

ORDINANCE NO. 20210209-002

AN ORDINANCE ORDERING A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF AUSTIN ON MAY 1, 2021, TO SUBMIT TO THE VOTERS A PROPOSED CITIZEN-INITIATED CHARTER AMENDMENT, CERTIFIED SUFFICIENT ON JANUARY 26, 2021, REGARDING THE CITY'S PARTICIPATION IN BINDING ARBITRATION WITH THE AUSTIN FIREFIGHTERS ASSOCIATION; PROVIDING FOR THE CONDUCT OF THE SPECIAL ELECTION, INCLUDING AUTHORIZING THE CITY CLERK TO ENTER INTO JOINT ELECTION AGREEMENTS WITH OTHER LOCAL POLITICAL SUBDIVISIONS AS MAY BE NECESSARY FOR THE ORDERLY CONDUCT OF THE ELECTION; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. A charter amendment election shall be held in the City on May 1, 2021, at which the ballot shall be prepared to permit voting "Yes" or "No" on the following proposition:

Proposition A: Shall the City Charter be amended to give the Austin Firefighters Association, Local 975 of the International Association of Fire Fighters, the authority to require the City to participate in binding arbitration on all issues in dispute with the Association if the City and the Association reach impasse in collective bargaining negotiations?

PART 2 – If Proposition A is approved by the majority of voters voting at the election, Article IX (*Personnel*) of the City Charter is amended to add Section 7, to read as follows:

ARTICLE IX. - PERSONNEL.

§ 7. – COLLECTIVE BARGAINING IMPASSE.

If the City and the Austin Firefighters Association, Local 975 of the International Association of Fire Fighters, have reached an impasse regarding the negotiation of a collective bargaining agreement, pursuant to Texas Local Government Code § 174.152:

- (A) Either the City or the Association, after written notice to the other party containing specifications of the issues in dispute, may request arbitration and, in such event, the City and the Association shall submit all issues in dispute to arbitration within 45 days of receipt of the requesting party's written arbitration request. The arbitration ruling shall be final, binding, and enforceable against both parties.

- (B) Both parties shall select one arbitrator within 5 days of the original written request to arbitrate and provide written notification to the other party of the name and contact information for the selected arbitrator. The selected arbitrators shall attempt to select a third (neutral) arbitrator within 10 days of their selection in order to form a three-person Arbitration Board. If the arbitrators are unable to agree on a third arbitrator, the parties shall request a nationwide list of 9 qualified neutral arbitrators from the American Arbitration Association. The parties or their designees may agree on one of the 9 neutral arbitrators on the list. If they do not agree within 5 days after the date they receive the list, each party or the party's designee shall alternate striking a name from the list, and the name remaining is the third arbitrator. The third arbitrator shall preside over the Board. Any decisions made by the Board at any stage of the arbitration process will be determined by simple majority vote of the selected arbitrators.
- (C) Arbitration shall be conducted by the City and the Association pursuant to the procedures, timelines, duties, requirements, and rights as set forth in Texas Local Government Code §§ 174.155, 174.157—174.162, 174.164, and 174.253, or any successor to these statutory provisions.
- (D) In making its decision, the Board may consider only the following:
- (1) the history of collective bargaining agreements and negotiations between the parties;
 - (2) compensation and conditions of employment that prevail in comparable public sector employment in other cities;
 - (3) the rate of increase or decrease in the cost of living for the Austin area as determined by the Consumer Price Index (CPI-W), adjusted as necessary to account for housing and tax costs in the Austin area and other relevant local factors;
 - (4) any of the following conditions:
 - (a) hazards of employment,
 - (b) physical qualifications,
 - (c) educational qualifications,
 - (d) mental qualifications,
 - (e) job training,

- (f) skills,
 - (g) employee morale, and
 - (h) any other factors the Board determines to be relevant to the issues raised by the parties; and
- (5) revenues available to and contractual obligations of the City and the impact of any arbitration ruling on the taxpayers of the City.

PART 3. The election shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. The location of the main early voting polling place, the dates and hours for early voting, and the early voting clerk's official mailing address are provided in Exhibit A, attached and incorporated as a part of this ordinance.

