

City of Tulsa Timeline

12/11/2009
Police Dept begins to look at headcount reductions as an appropriate cost savings measure
ref: Email from Tom Dapice

12/1/2009
Receive approval on use of JAG to rehire 3 remaining officers, who were not rehired with COPS grant.
Note: this is never approved by the City

2/8/2010
Reallocation request sent to DOJ
\$2.4 million, 35 officers, 17 mos

1/30/2010
DOJ request for JAG
Reallocation rescinded

1/27/2010
Reallocation request sent to DOJ
\$2.4 million, 58 officers, 11 mbs

1/13/2010 - 1/31/2010
City submits budget reduction proposals to the FOP, 2 of which include the option to use JAG

2/11/2010
Severance checks cut

1/1/2010

3/1/2010

1/27/2010 - 2/19/2010
Reallocation request

12/8/2009
Mayor
Takes office

1/22/2010 - 1/31/2010
Allows time for FOP contractual notice period
As of 1/31/10, payroll cannot be met

1/22 - 1/29
Layoff Notice Period

1/21/2010
Mayor tells Tulsa World that layoff notices will be given

1/13/2010
1st proposal from City doesn't include JAG

1/29/2010
Layoff

1/25/2010
3rd proposal from City including JAG

1/27/2010
Chief Palmer departs
Chief Jordan sworn in
Layoff notices given to officers

1/27/2010
FOP votes & rejects
Final proposal from Mayor

2/11/2010
Severance checks cut

12/18/2009

DC's McCrory, Webster & Larsen met with **Simonson** and presented A Budget Reductions Report in which the use of JAG to retain personnel was mentioned

1/1/2010

email: **Simonson-DC McCrory** 'have JAG funds been received?'

12/11/2009

DC's Webster & McCrory advise **Mayor** and **Simonson** that they would like to use JAG/Byrne funds to save Officers' jobs

12/8/2009

Email: **Art Surrat-Stuart, McCalmán**
Re: Recovery Act Info
Jobs in a Police Dept

12/21/2009

Email: Fox 23 reporter **Abbie Allford-Simonson**
Requests details regarding Use of JAG for salaries

12/29/2009

Memo: **Mayor-FOP** President
Mayor states 'we have been told there are JAG funds available to save some jobs'

1/12/2010

Public Works Committee Meeting
Bynum asks Palmer for details About JAG and what the City's options are (**Simonson** is present)

1/21/2010

Email: **Palmer-Twombly**
Cc: **Mayor & Simonson**
For 18 months
\$2.5M can save 24 jobs

1/29/2010

McCalman-**Mayor & Simonson**
Reminder that JAG request Has been made. Cancel now if you're going to.

3/15/2010

Memo from Deputy Chiefs states that information contained in **Terry Simonson's** 3/5 e-mail to Carol Poole with respect to repurposing was not true

3/9/2010

Council meeting: Discussion with the Mayor, or his designee, regarding the JAG grants, their use to retain or rehire Tulsa Police officers, and Tulsa Police officer layoffs, including the costs, timing, communications with appropriate federal, state, and local agencies

3/5/2010

email: **Simonson-Carol Poole**
The idea of repurposing the JAG funds to rehire officers first came to the Mayor's attention in January

1/27/2010 - 2/19/2010

Reallocation request

12/1/2009

Timeline: Communication Regarding use of JAG/Byrne funds

3/31/2010

1/13/2010 - 1/31/2010

City submits budget reduction proposals to FOP, 2 of which include the option to use JAG

1/7/2010

Email - **McCalman** advises **Mayor** and **Simonson** of TPD's intention to submit request for reallocation

1/10/2010

Memo: **Palmer-Mayor, Simonson,** and members of TPD
Titled 'Staff Reduction Proposal #2'
Includes JAG as an option

1/5/2010

Public Works Committee Mtg
Palmer tells Council (in the presence of **Simonson**) "we've made that option (JAG) available for consideration to prevent layoffs"

2/23/2010

Council meeting: Update by the Administration as to the status of the request to the U.S. Department of Justice for permission to use the JAG grant to re-hire laid-off Tulsa Police Officers & Discussion with the administration regarding additional costs incurred, if any, by re-hiring officers who were paid severance packages

2/11/2010

Interview: **Mayor & KRMG**
Mayor states (1) that they had been having discussions over the past few months regarding the use of JAG funds (2) that it will take a while to get a response back, and (3) that he wouldn't count on it being of immediate use

2/9/2010

Council mtg: Discussion and update from administration on the status of the JAG Grant including but not limited to the funding available from the grant to rehire police officers, and how many additional officers could be hired if the severance payouts are not made.



Index of Exhibits

Exhibit #	Document
1	Recovery Act Information-Example #3
2	Tom Dapice email, Subject: 'FY 10 December Budget Reductions Advice', dated 12/11/09
3	Stuart McCalman email, Subject: 'Council', dated 12/10/09
4	Daryl Webster email, Subject: 'Meeting Reference FOP Concession Proposal', dated 10/12/09
5	TPD Budget Reductions Report FY 09/10, dated 12/18/09
6	Ron Palmer email, Subject 'FYI', dated 12/29/09
7	Mayor's Memo to Phil Evans, 'Issues Regarding TPD', dated 12/29/09
8	Terry Simonson email, (no subject) dated 1/1/10
9	Tulsa World: 'Chief: Tulsa Police Supervisor Demotions Possible', dated 1/5/10
10	Ron Palmer's Memo to Mayor, 'TPD Staff Reduction-Proposal #2', dated 1/10/10
11	Daryl Webster email, Subject: 'Byrne', dated 1/25/10
12	Daryl Webster Memo to Chief Chuck Jordan, 'Concerns Re DOJ Grant Funds', dated 2/19/10
13	Carol Poole email, Subject: 'JAG Grant', dated 3/5/10
14	Deputy Chiefs' Memo to Interim Chief Chuck Jordan, 'Concerns Re Grant Comments', dated 3/15/10
15A	City Charter, Chapter 5 of Title 25 and section 500: 'Communication With City Council on Certain Matters'
15B	City Charter, Title 27-Penal Code Section 310: 'False Statements to the City Council'
15C	City of Tulsa Personnel Policies and Procedures, Section 411.3 R-9 to R-24
16	Chuck Jordan email, Subject: 'Grant Memo.doc', dated 2/19/10
17	Memorandum of Understanding, Amending the FY 2009-2010 Collective Bargaining Agreement, not dated
18	Timeline of Contacts between FOP and Mayor's Office, not dated
19	Arthur Surratt email, Subject: 'ARRA JAG Reporting Requirements', dated 10/16/09
20	James Moore letter, 'Re: Proposed Concessions in FOP Contract', dated 1/13/10
21	City of Tulsa FY10 – Budget Reductions Analysis, not dated
22A	Memorandum of Understanding, Amending the FY 2009-2010 Collective Bargaining Agreement, stamped 1/26/10
22B	Memorandum of Understanding Between Fraternal Order of Police 93 and City of Tulsa, OK, signed by FOP 12/29/09 and by the City 1/28/10
22C	Memorandum of Understanding Between the City of Tulsa and Fraternal Order of Police Lodge 93, signed by FOP 12/29/09 and by the City 1/28/10
23	House Bill No. 2654, dated 2/10/10
24	IAFF Membership Update, not dated
25	Wall Street Journal: 'In Lean Times, Police Cuts Spark Debate Over Safety', dated 4/26/10
26	Stuart McCalman email, Subject: 'clarification', dated 3/8/10
27A	Stuart McCalman email, Subject: 'JAG Grant', dated 1/22/10
27B	Stuart McCalman email, Subject: 'JAG Grant', dated 2/8/10
27C	Stuart McCalman email, Subject: 'JAG Grant', dated 2/24/10
27D	Stuart McCalman email, Subject: 'JAG Council agenda Item', dated 3/8/2010
27E	Stuart McCalman email, Subject: 'JAG Grant', dated 3/19/10

27F	Stuart McCalman email, Subject: 'few things...', dated 3/25/10
28	City of Tulsa FY10 – Budget Reductions Analysis, includes use of JAG funds to save sworn employees
29	Cathy Criswell email, Subject: 'JAG – Collective Bargaining', dated 3/8/10
30	Terry Simonson email, Subject: 'statement and question', dated 2/26/10
31	Stan May email, no subject, dated 2/9/10
32	Terry Simonson email, Subject: 'JAG grant requests', dated 2/18/10
33	Terry Simonson email, Subject: 'Are you in today?', dated 12/21/09
34	Ron Palmer email, Subject: 'Jag', dated 1/21/10
35	Stuart McCalman email, Subject: 'JAG Grant', dated 1/11/10
36	Stuart McCalman email, Subject: 'JAG Grant', dated 1/29/10
37	Skipped in numbering-no exhibit
38	Carol Poole letter, 'Re Grants #2009-DJ-BX-1222 & 2009-SB-B9-3102', dated 5/24/2010
39	Skipped in numbering – no exhibit
40	KRMG Morning News with Denver Foxx and Rick Couri, dated 1/26/10
41	KRMG Morning News with Joe Kelly, dated 2/10/10
42	KRMG Morning News with Joe Kelly and Rick Couri, dated 2/22/10
43	KRMG Morning News with Joe Kelly, dated 3/10/10
44	KFAQ Pat Campbell Show, dated 3/22/10 (Mayor interview)
45	KFAQ Pat Campbell Show, dated 3/22/10 (Terry Simonson interview)
46	Tulsa World: 'Tulsa Mayor Offers Hope for Laid-off Officers', dated 2/3/10
47	Deirdre Dexter/Robert Garner Memo, 'Legal Department-Notice of Recusal', dated 4/14/10
48	Tulsa World: 'Officers' Payouts to be \$1.2 million', dated 1/29/10
49	Miscellaneous KRMG news stories re: layoffs
50	Dave O'Meilia response in brief. (Attorney for Terry Simonson)
51	Public Works Committee Meeting (excerpts), Agenda Item #15, 1/5/10
52	Public Works Committee Meeting (excerpts), Agenda Item #7, 1/12/10
53	Urban and Economic Development Committee Meeting (excerpts), Agenda Item #8, 1/26/10
54	Urban and Economic Development Committee Meeting (excerpts), Agenda Item #6, 2/9/10
55	Urban and Economic Development Committee Meeting (excerpts), Agenda Items #15, #23, #24, 2/23/10
56	Urban and Economic Development Committee Meeting (excerpts), Agenda Items #8 & #9, 3/9/10



RECOVERY ACT

Recovery Act Guidance regarding Supplanting

Which OJP Recovery Act programs prohibit supplanting?

The Recovery Act itself does not impose any new or unique non-supplanting requirements on OJP programs. Where, however, a specific statutory prohibition on supplanting applies to an OJP program funded from sources other than the Recovery Act (for example, Byrne Justice Assistance Grant formula awards, awards for construction of correctional facilities on tribal lands, and awards under the Victims of Crime Act compensation and assistance formula programs), the same prohibition applies to the related Recovery Act program. Also, the provisions of the OJP Financial Guide with respect to supplanting generally apply, unless otherwise indicated here or in the program announcement ("solicitation") for the Recovery Act program.

As specifically indicated in the solicitations, the following OJP Recovery Act programs *do not* prohibit supplanting.

- OJJDP FY 09 Recovery Act Internet Crimes Against Children Task Force Program Grants
- OJJDP FY 09 Recovery Act ICAC Task Force Training and Technical Assistance Grants
- OJJDP FY 09 Recovery Act Internet Crimes Against Children Research Grants
- OJJDP FY 09 Recovery Act National Internet Crimes Against Children Data System (NIDS)
- OJJDP FY 09 Recovery Act Local Youth Mentoring Initiative
- OJJDP FY 09 Recovery Act National Youth Mentoring Programs
- Recovery Act: Assistance to Rural Law Enforcement to Combat Crime and Drugs
- Recovery Act: Edward Byrne Memorial Competitive Grant Program Announcement
- Recovery Act State and Local Law Enforcement Assistance Program: Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States
- Recovery Act: Evaluation of Internet Child Safety Materials Used by ICAC Task Forces in School and Community Settings
- Recovery Act: Research and Evaluation of Recovery Act State and Local Law Enforcement Assistance

The following OJP Recovery Act programs *do* prohibit supplanting.

- Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: State

Solicitation

- Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation
- Recovery Act: Correctional Facilities on Tribal Lands Program
- Recovery Act: OVC FY09 VOCA Victim Assistance Formula Grant Program
- Recovery Act: OVC FY09 VOCA Victim Compensation Formula Grant Program
- Recovery Act: National Field-Generated Training, Technical Assistance, and Demonstration Projects ("VOCA discretionary grants")
- Recovery Act: Tribal Crime Data Collection, Analysis and Estimation Project

What is Supplanting?

General Definition. For a State or unit of local government to reduce State or local funds for an activity specifically because federal funds are available (or expected to be available) to fund that same activity. When supplanting is not permitted, federal funds must be used to **supplement** existing State or local funds for program activities and may not replace State or local funds that have been appropriated or allocated for the same purpose. Additionally, federal funding may not replace State or local funding that is required by law. In those instances where a question of supplanting arises, the applicant or grantee will be required to substantiate that the reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds. (See "Documentation and Record Retention," below.)

Program-specific statutory restrictions on supplanting (with examples)**A. Edward Byrne JAG Formula Program (State and Local)**

The Byrne JAG law provides that Federal funds may "not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities." 42 U.S.C. § 3752.

Examples - Recovery Act Byrne JAG program

Example 1 For FY 2009, City A appropriates a total of \$25 million for law enforcement activities, including salary and benefits for 100 police officers and purchase of 5 police cruisers. In FY 2009, City A is awarded federal Recovery Act JAG formula funds, which it uses to hire 5 police officers, in addition to 10 hired with local funds, and purchases 2 new police cruisers, in addition to 5 purchased with local funds. City A expends all of the \$25 million in local funds appropriated for FY 2009 for law enforcement activities.

In this scenario, City A has not used Recovery Act JAG formula funds to supplant State or local funds, but rather has used the funds "to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities." Supplanting has **not** occurred.

Example 2 For FY 2009, City B appropriates a total of \$15 million in local funds for law enforcement activities, of which \$75,000 is budgeted for equipment for training of new police recruits. In FY 2009, City B is awarded federal Recovery Act JAG formula funds. It uses the federal funds to purchase the training equipment and hire additional officers, and uses the \$75,000 in local funds originally budgeted for equipment to hire a dispatcher. Total expenditures of local funds for law

enforcement activities remain constant.

Under these circumstances, supplanting has not occurred. Despite the fact that local funds were shifted from equipment to hiring, the amount of State or local funds that would, in the absence of Federal funds, be made available for law enforcement activities has not changed.

Example 3 For FY 2009, City C appropriated \$15 million in local funds for law enforcement activities, including salary and benefits for 80 police officers. Due to anticipated revenue shortfalls in FY 2010, City C intends to lay off 10 police officers at the end of FY 2009 (facts that City C is able to substantiate). In FY 2009, City C is awarded federal Recovery Act JAG formula funds, which it proposed to use for the hiring of 5 police officers. For FY 2010, City C appropriates funds to pay salary and benefits for 70 police officers. At the start of FY 2010, City C lays off five of its 80 police officers and uses federal Recovery Act JAG funds to continue the salary and benefits for 5 other officers.

In this scenario (which assumes that City C can document that the planned layoff of 10 officers was not made in anticipation of the availability of federal funds), City C will use federal Recovery Act JAG formula funds to pay the salary and benefits for 5 police officers who would have been laid off but for the availability of federal funds. Local funding for law enforcement activities has been reduced, but not because of the availability (or anticipated availability) of Recovery Act JAG funds. Therefore, supplanting has not occurred.

Example 4 State X's initial FY 2009 appropriation for law enforcement activities is sharply reduced due to an across-the-board cut in the State budget. This results in a hiring freeze. When the State receives federal Recovery Act JAG formula funding, it uses federal Recovery Act funds to fill 15 correctional officer positions that were included in the initial budget but were vacant due to the hiring freeze.

The total amount of State funds available for law enforcement activities in State X has been reduced, but not because of the availability (or anticipated availability) of Recovery Act JAG formula funds. Therefore, supplanting has not occurred.

Example 5 For FY 2009, State Y budgeted \$1 million in State funds to be used for renovation of a particular prison. Later in FY 2009, in response to enactment of the Recovery Act, the State determines that it will use Recovery Act JAG formula funds for the prison renovation, and will use the funds the State had budgeted for the prison renovation instead to provide health services for infants and children. No additional State funds were added to the State budget in any other law enforcement category.

Under these circumstances, supplanting would have occurred, as there would have been a decrease in "the amounts of ... funds that would, in the absence of Federal funds, be made available for law enforcement activities."

B. Victims of Crime Act of 1984 (VOCA) / Victim Compensation Formula Program

The law underlying the VOCA Victim Compensation Formula requires that grants received under the program "not be used to supplant State funds otherwise available to provide crime victim compensation." 42 U.S.C. § 10602(b)(3).

Examples - Recovery Act: VOCA Victim Compensation Formula Grant Program

Example 1 State A provides compensation to victims for crime-related expenses for seven different categories of expenses. In FY 2009, State A initially provided their State Compensation Program with \$11 million in State funds for victim compensation

payouts and received \$6.6 million from its FY 2009 VOCA Victim Compensation Formula award for the Program (based on its compensation payouts from State funds in FY 2007). State A's FY 2009 budget reflected total victim compensation payouts to be \$17.6 million (from both federal and State funds). In addition to its annual VOCA Victim Compensation Formula award, State A also received \$2 million in Recovery Act funds for its victim compensation program. Later in FY 2009, State A chose to rescind \$2 million from its State Compensation Program and redirected the State funds to an education program, thereby providing only \$9 million in State funds for victim compensation payouts, rather than the \$11 million originally provided, and did not reduce the number of categories of crime-related expenses that the State compensated. State A used all of its \$2 million in Recovery Act funds, as well as all of its \$6.6 million in VOCA funds, for victim compensation payouts. Total victim compensation payouts from State and federal funds were \$17.6 million.

Under these circumstances, supplanting would have occurred. The federal funds did not increase the amount of funds available to crime victims. Rather, State funds that would have been "otherwise available to provide crime victim compensation" were not used for this purpose.

NOTE: State A will also receive \$1.2 million less in FY 2011 from its VOCA Victim Compensation Formula award, as it will only be able to certify \$9 million in State victim compensation claim payouts from State funds for FY 2009. Assuming that each State receives a full sixty percent of its prior year certified State payouts (as is usually the case), State A will receive only \$5.4 million in federal funding in FY 2011 instead of the \$6.6 million it would have received had it used the full \$11 million in State funds originally appropriated for compensation claim payouts.

Example 2 When adopting the FY 2009 budget in July 2008, State B budgets \$15 million in State funds for its victim compensation program. In addition, during FY 2009 State B receives \$2.5 million in Recovery Act funds for its State Crime Victim Compensation program. Later that year, State B receives \$9 million for its State compensation program from its FY 2009 VOCA Victim Compensation formula award. State B intends first to spend the original \$15 million of budgeted State funds for victim compensation payments, and as much of the remaining federal funds (either FY 2009 VOCA or Recovery Act VOCA funds) as may be needed for FY 2009 to pay all legally-payable compensation claims.

However, during FY 2009, State B experiences a revenue shortfall, and due to its Balanced Budget State Constitutional Amendment, State B enacts an emergency 10% across-the-board rescission for all State programs, including the State Crime Victim Compensation program. Thus, State B's Crime Victim Compensation program State funds are reduced from \$15 million to \$13.5 million. To make up the difference, State B intends to use \$1.5 million in Recovery Act funds for its Victim Compensation program this year.

Under this scenario, supplanting would not have occurred. The reduction in State funds for its Crime Victim Compensation program was not a result of its receipt of federal funds, but rather a result of independent circumstances (i.e. an unexpected revenue shortfall). As such, the \$1.5 million in State funds were not "otherwise available" in FY 2009 to provide crime victim compensation. Consequently, replacement of those funds (which the State originally planned to use, but which never materialized) with Recovery Act funds would not be considered supplanting.

NOTE: As with the previous VOCA Victim Compensation example, any reduction in the amount of State funds spent on victim compensation awards will result in a reduction in the amount of federal funds State B subsequently will receive for its victim compensation program.

C. VOCA / Victim Assistance Formula Program

The law underlying the VOCA Victim Assistance Formula Program requires that grants received under the program "will not be used to supplant State and local funds otherwise available for crime victim assistance." 42 U.S.C. § 10603(a)(2)(C).

Examples - Recovery Act: VOCA Victim Assistance Formula Grant Program

Example 1 State A has traditionally used State funding to support eight full-time positions to administer its Victim Assistance program, in addition to two full-time positions supported by a portion of the five percent administrative and training allowance from its annual VOCA Victim Assistance Formula award. Due to State-wide funding constraints in FY 2009, State A laid off one of its State-funded Victim Assistance program staff members in January of 2009, and issued notices to another two State-funded staff members from the same office that they were scheduled for layoff in October 2009. In May 2009, State A received a Recovery Act Victim Assistance Formula award, and in September it received its annual VOCA Victim Assistance Formula award. State A used a portion of the five percent training/administration allowance from its federal victim compensation funding to rehire the staff member it had laid off in January, as well as retain the two staff members who were scheduled for a layoff. In addition, State A hired an additional staff member to help administer the additional Recovery Act funding.

Under these circumstances, supplanting would not have occurred as long as the State's actions were not based on the anticipated receipt of federal VOCA victim assistance formula funds. Note that the State must use State funding to support the two positions until the planned layoff date in October - only at that point may the State begin supporting these positions with federal victim assistance funds (to do otherwise would be to supplant the State funds).

Example 2 WIn FY 2009, State B initially budgeted \$15 million for victim assistance programs and it received \$7 million in federal funding from its FY 2009 VOCA Victim Assistance Formula award. The State also received \$5 million in Recovery Act funds for victim assistance. A total of \$27 million in State and federal funds was available for victim assistance programs from FY 2009 funding sources.

State B has traditionally supported an assistance program run by Domestic Violence Shelter B with State Victim Assistance funds. In FY 2009, however, State B decided to use Recovery Act funds (instead of State funds) to support Domestic Violence Shelter B. In FY 2009, State B obligated \$15 million of State funds for various victim assistance programs.

Under these circumstances, supplanting would not have occurred. Though State B used federal money to support a particular victim assistance program that it otherwise would have supported with State funds, the State did not reduce the amount of overall State funding to victim assistance programs.

D. Correctional Facilities on Tribal Lands Program Competitive Grant Program

The underlying statute for this Recovery Act program provides that "[f]unds made available [under this program] shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources." 42 U.S.C. § 13708(b)(2).

Example - Recovery Act: Correctional Facilities on Tribal Lands Program Competitive Grant Program

Tribe X appropriated funds for the construction of a correctional facility on tribal lands. No State funds had been appropriated or set aside for the construction of the correctional facility. Upon receiving an award under the Recovery Act - Correctional

Facilities on Tribal Lands grant program to construct the needed correctional facility, the tribe reallocated the appropriated funds for the purpose of correctional facility operations, rather than construction.

