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Houston Firefighters, Police Battle Over City's Limited Budget.

HOUSTON (CN) - The Houston Police Department won't have the manpower to investigate home burglaries and car wrecks if the cash-strapped city is forced to lay off hundreds of officers to help finance a voter-approved pay raise for firefighters, the police chief testified Friday.

Harris County Judge Randy Wilson on Friday declined Houston firefighters' request to lift a temporary restraining order against a recently enacted charter amendment that mandates pay raises for firefighters so they make as much as police of similar rank.

In the weeks before 59 percent of voters approved Proposition B on Nov. 6, Houston Mayor Sylvester Turner warned it would force hundreds of layoffs of municipal employees, firefighters and police.

The city's first responders are now battling over Proposition B in court.

The Houston Police Officers Union won a temporary restraining order against the amendment Nov. 30 after suing the city and the Houston Professional Firefighters Union.

Houston has sided with the police. City finance managers estimate Proposition B will cost the city \$100 million per year and Mayor Turner says Houston simply cannot afford it.

Each fiscal year, Houston must cut expenses to close a \$120 to \$130 million budget gap thanks to a law voters approved in 2004 that caps the city's property tax revenue at \$1.1 billion annually, its finance director Tantri Erlinawati-Emo testified during a three-hour hearing Friday.

Houston Police Chief Art Acevedo said on the witness stand the police department is already stretched thin with around 5,100 officers for a city of 627-square miles, due to budget constraints imposed by the revenue cap.

"There are 300 fewer Houston police than 20 years ago and 500,000 more residents," he said. Houston is the nation's fourth-largest city by population with 2.3 million people.

Chicago, the third-most populous U.S. city, covers 234-square miles and has more than 12,200 police officers.

Clean-cut on the stand in his crisp black service uniform, Acevedo said that city staff asked the police department to prepare a plan for Proposition B and it determined, because personnel costs account for 94 to 95 percent of its budget, it will have to lay off 600-800 police and police cadets and shut down its police academy.

"We will not be responding to residential burglaries," he said. "We won't be responding to auto accidents unless they are blocking traffic. We won't be responding to unverified home alarm notifications if we don't know something is going on. We will have to prioritize violent crimes in

progress.”

Baker Botts attorney Travis Sales, counsel for the firefighters’ union, told Judge Wilson that voters approved Proposition B despite the “parade of horrors” Mayor Turner cited in TV and newspaper ads and at several town hall meetings he hosted ahead of the vote, warning voters of the amendment’s potential consequences.

Echoing Turner’s concerns, city attorneys claimed at the hearing and in court filings it has met the burden of proving it will suffer irreparable harm without an injunction.

Layoffs of police and firefighters will result in delayed emergency response times, fire permit and building inspection fees will go up and the city’s credit rating, which dictates the interest rate it pays on loans, will be downgraded, the city claims in a Dec. 10 brief seeking a stay of Proposition B.

Fitch Ratings, one of three major credit-rating agencies in the U.S., cited Proposition B’s passage when it downgraded Houston’s credit outlook from “stable” to “negative” last month.

The Houston Police Officers Union’s attorney Kelly Sandill, with the law firm Hunton Andrews Kurth, told Judge Wilson that Proposition B suffers from two fundamental flaws.

She said it conflicts with a Texas law that Houston voters implemented in 2004 under which Houston firefighters’ pay must be based on, or comparable to, similarly situated private-sector employees, not public employees like police officers.

She also said it violates the provision in state law requiring a city’s police and firefighters to have separate collective bargaining negotiators.

“When Houston voters passed legislation forcibly tying the two groups together, that violates Texas public policy. Bargaining agents are to be separate unless they agree to be put together,” she said.

Attorneys for the city said firefighters will get a free ride without having to negotiate new labor contracts.

“The Pay-Parity Amendment effectively eliminates collective bargaining between the city and its firefighters. Whenever a police officer receives a pay increase or a new benefit, the allegedly comparable firefighter receives the same increase and the same benefit with no collective bargaining whatsoever,” the city states in a brief.

But Sales, the firefighter union’s attorney, said the city has admitted it does not base its firefighters’ pay on private-sector salaries because there are no private-sector employees comparable to firefighters.

Siding with the city’s interpretation that private-sector pay dictates firefighters’ salaries, Judge Wilson posed a hypothetical to Sales.

“If a probationary police officer receives \$100 per day under Proposition B, then a probationary firefighter gets \$100 per day. Suppose comparable pay [for the firefighter] in the private sector is \$80. How do you harmonize that?” he asked.

Sales said, “It has to be substantially equal, not identical, and you can harmonize it through collective bargaining.”

Wilson kept the temporary restraining order against in place, but said he will issue a ruling on

whether to block the amendment with a preliminary injunction next week.

“Hold on a minute!” Wilson shouted, as the 40 people in the courtroom packed up their stuff to leave. He said the hearing was his last on the bench for the 157th Harris County District Court and thanked the attorneys for presenting good arguments.

Wilson, a Republican who has presided over the court since January 2011, lost his re-election bid in November to Democrat Tanya Garrison. She will take over the case in January.

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