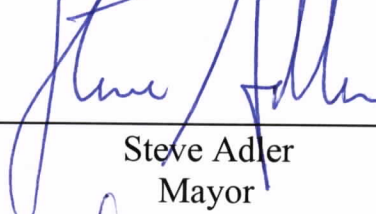
PART 4. A direct electronic recording voting system, as the term is defined in Title 8 of the Texas Election Code, shall be used for early voting and for voting conducted on election day. The central counting station is established at the Travis County Elections Division, 5501 Airport Boulevard, Austin, Texas.

PART 5. Notice of this election shall be posted and published in accordance with state law. The notice shall be posted, in both English and Spanish, in the office of the City Clerk and at the City Hall notice kiosk not later than the 21st day before election day. Notice of this election shall be published one time, in English and Spanish, not earlier than the 30th day before the date of the election or later than the 10th day before the date of the election, in a newspaper of general circulation in the City of Austin.

PART 6. In accordance with Chapter 271 of the Texas Election Code, the May 1, 2021 special municipal election may be held jointly with the various political subdivisions that share territory with the City of Austin and that are holding elections on that day. The City Clerk may enter and sign joint election agreements with other political subdivisions for this purpose, and their terms as stated in the agreements are hereby adopted.

PART 7. The Council finds that the need to immediately begin required preparations for this election constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health, and safety.

PASSED AND APPROVED

February 9, 2021 §
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Steve Adler
Mayor

APPROVED:  **ATTEST:** 
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk

EXHIBIT A

Main Early Voting Locations

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Main Early Voting Locations, Early Voting Dates, and Early Voting Clerk Mailing Address May 1, 2021

Main Early Voting Locations:

Travis County: City of Austin Planning and Development Center, 6310
Wilhelmina Dr., Austin TX

Hays County: Government Center Conference Room, 712 S. Stagecoach Trail, San
Marcos, TX

Williamson County: Williamson County Inner Loop Annex, 301 SE Inner Loop,
Suite 104, Georgetown, TX

Early Voting Dates:

Monday, April 19, 2021 – Tuesday, April 27, 2021; times vary

Designated 12-Hour Days of Early Voting:

Travis County – every Early Voting Day except Sunday, April 25, 2021

Hays County – Monday, April 19, 2021 and Monday, April 26, 2021

Williamson County – Monday, April 26, 2021 and Tuesday, April 27, 2021

Early Voting Clerk Mailing Addresses:

Ballots by Mail – Travis County

By Mail voters: P.O. 149325, Austin, Texas 78714-9325

By Contract Carriers/ Fedex: 5501 Airport Blvd., Austin, Texas 78751

Ballots by Mail - Hays County

By Mail Voters: P.O. Box 907, San Marcos, TX 78666

Ballots by Mail – Williamson County

By Mail voters: P.O Box 209, Georgetown, TX 78627

ADJUNTO A

Sitios Principales de la Votación Adelantada, Fechas de la Votación Adelantada, y Dirección Postal de la Secretaria de la Votación Adelantada 1 de Mayo, 2021

Sitios Principales de la Votacion Adelantada:

Condado de Travis: City of Austin Planning and Development Center, 6310 Wilhelmina Dr., Austin, TX

Condado de Hays: Government Center Conference Room, 712 S. Stagecoach Trail, San Marcos, TX

Condado de Williamson: Williamson County Inner Loop Annex, 301 SE Inner Loop, Suite 104, Georgetown, TX

Fechas de la votación Adelantada:

Martes, 19 de abril, 2021 – Viernes, 27 de abril, 2021; las horas varían

Días designados de 12 horas de votación anticipada:

Condado de Travis: todos los días de votación anticipada excepto el domingo 25 de abril de 2021

Condado de Hays: Lunes 19 de abril de 2021 y lunes 26 de abril de 2021

Condado de Williamson: Lunes 26 de abril de 2021 y martes 27 de abril de 2021

Direcciones Postales de la Secretaria de la Votación Adelantada

Para Boletas por Correo-Condado de Travis

Enviadas por correo por los votantes: P.O. 149325, Austin, Texas 78714-9325

Enviadas usando transportista contratado/ Fedex: 5501 Airport Blvd., Austin, Texas 78751

Para Boletas por Correo – Condado de Hays

Enviadas por correo por los votantes: P.O. Box 907, San Marcos, TX 78666

Para Boletas por Correo – Condado de Williamson

Enviadas por correo por los votantes: P.O Box 209, Georgetown, TX 78627