

**CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM**

Meeting Date: October 13, 2021

Presenter's Name and Title: Tennille Decoste, HR Division Director

Prepared By: Tennille Decoste, HR Division Director

Temp. Reso. Number: #7516 RECOGNIZING AND APPROVING FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE INC. ("FOP") AS THE NEW UNION REPRESENTING ALL CITY OF MIRAMAR SWORN POLICE OFFICERS AND SERGEANTS; AND FOP ADOPTING THE POLICE BENEVOLENT ASSOCIATION CONTRACT FROM OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2024, presented by Tennille Decoste, Division Director

Item Description: Temp. Reso. #7516, The PBA represents the police officers and sergeants employed by the City. The City and the PBA negotiated a new collective bargaining agreement for the period of October 1, 2021 through September 30, 2024. The agreement was approved by the City Commission at the August 18th commission meeting. Members within the bargaining unit sought to decertify the PBA. The Public Employees Relations Commission (PERC) oversaw an election on September 16 and 17, 2021 between PBA and FOP. On September 17, 2021, FOP prevailed with fifty-five votes and PBA lost with fifty-one votes.

Consent ☐ Resolution ☒ Ordinance ☐ Quasi-Judicial ☐ Public Hearing ☐

Instructions for the Office of the City Clerk: None

Public Notice – As required by the Sec. ____ of the City Code and/or Sec. ____, Florida Statutes, public notice for this item was provided as follows: on _____ in a _____ ad in the _____; by the posting the property on _____ and/or by sending mailed notice to property owners within ____ feet of the property on _____ (fill in all that apply)

Special Voting Requirement – As required by Sec. _____, of the City Code and/or Sec. _____, Florida Statutes, approval of this item requires a _____ (unanimous, 4/5ths etc.) vote by the City Commission.

Fiscal Impact: Yes ☐ No ☒

REMARKS: No changes or additional fiscal impact.

Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Resolution TR7516**
 - **Exhibit A: Letter from FOP**
 - **Exhibit B: Tally of Ballots**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners
FROM: ^{FOP} Vernon E. Hargray, City Manager 
BY: Tennille Decoste, HR Division Director
DATE: October 7, 2021
RE: Temp. Reso. #7516, Florida State Lodge, Fraternal Order of Police

RECOMMENDATION: The City Manager recommends approval of Temp. Reso. No. 7516, recognizing and approving Florida State Lodge, Fraternal Order of Police (“FOP”) as the new Union representing all City of Miramar sworn Police Officers and Sergeants, effective October 5, 2021. Approval of FOP is required to adopt the Police Benevolent Association, Inc. (PBA)’s current contract.

ISSUE: The previous collective bargaining agreement between the City and PBA expired on September 30, 2021. The City and PBA negotiated, in good faith, to create a successor agreement for the period of October 1, 2021 through September 30, 2024. City Commission approved the agreement on August 18, 2021.

Members of the bargaining unit sought to decertify the PBA. An election was held amongst the membership and FOP was elected to replace PBA. FOP has agreed to adopt the PBA contract. City Commission approval is necessary to authorize the adoption.

BACKGROUND: The PBA represents the police officers and sergeants employed by the City. The City and PBA negotiated a new collective bargaining agreement for the period of October 1, 2021 through September 30, 2024. The agreement was approved by the City Commission at the August 18th Commission meeting.

While the negotiations process was ongoing, employees in the bargaining unit began the decertification process of the PBA. On June 3, 2021, FOP filed a petition with Public Employees Relations Commission (PERC) seeking to represent a rank-and-file bargaining unit of sworn law enforcement personnel employed by the City of Miramar,

currently represented by PBA. On August 23, 2021, the City was advised that PERC will be holding an election on September 16 and 17, 2021 between PBA and FOP. On September 17, 2021, FOP prevailed with fifty-five votes and PBA lost with fifty-one votes.

ANALYSIS: The FOP adoption of the PBA agreement does not result in any changes of the cost of the agreement.

Temp. Reso. No. 7516
9/28/21
10/5/21

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, RECOGNIZING AND APPROVING FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE INC. AS THE NEW UNION REPRESENTING ALL CITY OF MIRAMAR SWORN POLICE OFFICERS AND SERGEANTS; AND ADOPTING THE POLICE BENEVOLENT ASSOCIATION CONTRACT FROM OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2024; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City recognizes and approves Florida State Lodge, Fraternal Order of Police Inc. ("FOP") as the new Union representing all City of Miramar sworn Police Officers and Sergeants effective October 5, 2021; and

WHEREAS, the previous collective bargaining agreement between the City and the Broward County Police Benevolent Association, Ince (PBA) expired on September 30, 2021; and

WHEREAS, the City and the PBA have negotiated in good faith to create a successor agreement; and the City Commission approved the agreement on September 28, 2021; and

WHEREAS, the PBA is no longer representing City of Miramar police officer and sergeants.; and

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10/5/21

WHEREAS, on June 3, 2021, FOP filed a petition with Public Employees Relations Commission ("PERC") seeking to represent a rank-and-file bargaining unit of sworn law enforcement personnel employed by the City of Miramar currently represented by PBA.; and

WHEREAS, on August 23, 2021, the City was advised PERC will be having an election on September 16 and 17, 2021 between PBA and FOP; and

WHEREAS, on September 17, 2021, FOP prevailed with fifty-five votes and PBA lost with fifty-one votes; and

WHEREAS, on September 24, 2021, FOP advised the City they desire to adopt the existing collective bargaining agreement and will maintain and service it until a successor agreement is negotiated upon the expiration of the agreement; and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to approve the adoption of the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1: That the foregoing "**WHEREAS**" clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

Section 2: That the City Commission approves and recognizes FOP as the new union representing all sworn police officers and sergeants. The City Commission approves FOP adopting the current CBA.

