

**Minutes**  
**EMPLOYEE ADVISORY COMMITTEE**  
**SPECIAL MEETING**  
**April 7, 2015**  
**Mayor's Conference Room**  
**9:00 a.m.**

The meeting was called to order by Judy Franco at 9:10 a.m.

1. *ROLL CALL*

MEMBERS PRESENT:

Sir Allen (Chew) –Wastewater Collection  
Judy Franco-GIS  
Britt Hubbard – SSC  
Jorg Stefan Kidd – Building Maintenance  
Albert Ozuna - Streets  
Jackie Somerlott- PW Admin

MEMBERS ABSENT:

Eugene Ross- Landfill \*\*

\*Excused

\*\*Unexcused

OTHERS PRESENT:

Bryan Long- City Manager  
Doug Wells – Council member  
Elton Rogers – IT  
Wade Lewis – SEWTP  
Denise Ezell – City Clerk  
Kylie Ward – WWTP  
Georgia Peters – Payroll  
Debbie Long – Parks & Rec  
Sherry Anderson-Assistant HR Director  
Sue Smith-Human Resources

2. *MINUTES*

A.

Approval of minutes of March 19, 2015

Motion to approve minutes with changes by Britt Hubbard with a second by Jorg Stefan Kidd

Ayes: Allen, Franco, Hubbard, Ozuna, Kidd and Somerlott.

Nays: None Motion carried.

### 3. OLD BUSINESS

#### A.

##### *Discuss Budgetary Concerns:*

Franco handed out memo and recommendations from the City Manager for the EAC proposed changes to City Code and Policies. Hubbard asked Bryan Long to give an update on the budget. Long said he is still in the process of putting together his recommendation to balance the budget. He said the primary numbers sent to Council indicates a revenue shortfall of 4.7 million dollars but there are still things he will do to adjust the budget. He said he will be balancing based on that number. Hubbard asked how that will affect some of the Chapter 17 changes with the employees and sick leave. He asked if that will be cut further. Long said other than what has been discussed, no. He said legal is preparing a draft and there are some minor changes and he will send the draft to Judy Franco. Long said one of the things the EAC talked about from the last meeting is you were strongly opposed to forcing the sick bank leave on those who otherwise would take the new sick leave balance and he has taken note of this in his proposal. Long said there were four things he noted which were that you wanted to retain some form of cash value or pay out, you talked about vacation time during your one meeting to make allowance for that which was really separate and apart and the last thing regarding sick leave balance was to insure that sick leave bank would be used as sick leave if it were exhausted and either way you could move back and forth between the sick leave that you earned. He said then we talked about the layoff ordinance. Long said he has talked to Franco about the sick leave proposal and told her that he talked to Legal to see how we can move forward in that area. He asked Legal if there would be a problem with transferring sick leave to your pension. Long said he has not had time to talk more to Legal and make a draft of the sick leave proposal but will soon. Franco asked if she will have it this week. Long said he will meet with Legal after this meeting today. Hubbard asked when this would go to the Council meeting. Long said the April 28<sup>th</sup> meeting.

Long said he will start looking at new revenue sources. He said he will look at opportunities for new revenue services, organizational changes to benefit the City, vacant positions and then layoffs if necessary. Long said to be honest and looking at the number and knowing where we are at in developing recommendations it's going to be impossible not to recommend layoffs. Hubbard asked if there were any numbers as to how many layoffs. Long said it is too early to say and he will take a hard look at. Franco said a few employees have talked to her about their jobs that are partially funded by ODOT and have not passed their probation period. She asked if these positions will be cut in the layoffs. Long said there are no employees paid by ODOT but are you talking about moneys from LIMPO for ODOT. Franco said yes. Long said he doesn't know at this point but everything will be looked at. He said he is in the process of preparing the preliminary budget and by state statute he is required to present that to the Council. Long said he will distribute it in electronic format or otherwise and if there needs to be another meeting he is happy to sit down with the EAC and talk about the recommendations that are coming forth.

