

AMENDMENT 1

CM Kelly

Item 61

2/23/23

I move to amend 61 to include/exclude the following:

PART 1.

~~B. Despite best efforts of the City and the APA~~ Although negotiators for the City and the APA reached an agreement for a 4-year contract, subject to approval by City Council and APA members, 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.

~~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"), as established in the Current Agreement,~~ 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.~~

PART 3. Except as provided in Part 3 of this Ordinance, and unless otherwise prohibited by state law, the OPO provisions of Article 16 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, whichever comes first.

PART ~~34~~. Part 2 and Part 3 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.~~

PART 5. ~~The Director of OPO and such other OPO personnel as designated by the Director shall have independent and unfettered access to APD personnel, records, and processes necessary to carry out the functions and responsibilities in Part 4 of this Ordinance, including without limitation access to APD records maintained under Section 143.089(g) of the Texas Local Government Code.~~