Temp. Reso. No. 7516
9/28/21
10/5/21

Section 3: That the City Manager is authorized to execute the Agreement and the appropriate City officials are authorized to do all things necessary and expedient to carry out the aims of this Resolution.

PASSED AND ADOPTED this _____ day of _____, _____.

Mayor, Wayne M. Messam

Vice Mayor, Yvette Colbourne

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this RESOLUTION as to form:

City Attorney,
Austin Pamies Norris Weeks Powell, PLLC

Requested by Administration

Commissioner Winston F. Barnes
Commissioner Maxwell B. Chambers
Vice Mayor Yvette Colbourne
Commissioner Alexandra P. Davis
Mayor Wayne M. Messam

Voted

Reso. No. _____



Florida State Lodge Fraternal Order of Police

Labor Council Committee



September 24, 2021

Vernon Hargray, City Manager
City of Miramar
2300 Civic Center Place
Miramar, FL 33025

Dear Mr. Hargray,

As you know, the Florida State Lodge Fraternal Order of Police Inc. is now the certified bargaining agent that will be representing the Officers and Sergeants of the Miramar Police Department.

As per FS. 447, the Florida State Lodge Fraternal Order of Police Inc. is hereby requesting that the City of Miramar stop all payroll deductions to the Police Benevolent Association or any other organization that falls within FS. 447 and implement dues deduction for the Florida State Lodge Fraternal Order of Police Inc. as soon as possible.

Also, this is to inform you that the Florida State Lodge Fraternal Order of Police Inc. is adopting the existing collective bargaining agreement and will maintain and service it until a successor agreement is negotiated at expiration. If you agree, please sign below in the space provided indicating your mutual agreement that the FOP will adopt the existing collective bargaining agreement. Thereafter, the FOP will consider the current collective bargaining agreements for the members to remain status quo.

The Florida State Lodge Fraternal Order of Police Inc. is looking forward to a harmonious working relationship with the City of Miramar.

I would like to thank you in advance for your attention to and assistance with this matter.

FOR THE FOP

FOR THE CITY OF

/s/ Mike Tucker

Mike Tucker, Chief of Staff
Florida State Lodge Fraternal Order of Police
Cell (954) 815-3066
Email m.tucker@floridastatefop.org

XXXXXX, City Manager or designee

242 Office Plaza, Tallahassee, Florida 32301
Labor Council: (888)485-0351 • State Lodge: (850)656-9881
Fax: (800)873-3670
floridastatefop.org

STATE OF FLORIDA
PUBLIC EMPLOYEES RELATIONS COMMISSION
(Fla. Admin. Code Rule 60CC-2.003)

Exhibit B

FLORIDA STATE LODGE, FRATERNAL ORDER
OF POLICE INC.,

Petitioner,

v.

CITY OF MIRAMAR,

Respondent,

v.

BROWARD COUNTY POLICE BENEVOLENT
ASSOCIATION, INC., CHARTERED BY THE
FLORIDA POLICE BENEVOLENT ASSOCIATION,
INC.,

Intervenor.

TALLY OF BALLOTS

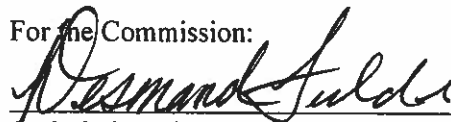
CASE NO. EL-2021-030 (Relates to RC-2021-030)

DATE: September 17, 2021

This result of the tabulation of ballots cast in the above election was as follows:

- | | |
|--------------------------------------------------------------------------------------------------|------------|
| 1. Approximate number of eligible voters..... | <u>188</u> |
| 2. Void Ballots..... | <u>1</u> |
| 3. Votes cast for <u>Petitioner (Florida State Lodge, Fraternal Order of Police, Inc.)</u> | <u>55</u> |
| 4. Votes cast for <u>Intervenor (Broward County Police Benevolent Association, Inc.)</u> | <u>51</u> |
| 5. Votes cast against the participating organization(s)..... | <u>0</u> |
| 6. Valid votes counted (sum of 3, 4, and 5)..... | <u>106</u> |
| 7. Challenged ballots..... | <u>0</u> |
| 8. Valid votes counted plus challenged ballots (sum of 6 and 7)..... | <u>106</u> |
| 9. Challenges are <u>(not)</u> sufficient to affect the results of the election. | |
| 10. <u>Florida State Lodge, FOP, Inc (Petitioner)</u> has prevailed in this election. | |

For the Commission:



The undersigned acted as authorized observers in the counting and tabulation of ballots indicated above. We hereby certify that the count and tabulating were fairly and accurately conducted, that the secrecy of the ballots was maintained, and that the result was as indicated above. We also acknowledge service of this tally.

FOR ORGANIZATION:

FOR EMPLOYER:


(PETITIONER- Florida State Lodge, Fraternal Order of Police, Inc.)


(RESPONDENT- City of Miramar)

(INTERVENOR- Broward County Police Benevolent Association, Inc.)