The statutory non-supplanting provision has **not** been violated in this scenario, because the non-supplanting provision encompasses State funds, but not tribal funds.

Documentation and Record Retention

In a case where a question of supplanting may arise, the State or unit of local government that receives Recovery Act funds that are subject to a non-supplanting restriction should retain whatever documentation is produced during the ordinary course of government business that will help substantiate that supplanting has not occurred. Depending on the circumstances, relevant documents might include annual appropriations acts, executive orders directing broad reductions of operating budgets, or city or county council resolutions or meeting minutes concerning budget cuts and layoffs.

All States and units of local government that receive Recovery Act awards are reminded that the record retention and access requirements of 28 C.F.R. § 66.42 and chapter 12 of part III of the OJP Financial Guide apply to Recovery Act grants, as well as to other OJP grants.

Monitoring and Audit

For Recovery Act programs that prohibit supplanting, potential supplanting will be the subject of monitoring and audit. OJP monitors compliance with all grant requirements in a variety of ways. For example, a recipient may receive an on-site monitoring visit from the program office or an on-site financial monitoring visit from the OJP Office of the Chief Financial Officer, or it may be audited by the Department of Justice Office of the Inspector General.

For Additional Information

For answers to specific questions regarding supplanting, contact the OJP Office of the Chief Financial Officer's Customer Service Center at 1-800-458-0786 or ask.ocfo@usdoj.gov

Updated: April 27, 2009

Webster, A. Daryl

From: Surratt, Arthur
Sent: Wednesday, February 24, 2010 9:32 AM
To: Webster, A. Daryl
Cc: Brooks, Jonathan; Williams, Paul
Subject: JAG information
Attachments: Supplanting Information.pdf

Chief Webster,

Enclosed is the information you requested. The enclosed information was sent to the Mayor's office on 120809. I believe the closest item to our situation is on page 3 example number 3. Art

*SENT TO STEWART McCALMAN
120809
CC DALGLEISH, BROOKS*

Webster, A. Daryl

From: ONeal, Cheri
Sent: Friday, December 11, 2009 12:28 PM
To: Webster, A. Daryl
Subject: FW: FY 10 December Budget Reductions advice

From: Dapice, Tom
Sent: Friday, December 11, 2009 11:01 AM
To: ONeal, Cheri
Subject: FY 10 December Budget Reductions advice

**City of Tulsa General Fund FY 10 Budget Reduction Targets
Post December 2009 Sales Tax Receipts Budget Reduction Targets
Finance Department - December 10, 2009**

	REVISED FY 10 BUDGET	2.2 % TARGET REDUCTION FROM FY10 REVISED	4.4 % TARGET REDUCTION FROM FY10 REVISED
Police Department	78,605,000	1,729,000	3,458,000

Cheri,

A reduction template form much like the one used in the Spring will be sent later today.
Advice from our most recent meeting:

This round is particularly headcount reductions.
The likelihood is remote that reductions taken this round will be restored in the FY 11 budget.
Anticipated revenue increases should be included as comments after the headcount reductions, but should not be part of the calculation.
A statement concerning current status of achieving October reduction attrition targets is also requested.

No departmental furlough offering is appropriate. If further furloughs are to be considered, it will be done on a city-wide basis.

Replies are due Friday, 12/18 by 5PM.

Let me know if you have any questions.

Tom

Webster, A. Daryl

From: McCalman, Stuart
Sent: Thursday, December 10, 2009 12:58 PM
To: Webster, A. Daryl
Subject: RE: Council

could we potentially use the money to get the helicopter back in the air? I realize we would have to re-engage with DOJ and get approval....but that might be doable

From: Webster, A. Daryl
Sent: Thursday, December 10, 2009 10:43 AM
To: McCalman, Stuart
Subject: RE: Council

Lunch is a good thing. I am available Wednesday or Thursday. Let me know.

From: McCalman, Stuart
Sent: Thursday, December 10, 2009 10:41 AM
To: Webster, A. Daryl
Subject: RE: Council

I think you and I should go have lunch off-site next week.....

From: Webster, A. Daryl
Sent: Thursday, December 10, 2009 10:24 AM
To: McCalman, Stuart
Subject: RE: Council

I agree. It would not be practical to bring them back at this stage, given what we expect to happen. I still wish to discuss this and a related issue. I called the scheduling person yesterday and have heard nothing back. Nor has Terry responded to e-mail.

From: McCalman, Stuart
Sent: Thursday, December 10, 2009 10:22 AM
To: Webster, A. Daryl
Subject: RE: Council

have you set up a time yet with Mayor/Terry on JAG grant issue? The one big issue I see is that if further personnel cuts are determined to be made to TPD and we have already brought these guys back with JAG grant dollars, would they not be the "first out" again?

From: Webster, A. Daryl
Sent: Thursday, December 10, 2009 10:12 AM
To: McCalman, Stuart
Subject: Council

FYI, the FOP is declining to share a copy of the 10-city survey report with Council. I will advise Council that I cannot comply with their request. Next stop, probably HR.

Webster, A. Daryl

From: McCrory, Mark
Sent: Thursday, December 10, 2009 6:34 PM
To: Webster, A. Daryl
Subject: Fw: Meeting Reference FOP Concession Proposal

Read your email and see why people think you are an elitist....last sentence 3rd word from the end. Its a team effort unless you want to do it alone....Daryl Williams.

From: Palmer, Ron
To: Webster, A. Daryl
Cc: McCrory, Mark
Sent: Thu Dec 10 17:44:05 2009
Subject: Re: Meeting Reference FOP Concession Proposal

Let's see how this goes before we introduce too much more

Thanks
Rp

From: Webster, A. Daryl
To: Palmer, Ron
Sent: Thu Dec 10 17:42:24 2009
Subject: Re: Meeting Reference FOP Concession Proposal

No. Got word just before closing that we will see the mayor at 1030 tomorrow. I think it was mention of saving \$ that finally got someone's attention. Beyond Byrne Grant and FOP concession is there anything else you want me to raise?

From: Palmer, Ron
To: Webster, A. Daryl
Sent: Thu Dec 10 17:37:37 2009
Subject: Re: Meeting Reference FOP Concession Proposal

Are we being summarily ignored?

Rp

From: Webster, A. Daryl
To: Palmer, Ron
Sent: Thu Dec 10 14:07:14 2009
Subject: Re: Meeting Reference FOP Concession Proposal

I'm just trying to find out who my primary contact over there is, since no one returns calls and e-mails.

From: Palmer, Ron
To: Webster, A. Daryl
Cc: McCrory, Mark; Larsen, Dennis
Sent: Thu Dec 10 14:00:51 2009
Subject: Re: Meeting Reference FOP Concession Proposal

Daryl,

If you get a meeting attempt to nail down who will be the primary negotiator doing the future negotiations for the City since Diegel and Wilkie are gone

Thanks
Rp

From: Webster, A. Daryl
To: Simonson, Terry
Cc: McCrory, Mark; Palmer, Ron
Sent: Thu Dec 10 12:39:12 2009
Subject: Meeting Reference FOP Concession Proposal
Mr. Simonson,

Deputy Chief McCrory and I would like to meet with the Mayor, or with you, whichever is most appropriate to obtain Mayoral consideration of a concession that the FOP Lodge leadership has worked out in cooperation with TPD Management. The concession involves changing for the remainder of the fiscal year, by way of MOU, the manner in which Leave is granted and shifts staffed in such a way as to measurably reduce stress on the City budget and provide better public safety service.

This issue will go to the Lodge for tentative approval by next week. City review is sought at the Mayor's earliest convenience. Can we set up a meeting to discuss the terms of this proposal?



Budget Reductions Report

FY 09/10

Prepared by
Tulsa Police Department Staff

December 18, 2009

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Prepared by

Acting Chief of Police Mark McCrory

Deputy Chief Daryl Webster

Major Paul Williams

Captain Jonathan Brooks

Cheri Oneal

EXECUTIVE SUMMARY

On December 11, 2009, the Tulsa Police Department was asked to prepare two reports for possible budget reductions of 2.2% and 4.4%. The revised operating budget for the police department was \$78,605,000 as of December 18, 2009. Therefore, corresponding budget reductions of \$1,729,210 and \$3,458,620 were the targets for each scenario.

In conjunction with the recommended budget reductions, impact statements were also prepared to forecast the potential effects of a particular reduction, whether it be a reduction in expenditures or a reduction in workforce.

All reductions in this summary report are projected with an implementation date of January 15, 2010. Earlier implementation will reduce actual layoff numbers as well as a latter date will increase the necessary number of layoffs to meet the projected reduction target.

The conclusion of this report offers viable options for the City of Tulsa and the Police Department to mitigate force reductions.

2.2% FINANCIAL SPREADSHEET

2.2% IMPACT STATEMENTS

Reduce Office Supply and Non-Capitalized Equipment Budget in ISD

Impact: Reduces or eliminates the acquiring of office supplies until next fiscal year. The planned acquisition of serviceable office chairs and carpet has been eliminated. No immediate impact on service levels is anticipated but costs will reoccur next fiscal year.

Plan: Defer certain expenditures until the next fiscal year.

Eliminate dollars in all Printing/Reproduction Accounts

Impact: Eliminate the outsourcing of printing fliers, pamphlets and the like to internal services only. This may reduce the quality of print work in some cases. There will be a reduction in printed information for the public.

Plan: Eliminate the outsourcing of printing jobs.

Significantly Reduce Recruiting Efforts

Impact: Reduces opportunity to hire well-qualified, educated candidates with diverse backgrounds, especially within the Hispanic ethnicity as it compromises a large and growing portion of Tulsa's community. Potential recruits will not be immediately available when police academies begin again.

Plan: We will no longer accept applications or continue testing for potential recruits until an academy class is planned.

Reduce Motor Fuels Account

Impact: A possible reduction in motorcycle and other special vehicle patrol hours to stay within reduced fuel allotment.

Plan: A review of current YTD spending allows us to reduce this account.

Refund from Liability Insurance for Grounding Helicopters

Impact: No impact on service levels as the helicopters were grounded in the last round of cuts.

Plan: The police department took this reduction in the last round of cuts. The refund was not applied to the Police Department budget. Therefore our previous budget reductions were not realized and would be applied.

Building Lease for Helicopter

Impact: We could lose this location to store our helicopters and secure approved storage is necessary.

Plan: We were not charged for the facility this year. The \$25,000 budgeted for this expense can be saved. However, it is anticipated that a lease agreement will be required in the coming months.

Freeze Internal Affairs Coordinator Position

Impact: May delay internal investigations and will increase workload and divide responsibilities to other personnel. This position is relevant to maintaining the level of customer service to both internal and external customers (citizens, district attorneys, federal district attorneys, city legal, etc.).

Plan: This position has been vacant since 09/01/09 and will remain unfilled.

Freeze Police Sergeant Position

Impact: Lack of supervision in field operations.

Plan: This position has been vacant since 09/01/09 and will remain unfilled. The duties have been divided among other personnel.

Freeze three Office Assistant II Positions in ISD

Impact: The Records division will be closed to law enforcement resources in Tulsa County during the night hours. Additionally service levels for the public will be reduced.

Plan: The public window hours in ISD will be adjusted to 0800-1530 hours. All employees working the records section on midnight shift will be redeployed to day shift and evening shift. Limited records functions on midnight shift will be available at booking.

Freeze Office Administrator II Position in Chief's Office

Impact: A reduction in administrative support for police Staff and the Department Legal Advisor. In addition, this position provides coverage for the Chief's Office where public visitors appear daily.

Plan: This position has been vacant since 10/01/09 and will remain unfilled. This position has been filled on a temporary basis by "light duty" personnel. Without the assistance of a "light duty" person, the remaining administrative personnel in the office would have an increased workload to absorb these duties.

Layoff Six "Retiree" Positions

Impact: This will reduce service levels for the public and increase workload as it relates to criminal investigations, sex offender registration and CALEA.

Plan: Layoff six "retiree" positions. The required duties would be assumed by full-time officers.

Layoff one Accreditation Manager

Impact: CALEA Re-accreditation would no longer be retained beyond August 23, 2011. CALEA fees through this date have already been paid.

Plan: Layoff the CALEA Accreditation Manager pending an opinion from City Legal Department on the ability to discontinue CALEA Accreditation.

Layoff three Office Assistant III in ISD

Impact: The Records division will be closed to law enforcement resources in Tulsa County during the night hours. Additionally service levels for the public will be reduced.

Plan: The public window hours in ISD will be adjusted to 0800-1530 hours. All employees working the records section on midnight shift will be redeployed to day shift and evening shift. Limited records functions on midnight shift will be available at booking.

Eliminate Two OT18 Office Administrator II

Impact: This will reduce service levels for the public and increase workload as it relates to criminal investigations in Burglary. The second reduction will increase workload at a police Division as it relates to the timekeeper function.

Plan: Eliminate the civilian position that assists with the "Pawn Detail" in Burglary; layoff the civilian timekeeper for the Special Operations Division.

Layoff one OT16 Office Assistant II

Impact: Timekeeping function of the Training Division will be re-assigned to another Division. Timekeeping workload of another division will be increased to absorb this workload.

Plan: Layoff the Training Division civilian timekeeper.

Layoff 56 Police Officers

Impact: Certain administrative and investigative functions will be deferred or reallocated within the Police Department. The Police Department's ability to respond to calls for service and provide for the public safety needs of the City of Tulsa will not be degraded.

Plan: Layoff 56 officers based on lowest seniority. A re-organization of the Police Department will be required. This will cause the Investigations Bureau and the Administration Bureau to lose dozens of positions to the patrol function. Support functions that the Police Department currently provides will be reduced.

Estimated Fuel Savings from officer layoffs

Impact: Decrease in patrol vehicle usage, specifically through commute mileage for 56 vehicles assigned to laid-off officers.

Plan: 56 marked and/or unmarked vehicles will become idle.

4.4% FINANCIAL SPREADSHEET

4.4% IMPACT STATEMENTS

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Plan: Defer certain expenditures until the next fiscal year.

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Impact: Reduces opportunity to hire well-qualified, educated candidates with diverse backgrounds, especially within the Hispanic ethnicity as it compromises a large and growing portion of Tulsa's community. Potential recruits will not be immediately available when police academies begin again.

Plan: We will no longer accept applications or continue testing for potential recruits until an academy class is planned.

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Impact: We could lose this location to store our helicopters and secure approved storage is necessary.

Plan: We were not charged for the facility this year. The \$25,000 budgeted for this expense can be saved. However, it is anticipated that a lease agreement will be required in the coming months.

Freeze Internal Affairs Coordinator Position

Impact: May delay internal investigations and will increase workload and divide responsibilities to other personnel. This position is relevant to maintaining the level of customer service to both internal and external customers (citizens, district attorneys, federal district attorneys, city legal, etc.).

Plan: This position has been vacant since 09/01/09 and will remain unfilled.

Freeze Police Sergeant Position

Impact: Lack of supervision in field operations.

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Plan: Eliminate the civilian position that assists with the "Pawn Detail" in Burglary; layoff the civilian timekeeper for the Special Operations Division.

Layoff one OT16 Office Assistant II

Impact: Timekeeping function of the Training Division will be re-assigned to another Division. Timekeeping workload of another division will be increased to absorb this workload.

Plan: Layoff the Training Division civilian timekeeper.

Layoff 135 Police Officers

Impact: Certain administrative and investigative functions will be deferred or reallocated within the Police Department. The Police Department's ability to respond to calls for service and provide for the public safety needs of the City of Tulsa will not be degraded. This impact is contingent on a worst-case force reduction of 135 officers. The impact would be significantly reduced under the scenario of a 56 officer force reduction.

Plan: Layoff 135 officers based on lowest seniority. A re-organization of the Police Department will be required. This will cause the Investigations Bureau and the Administration Bureau to lose dozens of positions to the patrol function. Support functions that the Police Department currently provides will be reduced.

Estimated Fuel Savings from officer layoffs

Impact: Decrease in patrol vehicle usage, specifically through commute mileage for 135 vehicles assigned to laid-off officers.

Plan: 135 marked and/or unmarked vehicles will become idle.

RECOMMENDATIONS TO MITIGATE FORCE REDUCTION

The Management of the Police Department fully understands the necessity for budget reduction and the impact this must have on the Police Department workforce, given the existing municipal funding scheme. The current economic crisis represents an extraordinary challenge to City Government and the agencies tasked with public safety. Extraordinary challenges call for extraordinary measures and as alternatives exist to provide essential public safety funds, we respectfully request that these alternatives be adopted.

OPTION ONE

At present, \$3 million dollars are available in unexpended funds devoted to the purchase of police vehicles for Fiscal 2010. Under the Brown ordinance, these funds may not normally be expended on other than 3rd Penny projects, but a Brown Amendment, if pursued and approved by voters would free those funds for the greater need of retaining or rehiring all or nearly all laid-off police personnel. We believe that voters, concerned about the health of their police department, would find this need compelling.

OPTION TWO

The Police Department owns and has grounded two helicopters. The Police Department recommends that one of these aircraft be retained for use when budgeting conditions improve and that the other, a 2003 Bell helicopter be sold and the proceeds used to retain or rehire laid-off police personnel. This aircraft has an estimated value of \$1.1 to \$1.3 million dollars, which would significantly mitigate the force reduction of the Police Department.

We are advised by Finance Department that sale of this helicopter could probably, though not necessarily require adoption of a Brown Amendment, similar to that discussed above for expenditure of vehicle funds. The Police Department reiterates that the value of police officers to public safety merits pursuit of Brown Amendment authority to divert the proceeds of sale to the cause of personnel.

) In reference to both of the above options, the Police Department assures the Mayor that deferring vehicle purchases for one fiscal year and selling one helicopter, while not optimal outcomes, can be accomplished without undue harm to the operational capacity of the Police Department. The Police Department further recommends that present manpower needs are greater than the short term need for any of the above-mentioned equipment.

OPTION THREE

The Police Department was recently successful in receiving Federal consent to utilize grants for the rehire of laid-off police officers. 18 officers were re-hired under terms of a COPS grant, 3 additional re-hires were approved under terms of a Byrne Grant, though these 3 re-hires are pending. We are optimistic that by re-applying to the Federal grantor, we may receive authorization to apply additional grant funds for rehiring or retaining additional laid-off personnel. Since in excess of \$2 million dollars in awarded grant funds are available for this purpose, we propose to submit for City of Tulsa approval our Federal application to divert these funds for this vital purpose.

We urge your approval of our application and your consideration of the other options presented above.

Webster, A. Daryl

From: Palmer, Ron
Tuesday, December 29, 2009 12:26 PM
Evans, Phillip
Cc: McCrory, Mark; Larsen, Dennis; Webster, A. Daryl
Subject: Re: FYI

Phil

The PD submitted alternative funding options with the outline of the two levels of requested cuts to Mayor Bartlett on 12/18 which included:

1. Using capital money now designated for vehicle purchase for salaries - requiring a Brown ordinance/amendment. Approx \$3M
2. Sell the older copter for retail value \$1M. - use the Brown ordinance/amendment to move capital to salary
- 3 Use JAG grant money as a ONE TIME infusion of funds to avoid lay-offs in 09-10. Approx. \$ 2.6 M
4. Endorse the FOP concessions on take home cars and comp time usage to create an estimated \$600 K for the remainder of the year

We did not include the use of TARE funds as you suggested in your 12/24 email to your membership. I am unsure of the surplus available there

I was told second hand this morning that Mr Simonson stated on KRMG that our proposals were not yet considered

I am now scheduled to meet with the Mayor this afternoon

i know more then

Thanks
Rp

----- Original Message -----

From: Evans, Phillip
To: Palmer, Ron
Sent: Tue Dec 29 10:53:30 2009
Subject: FYI

Chief,

I was talking with one of the Councilors earlier today ref layoff situation. He said that none of the Councilors he has talked with have any idea of alternatives that you have come up with, except layoffs. He said they all would be very interested as they do not want layoffs.

I don't know what the protocol is. I'll do what I can to help save jobs if you have any direction.

Phil



MEMORANDUM
MAYOR

TO: Phil Evans, President – Fraternal Order of Police

FROM: Mayor Dewey F. Bartlett, Jr.

DATE: December 29, 2009

SUBJECT: Issues Regarding Tulsa Police Department

I want to express my appreciation to you and the FOP for their recent decision regarding the take home car policy. As we continue to look for the cost cutting measures I believe this will have a positive contribution.

Over the past two weeks a number of comments and opinions have been circulating throughout the FOP membership that I believe I must address.

The Mayor is attempting to dissolve the Tulsa Police Department in favor of a metro police department under the Tulsa County Sheriff

False. In an effort to prepare the city for possible cuts in the public safety services we are required to provide, I have asked the Tulsa County Sheriff if his office would be able to provide public safety services in selected parts of Tulsa at a cost that the City can afford. The Sheriff has offered to provide a contingency plan if these circumstances should occur. This will not be a metro police department plan but, rather, a very strategic and targeted plan on specific areas where he can lend support to our police force. No plan will be implemented until we have thoroughly analyzed our revenue projections and the impact of these projections on the TPD plan provided by Chief Palmer and his staff. In addition, I will be considering other plans of reorganization in an attempt to lessen the reduction of our patrol force.

There is money in other City funds which could be used to minimize the impact of the budget reductions

The general fund is the only fund that has a dedicated and approved source of public safety funding. Some have mentioned moving capital funds (dedicated to replace equipment) over to the general fund or moving utility funds. Since capital funds were approved by a vote of the people for a specific purpose (which does not include the cost of operations), I do not have the legal authority to transfer these funds from a capital fund to the general fund. In

order for this to occur there would have to be an approval by either the City Council or a vote of the people.

Similarly, I am not supportive to move any of the utility funds to the general fund. We must do all we can to trim back administrative costs and increase our efficiencies.

There is federal grant money available that could be used to save some of the positions

We have been told that there are JAG funds available that could be used to save some, not all, of the projected jobs losses. If this is the case and these JAG funds were to be used, this would only fund some of the positions until June 30, 2010. After June 30th, we could still be faced with the budget shortfalls and the related reduction in force. This option is still being reviewed.

The proposed budget reduction plan has a disproportionate impact on the patrol officers than on the administrative and management staff

In addition to the impact plan submitted to me by Chief Palmer and his staff, I am considering several other plans in search of a more equitable reduction of work force that balances both the important service provided by the patrol officers as well as the necessary investigative and special crime fighting services. In that regard, I would welcome the FOP to submit its plan of reorganization with the goal being to reduce the operating cost of the TPD while keeping our patrol services at the 'top heavy' and that a reorganization structure is appropriate.

If we sold at least one of the helicopters this would help solve our shortfall

I am currently reviewing this option. I believe that the helicopters we currently have are too expensive to operate and must be replaced. A lesser costly helicopter is an important part of providing public safety and providing safety for the police officers. I am currently reviewing not only what the market could bear in terms of selling at least one of our helicopters as well as the use of a less costly helicopter. This could result in some additional savings. However, the funds to purchase the helicopters came from a capital account and any funds received from a sale would have to be returned to that capital account. As mentioned previously, that money can not simply be transferred to the general fund without approval by the City Council or a vote of the people.

