

**STATUTORY PROCESS FOLLOWED TO AMEND THE
GENERAL EMPLOYEES' RETIREMENT PLAN
[PROCESS GOVERNED BY FLORIDA STATUTE 447]**

The laws of the State of Florida (Florida Statute 447) require the City of Sanibel to follow a specific statutory process for collective bargaining. Florida law also requires that any change to the pension plan of an employee who is covered by a collective bargaining agreement is subject to mandatory bargaining. The steps of this process include engaging in the collective bargaining process, during which City Council is required to meet with the management bargaining team in shade session for the purpose of providing guidance. The process provides that if the parties do not reach agreement either party can declare impasse after which the State of Florida Public Employees Relations Commission appoints a Special magistrate to hear the impasse issues at a Public Hearing. Both the City and Union submit post-hearing briefs to the special magistrate to discuss the issues at impasse. The special magistrate is then required by law to issue a recommended decision to resolve the impasse. Both the City and the Union each have the option of accepting or rejecting the recommended resolution of the Special Magistrate.

If either the City or Union rejects the Special Magistrate's Recommendation City Council is required to convene a Public Hearing and Decision to resolve the impasse. Upon resolving the impasse City Council formalizes their action to resolve the impasse action by issuing Final Findings and Order. Inasmuch as the Pension Plan was adopted by ordinance the changes established in the Final Findings and Order are adopted by City Ordinance.

The timeline the City of Sanibel followed to amend the General Employee Pension plan is below. This timeline covers the statutory timeline for the collective bargaining process. This timeline does not include discussions held by City Council, budget hearings or Pension Board meetings where the Pension Plan was discussed.

1. ENGAGE IN COLLECTIVE BARGAINING WITH THE LABOR ORGANIZATION REPRESENTING EMPLOYEES RELATIVE TO PLAN AMENDMENTS
 - First bargaining session held with AFSCME February 4, 2010
 - Last bargaining session held in April 20, 2010

2. "SHADE" SESSIONS HELD WITH CITY COUNCIL DURING NEGOTIATIONS TO OBTAIN COLLECTIVE BARGAINING GUIDANCE FOR NEGOTIATIONS

Sessions held:

- January 5th and 19th
- February 16th
- April 20th
- 6 Additional sessions held after declaration of impasse

3. CITY AND UNION REACH AGREEMENT ON AMENDING RETIREMENT PLAN; OR IMPASSE DECLARED BY EITHER PARTY

- City declared impasse on April 20, 2010

4. STATE OF FLORIDA PUBLIC EMPLOYEES RELATION COMMISSION PROVIDES A SPECIAL MAGISTRATE TO HEAR THE IMPASSE ISSUES

- Hearing held on September 22, 2010

5. CITY AND UNION SUBMIT A POST-HEARING BRIEF TO THE SPECIAL MAGISTRATE DISCUSSING THE IMPASSE ISSUES

- City brief filed October 20, 2010
- AFSCME brief filed on or about October 20, 2010

6. SPECIAL MAGISTRATE ISSUES A RECOMMENDED DECISION TO RESOLVE THE IMPASSE

- Special Magistrate's recommended impasse resolution issued on November 11, 2010

7. CITY AND UNION ACCEPT OR REJECT THE RECOMMENDED IMPASSE RESOLUTION OF THE SPECIAL MAGISTRATE

- City Manager rejected the Special Magistrate's recommended solution to the impasse on November 22, 2010

8. REJECTION OF SPECIAL MAGISTRATE'S RECOMMENDATION REQUIRES A CITY COUNCIL PUBLIC HEARING AND DECISION TO RESOLVE THE IMPASSE

- City Council Public Hearing held on December 15, 2010

- City Council adopted the Special Magistrate's recommendation for retention of a 5% employee contribution only
- All other recommendations of the Special Magistrate were rejected
- Findings and Order of City Council's impasse action approved on January 4, 2011

9. ORDINANCE BEING PREPARED, WHICH WILL RECEIVE TWO PUBLIC READINGS

- First public reading scheduled for January 18, 2011
 - Ordinance will reflect Findings and Order of City Council and changes negotiated between the City and AFSCME
- Second public reading scheduled for February 1, 2011