME BONUS PROGRAM AND
CONTINUE THE CURRENT HEIGHT WEIGHT
MATRIX AND PAT PROGRAM AS
RECOMMENDED.

SECOND: VICE MAYOR CHRISTIE

ROLL CALL

MAYOR KRAUSKOPF YES
VICE MAYOR CHRISTIE YES
COMMISSIONER MORTELL YES

COMMISSIONER HUTCHINSON YES
COMMISSIONER WAXLER YES

ADJOURNMENT: 9:45 am

ATTEST:

Cheryl White, CMC, City Clerk

Jeffrey Krauskopf, Mayor

**Minutes approved at the Regular Commission
Meeting This 19TH Day MAY 2008**