I have seriously considered shutting down a whole division to cut costs

False. At no time have I stated or even implied that this should be a considered option. The statement that I "smiled" when I heard such a possibility is simply not true.

I have refused to address the FOP membership on the above issues

False. I have made it very clear that I am willing to address the FOP membership any time that I am invited to do so. Prior to the meeting where the vehicle take home policy was to be discussed, I had offered my willingness to attend that meeting but was told it would not be in the best interest of the FOP discussion on the issue for me to attend at that time. I encourage the membership of the FOP to please invite me to speak to them soon before we are forced to make decisions without their input.

As you undoubtedly know, I have suggested that the City and the collective bargaining units begin negotiation discussions early in the process than what has occurred in the past. Given the likelihood that our financial situation will not dramatically improve in 2010, it is best for all concerned to begin this process for the next fiscal year as soon as possible.

If you have any comments or questions regarding my positions on these important issues, please feel free to contact me.

JAN. 2nd → off the (GR11)

Larsen, Dennis

From: Palmer, Ron
Saturday, January 02, 2010 9:54 PM
Bartlett, Dewey
Cc: 'terrysimonson@aim.com'; McCrory, Mark; Webster, A. Daryl; Larsen, Dennis
Subject: Fw. Communication:

Mayor

I obtained the following message exchange from D/Chief McCrory earlier in the day at my request.

I am concerned why these types of questions are being directed to a D/Chief and at least not me being provided a courtesy copy of the messages?

Is there cause to leave me out of this very important discussion?

Additionally if you or Terry desire information about the operation of the PD, I would prefer you make inquiry to me and I will provide to you the most accurate, factual information I can as quickly as I can, rather than you relying on some source identified only as "we've heard". I would prefer to deal in facts rather than what is rumored

Thanks-be glad to discuss further

Ron Palmer

- Original Message -----

From: McCrory, Mark
To: Palmer, Ron
Sent: Sat Jan 02 17:01:26 2010
Subject: Fw:

Chief

This is email I received in response to a text message I sent Wed when we were figuring a layoff chart. I had asked what their thoughts were on these demotions if people dropped more than 1 rank. He asked for home email address...that's why it was sent to yahoo.

Mark

----- Original Message -----

From: Mark McCrory <marksmaroon68@yahoo.com>
To: McCrory, Mark
Sent: Fri Jan 01 18:55:04 2010
Subject: FW:

Forward

----- Original Message -----

Date: Fri, 1 Jan 2010 20:50:53
From: terryimonsn@aim.com <terryimonsn@aim.com>
) <Marksmaroon68@yahoo.com>

Mark

A few issues that you might look into and give some thought to:

have heard that in the past there was a very controlled process in place that put limits on the use of overtime. We understand that Major Paul Williams was in charge of this and had some positive cost control effectives. Any ideas on this or reinstituting what was done and worked would be good.

The number of expected retirees, date of expected retirement, and estimated savings from these retirements

Savings expected under two scenerios:

First one: The savings from the implementation plan to demote by one rank the deputy chiefs, majors and captains. Also, other than demotions, will there be any savings within these ranks due to attrition

Second one: Same as above only add in plan the demotion of the 8 sergeants and 16 corporals

has the city received the JAG money?

If half of the grant amount were to be used, how many officers could be retained for a 12 month period?

Thanks

Terry

Chief: Tulsa police supervisor demotions possible

by: BRIAN BARBER World Staff Writer
Tuesday, January 05, 2010
1/5/2010 9:20:56 PM

Police Chief Ron Palmer is working on a plan to reduce the supervisory ranks of the Police Department by 25 percent through demotions, he said Tuesday.

That would mean salary cuts for those involved. Of the 808-member force, 201 have the ranks of corporal through chief. That is essentially one supervisor for every three officers.

The demotions wouldn't be nearly enough to cover the \$3.4 million in cuts the department may have to sustain, Palmer told the City Council during a meeting that was packed with off-duty officers.

But demotions would reduce the maximum number of officers who would have to be laid off from 135 to 111, he said.

Demotions, which would have to be approved by the police union, would save about \$300,000 for the rest of this fiscal year, which ends June 30.

Palmer said he can't reduce the supervisor ranks by more than 25 percent and still manage the department efficiently.

"The organization has to have some sort of pyramid to it," he said. "It can't just be a stove pipe, given our size."

The plan is being developed after Mayor Dewey Bartlett told the chief that the department is "top heavy" and that he doesn't want budget reductions to solely affect the officers on the street.

While there are 607 officers, the department has one police chief, three deputy chiefs, nine majors, 23 captains, 82 sergeants and 83 corporals. The upper rank numbers are fixed, set through the civil service and budget processes.

Palmer said his staff research shows that Tulsa's police force upper ranks are comparable to those in peer cities.

The city has a lot of first-line supervisors such as corporals, but they are also in the field, responding to calls and working cases, Palmer said.

"People strive and work hard for these promotions," he said. "No one wants to take that away from them."

Demotions and layoffs would significantly reduce the gains that have been made by the department in black, Hispanic, Asian and American Indian recruitment and promotion, Palmer said.

They would affect a minimum of 42 officers in those racial groups, Palmer said, and by adding white females, that number would rise to 56.

"I find that pretty unacceptable," he said.

If all of this becomes reality, the city is looking at "1980 police staffing levels with 2010 crime rates," Palmer said.

Fire Chief Allen LaCroix said the mayor has asked him, too, to further reduce his upper ranks to help make as much as a \$2.5 million budget cut to his department.

But he said that will be difficult because the Fire Department has already been reorganized to eliminate management positions.

"We already run at what we consider a shoestring level," he said. "We will make the proposal, but it's going to gut the department."

The Fire Department has 671 sworn members, including the chief. That also includes two deputy chiefs, four assistant chiefs and 20 district or staff chiefs, which are all considered supervisory ranks.

The department also has 40 staff officers, which include fire marshals and investigators, 147 captains, 156 drivers

and 301 firefighters.

LaCroix said he isn't shooting for a particular demotion percentage but has identified \$420,000 worth of demotions, which affect personnel down to the driver rank. That would reduce the number of layoffs needed from 130 to about 120.

The chiefs will submit their proposals to the mayor this week.

Bartlett met with firefighter union members Monday and Tuesday nights and will meet with police union members Wednesday night so they can hear from him on the city's budget crisis.

"Demotions are not the strategy of choice," Mayoral Chief of Staff Terry Simonson said. "That's what's coming to us from the chiefs."

What Bartlett asked the chiefs to do is to thin out the management ranks, and that is how they are addressing it, Simonson said. Whether demotions are part of the final budget plan remains to be seen.

The police and fire union presidents said they couldn't commit to taking the demotion plans to their memberships for votes.

Fraternal Order of Police Lodge 93 President Phil Evans said it's up to the mayor to bring up the idea of demotions with the union's negotiating team and that the negotiations are not public.

Evans said the union's attorney believes that state law mandates that police demotions must be for "just cause, not just because."

Stan May of the Tulsa Firefighters Local 176 said: "I don't think it will make it all the way to a vote. It's too much of a burden on a segment of our union."

Fire union members already have been vocal about not liking the demotion idea, which would spare few jobs, May said.

"That's not the savings we're looking for," he said. "We're going to have to look elsewhere."

Bartlett, who was sworn in last month, began looking for ways to cut \$10 million from the city's general fund due to continuing sales-tax revenue declines.

All departments have submitted plans for cutting up to 4.4 percent of their budgets. Police and fire are expected to be severely impacted because together they consume 57 percent of the general fund.

Decisions are expected by Jan. 15.

Position -- Salary

Chief: Ron Palmer -- \$160,038.72

Deputy chiefs: 3 employed

Mark McCrory -- \$113,945.04

Daryl Webster -- \$107,414.16

Dennis Larsen -- \$107,414.16

Majors: 9 employed

Eric Dalglish -- \$96,426.48

Julie Harris -- \$96,426.48

Walter Evans -- \$96,426.48

Rod Hummel -- \$96,426.48

Rob Turner -- \$96,426.48

Paul Williams -- \$96,426.48

Burney York -- \$96,426.48

Steve Bayles -- \$90,899.76

Matt Kirkland -- \$90,899.76

Captains: 23 employed -- \$1,938,448

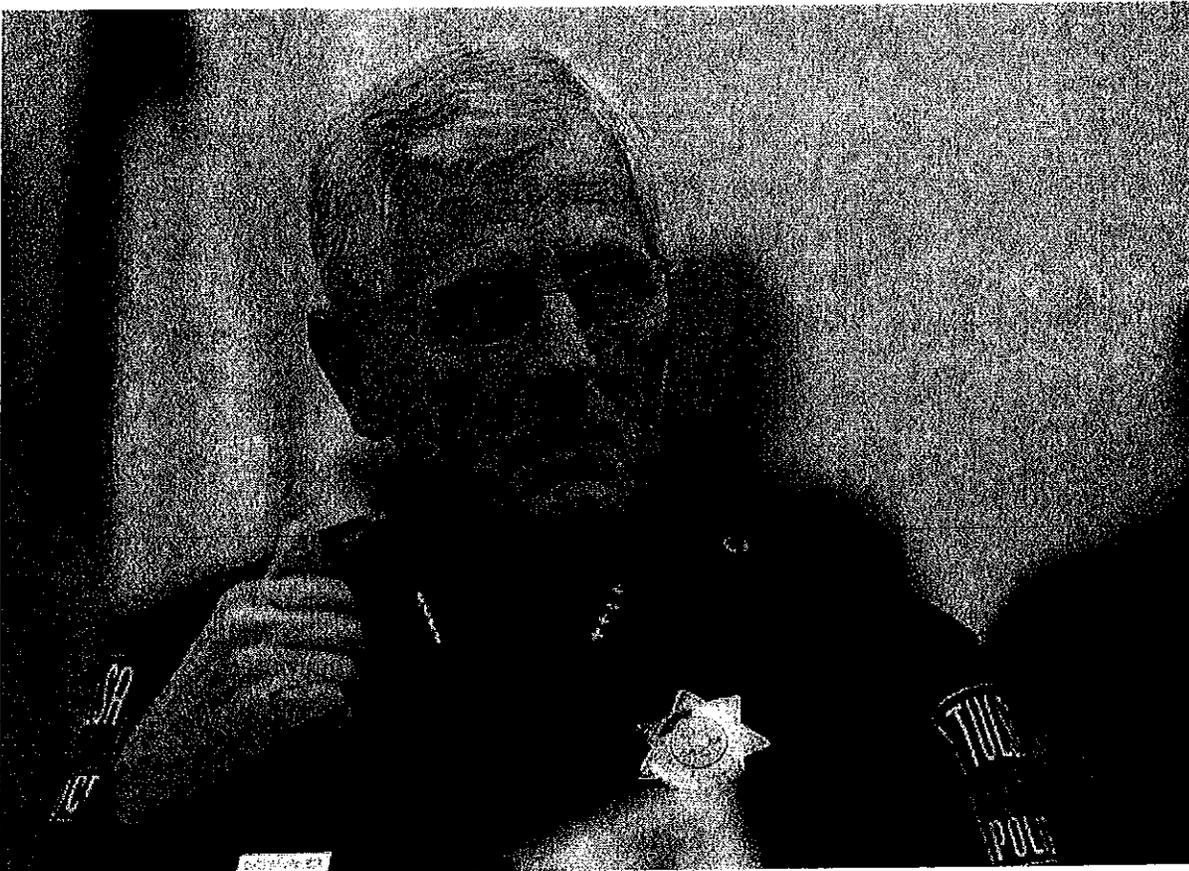
Sergeants: 82 employed -- \$5,869,054

Corporals: 83 employed -- \$5,551,702

There are a total of 607 officers.

Source: Tulsa Police Department

Associate Images:



Police Chief Ron Palmer. MIKE SIMONS/Tulsa World File

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[Return to Story](#)



INTEROFFICE CORRESPONDENCE

TO: Mayor Dewey Bartlett

Cc: Terry Simonson, Chief of Staff
Jim Twombly, Director of Administration
Deputy Chief Mark McCrory
Deputy Chief Dennis Larsen
Deputy Chief Daryl Webster

FROM: Chief Ron Palmer

DATE: January 10, 2010

SUBJECT: Tulsa Police Department Staff Reduction - Proposal #2

Pursuant to your further direction last Friday, the Tulsa Police Department's revised, staff reduction proposal is attached. Options of staff reduction over a broad continuum have been examined, starting at minimal cuts to the most severe option of cutting all staff/supervisory positions. Our first proposal to you attempted to minimize reduction of rank through planned attrition. This proposal is more aggressive, as it includes considerations for immediate position eliminations and reduction of rank.

It should be noted at the outset, that even the most extreme options of staff reduction alone does not, in any configuration, begin to approximate the target budget reduction of 4.4% (\$3.4M) for the remainder of FY 09-10. Thus, this proposal, although more radical, still does not meet budget cut goals without including both civilian and law enforcement lay-offs.

This proposal, if approved and implemented at your direction, reduces the command and supervisory ranks of the TPD by twenty six (26) positions. (Detail attached) This course of action will result in a reduction of rank/bumping of twenty three (23) sworn personnel. In addition, to meet the stated budget reduction goal, it is a necessity to also include the lay-off of one hundred eleven (111) officers, the layoff of fourteen (14) non-sworn personnel, and freezes hiring off six (6) other positions to arrive at a \$3.4M savings for the remainder of FY 09-10.

This proposal and the previous proposal have the same resulting savings of approximately \$3.4 million. It should be noted that this most recent proposal directly impacts forty-nine (49) additional employees – those cut and bumped – while only reducing the number of lay-offs of police officers by nine (9) – 111 vs. 120.

The reduction of rank proposed here does not involve superfluous personnel and will not increase either operational effectiveness or efficiency. As recently as 2008, the TPD staffing study, conducted by MGTA, made no finding of "top heaviness" in the TPD rank structure, nor

made any recommendation to reduce command and/or supervisory personnel at present levels of staffing.

It is my belief that these proposed job actions are counter-intuitive to the basic tenets of police command and supervisory accountability and responsibility to both officer and citizen alike. I do not endorse this proposal as a viable course of action to achieve the financial goals that are desired and such actions as outlined in this proposal should be approved only to the extent that alternative funding is not available.

As additional points of information to consider, I would further contend that:

- These job actions will reduce the Police Department's ability to provide for public safety far into the future, and be devastating the family finances of personnel who have invested years in public service and have excelled in their chosen career.
- Reduction of rank will not only impact short-term financial stability but will also have a lasting effect on pension benefits for a lifetime.
- Police and Fire Department employees should not bear a disproportionate burden for the provision of Public Safety service in lieu of more stable funding.
- Employee benefits should be preserved to the extent that alternatives are available.
- The proposed position cuts and resulting reduction of rank will decapitate the leadership corps we must rely on for the future direction of the Police Department by effectively capping the professional prospects of our department's best and brightest young leaders.
- Depending upon the scope of staff reduction/reduction of rank, young police managers may plummet two or more ranks to levels from which they have no hope of recovering from, either professionally or financially.
- Alternative funding scenarios do exist that could eliminate or reduce the need for any job actions and have been presented previously as alternatives to job actions.
- These alternate funding sources, as proposed previously, include vehicle purchase funds existing in the Police and Fire Department equipment study budgets, the proposed sale of one or both police helicopters, TARE funds, JAG/Byrne Grant funds that may be available upon application, and current and future FOP concessions. These funding sources represent enough resources to see both the Police and Fire Departments through the remainder of this fiscal year and beyond.

These observations and recommendations are offered constructively, in an effort to best inform you of facts pertinent to the important decisions that must be made at this time, and to urge caution in our approach to this fiscal challenge.

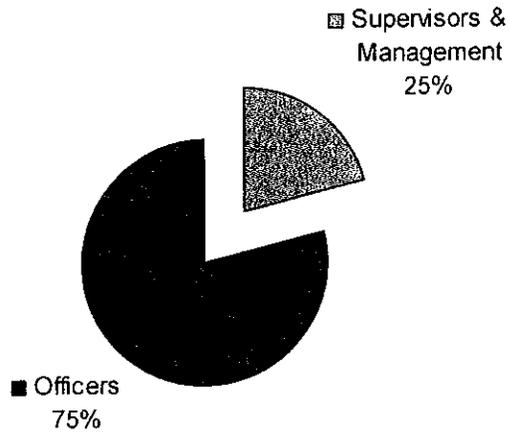
031 - Police Department

FY10 Revised Original Budget	78,605,000
4.4% Reduction	(3,458,620)
Adjusted Budget	75,146,380

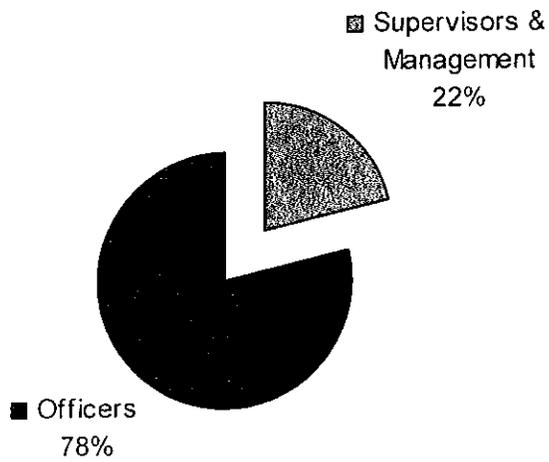
<i>Action</i>	<i>Personal Services</i>	<i>Materials & Supplies</i>	<i>Services & Charges</i>	<i>TOTAL</i>
Reduce Office Supply and Non-Cap Equip Budget in ISD		(11,700)		(11,700)
Eliminate dollars in all Printing/Reproduction Accounts			(20,220)	(20,220)
Significantly Reduce Recruiting Efforts			(11,500)	(11,500)
Reduce Motor Fuels Account			(11,000)	(11,000)
Refund from Liability Insurance for Grounding Helicopters			(35,193)	(35,193)
Building Lease for Helicopter			(25,000)	(25,000)
Estimated Fuel Savings			(13,751)	(13,751)
Lodge Concessions (Take-Home Cars and Hirebacks)	(117,000)		(150,000)	(267,000)
Internal Affairs Coordinator Position Vacant Since 09/01/09	(18,997)			(18,997)
Freeze Police Sergeant Position Vacant Since 09/01/09	(72,565)			(72,565)
Freeze Three Office Assistant II Positions in ISD	(63,386)			(63,386)
Freeze Office Administrator II Position in Chief's Office	(33,661)			(33,661)
Layoff Six Retiree Hireback Positions	(62,045)			(62,045)
Layoff Accreditation Manager	(32,583)			(32,583)
Layoff Office Assistant II in ISD	(54,356)			(54,356)
Layoff Three OT18 Office Administrator II	(54,990)			(54,990)
Layoff One OT16 Office Assistant II	(14,110)			(14,110)
Reduction in Rank 26 Corporal to Officer	(133,069)			(133,069)
Reduction in Rank 13 Sergeant to Corporal	(70,921)			(70,921)
Reduction in Rank 6 Captain to Sergeant	(52,979)			(52,979)
Reduction in Rank 3 Major to Captain	(26,042)			(26,042)
Reduction in Rank 1 Deputy Chief to Major	(11,645)			(11,645)
Layoff 111 Officers	(2,380,436)			(2,380,436)
TOTALS	(3,198,785)	(11,700)	(266,664)	(3,477,149)

Used 01/15/10 Layoff Date to Estimate Cost Savings
 All Estimates include Comp, Vacation, and Severance
 Layout
All Figures are Estimated and Subject to Verification

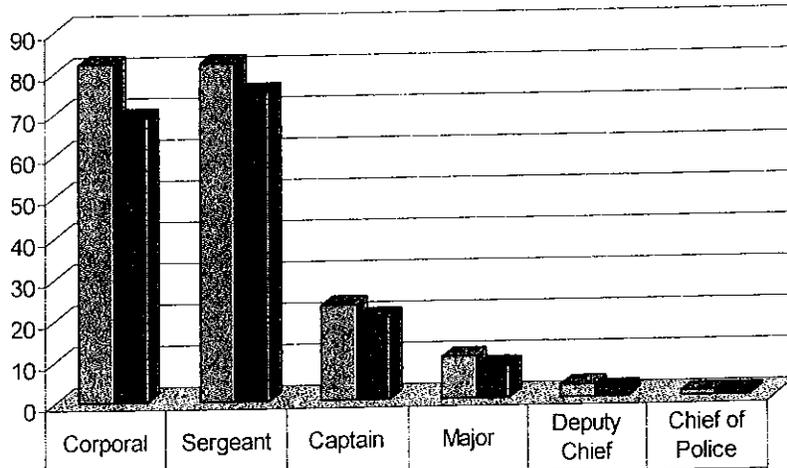
Current Staff Levels



Proposed Staff Levels



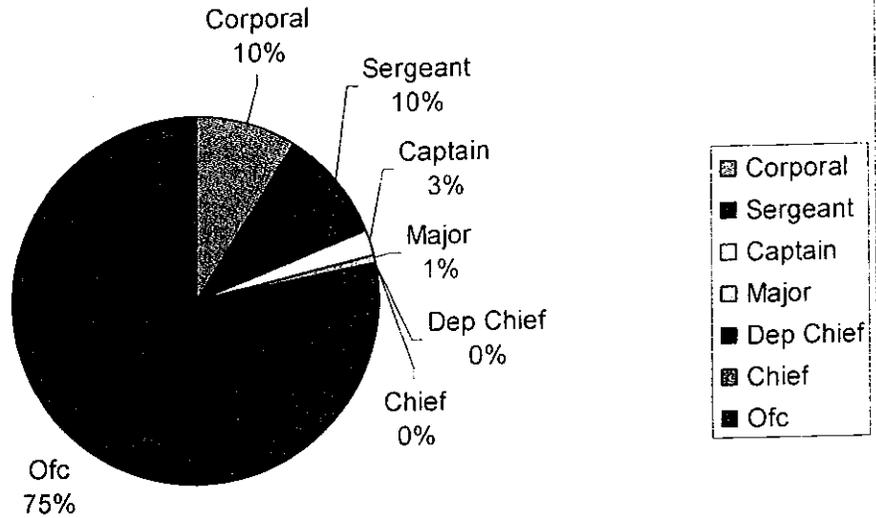
Current & Proposed Supervisor Levels



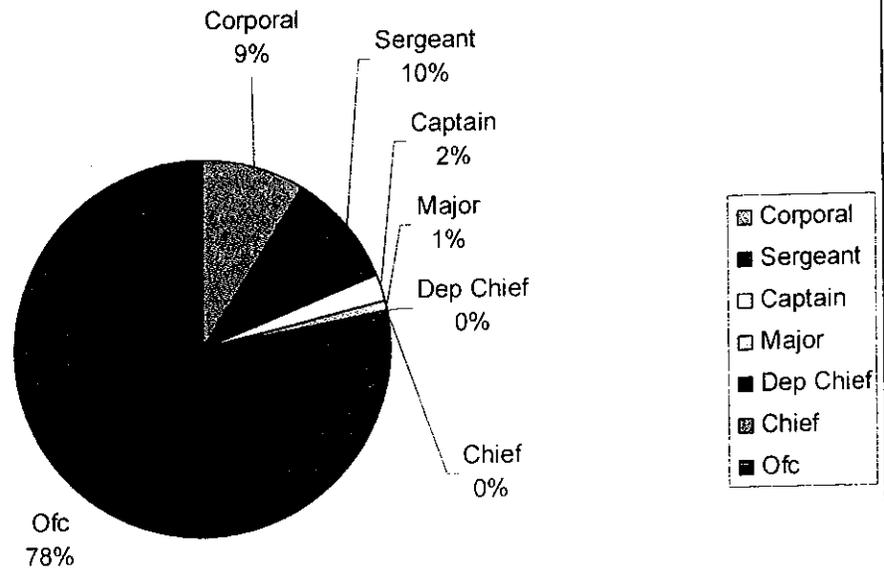
	Corporal	Sergeant	Captain	Major	Deputy Chief	Chief of Police
Current	82	82	23	10*	3	1
Proposed	69	75	20	8	2	1

