

RESOLUTION NO. 12-836

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE THE FIFTH MEMEORANDUM OF UNDERSTANDING WITH THE BLACK DIAMOND POLICE OFFICERS ASSOCIATION REGARDING COURT SECURITY FOR 2013

WHEREAS, the City of Black Diamond and the Black Diamond Police Officers Association executed a collective bargaining agreement for the period of August 31, 2008 to August 30, 2014; and

WHEREAS, the current situation regarding the development of the 2013 Budget has caused the City to engage in budgetary reductions to police and other operations; and

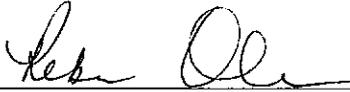
WHEREAS, recognizing the seriousness of the financial situation the Black Diamond Police Officers Association has entered into discussions on cost reduction and has subsequently voluntarily agreed to assist the City by reducing the cost of police officer overtime to provide for municipal court security;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Mayor is authorized to enter into the Fifth Memorandum of Understanding between the City of Black Diamond and the Black Diamond Police Officers Association, as set forth in Exhibit "A" which is attached to this Resolution.

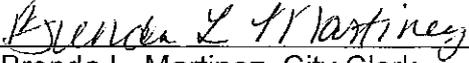
PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 1ST DAY OF NOVEMBER, 2012.

CITY OF BLACK DIAMOND:



Rebecca Olness, Mayor

Attest:



Brenda L. Martinez, City Clerk

FIFTH MEMORANDUM OF UNDERSTANDING
CITY OF BLACK DIAMOND
AND
BLACK DIAMOND POLICE OFFICER'S ASSOCIATION

1. Date of Parties. This Fifth Memorandum of Understanding (MOU-5) is effective upon execution by the City of Black Diamond (City) and the Black Diamond Police Officers Association (Association), and will commence on January 1, 2013.
2. Background and Purpose.
 - 2.1 The Parties have executed a Collective Bargaining Agreement (CBA) for the period from August 31, 2008 to August 30, 2014.
 - 2.2 Article 5 of the CBA defines any hours worked beyond forty (40) hours from between 2400 hrs on Saturday to 2359 hrs the following Saturday shall be compensated as overtime.
 - 2.3 Security for the Black Diamond Municipal Court has been provided by off-duty Black Diamond Police Officers, at the applicable overtime rate, since 2001. The Association maintains any change to this established practice is subject to mandatory bargaining.
 - 2.4 Article 29.1 (1) defines management rights, to take whatever action is either necessary or advisable to determine, manage and fulfill the mission of the department or the City.
 - 2.5 The City has given notice to the Association to retain private security personnel in lieu of Black Diamond Police Officers for Municipal Court security purposes in an effort to reduce expenditures for anticipated budget shortfalls. The City maintains this notice is a management right.
3. Agreed Interpretation.
 - 3.1 It is mutually understood and agreed by and between the Parties that the City anticipates budget deficits for 2013. In an effort to reduce expenditures for the City, the following agreement is entered into for the period of one (1) year, beginning January 1, 2013 and ending December 31, 2013.
 - 3.2 It is mutually understood and agreed by and between the Parties that beginning January 1, 2013, the City may enter into a one (1) year contract with a private security company of its choosing to provide security personnel in lieu of off-duty Black Diamond Police Officers for Municipal Court security purposes.
 - 3.3 It is also mutually understood and agreed by and between the Parties that on or before October 2013, the Association and City will meet to re-negotiate conditions related to the Municipal Court security and this MOU. Nothing in this agreement precludes the Association from asserting its right to mandatory bargaining of this matter at the conclusion of this MOU. It is further understood that nothing in this agreement

precludes the City from asserting its management rights regarding Municipal Court security at the conclusion of this MOU.

3.4 Provided, the parties agree that absent an agreement to the contrary, the past practice concerning Municipal Court security as described in Section 2.3 above will be re-instated on January 1, 2014.

4. Confirmation of Agreement of Terms. All other terms and conditions of the CBA shall remain in full force and effect.

CITY OF BLACK DIAMOND

BLACK DIAMOND POLICE OFFICER'S
ASSOCIATION

Date: Nov 2, 2012

Date: 11/14/12

Rebecca Olness

Scott Oak

Rebecca Olness
Mayor

Scott Oak
President