

ORDINANCE NO.

AN ORDINANCE ESTABLISHING PAY AND BENEFITS FOR OFFICERS OF THE AUSTIN POLICE DEPARTMENT AND ESTABLISHING AUTHORITY OF THE OFFICE OF POLICE OVERSIGHT.

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

PART 1. The Council finds:

- A. The current meet and confer agreement between the City and the Austin Police Association (the "APA") effective as of November 15, 2018 (the "Current Agreement") will expire on March 31, 2023.
- **B.** Despite best efforts of the City and the APA, there is a likelihood that the parties will not reach agreement on a successor to the Current Agreement before its expiration on March 31, 2023.
- C. In Resolution No. 20220915-091 the Council established a City policy to continue the current pay and benefits for Austin Police Department ("APD") officers, including payout of sick leave hours upon separation, in the event the Current Agreement expires without an approved successor agreement in place.
- **D.** In light of significant staffing concerns within APD, and in order to maintain effective recruiting and retention of APD officers and continuity of pay and benefit practices while the City and the APA continue to seek a successor to the Current Agreement, it is necessary to provide wage and benefit stability for the officers covered by the Current Agreement to the extent not inconsistent with state civil service laws.
- **E.** The City's Office of Police Oversight ("OPO") is integral to a robust and effective civilian oversight program and to the City Manager's Charter authority to supervise, direct, and manage APD.
- F. Clearly establishing the authority of the OPO as an investigator permitted by state law to review allegations of police officer misconduct, and establishing the OPO as an independent resource for both residents and APD officers to make anonymous complaints alleging misconduct by APD officers, are necessary and healthy components of the City's civilian oversight program for APD and implement important community values and expectations of Austin residents.

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- **PART 2.** Except as provided in Part 3 of this Ordinance, and unless otherwise prohibited by state law, the following pay and benefit provisions of the Current Agreement shall continue in effect until either the effective date of a successor meet and confer agreement or other Council action inconsistent with this Ordinance,
 - Base wages as provided in Article 7, Section 1(d) of the Current
 - Special pays as provided in Article 7, Sections 2, 3, 4, 5, 6(b), 7, 8, 9, and
 - Overtime and other assignment pay as provided in Article 8, Sections 1,
 - Sick leave pay upon separation as provided in Article 9, Section 3 of the
 - Vacation leave and sick leave accrual rates and caps as provided in Article 10, Sections 3, 4, and 5 of the Current Agreement.
- **PART 3.** Part 2 of this Ordinance shall become effective if and only if the Current Agreement expires without an approved successor agreement, and shall remain in effect until either the effective date of a successor meet and confer agreement or other Council action inconsistent with this Ordinance, whichever comes first.
- **PART 4.** The Director of OPO and such other OPO personnel as identified by the Director are designated as investigators under Section 143.312 of the Texas Local Government Code and may receive and investigate misconduct complaints against APD officers, including anonymous complaints from APD officers or local residents, as permitted by state law.

DAGGED AND AT			, 2023.
PASSED AND AF	PROVED:		
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	, 2023	§	****
			Kirk Watson Mayor
APPROVED:		ATTEST:	
	Anne L. Morgan		Myrna Rios
	City Attorney		City Clerk