*One Major slot pending signing of MOU

Current Staff Levels by Rank



Proposed Staff Levels by Rank



Current Staffing



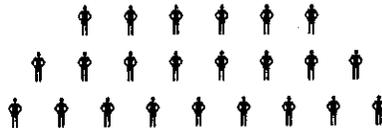
Chief (1)



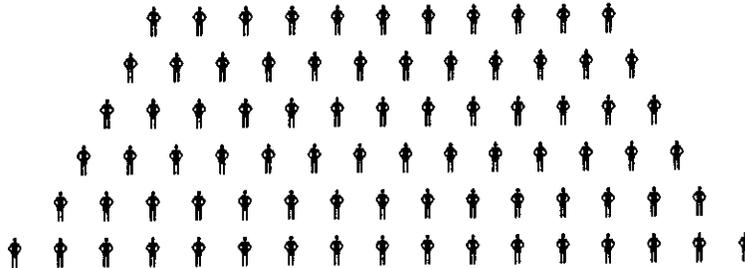
Deputy Chiefs (3)



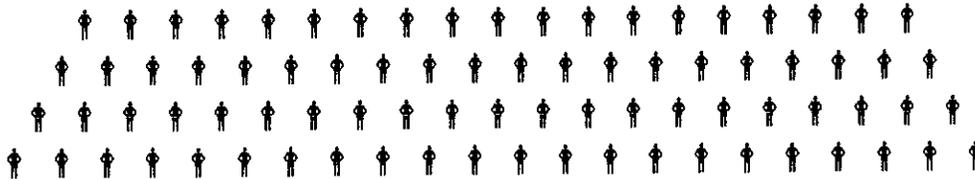
Majors (10)



Captains (23)



Sergeants (82)



Corporals (82)

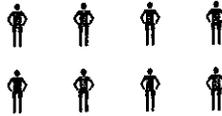
Proposed Future Staffing



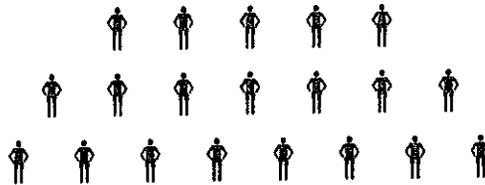
Chief (1)



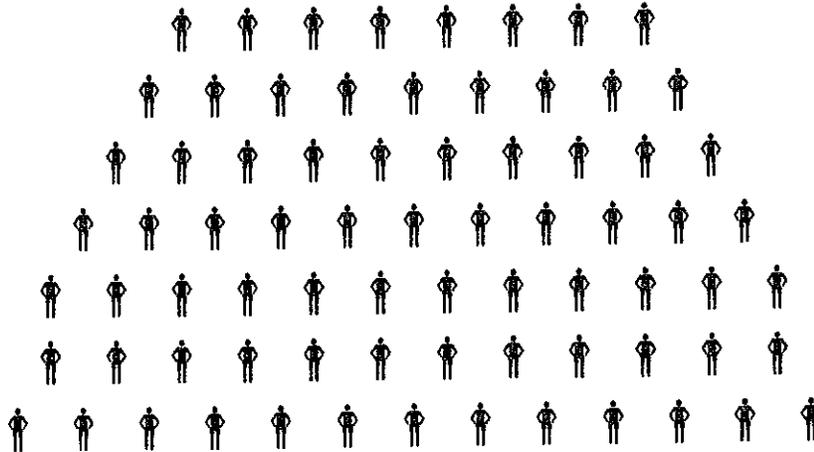
Deputy Chiefs (2)



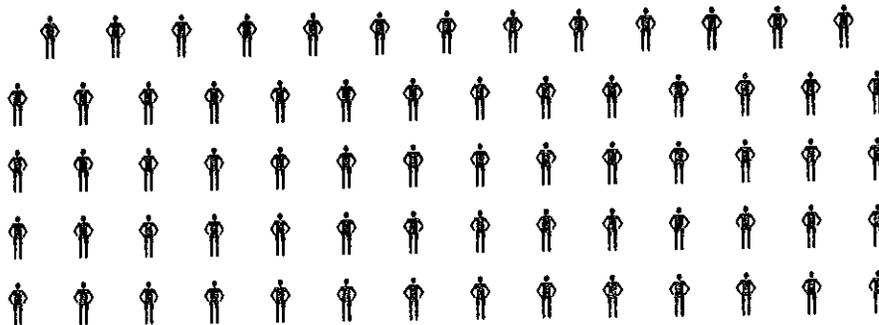
Majors (8)



Captains (20)



Sergeants (75)



Corporals (69)

Supervisor to Officer Ratio - TPD vs. Sister Departments

City	Rank	# of Rank	Supervisor to Officer Ratio	
San Antonio, TX	CHF	1	624/1400	0.44
	Asst CHF	2		
	DCOP	5		
	Capt	15		
	Lieu	46		
	Sgt	199		
	Detective	356		
	Officer	1406		
	Cadet	50		
	Probationary	85		
Austin, TX	CHF	1	617/1005	0.61
	DCOP	5		
	Commander	19		
	Lieu	66		
	Sgt	163		
	Cpl/Detective	363		
	Officer	1005		
Omaha, NE	CHF	1	144/588	0.24
	DCOP	3		
	Capt	7		
	Lieu	29		
	Sgt	104		
	Officer	588		
Minneapolis, MN	CHF	9	393/564	0.69
	Lieu	192		
	Sgt	192		
	Officer	564		
Oklahoma City, OK	CHF	1	835/159	5.25
	DCOP	4		
	Major	10		
	Capt	30		
	Lieu	139		
	Sgt	651		
	Officer	159		
	Recruit	54		
	CHF	1		
Colorado Springs, CO	DCOP	3	117/510	0.23
	Commander	9		
	LT	23		
	Sgt	81		
	Officer	510		
	CHF	1		
	DCOP	1		
Tucson, AZ	Asst CHF	4	328/674	0.49
	Capt	17		
	Lieu	30		
	Sgt	133		
	Detective	142		
	Officer	674		
	CHF	1		
	DCOP	1		
Kansas City, MO	CHF	1	582/639	0.69
	Lt. Colonel	4		
	Major	17		
	Capt	56		
	Sgt	229		
	Master Det.	15		
	Detective	230		
	Master P-D	30		
	Officer	613		
	Prob. Officer	26		
Denver, CO	CHF	1	789/726	1.08
	DCOP	2		
	Div CHF	7		
	COMM	14		
	Capt	61		
	Lieu	204		
	Sgt	74		
	Tech	164		
	Detective	262		
	Officer	726		
Dallas, TX	CHF	1	1985/1414	1.41
	Asst CHF	6		
	DCOP	16		
	Capt	2		
	Lieu	101		
	Sgt	424		
	Detective	1435		
	Officer	1414		
Tulsa, OK	CHF	1	201/607	0.33
	DCOP	3		
	Major	10		
	Capt	23		
	Sgt	62		
	Cpl	82		
	Officer	607		

Dalgleish, Eric

From: Dalgleish, Eric
nt: Monday, January 25, 2010 10:32 AM
Surratt, Arthur
Subject: Fw: Byrne

----- Original Message -----

From: Webster, A. Daryl
To: Dalgleish, Eric
Sent: Mon Jan 25 10:29:29 2010
Subject: Byrne

Please have Art prepared to fire off our Byrne request at a moment's notice today. We will have numbers shortly.

Dagleish, Eric

From: Dagleish, Eric
Re: Thursday, January 28, 2010 10:01 AM
Webster, A. Daryl
Subject: Re: Grant

He is not scheduled to come in as he is working graveyard Fri night. I think he checks his email so he might be able to VPN from his house with changes

----- Original Message -----

From: Webster, A. Daryl
To: Dagleish, Eric
Sent: Thu Jan 28 20:34:44 2010
Subject: Grant

Is Art working tomorrow? We are going to be asked to change our grant submission again and ask for Byrne and JAG to fund a # of officers for a different time period.

Dalgleish, Eric

From: Dalgleish, Eric
To: Monday, February 03, 2010 2:46 PM
Subject: Surratt, Arthur
Re: JAG Grant contact

Go ahead and send the request based on 17 months. Should be around 35 officers. Checking with Cheri now

From: Surratt, Arthur
To: Dalgleish, Eric
Sent: Mon Feb 08 14:29:42 2010
Subject: RE: JAG Grant contact
State Policy Advisor

From: Dalgleish, Eric
Sent: Monday, February 08, 2010 2:13 PM
To: Surratt, Arthur
Subject: Fw: JAG Grant contact

Art can you advise?

From: Webster, A. Daryl
To: Dalgleish, Eric
Sent: Mon Feb 08 13:56:50 2010
Subject: RE: JAG Grant contact
Do you know Mr. Velazquez' title?

From: Dalgleish, Eric
Sent: Monday, February 08, 2010 11:29 AM
To: Webster, A. Daryl
Cc: Surratt, Arthur
Subject: Fw: JAG Grant contact

From: Dalgleish, Eric
To: Surratt, Arthur
Sent: Mon Feb 08 11:27:46 2010
Subject: Fw: JAG Grant contact
See name and number below.....Art is on standby ready to send the request.

From: Surratt, Arthur
To: Dalgleish, Eric
Sent: Mon Feb 08 11:25:47 2010
Subject: JAG Grant contact

Gerardo Velazquez (202) 353-8645
Gerardo.Velazquez@usdoj.gov



INTEROFFICE CORRESPONDENCE

TO: Chief Chuck Jordan

FROM: DC Daryl Webster, Admin. Bureau

DATE: February 19, 2010

SUBJECT: Concerns Re DOJ Grant Funds

Given our discussions on this topic and the uncertainties that surround the issue of supplanting, permit me to explain my concerns as completely as I can.

1) The Police Department's handling of DOJ grants complies with grant regulations.

- Applying for permission to reallocate grant funds is acceptable, and under the circumstances we face, the only reasonable course of action. A previous application for reallocation of COPS funds was submitted and approved by the grantor and is currently being used to fund 18 officer positions for a three year term.
- I see no problem with applying for reallocation while negotiations are in progress between the City and FOP. It would not be reasonable for one to wait for the other.
- I see no problem with reallocation occurring simultaneously with concessions by either the City of Tulsa or the FOP, so long as the two are not related.

2) My concern is that I do not believe that either the City or FOP can in any way tie reallocation of grant funds to negotiations or concessions without risk of violating grant rules or the intent of the grant.

- The terms of the grants prohibit using grant money to supplant City funds that would be available to fund normal City expenditures, such as salaries. It is not that the City must be bankrupt in order to apply for a grant or reallocation, but I am concerned that the City cannot apply for reallocation on the grounds that the funding is necessary to avoid lay-offs, then use the lay-off savings for other purposes while using grant funds to fund salaries.
- I am further concerned that neither the City nor the FOP can offer grant funds

as part of contract negotiations because doing so implies that the grant funds can be offered as something of value in the bargaining process, which would not comply with the intent of the grantor; that the grant funds can be withheld if other terms are not agreed upon, in which case the City or FOP would assume the role of the grantor, which was not the grantor's intent; and that the grant funds can be used or withheld in place of other valuable consideration as part of a bargaining package, which would risk supplanting.

- Reference the last point, I am concerned that liability for negotiating with grant funds falls upon the City if the City offers grant funds in negotiation or accepts an FOP offer with grant funds as a component. The FOP may escape liability because it has no control over grants, which are the exclusive responsibility of the City.

3) My recommendations, based upon my understanding that we will be audited this year by the grantor, are:

- We must convey our concerns to the City, which you have already done.
- If grant funds are to be tied in any way to negotiation, City Legal should render an opinion.
- Prior to FY 11 savings being realized from lay-offs in FY10, City Legal should render an opinion on whether the savings can be diverted to other City uses while grant funds are reallocated to pay police salaries. The City is projected to realize \$11 million in FY11 savings based on FY10 lay-offs and attrition. I anticipate the argument to be made that once a reasonable FY11 savings is captured, say 6.9 percent, the remaining savings must revert to re-hire salaries or risk supplanting grant funds.

Simonson, Terry

From: Poole, Carol [Carol.Poole@usdoj.gov]
Sent: Friday, March 05, 2010 11:54 AM
To: Simonson, Terry
Subject: Re: JAG Grant

Terry,
Well, obviously this was a difficult time for the Mayor to come into office. Tulsa's fiscal difficulties are unfortunate and not uncommon these days.

I believe there was some confusion about the uses and related rules for the Recovery Act JAG funds. Although we have made it clear that documentation must be maintained, the funds may be used for retaining jobs as well as restoring or creating new jobs. Documentation of retained jobs would have included city council minutes or memos between mayor and human resources or anything documenting the potential layoff situation.

Sorry - that is probably not the information that you wanted to hear.

Let me know if you have additional questions or concerns.

Carol

Carol C. Poole
Acting Deputy Director, Programs
Bureau of Justice Assistance
810 7th Street, NW
Washington, DC 20531
Phone: 202-353-8641
Fax: 202-305-2543

From: Simonson, Terry <TSIMONSON@cityoftulsa.org>
To: Poole, Carol
Sent: Fri Mar 05 12:14:19 2010
Subject: JAG Grant

Dear Carol

First I want to thank you for your assistance last month in the reprogramming of the JAG dollars to rehire some of our Tulsa Police Officers. We took a portion of the JAG funds and were able to rehire 35 officers for a 17 month period.

Second, since that occurred, there have been members of the City Council who now question whether or not the Mayor could have done something sooner with the JAG dollars and have avoided the layoffs in the first place or the expenses associated with the layoffs. The issue that concerns them is that once the officers were laid off, and before they were rehired under the JAG grant, the city spend money on severance, vacation, and other benefits owed the officers. Some on the Council believe this expense could have been avoided if the Mayor had acted sooner.

The idea of repurposing the JAG funds to rehire officers first came to Mayor Bartlett's attention in January, since he had just taken office in December. The Mayor was told in January by members of the Tulsa Police Department management that before the money could be used or before the request for repurpose of the JAG funds could be submitted to and granted by the Bureau of Justice Assistance, that the layoff of the officers had to have actually occurred and not just might occur at some point in the future.

The layoffs actually occurred the last week of January when the Fraternal Order of Police union voted down the Mayor's proposal for compensation reduction and instead voted for the layoff of the officers. It was the Mayor's understanding that it was this vote by the FOP which resulted in the actual certainty of the layoffs that served as the trigger event upon which he could then make the repurpose request of the JAG funds to BJA. This request, as you know, was then made the following week.

So, the question which we would like your opinion on is, was the information provided to the Mayor correct in that before he could make the repurpose request to the Bureau of Justice Assistance that the police officers had to have been actually laid off?

Thank you so much for your assistance.

Terry A. Simonson
General Counsel and Chief of Staff
Office of the Mayor
175 E. 2nd St., 15th Floor
Tulsa, OK 74103
918.596.7407
tsimonson@cityoftulsa.org
Fax: 918.596.9010

Simonson, Terry

From: Poole, Carol [Carol.Poole@usdoj.gov]
Sent: Friday, February 19, 2010 4:42 PM
To: Simonson, Terry
Cc: Burch, Jim; Young, Jill; Velazquez, Gerardo
Subject: Grants #2009-SB-B9-3102 and #2009-DJ-BX-1222 - Approved revisions

Mr. Simonson,
I have just approved both requests for the reprogramming of the JAG dollars, per the Grant Adjustment requests submitted by the City of Tulsa on Feb. 8.

I apologize for the difficulty that you had in reaching us during and since the blizzard. We certainly want to be more responsive than we have been in this instance.

Let me know if I can be of any additional assistance. Good luck with your rehiring project. Please let us know how it goes and send us any news clips or success stories, as we always love to receive those.

Sincerely,

Carol C. Poole
Acting Deputy Director for Programs
Bureau of Justice Assistance
310 7th Street, NW
Washington, DC 20531
Phone: 202-353-8641

Terry Laflin

From: Simonson, Terry [tsimonson@cityoftulsa.org]
Sent: Friday, March 05, 2010 1:51 PM
To: Poole, Carol
Subject: RE: JAG Grant

Carol
Thanks for this. What happened here might be a little different.

While I understand now about the use for retaining jobs, it was not until the police union voted was there any issue of retaining jobs that would be laid off. The Mayor had presented a proposal that would have retained the jobs provided a small salary deduction was approved by their unions. In Tulsa the Mayor can present this to them as Mayor. The Council plays no part in that process. There would be no documentation. The citywide layoff notice went out on January 22nd, effective January 29th. The union was allowed to vote before the 29th to either accept concessions and avoid layoffs or turn down the concessions and take the layoffs. They voted on the 28th to turn down the concessions and accept the layoff notices. To me, the earliest, then, that any request to repurpose the grant funds could not have come before the 22nd.

Would that be right?

Thanks Carol

Terry

From: Poole, Carol [mailto:Carol.Poole@usdoj.gov]
Sent: Friday, March 05, 2010 11:54 AM
To: Simonson, Terry
Subject: Re: JAG Grant

Terry,
Well, obviously this was a difficult time for the Mayor to come into office. Tulsa's fiscal difficulties are unfortunate and not uncommon these days.

I believe there was some confusion about the uses and related rules for the Recovery Act JAG funds. Although we have made it clear that documentation must be maintained, the funds may be used for retaining jobs as well as restoring or creating new jobs. Documentation of retained jobs would have included city council minutes or memos between mayor and human resources or anything documenting the potential layoff situation.

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Carol

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Acting Deputy Director, Programs
Bureau of Justice Assistance
810 7th Street, NW
Washington, DC 20531
Phone: 202-353-8641
Fax: 202-305-2543



INTEROFFICE CORRESPONDENCE

TO: Interim Chief Chuck Jordan

FROM: DC Daryl Webster, Admin. Bureau
DC Dennis Larsen, Ops Bureau
DC Mark McCrory, Investigative Bureau

DATE: March 15, 2010

SUBJECT: Concerns Re Grant Comments

We must express our deep concern about the manner in which the City of Tulsa is responding to inquiries about the reallocation of grant money to rehire laid-off officers. Certain City officials have made assertions to the City Council, the public, and now the Department of Justice that are not true. After reading in the local news of the e-mail exchange between Terry Simonson and DOJ official Carol Poole, we cannot in good conscience remain silent without becoming party to these untruths.

In Mr. Simonson's March 5 e-mail to Ms. Poole, three demonstrably false statements were made:

- 1) *"The idea of repurposing the JAG funds to rehire officers first came to Mayor Bartlett's attention in January..."* (Quoting Mr. Simonson's e-mail) This is not true. The following chronology demonstrates that the Mayor's office was made aware of the JAG grant option in early December.
 - Deputy Chiefs Webster and McCrory met with the Mayor and Mr. Simonson on December 8 and expressly asked that they consider the use of grant funds to prevent officer layoffs.
 - On the same day, a copy of federal supplanting guidelines was e-mailed to Stuart McCalman, of the Mayor's office. These guidelines included a specific scenario that clearly demonstrated that grant funds could be reallocated to prevent layoffs from occurring.
 - On December 18, a report was submitted to Mr. Simonson that described several options to retain personnel. The report expressed optimism that

if application were made to the federal grantor, funds could be reallocated to either retain personnel or rehire them in the event they were laid off. This report was hand delivered to Mr. Simonson by DC McCrory, DC Larsen, and Captain Jon Brooks. DC McCrory and DC Larsen discussed with Mr. Simonson alternative funding sources to avoid layoffs, including the use of grant funds and the requirements for requesting reallocation of grant funds.

- On December 29, Mayor Bartlett communicated in writing to FOP President Phil Evans that he had been told there were "JAG funds available that could be used to save some, not all, of the projected jobs (sic) losses."

2) *"The Mayor was told in January by members of the Tulsa Police Department management that before the money could be used or before the request for repurpose of the JAG funds could be submitted to and granted by the Bureau of Justice Assistance, that the layoff of the officers had to have actually occurred and not just might occur at some point in the future."* (Quoting Simonson e-mail) The "management" personnel who allegedly told the Mayor this incorrect information are not named. However, neither Chief Palmer nor any TPD Deputy Chief conveyed such information. Quite the opposite. As noted above, TPD Management repeatedly urged that grant funds be used to prevent layoffs:

- On January 10, Chief Palmer submitted a proposal to the Mayor and Staff that included a recommendation to use grant funds to eliminate or reduce the need for layoffs.
- On January 12, Chief Palmer and DC Webster appeared before the City Council and explained the grant application process. DC Webster explained to Council that as soon as the Police Department was provided with a number of officers to subsidize and a prospective date to begin the subsidy, the grant reallocation request would be submitted the same day with the expectation of a quick turn-around. Mr. Simonson was present during this discussion.

3) *"The layoffs actually occurred the last week of January when the Fraternal Order of Police union voted down the Mayor's proposal for compensation reduction....This request, as you know, was then made the following week."* (Quoting Simonson e-mail). This also is not entirely true. While the exact date of application may seem inconsequential, the omission of other facts is not. The omitted facts convey an awareness that it was not necessary for layoffs to occur

before asking the grantor to reallocate the grant. Further, no effort was made to adjust the layoff date to give the DOJ time to respond to the reallocation request before laying off personnel. Note the following time-line:

- Layoff notices were given to officers on January 22.
- On January 27, DC Webster was directed to submit an application for reallocation to the DOJ. This submission requested funding for 58 officers for a period of 9 months.
- On January 29 or 30, DC Webster was directed to contact DOJ and cancel the request for reallocation until further notice.
- Officers were laid-off on January 31.
- On February 8, DC Webster was directed to submit a new request for reallocation, requesting funding for 35 officers for 17 months.