Somerlott asked as far as layoffs and reorganizations how soon would general

employees know of the changes. Long said as soon as possible and there is no need to induce panic by sending out a series of numbers that don't mean anything yet but he wants to give you the benefit of knowledge that a division or position has been identified. Hubbard said the dollar value of the changes in the layoff ordinance is a one time shot unless there are going to be layoffs throughout the year. He asked how this will help this year's budget. Long asked if this was about the pay out. Hubbard said yes. Long said this is not final until the Council approves it. He said in order to receive a full years savings on that position that he is vacating is a financial control for the organization he is already 25 percent behind. Long said under the current ordinance he is required to pay out 25 percent of your salary whether through by-weekly paychecks or one time lump sum. He said if you are looking at one or two people then you are correct and it's not a barrier you can't overcome. He said if you talk of numbers over that then it gets troubling and what it forces him to do is if you have 25 people who required a 25 percent pay back then under the ordinance he may have to cut two other positions to fund it. Long said that's what the issue is and you are right when you are looking at one or two people that aren't a big concern. He said when you are looking at 50 or more that could be a concern.

Allen said when you determine the layoff will that be before July 1 or after. Long said it would be contained in his preliminary budget which will go to Council on April 28<sup>th</sup>. He said one thing he wants to do different this year on the preliminary budget due to some Council concerns he has heard to make it clear to personnel what's being added, deleted, modified and moved. Long said there are going to be a lot of moving pieces here.

Long said he doesn't have a lot of information now because he doesn't want to mislead anyone at this point with false information.

Peters said sometimes when you move people into a higher position, such as from a GE04 to a GE06, an equipment operator to a senior equipment operator. She said when you have someone higher up, that you move up, they are getting a huge increase, not 25 cents but a couple of dollars. She asked how that equals out. She said you are going to have to cut someone down here to fund the person you re-classed and moved up or moved someplace else. Long said this is a fair question but you are missing the point. He said the point is not you individuating your position because that isn't the point of balancing the budget. Long said the point of balancing the budget is to meet community priorities that the Council will ultimately approve or disapprove. He said they may have some services that are offered that we shouldn't be providing or we provide too much of and those are areas where they may have to cut back. Peters said if you are going to put someone in an office position and re-class them, but you are taking two guys off the street and that is where you need most of your help in Public Works and the Street division. She said you are cutting on this end to increase on this end. Peters said this person may be doing the paperwork in an office but they're not out on the street where we actually need more help. Long said you are assuming that is the case and how do we determine that is a productive environment that individual is in. He said that is the question that ultimately comes about.

Hubbard said you are starting to reduce what you are supplying to the citizens. He said you are reducing the effect of what the City does, such as more potholes and sewer lines and water line. Hubbard said if those things aren't taken care of then we are digging ourselves into a hole and we will have a hard time getting out of, even if we contract out.

Long said you are presuming where those cuts are being predicted and you don't know. Peters said she has seen the PAFs come across her desk. Long said let's talk about specifics. Peters said in Public Works people were re-classed and shifted around but yet we were letting people at the bottom go and what was the point of that but to

increase. She said she did her own spreadsheet on that and we didn't save any money on doing that. Peters said those people got more money and elevated to a higher position and letting people at the bottom go. She said yes they took some people that they could and move them up as those positions became vacant but still lost a lot of good workforce of people by elevating at the top. Long asked who did we lose and if you are going to say something like that you need to be specific. He said you are fear mongering when you say something like that and he doesn't appreciate it. Peters said you are raising up here and down here we are staying the same or not going anywhere, which does not equal out. Long asked again, who did we lose? Peters said she would have to pull PAFs. Long said they lost no one because they moved every position into vacant positions. He said they didn't lose anybody. Peters said okay. Long said his recommendation that year to Council was to have layoffs.