Our concerns about the above-mentioned misrepresentations are sufficient that we are required, both legally and ethically, to report them. Our reasons follow:

- 1) It is unethical for a city official to communicate to DOJ or to any other authority untruths about city employees. For several weeks, TPD Management clearly and repeatedly asked that grant funds be used to avoid layoffs. That recommendation was not followed. Failure to obtain reallocation funding prior to layoffs caused the avoidable expenditure of taxpayer funds through severance and accrued leave payout. An effort is now made to shift responsibility for that costly outcome from the person(s) who made the decision to the very people who proposed an alternative that might have avoided it. No city policy or standard of conduct requires us to be silent while we are blamed for the consequences of others' decisions that were made in spite of our arguments to the contrary.
- 2) Making false statements to the federal grantor may violate grant rules and federal law. DOJ-FJA guidelines require both truthfulness in communication and a requirement that potential misconduct be reported to the Office of the Inspector General. The obligation of reporting misconduct or misrepresentation falls on us, just as the obligation of truthfulness falls on others.
- 3) We are placed in potential legal or administrative jeopardy and our professional reputations are called into question by false statements that TPD Management told the Mayor that layoffs must precede application for or use

of grant funds. Again, there is no policy or standard of conduct that requires us to be silent while our reputations are harmed for allegedly providing incorrect information when in fact we provided different and correct information.

4) City of Tulsa Personnel Policies and Procedures, Section 411.3, Rule 16 requires us to report misconduct, forbidding "Concealment of or failure to report a significant error, mistake, unsafe working condition or injury." The following Work Rules are implicated by the misconduct that has occurred:

- Rule 6 forbids "Commitment of acts, on or off the job, which would bring embarrassment, distrust, or discredit to the City of Tulsa."
- Rule 9 forbids "Falsification of any record, report (written or oral) or document arising from employment or work with the City."
- Rule 42 forbids "Negligence, inefficiency or incompetence in the performance of duties."

We ask that these matters of legal and public interest be fully addressed. The citizens of Tulsa and the Department of Justice should be made aware of the falsehoods propagated by City officials, including Mr. Simonson. All false statements should be publicly repudiated and the Inspector General should be made aware of this situation so that he can determine whether further investigation is warranted.

CHAPTER 5

EMPLOYEE RIGHTS

Section 500. Communication with City Council on Certain Matters.

SECTION 500. COMMUNICATION WITH CITY COUNCIL ON CERTAIN MATTERS

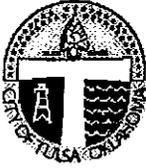
Pursuant to the authority given to the Council by Section 17, Article II of the City Charter as amended in 1989, employees and officers of the City of Tulsa may initiate communication with any Council member or members about the efficiency, economy and effectiveness of administrative practices, methods, systems and controls of the City of Tulsa.

Ord. No. 17841

SECTION 310. FALSE STATEMENTS TO THE CITY COUNCIL

It shall be an offense for any person, in any manner to knowingly and willfully falsify, conceal or cover-up by any trick, scheme or device a material fact, make any false, fictitious or fraudulent statement or representation, or make or use any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry to the City Council during a Council meeting or Committee meeting. Any person violating the provisions of this section shall be guilty of an offense and upon conviction shall be punished by a fine of not more than ONE HUNDRED DOLLARS (\$100.00), excluding costs and assessments, or by imprisonment in the City Jail for a period of not more than ten (10) days or by both such fine and imprisonment.

Ord. Nos. 18761, 21746

**PERSONNEL POLICIES AND PROCEDURES**

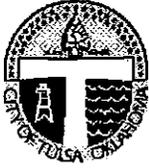
- .3 The work rules below are not meant to be inclusive but are stated as guidelines for personal conduct. Commission of, or being a party to, any of the following acts or other acts contrary to good order will be grounds for disciplinary action. Such action may include a warning, written reprimand, suspension, demotion or discharge.

RULES:

- R-1 Reporting late to work.
- R-2 Failure to report absence from duty within a reasonable period of time (normally as soon as it is apparent that it will be impossible to report for work, but at least thirty (30) minutes prior to the start of the shift).
- R-3 Absence from work without notification to the appropriate supervisor.
- R-4 Abuse or misuse of sick leave, funeral leave or other City benefits.
- R-5 Absence from duty without reasonable cause.
- R-6 Commitment of acts, on or off the job, which would bring embarrassment, distrust or discredit to the City of Tulsa.
- R-7 Failure to punch time card.
- R-8 Knowingly punching the time card of another employee, having one's time card punched by another employee or unauthorized alteration of a time card or time report.

Section 411.3 R-9 to R-24

-
- 411 .3 R-9 Falsification of any record, report (written or oral) or document arising from employment or work with the City.
- R-10 Gambling or engaging in a lottery on City premises.
- R-11 Immoral, indecent or obscene conduct.
- R-12 Discourteous or disrespectful conduct to citizens.
- R-13 Failure to meet established standards of clean personal appearance or clothing where fulfillment of the job requires contact with the public.
- R-14 Possession of weapons, explosives or dangerous materials on the job without written authorization from the department head.

**PERSONNEL POLICIES AND PROCEDURES**

- R-15 Posting or removing any matter from a bulletin board without proper authorization unless specifically allowed under a labor agreement or by personnel policies and procedures.
- R-16 Concealment of or failure to report a significant error, mistake, unsafe working condition or injury.
- R-17 Improper use of authority by using official position for personal profit or advantage.
- R-18 Acceptance of a gift or money given with the intent of influencing the employee in the performance of his official duties.
- R-19 Violation of a safety rule or the performance of unsafe work practices.
- R-20 Littering or contributing to poor housekeeping, unsanitary or unsafe conditions on City premises.
- R-21 Conviction of or plea of guilty to a traffic violation while in a City-owned vehicle or while on City time in any vehicle.
- R-22 Using or possessing alcohol or dangerous drugs on the job or reporting to work under the influence of alcohol or drugs.
- R-23 Taking more than specified time for meals, rest periods or coffee breaks.
- R-24 Stopping work or making preparations to leave work before specified time authorized by the appropriate supervisor.

Section 411.3 R-25 to R-39

-
- 411 .3 R-25 Leaving the work site without permission.
 - R-26 Engaging in horseplay, scuffling, demonstrations or other actions which are disruptive to the normal work process.
 - R-27 Wasting time, loafing or sleeping on the job.
 - R-28 Vending, soliciting, distributing written materials, or collecting money for any purpose on City time unless given proper authorization or where allowed under a labor agreement or personnel policies and procedures.
 - R-29 Threatening, intimidating, coercing or interfering with other employees on the job.
 - R-30 Fighting during working hours.

**PERSONNEL POLICIES AND PROCEDURES**

- R-31 Refusing to obey orders of supervisor or refusing to perform job assignment. Employee should carry out orders and assignments; then, if a complaint exists, use the proper grievance channels.
- R-32 Abusive, disrespectful or insubordinate language to supervisor.
- R-33 Negligent misuse, damage or destruction to City property or property of others.
- R-34 Willful or malicious damage or destruction to City property or property of others.
- R-35 Removal of any City property or materials from the work premises without proper authorization.
- R-36 Use of City personnel or materials for purposes which are not authorized by the department head.
- R-37 Theft or misappropriation of City property.
- R-38 Violation of the provisions of the Charter of the City of Tulsa or the Personnel Policies and Procedures Manual regarding political activity (see Section 805 "Political Activities").
- R-39 Violation of any provision of the Personnel Policies and Procedures Manual or established policies and procedures within the department.

Section 411.3 R-40 to 412.3

- 411 .3 R-40 Taking, receiving, viewing or divulging competitive examination materials without proper authorization or cheating in any way on a promotional procedure.
- R-41 Divulging confidential material or reports.
- R-42 Negligence, inefficiency or incompetence in the performance of job duties.
- R-43 Excessive garnishments levied against an employee's wages.
- R-44 Committing or condoning sexual harassment.
- R-45 Purchasing or selling any property declared surplus by the City of Tulsa without the approval of the Mayor or designee.

412. Garnishments

It is the City's position that garnishments levied against an employee's pay are cause of concern for the welfare of the employee, the costs incurred by the City, and the public image of City employees.

Chief

Jordan, Chuck

From: Jordan, Chuck
Sent: Friday, February 19, 2010 10:31 AM
To: Bartlett, Dewey; Twombly, Jim; Bender, Gerald; Simonson, Terry; Powell, Joyce
Subject: FW: Grant Fund Concerns
Attachments: Grant Memo.doc

Lady and gentlemen,

I am unaware of the content of the proposal submitted by the FOP Lodge but we need to keep in mind that we should not sign on to anything that mentions the use of grant funds. Please see the attached memo.

Thanks, Chuck

From: Webster, A. Daryl
Sent: Friday, February 19, 2010 10:17 AM
To: Jordan, Chuck
Cc: McCrory, Mark; Larsen, Dennis; Cozzoni, Philip
Subject: Grant Fund Concerns

Please see the attached.



INTEROFFICE CORRESPONDENCE

TO: Chief Chuck Jordan

FROM: DC Daryl Webster, Admin. Bureau

DATE: February 19, 2010

SUBJECT: Concerns Re DOJ Grant Funds

Given our discussions on this topic and the uncertainties that surround the issue of supplanting, permit me to explain my concerns as completely as I can.

1) The Police Department's handling of DOJ grants complies with grant regulations.

- Applying for permission to reallocate grant funds is acceptable, and under the circumstances we face, the only reasonable course of action. A previous application for reallocation of COPS funds was submitted and approved by the grantor and is currently being used to fund 18 officer positions for a three year term.
- I see no problem with applying for reallocation while negotiations are in progress between the City and FOP. It would not be reasonable for one to wait for the other.
- I see no problem with reallocation occurring simultaneously with concessions by either the City of Tulsa or the FOP, so long as the two are not related.

2) My concern is that I do not believe that either the City or FOP can in any way tie reallocation of grant funds to negotiations or concessions without risk of violating grant rules or the intent of the grant.

- The terms of the grants prohibit using grant money to supplant City funds that would be available to fund normal City expenditures, such as salaries. It is not that the City must be bankrupt in order to apply for a grant or reallocation, but I am concerned that the City cannot apply for reallocation on the grounds that the funding is necessary to avoid lay-offs, then use the lay-off savings for other purposes while using grant funds to fund salaries.
- I am further concerned that neither the City nor the FOP can offer grant funds

as part of contract negotiations because doing so implies that the grant funds can be offered as something of value in the bargaining process, which would not comply with the intent of the grantor; that the grant funds can be withheld if other terms are not agreed upon, in which case the City or FOP would assume the role of the grantor, which was not the grantor's intent; and that the grant funds can be used or withheld in place of other valuable consideration as part of a bargaining package, which would risk supplanting.

- Reference the last point, I am concerned that liability for negotiating with grant funds falls upon the City if the City offers grant funds in negotiation or accepts an FOP offer with grant funds as a component. The FOP may escape liability because it has no control over grants, which are the exclusive responsibility of the City.

3) My recommendations, based upon my understanding that we will be audited this year by the grantor, are:

- We must convey our concerns to the City, which you have already done.
- If grant funds are to be tied in any way to negotiation, City Legal should render an opinion.
- Prior to FY 11 savings being realized from lay-offs in FY10, City Legal should render an opinion on whether the savings can be diverted to other City uses while grant funds are reallocated to pay police salaries. The City is projected to realize \$11 million in FY11 savings based on FY10 lay-offs and attrition. I anticipate the argument to be made that once a reasonable FY11 savings is captured, say 6.9 percent, the remaining savings must revert to re-hire salaries or risk supplanting grant funds.

MEMORANDUM OF UNDERSTANDING
Amending the FY 2009-2010 Collective Bargaining Agreement

This agreement is entered into on the date last written below between the Fraternal Order of Police, Lodge 93 and the City of Tulsa, Oklahoma, to amend the FY 2009-10 Collective Bargaining Agreement currently in effect between these two parties. In order to provide some immediate financial relief in the Police Department budget the FOP agrees to further reduce the compensation of Tulsa police officers this fiscal year. As evidenced by their signatures below the parties agree as follows:

1. **Overtime.** From February 1, 2010 through June 29, 2010 all FLSA overtime worked by bargaining unit members will be compensated with compensatory time, not pay, up to the maximum accrual permitted by the FLSA for police officers.
2. **Early Retirement.** The FOP agrees to a limited offer to all officers that would provide incentives for retirement this fiscal year. The FOP agrees with the concept of early retirement incentives provided the officers must elect by a date certain in February, 2010 whether they will opt for the incentive. The FOP agrees to continue negotiations with City management on the details of such an offer.
3. **JAG Grant.** The FOP agrees that the current JAG grant that is pending approval may be amended to provide funds for Police Department operations and personnel. Currently, approximately \$2.2 million of said funds will be approved for capital items. The FOP agrees to cooperate with City management in order to facilitate an amendment of said grant to allow some or all of those funds to preserve police officer jobs in the City.
4. **Layoffs.** In consideration for the foregoing, City management agrees there will be no layoffs from bargaining unit positions for the remainder of the 2009-10 fiscal year.

This offer takes into consideration the fact that police officers have already reduced their compensation this year by 3.1% through furloughs and an additional 1.87% for the remainder of the fiscal year by waiving the use of police vehicles outside city limits and waiving required hire backs for minimum staffing requirements. Those agreements have been executed through prior separate Memoranda of Understanding with City management.

All other provisions of the FY 2009-10 collective bargaining agreement remain in full force and effect. Agreement between the FOP and City to amend any portions of said collective bargaining agreement, as set forth in this MOU, are subject to ratification by the FOP membership in the same manner as was the original agreement.

Fraternal Order of Police, Lodge 93

Date

City of Tulsa

Date

Timeline of Contacts between FOP and Mayor's Office

Wed Jan 13th – FOP receives first offer from Mayor Bartlett

Thurs Jan 14th – FOP requests meeting with “decision makers” in mayor’s office to discuss counter offers

Fri Jan 15th – FOP leadership meets with City Finance director, Mike Kier. He states that there is “nothing magical” about any specific concession and that any alternate concessions to meet the 2.9 million dollar figure would fulfill the needs of the city.

Wed Jan 20th – FOP creates a counter proposal that gives the City 4.4 million dollars to fulfill its 2.9 million dollar shortfall. During the meeting Terry Simonson (chief of staff) states that as long as the city and FOP are in productive negotiations that no action to enact layoffs would be taken.

Thurs Jan 21st – Mayor Bartlett announces layoffs. FOP contacts Mayor Bartlett and asks for explanation as to why he was going back on his word about layoffs. He states “I didn’t say anything, Terry did. I’m not bound by what Terry says.”

Fri Jan 22nd – At 10:00 AM FOP leadership meets with Mayor Bartlett for two hours. He rejects the FOP’s counter proposal and states that he “doesn’t like” the use of comp time as a way to balance the budget. Mayor Bartlett submits a second proposal which involves 17 months of concessions. In the evening the FOP attorney contacts Mayor Bartlett and advises him that the FOP would be taking a vote for his 2nd proposal.

Mon Jan 25th – Mayor Bartlett submits a different offer. The FOP requests a meeting to discuss the offer and is denied. The Police Chief states that it is the “Final Offer.” Mayor Bartlett tells the Tulsa World that he will accept either offer from the FOP and they are free to vote on either offer.

Tues Jan 26th – 90 minutes before the FOP meeting to begin a vote, Jim Twambly (Mayor's Staff) contacts the FOP leadership and states that the 2nd offer is no longer on the table and only the "Final Offer" can be accepted. The FOP submits the "Final Offer" to a vote.

Wed Jan 27th – Police Staff notify the FOP leadership that an \$800,000 error has been discovered and confirmed by the Finance Department in the "Final Offer" and that as many as 14 Police Officers may still be laid off.

Webster, A. Daryl

From: Surratt, Arthur
To: Webster, A. Daryl
Subject: FW: FW: ARRA JAG Reporting Requirements

-----Original Message-----

From: Velazquez, Gerardo [mailto:Gerardo.Velazquez@usdoj.gov]
Sent: Friday, October 16, 2009 1:46 PM
To: Surratt, Arthur
Subject: RE: FW: ARRA JAG Reporting Requirements

CALL ME

Gerardo Velazquez
State Policy Advisor
Bureau of Justice Assistance, USDOJ
810 7th Street, N.W.
Washington, D.C. 20531
Office: 202-353-8645
Fax: 202-354-4225
Email: Gerardo.Velazquez@usdoj.gov

strongly encourages 2009 JAG and Recovery Act JAG grantees to attend a lively one-day, in-person training session that will answer all your questions about the new, innovative Performance Measurement Tool and OMB reporting requirements. Want to know more? Go to the BJA web site and register today.

-----Original Message-----

From: Arthur C. Surratt [mailto:asurratt@ci.tulsa.ok.us]
Sent: Friday, October 16, 2009 2:42 PM
To: Velazquez, Gerardo
Subject: Re: FW: ARRA JAG Reporting Requirements

Gerardo,

The City of Tulsa has received tax revenue figures are showing a dramatic decline. As of October 14, the police department was directed, as part of a city-wide budget reduction effort, to immediately reduce its remaining Fiscal '10 budget by \$2,000,000. After reducing all other optional budget items, it has been determined that up to 28 sworn police officers will have to be laid off. This lay-off was not anticipated at the time of the grant application or award.

Currently all City of Tulsa employees are required to take 8 unpaid furlough days from a previous tax revenue decline.

Question: Can a portion of the grant be used to pay the salaries/benefits of these personnel, to prevent inevitable lay-off of these personnel for the remainder of Fiscal '10? Fiscal '11 if necessary?

2. Question: Due to the budget situation we will have to eliminate some of our special operations units such as our helicopter because of lack of funds for fuel and maintenance. Can JAG funds be used to pay for operations?

>>> "Velazquez, Gerardo" <Gerardo.Velazquez@usdoj.gov> 10/16/09 1:33 PM
>>>

FYI

Subject: ARRA JAG Reporting Requirements

* Quarterly SF 269 reports. Many ARRA grantees are receiving delinquency notices for the period March 1- March 31. They should fill out 0s in their SF269s, but if they're unable to do so, please have them call our OCFO helpdesk at 1-800-458-0786 option 2, or email ask.ocfo@usdoj.gov

* Quarterly Office of Management and Budget (OMB) reporting requirements are mandatory for all recipients of federal Recovery Act funds. They're due on the October 10, and on the 10th day following each quarter and will be collected in www.federalreporting.gov <<http://www.federalreporting.gov/>> . (July 10 was the original deadline, but it has been extended.) The first reporting period is March 1- September 30. More information about this reporting requirement is located here: <http://www.recovery.gov/?q=node/579> OMB is holding webinars to educate recipients on the reporting requirements. Here is the information on webinars: <http://www.recovery.gov/?q=node/658>
If grantees can't register for the live webinars, they can watch the recorded versions later.

* Quarterly BJA programmatic performance measures are due 30 days following the quarter, and the reporting will take place in the online Performance Measurement Tool (PMT): <https://www.bjaperformancetools.org/>. Our partners at CSR will send emails to ARRA JAG recipients about the training webinar dates and times. If grantees don't have the system requirements necessary for the webinars, they can phone in. BJA extended the deadline for the first reporting period, so that activity for the period March 1- June 30 is due August 30. BJA is treating the first quarter as a pilot to allow grantees time to get trained and familiar with the system and knows that very little grant activity will have taken place in this period.

Yearly GMS uploads. Grantees will be responsible for downloading their reporting from the PMT and uploading it into GMS once a year. This will be due 45 days after the end of the federal fiscal year. The chart below outlines the deadlines for the PMT and GMS.

Gerardo Velazquez
State Policy Advisor
Bureau of Justice Assistance, USDOJ
810 7th Street, N.W.
Washington, D.C. 20531
Office: 202-353-8645
Fax: 202-354-4225
Email: Gerardo.Velazquez@usdoj.gov

BJA strongly encourages 2009 JAG and Recovery Act JAG grantees to attend a lively one-day, in-person training session that will answer all your questions about the new, innovative Performance Measurement Tool and OMB reporting requirements. Want to know more? Go to the BJA website <http://www.ojp.usdoj.gov/BJA/pmt.html> and register https://www.circlesolutions.com/bja/jag_pmt/index.cfm today.

MOORE & VERNIER, P.C.
ATTORNEYS AT LAW
301 N.W. 63rd Street, Suite 550
Oklahoma City, Oklahoma 73116
Telephone: (405) 843-9675 Facsimile: (405) 843-9680
Sender E-mail: james.moore@moorelawok.com

JAMES R. MOORE
DOUGLAS D. VERNIER
JARROD A. LEAMAN

OF COUNSEL
SUE WYCORF

January 13, 2010

VIA FACSIMILE & U.S. MAIL
(918) 596-9010

Mayor Dewey Bartlett
City of Tulsa
One Technology Center
175 E. 2nd Street
Tulsa, OK 74103

Re: Proposed Concessions in FOP Contract

Dear Mayor Bartlett,

Our firm represents FOP Lodge 93, and today we were given a copy of proposed reductions in compensation for this fiscal year for police officers that came from your office. As you know, the FOP has not been included in any of the discussions that led to your proposal and its Board and Bargaining Team are just now beginning to study the document.

We understand you believe this matter is urgent. However, we believe we must be careful and not do more harm than good in trying to address what is hopefully a short term problem. The cuts you propose amount to an 11.78% reduction in compensation for officers. If those kinds of cuts are imposed, the Department stands the real risk of losing many good, experienced officers to other Departments who are now hiring. We have an obligation to the families of officers and the other families in this city not to do serious and long term damage to the Police Department. We want to explore with you ways to balance the budget without crippling public safety.

In order for the officers to make an informed decision as to your proposals it will be necessary to meet with your staff members who prepared the proposal and get explanations for the proposals, costing details and any other information that may be helpful to our decision. In addition, we would request that you or anyone else making the decisions on this matter attend the meeting as well so we may discuss alternatives.

Mayor Dewey Bartlett
January 13, 2010
Page 2 of 2

We will be available to meet with you and your staff any time on Friday, January 15, 2010. Please let us know when you can meet to discuss these matters.

Sincerely,

MOORE & VERNIER, P.C.
ATTORNEYS AT LAW

JAMES R. MOORE

bcc: Phil Evans
Terry Simonson

City of Tulsa
FY10 - Budget Reductions Analysis
Estimated Benefit Cost - Selected Pay Groups

4.4% Requested Police Department Reduction **\$ 8,000**

Proposed Non-Personnel & Non PD Position Cut Reductions

Non Personnel Reductions	\$	128,364	
Freezing Vacant Positions and Civilian Layoffs	\$	408,865	
Total Proposed Non-Personnel & Non PD Position Cut Reductions			\$ 537,229

Proposed PD Position Cuts

	<u>Position Count</u>		<u>FY10 Saving</u>	
Proposed PD Position Cuts Originally Submitted by Department				
Avg Saving per Position - \$21,656	135	\$	2,923,563	
Total Proposed PD Position Cuts				\$ 2,923,563

Total Original Proposed FY10 Reductions Submitted by Department **\$ 3,460,792**

Alternative Reductions

	Estimated Annual Cost	Feb thru June Estimated Cost	Avg. # Sworn Employees Not Cut After Concession	
Police Officers - PD Contract Benefit Concessions				
Education Pay	\$ 903,226	\$ 376,344	17.4	
Trainer Pay - \$75 per Mo.	5,400	2,250	0.1	
Second Language	22,800	9,500	0.4	
Longevity Pay \$9.60 Rate Change to Charter Rate of \$2.50	967,335	403,056	18.6	
Police Officer Total	\$ 1,898,761	\$ 791,150	36.5	\$ 791,150
Proposed MOU for Comp Time Notice and Maximum Hire Back per Shift	\$ 236,880	\$ 98,700	4.6	\$ 98,700
Est. Maintenance Cost of Vehicle Driven Outside City Limits	\$ 783,608	\$ 326,503	15.1	\$ 326,503
1% PD Salary & Rollup Benefits Reduction	\$ 545,904	\$ 227,460		
7.5061% Salary Reduction Needed to Match Proposed PD Cuts			78.8	\$ 1,707,210
Total Salary & Benefit Concessions Needed Feb thru June			135.0	\$ 2,923,563
Plus: Proposed Non-Personnel & Non PD Position Cut Reductions				\$ 537,229
Alternative Police Department Reduction Total				\$ 3,460,792

City of Tulsa
 FY10 - Budget Reductions Analysis
 Estimated Benefit Cost - Selected Pay Groups

FRI, JAN. 22

4.4% Requested Police Department Reduction

\$ 3,000

Proposed Non-Personnel & Non PD Position Cut Reductions

Non Personnel Reductions \$ 128,364

Freezing Vacant Positions and Civilian Layoffs \$ 408,865

Total Proposed Non-Personnel & Non PD Position Cut Reductions

\$ 537,229

Revised Proposed PD Position Cuts

Revised PD Position Cuts 5 months instead of 5.5 months and to Match Reduction Target
 Avg Saving per Position - \$18,853

Position Count	FY10 Saving
155	\$ 2,922,221

Total Revised Proposed PD Position Cuts

\$ 2,922,221

Total Original Proposed FY10 Reductions Submitted by Department

\$ 3,459,450

Alternative Reductions

Police Officers - PD Contract Benefit Concessions

	Estimated Annual Cost	Feb thru June Estimated Cost	Avg # of Sworn Employees	
Proposed MOU for Comp Time Notice and Maximum Hire Back per Shift	\$ 236,880	\$ 98,700	5	\$ 98,700
Est. Maintenance Cost of Vehicle Driven Outside City Limits	\$ 783,608	\$ 326,503	17	\$ 326,503
Use JAG Grant - \$2.5 mil Available for 18 months	\$ 1,805,556	\$ 694,444	37	\$ 694,444
5.2% Salary & Rollup Reduction	\$ 2,838,701	\$ 1,182,792	63	\$ 1,182,792
Total Salary & Benefit Concessions Needed Feb thru June			<u>122</u>	<u>\$ 2,302,439</u>

Proposed PD Position Cuts After Concessions

\$ 619,781 33 \$ 619,781

Total Salary & Benefit Concessions Needed Feb thru June

Revised Avg. Salary+Rollups per position = \$18,853 for 5mo's

155 \$ 2,922,221

Plus: Proposed Non-Personnel & Non PD Position Cut Reductions

\$ 537,229

Alternative Police Department Reduction Total

\$ 3,459,450

JAN. 25

**City of Tulsa
FY10 - Budget Reductions Analysis
Estimated Benefit Cost - Police**

4.4% Requested Police Department Reduction **\$ 3,458,000**

Proposed Non-Personnel & Non PD Position Cut Reductions

Non Personnel Reductions \$ 128,364

Freezing Vacant Positions and Civilian Layoffs \$ 408,865

Total Proposed Non-Personnel & Non PD Position Cut Reductions **\$ 537,229**

Revised Proposed PD Position Cuts

	<u>Position Count</u>	<u>FY10 Saving</u>
--	-----------------------	--------------------

Revised PD Position Cuts 5 months instead of 5.5 months and to Match Reduction Target
Avg Saving per Position - \$18,853

155 \$ 2,922,221

Total Revised Proposed PD Position Cuts **\$ 2,922,221**

Total Original Proposed FY10 Reductions Submitted by Department **\$ 3,459,450**

Alternative Reductions to Laying off Police Officers

	<u>Estimated Annual Cost</u>	<u>Feb thru June Estimated Cost</u>	<u>Saved Sworn Employees</u>		
Establish Minimum Staffing Levels to reduce hire back overtime	\$ 890,340	\$ 369,000	20	\$	369,000
Est. Maintenance Cost of Vehicles Driven Outside City Limits	\$ 784,000	\$ 327,000	17	\$	327,000
Use JAG Grant - Available for 11 months	\$ 2,400,000	\$ 1,093,474	58	\$	1,093,474
5.2% Salary & Rollup Reduction	\$ 2,838,701	\$ 1,182,792	63	\$	1,182,792
Total February thru June			<u>158</u>	\$	2,972,266
Plus: Proposed Non-Personnel & Non PD Position Cut Reductions				\$	537,229
Alternative Police Department Reduction Total				\$	3,509,495

- 1 No officers permanently laid off if JAG grant amendment is approved
- 2 Includes hiring back the three officers laid off in November
- 3 FY 10 Furloughs continue into FY 11 -
- 4 5.2% Salary reductions continue into FY 11
- 5 Return all personnel to eight hour shifts
- 6 No SPIs in FY 11
- 7 If FY 11 General Fund revenues as of December 31, 2010 are projected to reach \$244 million, the City agrees to reopen FY 11 contract negotiations on wages.

JAN 26 2010

MEMORANDUM OF UNDERSTANDING
Amending the FY 2009-2010 Collective Bargaining Agreement

CITY OF TULSA
THE MAYOR

This agreement is entered into on the date last written below between the Fraternal Order of Police, Lodge 93, "FOP", and the City of Tulsa, Oklahoma, "City", to amend the FY 2009-10 Collective Bargaining Agreement currently in effect between these two parties. In order to provide some immediate financial relief in the Police Department budget in addition to furloughs the FOP agrees to further reduce the compensation of Tulsa police officers this fiscal year. As evidenced by their signatures below the parties agree as follows:

1. **Overtime.** From February 1, 2010 through June 29, 2010 all FLSA overtime worked by bargaining unit members will be compensated with compensatory time, not pay, up to the maximum accrual permitted by the FLSA for police officers.
2. **MOU on Hire Back.** The FOP has previously offered and signed an MOU restricting the hire back possibilities for officers. That offer shall continue in effect with one further condition that it is subject to ratification by the members of the FOP if accepted by City.
3. **MOU on Vehicles.** The FOP has previously offered and signed an MOU restricting officers from taking police vehicles outside the city limits off duty. That offer shall continue in effect with one further condition that it is subject to ratification by the members of the FOP if accepted by City.
4. **Wage Reduction.** The FOP will agree to a 5.2% combined salary and rollup reduction from February 1, 2010 through June 29, 2010. In the alternative, if the City Council approves any additional fees or taxes for the benefit of the Police Department this fiscal year, then said 5.2% shall be reduced and offset by any amounts received as a result of said fee or taxes.
5. **Layoffs.** In consideration for the foregoing, City management agrees there will be no layoffs or reductions from current bargaining unit positions for the remainder of the 2009-10 fiscal year.

This offer takes into consideration the fact that police officers have already reduced their compensation this year by 3.1% through furloughs. All other provisions of the FY 2009-10 collective bargaining agreement remain in full force and effect. An agreement between the FOP and City to amend any portions of said collective bargaining agreement, as set forth in this MOU, are subject to ratification by the FOP membership in the same manner as was the original agreement.

Fraternal Order of Police, Lodge 93

Date

City of Tulsa

Date

22A

SIGNED COPY DELIVERED
ON 01/26/10

COUNTER-OFFER
DELIVERED TO THE
MAYOR BY RON BARTMIER

**Memorandum of Understanding
Between Fraternal Order of Police 93 and
City of Tulsa, OK.**

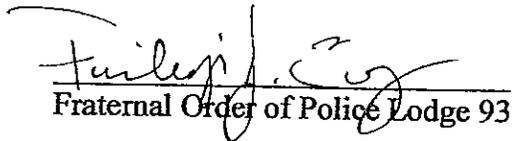
As a temporary measure to reduce the cost of operations in the Tulsa Police Department during the 2009-2010 fiscal year, the FOP and City agree that Article 20, Section 20.10 of the 2009-2010 collective bargaining agreement between the parties shall be modified as follows but only during the period from January 3, 2010 through June 29, 2010:

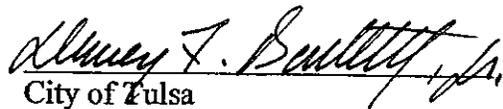
Section 20.10 All sworn Tulsa Police personnel assigned a vehicle shall be allowed to drive the assigned vehicle to their residence provided they live within the Tulsa city limits.

This MOU shall expire at midnight June 29, 2010. After this MOU expires the previously existing Article 20, Section 20.10 shall be reinstated and become effective on June 30, 2010. That Section shall read as follows:

Section 20.10 All sworn Tulsa Police personnel assigned a vehicle shall be allowed to drive the assigned vehicle to their residence provided they live within a twenty-five (25) mile radius of the geographical center of the Tulsa city limits. For purposes of this article, the intersection of 4100 South Yale Avenue shall be considered the geographic center of Tulsa. Employees requesting to take an assigned vehicle home outside the city limits of Tulsa, shall make such a request in writing and shall include the employee's home address and the distance from the geographic center.

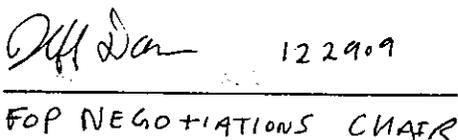
This agreement is not intended to change any provision of the CBA, policy, prevailing rights or Departmental practices other than the ones addressed herein and only during the effective date of this agreement.

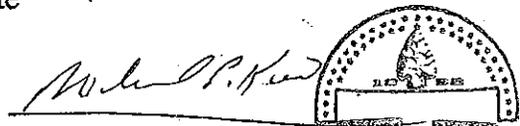

Fraternal Order of Police Lodge 93

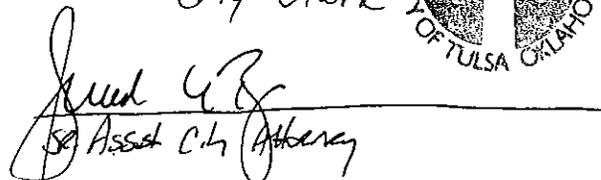

City of Tulsa

122909
Date

January 28, 2010
Date


FOP NEGOTIATIONS CHAIR


City Clerk


Asst. City Attorney



Memorandum of Understanding
Between
The City of Tulsa
And
Fraternal Order of Police Lodge 93

WHEREAS, this Memorandum of Understanding (MOU) is entered into by the parties to address the economic impact that the use of compensatory time has on the City of Tulsa.; and

WHEREAS, the City Of Tulsa ("City") and the Fraternal Order of Police ("FOP") (collectively "parties") agree that there will be an economic saving by amending the current procedures used in the requesting and granting of authorized absences as well as the corresponding need to hire back overtime officers to fill the vacancies created when said authorized absences are granted under the current system, and

WHEREAS, the parties recognize that the Fair Labor Standard Act (FLSA) allows for the parties to make agreements containing provisions governing the preservation, use, or cashing out of compensatory time so long as these provisions are consistent with section 7(o) of the Act.; and

WHEREAS, the parties agree that falling below the minimum manning levels established by each uniform division would adversely affect the operations of the Tulsa Police Department. Said Uniform Division manning levels being twelve (12) for 1st Shift, twelve (12) for 2nd Shift, and twenty (20) for 3rd Shift.

THEREFORE, BE IT RESOLVED, that as a temporary measure to reduce the cost of operations in the Tulsa Police Department for the remainder of the 2009-2010 fiscal year, the FOP and City agree to the following provisions:

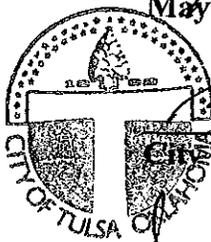
1. All changes, including any changes to the CBA, prevailing rights, policies or Departmental practices made as a result of this agreement shall expire midnight June 30, 2010.
2. At present officers may use compensatory time as long as they give at least 24 hours notice. From the date of this agreement until midnight June 30, 2010, the Department may deny compensatory leave unless officers give at least 72 hours notice to use said leave. The parties agree that due to unusual circumstances such a restriction shall be considered to be a reasonable notice period for the use of this leave during this period of time. If the established minimum manning levels of twelve (12) for 1st Shift, twelve (12) for 2nd Shift, and twenty (20) for 3rd Shift permit, the Department shall allow leave to be taken with less notice.
3. In addition to the 72 hour limitation, the Department may also deny compensatory leave if the affected shift at that specific Uniform Division has already had to hire back four officers

4. This agreement is not intended to change any provision of the CBA, policy, prevailing rights or Departmental practices other than the ones addressed herein and only during the effective date of this agreement.

It is agreed this 28th day of January, ~~2009~~ ²⁰¹⁰

Alvin F. Scott
Mayor

Paul J. Egan
FOP President



Michelle P. Ford
City Clerk

Alf Dams
FOP Negotiations Chair

Paul A. [Signature]
S.E. Ass't City Attorney

HB 2654

THE HOUSE OF REPRESENTATIVES
Wednesday, February 10, 2010

House Bill No. 2654

HOUSE BILL NO. 2654 - By: SULLIVAN of the House.

An Act relating to counties and county officers; amending 19 O.S. 2001, Section 547, as amended by Section 1, Chapter 366, O.S.L. 2008 (19 O.S. Supp. 2009, Section 547), which relates to deputizing certain persons; clarifying scope of mutual aid agreements; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 19 O.S. 2001, Section 547, as amended by Section 1,
2 Chapter 366, O.S.L. 2008 (19 O.S. Supp. 2009, Section 547), is amended to read as follows:

3 Section 547. A. The sheriff shall be responsible for the official acts of the undersheriff and
4 deputy sheriffs, and may revoke such appointments at the pleasure of the sheriff; provided,
5 however, for counties with a population of five hundred thousand (500,000) or more persons,
6 according to the latest Federal Decennial Census, with the exception of chief deputies and
7 undersheriffs, all deputy sheriffs and detention officers shall serve a five-year probationary period
8 during which the deputy sheriff or detention officer shall be considered an at-will employee. After
9 the five-year probationary period, such deputy sheriff or detention officer shall not be discharged
10 except for just cause. The sheriff or the undersheriff may in writing depute certain persons to do
11 particular acts.

12 B. Each sheriff may appoint as many reserve force deputy sheriffs as are necessary to
13 preserve the peace and dignity of the county. A current list of each person holding such

1 appointment shall be maintained by the county sheriff and shall be available to the public.

2 Reserve force deputy sheriffs may perform duties which encompass a particular act or a series of
3 acts. A sheriff or salaried deputy sheriff shall accompany a reserve force deputy sheriff in the
4 performance of all duties assigned to such reserve force deputy sheriff unless such reserve deputy
5 has completed the required one-hundred-sixty-hour basic police course. Reserve force deputies
6 may receive compensation for their services. The sheriff may pay reserve force deputies for travel
7 expenses pursuant to the State Travel Reimbursement Act. Such reserve deputy sheriffs shall
8 complete a one-hundred-sixty-hour basic police course within twelve (12) months after they have
9 been commissioned to be paid by the county as an individual reserve deputy. The sheriff may pay
10 for additional training courses attended by reserve force deputies.

11 C. 1. For counties with a population of two hundred thousand (200,000) or more persons,
12 according to the latest Federal Decennial Census, reserve force deputy sheriffs with at least one
13 hundred sixty (160) hours of training pursuant to Section 3311 of Title 70 of the Oklahoma
14 Statutes shall not serve more than one hundred forty (140) hours per calendar month.

15 2. For counties with a population of less than two hundred thousand (200,000) persons,
16 according to the latest Federal Decennial Census, reserve force deputy sheriffs with at least one
17 hundred sixty (160) hours of training shall not serve more than one hundred ten (110) hours per
18 calendar month.

19 D. The sheriff or a designee may deputize municipal police officers subject to an interlocal
20 governmental agreement to combine city and county law enforcement efforts and to encourage
21 cooperation between city and county law enforcement officials. Liability for the conduct of any
22 municipal police officers deputized under the terms and conditions of an interlocal governmental
23 agreement shall remain the responsibility of their municipal employer.

1 E. The sheriff may enter into mutual aid agreements pursuant to the Interlocal Cooperation
2 Act, ~~Section 1002 et seq. of Title 74 of the Oklahoma Statutes,~~ to allow the sheriff, deputy sheriffs
3 and reserve deputy sheriffs to enforce ordinances within a municipality or to assist or provide law
4 enforcement services to any town, city, and county within this state ~~and the.~~ The sheriff and
5 ~~deputies~~ deputy sheriffs shall have law enforcement authority within the jurisdiction making the
6 request. The employing governmental unit shall remain responsible for their officers or deputies
7 pursuant to any mutual aid agreement.

8 F. A sheriff of the county may respond to any request from any other jurisdiction within the
9 state for law enforcement assistance in cases of emergency. The sheriff, deputy sheriffs and
10 reserve deputy sheriffs serving in response to the emergency request shall have the same powers
11 and duties as though employed by the requesting law enforcement agency, and when so acting
12 they shall be deemed to be acting within the scope of employment of the requesting law
13 enforcement agency. Salaries, insurance and other benefits shall be provided in the regular
14 manner by the county in which the sheriff, deputy sheriffs and reserve deputy sheriffs are regularly
15 employed. As used in this subsection, "emergency" means a sudden and unforeseeable
16 occurrence or condition, either as to its onset or its extent, of such severity or magnitude that
17 immediate response or action is necessary to assist law enforcement agencies having jurisdiction
18 at the scene of the emergency to carry out their functions.

19 G. A reserve force deputy sheriff shall be authorized to serve civil process pursuant to
20 Section 2004 of Title 12 of the Oklahoma Statutes.

21 SECTION 2. This act shall become effective November 1, 2010.

22 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 02-09-
23 10 - DO PASS.
24

IAFF Membership Update

(This comes from an update I put out to our membership on Jan 29th through our website, it seems to show the date we discussed the grants and a little about what was discussed, will continue to look.)

Brothers and Sisters, There is some very concerning information going around and I would like to clarify.

First, Mayor Bartlett mentioned a JAG Grant that could be used help offset the cost of the budget cuts today. He stated that if used it would be equally split between police and fire. This grant is separate from the JAG Grant TPD received to pay for police officers. This Grant is used for response to Meth Labs. This grant is much smaller and if it can be split legally will not help our situation as much.

Second, information is coming from the City Council that they will try and force the Mayor to allow the FOP to use comp time in place of overtime for the remainder of the year and they will not have to any cut in pay. I have spoken to several Councilors and they are in fact going to try and put political pressure on the Mayor to do this. But the Council does not have the power to force the Mayor to take this action. But, if the FOP and the Council are successful in this plan the only way that we can reap the same benefit would be if the current proposal, that includes the Me Too Clause, we are voting is in effect. The language in the proposal is very specific if the FOP can reach an agreement with the City in which their members take anything less than a 5.2% reduction in personnel costs we will be given the same thing. If the proposal fails there is nothing in place that would guarantee us this same benefit. If the proposal is voted down everything included in it is gone. The current MOU that is in place DOES NOT have this language. We do not have any other benefits to bargain with other than the ones included in the proposal. In that regard we are not in the same position as the FOP. So if your intention is to reap the benefit of what the FOP may be successful in negotiating with the City from this point forward the only avenue to accomplish that is to have the current proposal in effect.

Please make no mistake I am not telling you how to vote. I am simply telling you the facts of the situation. I would hate for anyone to make a decision without knowing the facts. We have put a great amount of effort into the language in the MOU to assure that we will be treated the same as the FOP and receive the same reduction if they were able to negotiate a better deal. But that guarantee is gone if the current proposal is not ratified.

APRIL 26TH USE OF TCSO TO SUPPLANT TPD
PAGE #4**It's time for you to turn Pro.**

Some content not available on the free web.

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THE WALL STREET JOURNAL

WSJ.com

ECONOMY | APRIL 26, 2010

In Lean Times, Police Cuts Spark Debate Over Safety

By STEPHANIE SIMON

TULSA, Okla.—It has become a recession mantra: Do more with less.

Now, this heartland city is testing whether that's possible when it comes to public safety.

Since January, Tulsa has laid off 89 police officers, 11% of its force. That has pushed the city to the forefront of a national movement, spurred by hard times, to revamp long-held policing strategies.

In the crosshairs: community-policing initiatives created over the past two decades, such as having officers work in troubled schools, attend neighborhood-watch meetings and help small-business owners address nuisance crimes like graffiti. Such efforts are popular, and some experts credit them with contributing to the steady drop in the national crime rate since 1991.

But after years of expanding and taking on new duties, police chiefs say they have little choice but to retrench.

"Departments are pulling back to their Alamo—providing patrols and responding to calls for service," says Jason Stamps, director of professional training at the Northwestern University Center for Public Safety.

Cuts have swept communities from Stockton, Calif., to Naperville, Ill., depleting some departments to 1980s-era staff levels.

In New York, Mayor Michael Bloomberg recently vowed not to lay off cops, but tight budgets have slowed hiring so much that the force is down about 12% from 2000, with more attrition expected. Some violent crimes, including homicides, are on the rise. Paul Browne, a deputy police commissioner, says the department has kept a lid on problems by flooding high-crime areas with cops on foot patrol who practice community policing, such as checking in with merchants and pastors. Mr. Browne said the department is committed to such programs but acknowledges that "it's getting harder" to devote enough resources.

The strain in New York and communities nationwide reminds William Bratton, former police chief in New York and Los Angeles, of the 1970s and 1980s. Then, departments lacked resources to focus on crime prevention and community partnerships, or deal with crimes such as drug dealing and prostitution.

"You'd think we would have learned our lessons from the past," says Mr. Bratton, who now runs Altegrity Security Consulting. "Policing still requires boots on the ground."

Citizens and officers in Tulsa are finding out together what fewer cops means.

The police have curtailed community outreach, investigations, undercover work, surveillance, even traffic enforcement, and poured many remaining resources into bread-and-butter street patrols.

The domestic-violence unit lost two officers, leaving four to handle about 5,000 cases a year. The undercover

25

units that used to focus on armed gangs in public housing projects have disbanded. Veteran narcotics detectives are back in cruisers, answering 911 calls.

Mayor Dewey Bartlett Jr. believes this is the first step in remaking the department into a lean machine, with fewer high-paid supervisors in desk jobs and more cops on the street fighting bad guys.

Early numbers look good. Reported crime was down about 20% in February and 15% in March from year-earlier levels.

But officers and some citizens fear a vital balance has been upended.