Long said service to the community is just as important at management level if not more important because they are held accountable. He said if they are not able to steer the ship or following the lead then our pace is being dictated by the organization. Long said is he saying those employees on the lower end are not critical to the operation of our organization, no, absolutely not. He said, would he agree that over the 20 years we have been efficient as we possibly can be, absolutely not. He said he can't take a 4.7 million dollar deficit and raise water bills. Long said there are some other things he will recommend to do but not that. He said he doesn't want the message that comes out of here today to be the little guy on the totem pole is not important because that just isn't true. Long said what is killing us, is not the over abundance of spending, but a 1.8 million dollar decrease in our utility revenue and about a 2 percent loss in sales tax. He said that is where we are hurting and this will have a dramatic impact.

Long said the merit increase for general employees last year was gotten from special funds. He said they pulled the existing balances of those funds and the City Council approved it to be transferred into the general funds to fund your pay plan. He said the growth rate of 1.2 million dollars each year just to give the step increases is getting difficult each year to do. Hubbard said that happens for all the employee group, including the Police and Fire and that is something that has to be budgeted for. He said the Police and Fire have an advantage with union and the City has to deal with that but the general employees feel the budget is being balanced on their backs. Hubbard asked if the City was mandated to add Police officers this year. Long said yes, that is under the premise of the 2015 sales tax. He said the pay scale will grow each year and how do you overcome that difference when you have had 5 percent decrease in revenue and you have gone up 2.5 percent in your pay scale. He said obviously you can do that for two years if you maintain the current revenue level but we are stable at this point but not growing. Long said he doesn't know what to do, raise water rates?

Hubbard asked Councilman Wells what views the Council may have on the budget as we go forward. Wells said they don't have anything that the EAC doesn't have except a budget sheet submitted to them last week. Hubbard asked if Wells had any feelings as the budget. Wells said he has not met with other council members on this.

Wells said he was there to make clear what he said in the last meeting and to apologize for sounding abrasive. He said he is no longer employed with the City and what he thought was good when he was here; you all may not think is a good idea now. Wells said his position is that he is here to support the general employee's recommendation whether Mr. Long agrees with him or not. He said he agrees with the EAC's recommendation for the sick/terminal leave. He gave an example of an employee who has earned 1076 hours, his idea was that on July 1, that employee would roll over 576 hours and have 500 hours in historical leave bank. Wells said throughout the year the employee would gain 96 hours of sick leave and at the end of the fiscal year, he would get paid for it like in the past with sick leave in lieu. He said instead of losing pay at

the end of the year the EAC recommended taking it off of the current sick leave instead of historical sick leave. Wells said it doesn't make any difference because you are still getting full pay for both. He would rather have a check for the 96 hours. Wells also said it needs to be on an equal basis with the other employee groups.

Wells said he knew from the start that the City could not afford the terminal leave program. He said he knows the City is in a budget crunch that started eight years ago and some people don't understand the budget process and what that entails. Wells suggested using terminal leave for your pension as other organizations do.

He said the general employees have not gotten a COLA in eight years. Peters said the last raise was in 2011 and it was a two percent. Anderson said but one percent went to an increase in insurance. Wells said that isn't fair. He said he can't say what the rest of the Council is going to do and at this point we don't know what the budget recommendation will be but this year it will be critical. He said on Tuesday night he will recommend rearranging the 2012 CIP program. Wells said they have spent \$800,000 on a study by Garver on ground water services and we don't have the money to pay for the ten test wells they are recommending we build. He said why spend the money on a study when we have no money to implement the changes.

B.

*Discuss Sick/Terminal Leave:*

Ezell said she asked Councilman Wells to attend this special meeting because in the last meeting she didn't understand what he was saying about the terminal leave. She said she wasn't happy with either Long's plan or the EAC's plan because they were taking something from the long term employees. She said after Wells explained his plan to her, she felt better and she will not be losing anything. Ezell said she was concerned about the hours when you retire. She said both the 576 hours and the 500 hours would be joined together and you still have your terminal leave of 1076 hours. Ezell said everything between that time, you will get paid for instead of losing. She said she was thinking if she had to put that into historical leave then it would take six years to get back the hours she had. Somerlott said most of the people thought that and it would be a lot better if everyone saw this in writing and discuss this before April 28th. She said the concern of the employees she has talked to is not knowing. Somerlott said she doesn't like rumors and wants to give the correct information to employees that there is something that is going to take place and this meeting is very helpful in that.