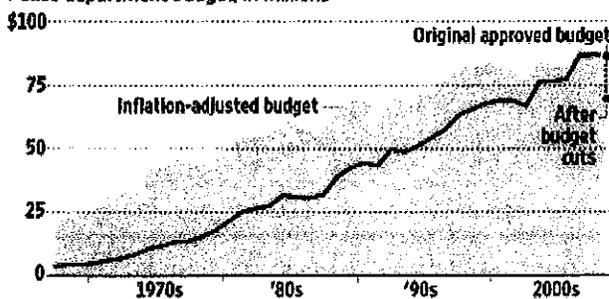
Detective Jason White points to a young mother who was hog-tied, then beaten, in a Valentine's Day dispute over stolen property. The police identified a 22-year-old female suspect. On March 9, they issued a warrant for her arrest. And there the matter has stalled.

Police know the suspect's mother's address, but can't spare the officers or afford the overtime to conduct stakeouts.

On the Chopping Block

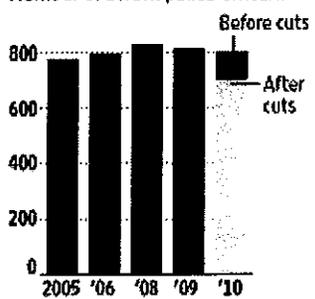
The Tulsa Police Department's budget has grown significantly over the past four decades. Now, spending cuts mean police officers are being laid off.

Police department budget, in millions



*Data unavailable for 2007

Number of sworn police officers*



Source: City of Tulsa; Tulsa Police Department

Tulsa, a leafy city of 385,000 set in a crook of the Arkansas River, funds most of its municipal budget through sales taxes, as many cities do. Over time, a greater proportion of that revenue has been directed to public safety.

In the past four decades, the city's population has jumped 17%—and the police department budget has soared to \$87 million from about \$4 million, according to a city council report.

The force expanded from 507 sworn officers in 1969 to a high of 829 two years ago, before falling to 702 today. Costs also rose due to union-negotiated salary increases and bonuses. Base pay for a recruit in Tulsa is about \$44,000, but officers can take home another \$7,000 to \$10,000 a year, or more, with overtime and other perks.

The city's average cost for each full-time police employee, including salary and benefits, is now 9.5 times what it was in the 1969-70 budget. By comparison, per-employee costs in the fire department are 8.5 times greater and costs for all other employees are about 8 times greater.

Officers get bonuses for longevity and fluency in a second language, and collect equipment allowances for serving in special units. Until this year, officers could drive their patrol cars home after work—with Tulsa taxpayers footing the gas bill—even if they lived miles outside the city.

The costs were manageable until last April, when sales-tax revenues plunged and kept on falling. The city budget was in shambles. Police, like other city employees, agreed to take eight unpaid furlough days. Incoming Mayor Bartlett, who took office in December, felt that wasn't enough.

Mr. Bartlett proposed halting promotions and abolishing a slew of senior positions through attrition. He also asked police to pay a larger share of their pensions. Otherwise, he said, he would be forced to lay off officers.

Firefighters accepted a similar deal. "They felt it was more important at this point to protect the city and keep everyone employed," says Stan May, president of the firefighters' union. But police called the mayor's offer extortion and accused him of union-busting. Members overwhelmingly rejected the deal.

The layoff notices went out within days.

The cuts leave Tulsa with 1.8 sworn officers per 1,000 residents, far below the goal the city council set several years ago of 2.5 per 1,000, which is also the national average.

Mayor Bartlett, who recently appointed a new chief, says he has "total confidence" that the existing force—reassigned to focus more on patrols—will be able "to prevent the criminal element from getting a toehold."

He hopes to bolster depleted detective units by hiring back some officers in the coming year, but says it isn't feasible to restore all the community policing.

Rick Westcott, a city councilor who served as a Tulsa police officer in the 1970s, says today's smaller force can get the job done: "Our citizens are just as safe as they were last year." The new chief, Chuck Jordan, isn't so sanguine: Without more cops, he says, he is concerned safety "will start to erode over time."

Strain is beginning to show.

Average response time for top-priority 911 calls (generally felonies in progress) was 18% slower this February than the previous year, edging up to eight minutes, according to city data. Response time improved slightly in March, to 7 minutes 30 seconds, 6% slower than last March.

One evening in late March, a 6-year-old girl ran from her home in north Tulsa. The department owns two helicopters with heat-seeking technology to assist in searches, but they have been grounded for lack of funds. So more than three dozen officers fanned out.

They found the girl unharmed. But the three-hour search tied up so many units that 911 dispatchers held a burglary-in-progress call for six minutes before finding a free officer, according to Sgt. Ron Kawano, who reviewed city dispatch logs at the Journal's request.

A call reporting a drunk man who was threatening to get a shotgun was held for nine minutes before an available patrol could be located, records show. And when three 911 calls in quick succession reported a woman being beaten, it took about 20 minutes for a single officer, with no backup, to reach the house. No arrests were made in any of the incidents.

Arrests citywide were down about 25% in February and March, compared with the previous year. Through the end of March, county prosecutors, who get most of their cases from Tulsa police, had filed 20% fewer felony cases than last year.

If the trend holds, that could indicate the city is safer. But some officers believe arrests are down because the detective corps was cut by nearly 20%, so fewer crimes are being investigated.

The department has also stopped sending detectives to question many suspects in custody. "We are losing confessions. We are going to lose cases," says Maj. Matt Kirkland, who oversees the detective division.

Some citizens, well aware of police anger at the layoffs, wonder whether some officers may be deliberately slowing down to show public safety has suffered. "This is smoke and mirrors," said Eddie Evans, a nonprofit administrator.

Others are simply annoyed. Ernest Soto said he has called the police repeatedly to report dangerous drag races on his residential street, but no officer has come to check it out. "It's irritating," he said. "We're paying for this. We should be getting a response."

Then there are citizens who no longer feel safe.

Marlena Greene, night manager at a low-budget hotel, used to count on a team of five undercover street-crimes cops to bust hookers and drug dealers outside her office. They broke up many a hotel-room meth lab. Ms. Greene had all their cell-phone numbers.

"I now have nobody to call," Ms. Greene said. She once tried 911, but said the cruisers arrived too late and without an element of surprise.

Chief Jordan is trying to minimize the impact of such cuts by policing more efficiently. He analyzed call and crime patterns and is shuffling shifts accordingly. By summer, he plans to assign all patrol officers dedicated beats—and build in time for them to get to know local residents—instead of deploying them across a 20-square-mile sector.

He's also pushing to adopt time-saving technology, such as a hand-held wireless device for printing traffic tickets. He's asking citizens to report some crimes online instead of taking up an officer's time. He's questioning other customs. Responding to burglar alarms eats up hundreds of hours of officer time each week, and at least 98% are false alarms. Is that worth it? Chief Jordan says no.

The true test in Tulsa will likely come this summer. The city has closed several swimming pools and recreation centers to save money. Strapped nonprofit groups have cut sports and mentoring programs. Some residents fear that will leave restless teens with little to do but make trouble. "In my mind, that's a recipe for disaster," Councilor Jack Henderson said.

One fear: a repeat of the Chicken Hut incident.

At 3 a.m. on Feb. 28, a young man was shot multiple times outside Chicken Hut, a fast-food joint in north Tulsa. Three officers arrived in minutes but were outnumbered by a hostile crowd of perhaps 150 people. Some were so intent on getting their chicken, they stepped over the wounded man, who eventually died, to reach the take-out window.

Sgt. Mike Huff, a veteran homicide detective, said it took a half-hour to get enough officers there to control the crowd. By then, some witnesses had left. Police haven't identified a suspect.

Mayor Bartlett says if trouble brews this summer, Tulsa can contract with the non-unionized county sheriff's department to help, at far lower cost than hiring more full-time cops. Mr. Bartlett also aims to push more of the existing force into beat patrols by hiring lower-paid civilians to handle chores like maintaining records. Citizens won't care, he says. "They just want to be safe."

The proposal infuriates police, who see the plan as another stab at union busting, an accusation Mr. Bartlett denies.

The debate will come to a head next month when the city council sets a budget for next fiscal year. Officers are in no mood to reconsider wage or benefit cuts. They say they're hoping a public outcry will force the council to bring more officers on board.

But no outcry has materialized. Everyone these days is getting by with less. The police should be able to do it, too, said Twan Jones, a 38-year-old community activist. "They have people being paid nice salaries to figure it out."

Tulsa Officer Phil Evans, president of the police union, finds such rhetoric disorienting. "It used to be that cities were proud of their police department," he said. "Now it's all about the bottom line."

Write to Stephanie Simon at stephanie.simon@wsj.com

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Terry Laflin

From: Surratt, Arthur [ASurratt@cityoftulsa.org]
To: Tuesday, March 23, 2010 8:07 AM
Subject: Webster, A. Daryl
FW: clarification

Chief Webster,

On 030810 Gerardo Velazquez from DOJ asked me if I knew a Stuart McCalman. I told him yes. Gerardo asked me if I was aware that he received an email from him. I said no. Gerardo forwarded the enclosed email to me to review.

Gerardo informed me that since I am the contact person on the grant, he would prefer not to discuss it with other parties. Art

From: Velazquez, Gerardo [mailto:Gerardo.Velazquez@usdoj.gov]
Sent: Monday, March 08, 2010 3:16 PM
To: Surratt, Arthur
Subject: FW: clarification

Gerardo Velazquez

State Policy Advisor

Bureau of Justice Assistance, USDOJ
7th Street, N.W.

Washington, D.C. 20531

Office: 202-353-8645

Fax: 202-354-4225

Email: Gerardo.Velazquez@usdoj.gov

BJA Grantee Resources: <http://www.ojp.usdoj.gov/BJA/resource/index.html><http://www.ojp.usdoj.gov/BJA/resource/index.html>

GMS: <https://grants.ojp.usdoj.gov>

GMS Helpdesk: 888.549.9901 (option 3)

OCFO Customer Service: 888.549.9901 (option 2)

PMT: <https://www.bjaperformancetools.org/>

PMT Helpdesk: 888.252-6867 or e-mail: <mailto:BJAPMT@csrincorporated.com> **HYPERLINK**

["mailto:BJAPMT@csrincorporated.com"](mailto:BJAPMT@csrincorporated.com) **BJAPMT@csrincorporated.com**

FederalReporting.gov Helpdesk: 877-508-7386 or email: Support@FederalReporting.gov

From: McCalman, Stuart [mailto:SMCCALMAN@cityoftulsa.org]
Sent: Monday, March 08, 2010 1:02 PM
To: Velazquez, Gerardo
Subject: RE: clarification

Not really, I'm just think in broad terms. I gues as it would relate to grant monies potentially being used as part of discussion with labor as to future contracts. I'm just a detail nerd and sometime get curious about things that don't ever happen...:)

From: Velazquez, Gerardo [mailto:Gerardo.Velazquez@usdoj.gov]
Sent: Monday, March 08, 2010 11:53 AM
McCalman, Stuart
Subject: RE: clarification

Mr. McCalman,

Can you detail "labor discussions"?

Gerardo Velazquez

State Policy Advisor

Bureau of Justice Assistance, USDOJ

810 7th Street, N.W.

Washington, D.C. 20531

Office: 202-353-8645

Fax: 202-354-4225

Email: Gerardo.Velazquez@usdoj.gov

BJA Grantee Resources: <http://www.ojp.usdoj.gov/BJA/resource/index.html><http://www.ojp.usdoj.gov/BJA/resource/index.html>

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PMT Helpdesk: 888.252-6867 or e-mail: <mailto:BJAPMT@csrincorporated.com> **HYPERLINK**

["mailto:BJAPMT@csrincorporated.com"](mailto:BJAPMT@csrincorporated.com) **BJAPMT@csrincorporated.com**

FederalReporting.gov Helpdesk: 877-508-7386 or email: Support@FederalReporting.gov

From: McCalman, Stuart [mailto:SMCCALMAN@cityoftulsa.org]
Sent: Monday, March 08, 2010 12:26 PM
To: Velazquez, Gerardo
Subject: clarification

Gerardo,

to follow up on our conversation, I am looking for any stated guidance as it applies to grant monies in the use of labor discussions.

Thanks,
Stuart

Stuart McCalman
Director of Government Affairs
City of Tulsa
(918) 576-5389

Simonson, Terry

From: McCalman, Stuart
Sent: Friday, January 22, 2010 4:42 PM
To: Simonson, Terry
Subject: JAG Grant

Terry,

As I was principle on COPS grant from pervious administration I just want to make sure you've got the right info as it pertains to the availability of the \$2.5 million from JAG grant to rehire officers.....DOJ has approved a previous request to reprogram \$544,000 to rehire three officers for three years. That 3 represented the 3 of the 21 previously laid off that were not rehired through the COPS grant .The additional monies available under the JAG grant could only be reprogrammed to rehire X number of officers for X number of years from original request if the application in change of grant is approved by DOJ. The application could not be submitted until layoffs occurred so as to demonstrate need, meet the supplanting requirement and to give accurate number of positions to be re-hired. I am confident that if layoffs do occur DOJ will approve request and hopefully do so expeditiously, but it is important you know that there is a chance that the request could be denied.

Stuart McCalman
Director of Government Affairs
City of Tulsa
(918) 576-5389

1

2

27A

From: Stuart Mccalman [stuart.mccalman@yahoo.com]
Sent: Monday, February 08, 2010 12:00 PM
To: District8
Subject: JAG Grant

Councilor,

With JAG Grant agenda item set for UED mtg tomorrow, I want to give you summary of where things are from the view from 15 (just between you and I)...

We currently have permission from DOJ to to use portion (almost \$550,000) of JAG grant to rehire 3 officers for 3 years. That's been on the table since last week of KT's tenure. At end of KT's term, TPD asked DOJ for permission to reprogram portion of grant in effort to rehire the 3 officers that were not rehired through the COPS grant. Ultimately DOJ approved reprogramming request though no action has been taken.

Almost 3 weeks ago, TPD submitted another request to DOJ seeking permission to reprogram JAG grant monies to use \$2.4 million dollars to hire 58 officers for 11 months. The request that was submitted mirrored what was offered relevant to JAG grant in the last proposal to FOP before they voted to accept layoffs. As of Friday, DOJ has yet to provide response/guidance. TPD did notify DOJ (left a voice mail) a little over a week ago that they may be looking to again change the request to allow for further reprogramming of the grant monies. This would help to explain why we haven't heard from DOJ on second request of 58 rehires for 11 months if they believe another change request is forthcoming.

If DOJ declines or we rescind current request (58 officers for 11 months) our grant obligation would remain where we are with 3 officers to be rehired for 3 years. If they decide to accept current request of 58 officers for 11 months, that will be our new grant obligation regardless of our own budget considerations. We will still have opportunity to send another request for reprogramming if they approve current request.

The severance pay-outs will have an effect on what, if any, further request is made to DOJ as it relates to number of officers rehired and for how long. An interesting question to ask would be how many, if any, fewer officers will now be considered to be rehired potentially using JAG monies because of the severance pay outs. Would we have been able to rehire even one more officer had we not waited this long to decide to act on these potential grant monies? And it is important to remember that, ultimately, DOJ has final approval of what we may and may not do with JAG grant monies. I always thought it peculiar that we were including these grant monies in negotiating process when we had NO approval, assurance or even indication of approval from DOJ that we could do what we were proposing to FOP.

From: Stuart McCalman [stuart.mccalman@yahoo.com]
Sent: Wednesday, February 24, 2010 6:52 AM
To: District8
Subject: JAG Grant

Obviously I would very much like this to remain between you and I, but you were and are absolutely correct on timing of JAG grant. I had been asking for over two weeks for Terry/Mayor to call DOJ and they just wouldn't do it for whatever reason. The only reason Rep. Sullivan called on our behalf is because I personally called their office and asked them to and the reason I had to ask them was because no one seemed interested in taking any initiative from our office on this issue. And we didn't have to wait for officers to be laid off, we could have sent in our request to DOJ at any point and asked to "retain" rather than "rehire". The question you need to ask is why no one from Mayor's office ever even bothered to call DOJ

Simonson, Terry

From: McCalman, Stuart
Sent: Monday, March 08, 2010 11:16 AM
To: Bartlett, Dewey; Simonson, Terry
Cc: Twombly, Jim; MacLeod, Kimberly; Jordan, Chuck
Subject: JAG Council agenda item

Mayor/Terry,

In response to the following agenda item, I have put together some dates/thoughts that may be of help (below)

09. Discussion with the Mayor, or his designee, regarding the JAG grants, their use to retain or rehire Tulsa Police officers, and Tulsa Police officer layoffs, including the costs, timing, communications with appropriate federal, state, and local agencies. (Christiansen) [UED 3/9/10] 10-73-4

- It seems to be the thinking of some on the council that at any time since the beginning of this Administration the use of JAG grant monies could have been used for the 'retention' of officers. This simply cannot be true as it was not until January 28, 2010 that FOP voted to turn down the Mayor's offer thereby making police layoffs imminent. Up until this point there would have been no case for retention as the expectation and hope was that FOP would accept the offer made thereby doing away with any need to 'retain' as there would be no layoffs. The earliest such a request could have been made to DOJ would have been January 28, 2010. Ultimately, the final request that was approved for rehiring of 35 officers for 17 months was submitted to DOJ on February 8, 2010. I've put together a timeline below of key dates that will need to be known in discussion with council tomorrow.

* Week of December 1: Taylor Administration is notified by TPD that DOJ has approved the use of JAG Grant monies to rehire 3 police officers for 4 years. These 3 officers were what remained of the 21 that had been laid off in the Fall but had been unable to be rehired through the monies made available by the COPS grant. It is important to note that the DOJ approval for the use of JAG monies for the rehiring of these 3 officers remained constant and available up until DOJ approval was ultimately granted to use those monies as part of final package of 35 officers for 17 months.

* January 27, 2010: Request is submitted to DOJ to reprogram JAG grant monies from original purpose to rehiring of 58 officers for 11 months.

* January 28, 2010: FOP rejects Mayor's offer making layoffs now imminent. It may be difficult for us to reconcile that we did not consider potential availability of JAG Grant dollars in discussions with FOP when reprogramming request was sent to DOJ day before actual vote was taken.

January 29, 2010: TPD notifies DOJ that they will most likely be looking to alter request submitted on January 27, 2010 as it relates to number of officers and length of time monies would be used to cover their related costs.

February 8, 2010: TPS submits request to DOJ to reprogram JAG grant monies to rehire 35 officers for 17 months

February 11, 2010: Compensation payouts made to laid off officers

February 17, 2010: TPD informed by DOJ that JAG Grant Administrator, Mr. Gerardo Velasquez, will be out until March 2, 2010 and that no decision can be made absent his return

February 18, 2010: I speak to Rep. John Sullivan's office apprising them of situation and inform them that their direct intercedence with DOJ may be needed.

February 19, 2010: After speaking to Mayor and garnering approval, I formally request help of Rep. John Sullivan in expediting DOJ decision-making process on accepting/rejecting proposed reprogramming of JAG grant dollars. We receive word late that afternoon from the office of Rep. Sullivan that DOJ has approved reprogramming request.

Stuart McCalman
Director of Government Affairs
City of Tulsa
(918) 576-5389

From: Stuart Mccalman [stuart.mccalman@yahoo.com]
Sent: Friday, March 19, 2010 4:55 PM
To: District8
Subject: Re: JAG Grant

I think it may just not be in his genetic make-up, but I can't imagine a scenario short of his job being at stake that Terry will publicly admit any culpability on JAG whatsoever. But per the memorandum released by TPD and the TW coverage, it may be beginning to get to that point

--- On Wed, 2/24/10, District8 <dist8@tulsacouncil.org> wrote:

From: District8 <dist8@tulsacouncil.org>
Subject: Re: JAG Grant
To: "stuart mccalman" <stuart.mccalman@yahoo.com>
Date: Wednesday, February 24, 2010, 9:53 PM

Stuart,
I know I am right AND will soon have the proof.
Lets have a beer at Leons!!!!
Bill C

On 2/24/10 6:52 AM, "stuart mccalman" <stuart.mccalman@yahoo.com> wrote:

Obviously I would very much like this to remain between you and I, but you were and are absolutely correct on timing of JAG grant. I had been asking for over two weeks for Terry/Mayor to call DOJ and they just wouldn't do it for whatever reason. The only reason Rep. Sullivan called on our behalf is because I personally called their office and asked them to and the reason I had to ask them was because no one seemed interested in taking any initiative from our office on this issue. And we didn't have to wait for officers to be laid off, we could have sent in our request to DOJ at any point and asked to "retain" rather than "rehire". The question you need to ask is why no one from Mayor's office ever even bothered to call DOJ

From: Stuart Mccalman [stuart.mccalman@yahoo.com]
Sent: Thursday, March 25, 2010 1:33 PM
To: District8
Subject: few things....

Councilor...please erase this after you read

First, are you going to Kenya to visit the ancestral home of our beloved el presidente Obama? Somehow I don't think so

As for the Council Investigation and the executive session this evening to determine scope and make-up, a couple things you should know.....

You probably already know or assume this because you smartly asked the question at Council mtg on Tuesday morning, but since last weekend Terry has been in discussions with Westcott as to what the council investigative committee would entail as far as scope and membership. As if Terry going on KRMG Monday morning to discuss proposed specifics of the investigative committee weren't proof enough, he made it clear at Monday morning director's meeting that he and Rick were in discussions and that they would like committee to consist of 4 folks that would at least include Rick, you, and Eagleton. He said they would like to keep it to 4 which, by pure coincidence, is exactly what was proposed yesterday by Westcott. Make no mistake, Westcott views his role in this as creating a situation as favorable as possible to Terry and to protect Terry through the committee's actions and council deliberations. As much as they can get away with without being obvious, they are trying to put the fix in. Additionally, Mayor had lunch with Westcott yesterday and is having lunch with Eagleton and Henderson today. This week is the first he's really done this with council and you can be rest assured they aren't talking bowling scores.

In response to the allegations put forth by the Deputy Chief's, Terry plans to respond, unbelievably, with the following:

(1) despite contention of Deputy Chiefs in letter, he was never made aware of possibility of JAG grant in December. He will say that the information the Dep Chiefs reference that was sent to me (Stuart) on December 8th was never provided to him by me. He will contend that he never heard of JAG until January....which I don't know how he will expect people to believe. I briefed Mayor and Terry in budget mtg in their FIRST day in office as to JAG availability and it was made very clear by them at that time that there would be no hiring of officers with any monies, federal or otherwise, at any time in the near future. There are quite a number of witnesses to this.

(2) He will contend, even more unbelievably, that at the first briefing by Dep Chief Webster and Larson in December he was not made aware of JAG grant or associated particulars as Webster and Larson did not brief on JAG despite their contention otherwise. He will say that all he received was some info on the COPS grant and not JAG. He will say it is the faulty memory of the Deputy Chief's that is at play as, again, the first he heard of JAG was until January.