Hubbard asked Wells what happens to the employees who have less than 576 hours of sick leave. Wells said not a thing but they can continue to accrue until they have 576 hours and then after that, they would get paid the 96 hours a year. Wells said they can use the 576 hours towards terminal leave. He said he believes there will be no more terminal leave for new employees and when you retire you get a percentage of the 576 hours. Ezell said he is referring to the 80 percent who are not there yet. Wells said yes, for those who do not have historical leave now. Hubbard asked if they would be eligible for terminal leave. Wells said no, they would be paid out at a percentage.

Long said he will not recommend this because he doesn't know how the City will pay for it. He said if the Council is willing to set aside 1.5 million dollars or whatever the amount would be is a lot and that is not what he is going to recommend. Somerlott said the EAC will be able to see the policy before the passing. Long said that hopefully Legal will have that ready today. Anderson asked if both the sick leave and layoff policies will be presented at the April 28<sup>th</sup> Council meeting. Long said yes.

Ezell said she has a problem with the sick leave policy due to the timing. She said if last year in July you knew you were going to be at this point and did this, then she would not have had such a problem with it. Ezell said, but to walk in, say you want to

take three months severance pay from the employees and tomorrow you want to start laying off, that hurts. She told Long that she understands the problem but at some point and time we have to take care of each other.

Long said if you keep paying out exorbitant amounts, it will take more of you to make up for the benefits that are going out. He said the timing is never good. Long also said his point is not to enforce more hurt on you as employees, but it is trying to give some relief. He said if you want to continue to pay funds out like you are doing and the Council agrees then that is what we will do.

Peters suggested having jobs with NTE, not to exceed, as the government jobs have. She said if we put on the positions that we know we may cut then put NTE for a year. Peters said so if there is a layoff then people will know this position only lasts for a year before they apply so there is no surprise. Long said if he knew of any position he could identify like that he would. He said his intent would be not to hire someone in a position we don't need. Long also said that was a good thought and he will consider it. Wells said this is short notice and he wished that it would go into effect next budget year. He said a lot of the people let go will be lower paying positions and if you are prepared for it that is one thing, but if you are told a month ahead then that is another. Wells said he agrees with where Long is headed but he feels he is doing everything too fast.

Long said you feel the budget is being balanced on the back of the general employees and based on the contracts we have in place, based on the state law we are required to observe, based on negotiation attempts and that may be the impact. He said he doesn't disagree with you on that. Long said all we can do as a staff is recommend negotiations of the same issues we are talking about and it may seem we are going after you but that is the only place we can go to balance the budget. Wells said you can blame the City Council also because he told them that they have put themselves in a box. Long said nobody wants to have to lay anybody off but it is the reality of where we're headed and he will give everyone as much notice as humanly possible. He said until Council votes on a final recommendation and they may change it. Anderson said a lot of employees are asking about step increases and if they will get them this coming fiscal year. Long said he will not be factoring in step increases this year. Somerlott asked what is the savings of no merit increases. Wells said 1.5 million dollars according to the sheet Long gave the Council. Long said it is a different number each year because it is individually based. Wells said most years they don't get 1.5 million dollars extra in revenue.

Peters asked if the preliminary budget date is April 28<sup>th</sup>, then when will the final budget go out. Long said June 20<sup>th</sup> or 21<sup>st</sup>. Peters said that will not give people who want to go on terminal leave and give 30 days notice enough time to do so. Long said he addressed that at a previous meeting and that would not be a factor for them. He said he will write language in, with clarification to Council, should they pass a measure like that then that would not be an issue.

Ozuna asked why don't they freeze the jobs that are vacant already. Long said the problems with vacancies is you look through the vacancies and nine times out of ten they will be the people who work at your end because there is a higher turnover rate. He said he can't afford not to have laborers on the street or a Human Resources Director.

Somerlott asked if these changes that Long will recommend help keep us afloat for the next few years or will they help us get to a better place financially. Long said in his professional opinion he would much rather be in a scenario where we have less employees but he was better able to take care of the employees that we had verses stretching out pennies on the dollar, stringing them along for a seven year stay with the City to receive no raise. He said it makes more sense to address the issue now verses

waiting for another year.

Ezell asked if early retirement will offer anything. Long said he is looking into that and working with Legal. He said he doesn't know if our current pension plan will allow that and he may have to look into changing the pension plan.

Peters asked how much time do they have to respond to this. Wells said you have to have items in on the 21<sup>st</sup> for the 28<sup>th</sup> meeting.

Ezell said as an employee she is asking the EAC not to back down and stand your ground. She said Fire and Police don't back down and the EAC shouldn't. Ezell said she will be there with them and don't cave in. Hubbard said he urges all the employees to be there at the Council meeting. Long said don't go home and forget about it, after you force the Council to do something they really didn't want to do because of political pressure. He asks that the employees stay there with him throughout the budget process while he is making very difficult decisions to balance our budget or giving recommendations and sustain what you did.

C.

*Discuss City Manager Response to Chapter 17 Changes:*

Franco asked if everyone got a copy of the handout. She said the EAC is going forward with what they have. Franco said this is going to Council at the same time. She said Peters gave her some suggestions for standby but it will have to be on the next EAC recommendations in December.

Hubbard said he found out some more on the OJI/TDD and they need to look deeper into that and add it to the July recommendations. He said he was told you don't pay taxes on it when you are off.

4. NEW BUSINESS

A.

*Selection of EAC Technical Representative*

Franco asked Wade Lewis and Elton Rogers to introduce themselves to the board for election of the Technical #1 position for the EAC. Wade Lewis said he went to Eisenhower High School and he has always been organizations such as student body at Cameron University. He said he would like to help co-workers know what is going on and give employees opinions to people. He works for the Southeast Water Treatment Plant and has worked for the City for four years. Hubbard asked what he thought of the concerns going on with the City now. Lewis said he was just a spectator today but he has some opinions he would like voice and if people don't agree then okay. He said he would bring his co-workers opinions and questions to the meetings also. Hubbard asked if there would be any problems getting to the meetings. Lewis said no and he was on day shift.

Elton Rogers said he grew up in Apache but he has known Lawton since childhood. He said he went to Apache High School. Rogers said he has worked in City government half his life. He said before working here, he worked for the City of Anadarko, so he knows how things work. Rogers said he wants what is best for all of us. He said he can help in certain ways and he isn't afraid to give his opinion. Rogers said he has been with the City for twelve years and he works for IT.

Motion to elect Wade Lewis as the EAC Representative for the Technical #1 position by Jorg Stefan Kidd with a second by Albert Ozuna

Ayes: Allen, Franco, Hubbard, Kidd, Ozuna and Somerlott.

Nays: None Motion carried.

5. *COMMUNICATION/DISCUSSION*

Somerlott thanked everyone for coming and said this is an open meeting and encouraged feedback and employees to attend.

Somerlott requested having alternates for EAC representatives and adding that in the next Chapter 17 changes recommendations.

Smith said the two vacancies for EAC representatives are Clerical #1 and Labor/Trades #1. Franco said she will add this to her City wide e-mail she will send about the meeting today. She told everyone to post the e-mail for those who do not have access to a City e-mails.

Franco said if you have three unexcused absences from meetings, then the EAC needs to elect a new representative. Smith said Eugene Ross is a Labor/Trades #5 representative and his term would be up on 10-8-16. Franco said she will notify the City Clerk's office. Hubbard said also add these three vacant positions to the employee newsletter.

Somerlott said the EAC needs to have a group picture for the newsletter to put a face with a name.

6. *ADJOURNMENT*

A.

Motion to adjourn by Albert Ozuna with a second by Jackie Somerlott.

Ayes: All Nays: None Motion Carried

Meeting Adjourned at 10:55 a.m.