How do I know he will contend these things?....because he informed me yesterday that this would be his contention. Its not often you get somebody to tell you that they are going to try to throw you under a bus before they do it....

**City of Tulsa
 FY10 - Budget Reductions Analysis
 Estimated Benefit Cost - Selected Pay Groups**

\$ 3,458,000

4.4% Requested Police Department Reduction

Proposed Non-Personnel & Non PD Position Cut Reductions			
Non Personnel Reductions	\$	128,364	
Freezing Vacant Positions and Civilian Layoffs	\$	408,865	
Total Proposed Non-Personnel & Non PD Position Cut Reductions	\$		<u>537,229</u>

Proposed PD Position Cuts

	<u>Position Count</u>	<u>FY10 Saving</u>	
Proposed PD Position Cuts Originally Submitted by Department	135	\$ 2,923,563	\$ 2,923,563
Avg Saving per Position - \$21,656			
Total Proposed PD Position Cuts			<u><u>\$ 3,460,792</u></u>

Total Original Proposed FY10 Reductions Submitted by Department

Alternative Reductions

Police Officers - PD Contract Benefit Concessions

	<u>Estimated Annual Cost</u>	<u>Feb thru June Estimated Cost</u>	<u>Avg # of Sworn Employees</u>	
Proposed MOU for Comp Time Notice and Maximum Hire Back per Shift	\$ 236,880	\$ 98,700	5	\$ 98,700
Est. Maintenance Cost of Vehicle Driven Outside City Limits	\$ 783,608	\$ 326,503	17	\$ 326,503
Use JAG Grant - \$2.5 mil Available for 18 months	\$ 1,805,556	\$ 694,444	35	\$ 694,444
5.2% Salary & Rollup Reduction	\$ 2,838,701	\$ 1,182,792	60	\$ 1,182,792
			<u>117</u>	<u>\$ 2,302,439</u>

Total Salary & Benefit Concessions Needed Feb thru June

\$ 621,124 31 \$ 621,12

Proposed PD Position Cuts After Concessions

148 \$ 2,923,563

Total Salary & Benefit Concessions Needed Feb thru June
 Revised Avg. Salary+Rollups per position = \$19,754 for 5mos

\$ 537,2

Plus: Proposed Non-Personnel & Non PD Position Cut Reductions

\$ 3,460,7

Alternative Police Department Reduction Total

City of Tulsa
FY10 - Budget Reductions Analysis
Estimated Benefit Cost - Selected Pay Groups

4.4 Requested Police Department Reduction

\$ 3,458,000

Proposed Non-Personnel & Non PD Position Cut Reductions

Non Personnel Reductions	\$	128,364
Freezing Vacant Positions and Civilian Layoffs	\$	408,865
Total Proposed Non-Personnel & Non PD Position Cut Reductions		\$ 537,229

Revised Proposed PD Position Cuts

	<u>Position Count</u>	<u>FY10 Saving</u>
Revised PD Position Cuts 5 months instead of 5.5 months and to Match Reduction Target		
Avg Saving per Position - \$18,853	155	\$ 2,922,221
Total Revised Proposed PD Position Cuts		\$ 2,922,2

Total Original Proposed FY10 Reductions Submitted by Department

\$ 3,459

Alternative Reductions

<u>Po'</u>	<u>Officers - PD Contract Benefit Concessions</u>	<u>Estimated Annual Cost</u>	<u>Feb thru June Estimated Cost</u>	<u>Avg # of Sworn Employees</u>	
Proposed MOU for Comp Time Notice and Maximum Hire Back per Shift		\$ 236,880	\$ 98,700	5	\$
Est. Maintenance Cost of Vehicle Driven Outside City Limits		\$ 783,608	\$ 326,503	17	\$
1% PD Salary & Rollup Benefits Reduction		\$ 545,904	\$ 227,460		
Use JAG Grant - \$2.5 mil Available for 18 months		\$ 1,805,556	\$ 694,444	37	\$
5.2% Salary & Rollup Reduction		\$ 2,838,701	\$ 1,182,792	63	\$
Total Salary & Benefit Concessions Needed Feb thru June				122	\$
Proposed PD Position Cuts After Concessions		\$ 619,781		33	
Total Salary & Benefit Concessions Needed Feb thru June				155	
Revised Avg. Salary+Rollups per position = \$18,853 for 5mos					

Plus: Proposed Non-Personnel & Non PD Position Cut Reductions

Alternative Police Department Reduction Total

City of Tulsa
FY10 - Budget Reductions Analysis
Estimated Benefit Cost - Police

4.4% Requested Police Department Reduction \$ 3,458,000

Proposed Non-Personnel & Non PD Position Cut Reductions

Non Personnel Reductions	\$	128,364	
Freezing Vacant Positions and Civilian Layoffs	\$	408,865	
Total Proposed Non-Personnel & Non PD Position Cut Reductions			\$ 537,229

Revised Proposed PD Position Cuts

	<u>Position Count</u>	<u>FY10 Saving</u>	
Revised PD Position Cuts 5 months instead of 5.5 months and to Match Reduction Target			
Avg Saving per Position - \$18,853	155	\$ 2,922,221	
Total Revised Proposed PD Position Cuts			\$ 2,922,221

Avg. if 5 mos used
instead of 5.5mos.
\$ 18,853.04
155

Total Original Proposed FY10 Reductions Submitted by Department \$ 3,459,450

Alternative Reductions to Laying off Police Officers

	<u>Estimated Annual Cost</u>	<u>Feb thru June Estimated Cost</u>	<u>Saved Sworn Employees</u>	
Establish Minimum Staffing Levels to reduce hire back overtime	\$ 890,340	\$ 369,000	20	\$ 369,000
Est. Maintenance Cost of Vehicles Driven Outside City Limits	\$ 784,000	\$ 327,000	17	\$ 327,000
Use JAG Grant - Available for 11 months	\$ 2,400,000	\$ 1,093,474	58	\$ 1,093,474
5.2% Salary & Rollup Reduction	\$ 2,838,701	\$ 1,182,792	63	\$ 1,182,792
Total February thru June			158	\$ 2,972,266
Plus: Proposed Non-Personnel & Non PD Position Cut Reductions				\$ 537,229
Alternative Police Department Reduction Total				\$ 3,509,495

- 1 No officers permanently laid off if JAG grant amendment is approved
- 2 Includes hiring back the three officers laid off in November
- 3 FY 10 Furloughs continue into FY 11
- 4 5.2% Salary reductions continue into FY 11
- 5 Return all personnel to eight hour shifts
- 6 No SPIs in FY 11
- 7 If FY 11 General Fund revenues as of December 31, 2010 are projected to reach \$244 million, the City agrees to reopen FY 11 contract negotiations on wages.

5.2% Salary & Rollup Reduction	\$ 2,838,701	\$ 1,182,792	63	\$ 1,182,792
Establish Minimum Staffing Levels to reduce hire back overtime	\$ 890,340	\$ 369,000	16	\$ 369,000
Est. Maintenance Cost of Vehicles Driven Outside City Limits	\$ 784,000	\$ 327,000	14	\$ 327,000
Use JAG Grant - Available for 11 months	\$ 2,400,000	\$ 1,492,010	65	\$ 1,492,010
				\$ 2,188,010
				\$ 3,370,802
	\$ 298,402			
Jag is good for 8 months	8.042841536		158	

**City of Tulsa
 FY10 - Budget Reductions Analysis
 Estimated Benefit Cost - Selected Pay Groups**

4% Requested Police Department Reduction **\$ 3,458,000**

Proposed Non-Personnel & Non PD Position Cut Reductions

Non Personnel Reductions \$ 128,364
 Freezing Vacant Positions and Civilian Layoffs \$ 408,865

Total Proposed Non-Personnel & Non PD Position Cut Reductions **\$ 537,229**

Proposed PD Position Cuts

	Position Count	FY10 Saving
--	----------------	-------------

Proposed PD Position Cuts Originally Submitted by Department		
Avg Saving per Position - \$21,656	135	\$ 2,923,563

Total Proposed PD Position Cuts **\$ 2,923,5**

Total Original Proposed FY10 Reductions Submitted by Department **\$ 3,460,**

Alternative Reductions

<u>Po</u> Officers - PD Contract Benefit Concessions	Estimated Annual Cost	Feb thru June Estimated Cost	Avg # of Sworn Employees	
Proposed MOU for Comp Time Notice and Maximum Hire Back per Shift	\$ 236,880	\$ 98,700	5	\$
Est. Maintenance Cost of Vehicle Driven Outside City Limits	\$ 783,608	\$ 326,503	15	\$
Use JAG Grant - \$2.5 mil Available for 18 months	\$ 1,805,556	\$ 694,444	32	\$
5.2% Salary & Rollup Reduction	\$ 2,838,701	\$ 1,182,792	55	\$
Total Salary & Benefit Concessions Needed Feb thru June			106	\$
Proposed PD Position Cuts After Concessions		\$ 621,124	29	\$
Total Salary & Benefit Concessions Needed Feb thru June			135	\$

Plus: Proposed Non-Personnel & Non PD Position Cut Reductions

Alternative Police Department Reduction Total

City of Tulsa
FY10 - Budget Reductions Analysis
Estimated Benefit Cost - Police February 10, 2010

5 Months

4.4% Requested Police Department Reduction **\$ 3,458,000**

Already Agreed to

Non Personnel Reductions	\$	128,364
Freezing Vacant Positions and Civilian Layoffs	\$	408,865
Establish Minimum Staffing Levels to reduce hire back overtime and savings from Keeping Cars in the City Limits	\$	696,000

\$ 1,233,229

Still Need in Savings

\$ 2,224,771

Value of 5.2% of Rolled Salaries is \$2,839,000 and 5 months is \$ 1,182,917

Equivalent of 5.2% Rolled Salary Savings through reduced Pension Contribution

\$ 1,182,917

Cost of City's Annual Pension Contribution at 13%

\$ 6,308,000

Cost of City's Annual Pension Contribution at 13% for remaining 9 pay periods

\$ 2,365,500

Savings Needed

\$ 1,182,917

City's Percent Share Based on Police Officers Picking Up \$1,182,917

Police Officers Pick up an Additional 6.5% Pension Contribution for the last 9 Pay Periods of FY 10

6.5%

Criswell, Cathy

From: Criswell, Cathy
Sent: Monday, March 08, 2010 12:38 PM
To: McCalman, Stuart
Subject: JAG - Collective Bargaining

I did not find any prohibitions. I looked at 42 USC - Chapter 46 and Public Law 109-162 and didn't see anything related to unions or collective bargaining. Here is a link to the financial guide that shows what costs are allowable and what aren't.

<http://www.ojp.usdoj.gov/financialguide/index.htm>

riswell, Cathy

From: Simonson, Terry [tsimonson@cityoftulsa.org]
Sent: Friday, February 26, 2010 4:06 PM
To: MacLeod, Kimberly
Subject: RE: statement and question
Attachments: image001.jpg

Kim

The answer on the JAG is that before the request to repurpose the money could be submitted, we needed to tell the DOJ these things:

1. The officers had been laid off. That happened after the FOP vote.
2. The chief had to tell the DOJ exactly how many officers and for how long would the grant employ them. That took Chief Jordan a few days.
3. This was all done within a week.
4. The request went in.
5. Washington was then closed for a week.
6. Several of us called and left messages with our DOJ contact but got no return call.
7. Received an email that our DOJ contact was out of the office until March 2nd.
8. Contacted Congressman Sullivan who intervened and got it approved last week.

From: MacLeod, Kimberly
Sent: Friday, February 26, 2010 3:18 PM
To: Simonson, Terry
Subject: statement and question

Terry, Doug Clark needs a statement (but requested an interview) about JAG grant and whether it could have been requested before the layoff – we need a statement on timing of the request...

Statement

"We have not rejected the FOP's latest proposal. Our team has scheduled a meeting next week to resume talks. We are still hopeful we can reach an agreement," said Mayor Dewey Bartlett. "We are not going to make a decision that will hurt us economically. It is bad economic policy to hire back officers for a few months (to the end of the fiscal year) then face layoffs again on July 1. Any agreement we make with the unions should be similar to each other, and we know from working with the Firefighters union leadership that we can work together and reach an agreement for the good of the community."

Kimberly Marsh MacLeod
Communications Director
City of Tulsa
596-7803 office
527-0164 cell
kmacleod@cityoftulsa.org
www.cityoftulsa.org
www.fixourstreetslive.com
www.tulsaamillionmiles.com



Riswell, Cathy

From: Bartlett, Dewey [DBartlett@cityoftulsa.org]
Sent: Tuesday, February 09, 2010 6:10 PM
To: Mayor
Cc: Simonson, Terry
Subject: RE:

Sounds good.

Dewey

-----Original Message-----

From: Mayor
Sent: Tuesday, February 09, 2010 4:40 PM
To: Bartlett, Dewey
Subject: FW:

FYI...

-----Original Message-----

From: May, Stan
Sent: Monday, February 08, 2010 10:48 PM
To: Mayor
Cc: Simonson, Terry
Subject:

Discussed the options we looked at today (Monday) and both options seemed to be acceptable to the members of the board I spoke with. The option on the clothing allowance may be the easiest to do. If you could express your intent to make some kind of adjustment for the firefighters when the announcement is made on the JAG grant would go a long way to keep me from being verbally abused beyond recognition. I will try to obtain the contact in Washington for Mr. Simonson about the SAFER grant rules and practices tomorrow, they had already closed down for a snow storm this afternoon. Thanks, Stan May

Criswell, Cathy

From: Simonson, Terry [tsimonson@cityoftulsa.org]
Sent: Thursday, February 18, 2010 4:43 PM
To: Jordan, Chuck
Subject: RE: JAG grant requests

Chuck

Since the press is starting to pick back up on what we have been doing about this and in light of the message below, I think it would be good if you or someone on your staff placed a call to either of the two back up staffers which Mr. Velazquez recommends. If they can help then great. If not, at least we followed his directions on who to contact in his absence. If this could happen on Friday that would be great. Thanks Chuck

Terry

From: Jordan, Chuck
Sent: Wednesday, February 17, 2010 10:26 AM
To: Bartlett, Dewey; Simonson, Terry; Twombly, Jim
Subject: FW: JAG grant requests

Gentlemen,

There has been a hitch in getting JAG grant reallocation approval. We are being told that the **ONLY** person at DOJ who can move forward on this issue will be out of the office until March 2nd. I don't know if any pressure can be brought to bear by the Mayor's Office or any other political entity to accelerate the process but that is where we stand at present.

Thanks,

Chuck Jordan

From: Webster, A. Daryl
Sent: Wednesday, February 17, 2010 10:15 AM
To: Jordan, Chuck
Subject: FW: JAG grant requests

This is the contact information for Mr. Velazquez' alternate while he is out of the office.

From: Surratt, Arthur
Sent: Wednesday, February 17, 2010 10:02 AM
To: Webster, A. Daryl
Subject: FW: JAG grant requests

From: Velazquez, Gerardo [mailto:Gerardo.Velazquez@usdoj.gov]
Sent: Wednesday, February 17, 2010 9:53 AM
To: Surratt, Arthur
Subject: Out of Office AutoReply: JAG grant requests

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I will be out of the office from Tuesday February 16, 2010 through Tuesday March 2, 2010 and respond to your email then. If you are having problems with the Grants Management System, please call the GMS HelpDesk at 1-888-549-9901, option #3. If you have

riswell, Cathy

From: Simonson, Terry [tsimonson@cityoftulsa.org]
Sent: Monday, December 21, 2009 3:42 PM
To: MacLeod, Kimberly
Subject: RE: Are you in today?

Okay. I'll call her. Thanks

Terry

From: MacLeod, Kimberly
Sent: Monday, December 21, 2009 3:30 PM
To: Simonson, Terry
Cc: Mosley, Lisa
Subject: Fw: Are you in today?

Terry, at your convenience would you call abbie, fox police reporter, and give her official position on the items listed in her email? 408-1414 - kim

From: Alford, Abigail <aalford@fox23.com>
To: MacLeod, Kimberly
Sent: Mon Dec 21 13:23:19 2009
Subject: Are you in today?

Kim,

I have been getting some calls on the possibility of the city using alternative funds for salaries but with taxpayer, council and federal approval. I wanted to check with the city on the numbers and also see if this was a possibility. The funds that have been brought to my attention and the amount is as follows:

Meeting the 4.4% reduction:

- Transferring \$3.1 M from the new vehicle fund (this would require a vote of the people as the money originated resultant of a specific tax).
- Sell one helicopter, \$1.1 M.
- Apply to have JAG money, \$2.2 M transferred into payroll (this would take Federal approval).
- These monies add up to \$6.4 M (a budget reduction to meet 4.4%).

Kim,

I know the city is working tirelessly on all options but I wanted to check and see if this has been option and if this possibility is an accurate number. Thank you again Kim and if you are not in today, who would I need to contact? Hope you have a wonderful Christmas. I fly out on the 24th so that should be an adventure:)

Abbie

Abbie Alford
Reporter
FOX23 News-KOKI
2625 S. Memorial Dr.
Tulsa, OK 74129
Ask: (918) 388-5260
Cell: (918) 408-1414 **New**
Fax: (918) 388-0516
aalford@fox23.com

Terry Laflin

From: Palmer, Ron [xRPalmer@cityoftulsa.org]
t: Thursday, January 21, 2010 12:38 PM
Cc: Twombly, Jim
Subject: Simonson, Terry; Bartlett, Dewey
Jag

\$2.5 M from current for 18 months saves 24jobs

Adding \$678K from previous JAG earmarked for lab equipment adds another 7 for 31 total. We would have to ask that this be redirected upon our request

Fyi. As per your request

Rp

Terry Laflin

From: McCalman, Stuart [SMCCALMAN@cityoftulsa.org]
Sent: Monday, January 11, 2010 6:32 PM
Subject: MacLeod, Kimberly; Simonson, Terry; Bartlett, Dewey
JAG Grant

Mayor/Terry/Kim,

It is important that you be aware of what TPD will be proposing tomorrow morning in Council for the following item on the 8AM PW agenda:

"07. Discussion with chief of police or his designee regarding \$2.1 million JAG grant funding and potential use for patrol officer salaries and benefits. (Bynum) [PW 1/12/10] 10-9-1"

Currently, the program allocations for the grant are as follows (this reflects the \$544,000 that TPD requested from DOJ be allowed to be reprogrammed for the re-hiring of 3 officers. Though this request was ultimately approved by DOJ, it was never coordinated with or approved by previous Administration)

1. Air Cards-\$949,059
2. 3 TPD Law Enforcement Officers-\$544,884
3. Meth Labs-\$150,000
4. Night Light-\$10,000
5. Compstat Analysts-\$644,069
6. SID Crime Analysts-\$176,747
7. Inventory Control Specialist-\$87,072
- }ANE Nurse-\$65,000
9. Community Intervention Center-\$123,000
10. Public Information and Education-\$15,000
11. Strategic Planning and Technology-\$25,000

It is now the intention of TPD to inform Council tomorrow morning that is its intention to request from DOJ that a total of \$2.5 million be allowed to be reprogrammed for the rehiring of officers if a reduction on force occurs. If there is a reduction in force, TPD would look to use these monies, dependent upon DOJ approval, to re-hire the number of laid off officers for a period of at least 6 months. I was informed that the \$2.5 million could hire up to 94 officers for the rest of the fiscal year. While unlike the COPS grant there is no associated out-year obligation with these monies, it does nothing to serve the long-term problem and only offers a temporary fix. Additionally, the Mayor could direct the Chief to accept grant as is and not to pursue any further requests for re-allocation/reprogramming.

As we discussed today, we just need to be prepared to respond

V/R,
Stuart

 t McCalman
Director of Government Affairs
City of Tulsa
(918) 576-5389

Terry Laflin

From: McCalman, Stuart [SMCCALMAN@cityoftulsa.org]
To: Friday, January 29, 2010 10:14 AM
Simonson, Terry; Bartlett, Dewey
Subject: JAG Grant

Mayor/Terry,

Though FOP voted to turn down the proposal put forth that included utilizing \$2.4 mil from JAG Grant for 58 officers for 11 months, the request for reprogramming of those JAG monies, which was sent to DOJ on Monday, remains as of late yesterday afternoon still pending with DOJ. If DOJ ultimately turns down the request, then the issue is moot and those existing monies can serve the original purpose of their awardance. If, as I expect, DOJ approves the request then a couple of decisions will need to be made.

If DOJ approves the reprogramming request you will need to decide whether those monies (a) should immediately be used for the rehiring of those positions and not as part of any further negotiation that could occur, (b) remain as a carrot for further potential negotiations with an understanding that the monies, per grant requirements, must still be used for rehiring at some point, or (c) have TPD submit another request to DOJ asking that the monies they approved for rehiring now be reprogrammed again for some other purpose. Also, there may still be time to withdraw the reprogramming request to DOJ though, the window on that is quickly closing if not already closed.

If DOJ approves the request submitted, the expectation should be that this will be publicly touted by FOP (if they have any sense) as a "savior" and a means to rehire 58 officers for 11 months at no cost to the city and will call on the Mayor to immediatley approve these rehires with these now available, Fed, monies. Depending on what our intention is, we should be preparted to respond.

iv. } two cents.....

-Stuart

Stuart McCalman
Director of Government Affairs
City of Tulsa
(918) 576-5389



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

May 24, 2010

The Honorable Dewey F. Bartlett, Jr.
City Hall At One Technology Center
175 E. 2nd Street
Tulsa, OK 74103

Re: Grants #2009-DJ-BX-1222
#2009-SB-B9-3102

Dear Mayor Bartlett:

Along with BJA's Oklahoma State Policy Advisor Gerardo Velazquez and Division Chief Jill Young, I want to thank you for coming to BJA and meeting with us on Tuesday, May 4, while you were in Washington. It was a pleasure to get to know you and to learn more about Tulsa and its public safety needs.

Below you will find my responses to the questions that you have asked regarding the recent request for a change in the use of the Recovery Act JAG grant and the 2009 JAG grant that were both awarded to the City of Tulsa in 2009.

1. To your knowledge, has anyone in the Mayor's office misstated or misrepresented any of the circumstances or information related to the administration of the JAG grant?

I am not aware of any misstatement or misrepresentation of the facts in any communications between City of Tulsa personnel or officials and BJA staff regarding the purpose or administration of the JAG grants.

2. Are there currently any pending concerns by DOJ regarding how and when the City of Tulsa processed its request for grant funds to be repurposed?

Following a careful review of Tulsa's grant file, including JAG requirements, assurances, certifications, and conditions of the grant, BJA does not currently have any concerns regarding the administration or change in scope related to the use of the grants. The documentation for the requested changes was found to be appropriately detailed and complete.

3. To your knowledge, did the City of Tulsa follow the supplanting requirements correctly when we made the request to redirect a portion of the JAG funds to retain/rehire laid off police officers?

BJA staff saw no evidence of supplanting, as defined under the JAG statute at 42 U.S.C. 3752(1), in either the original applications or in the requested changes to the grants. Please note that supplanting matters are referred to OJP's Office of the Chief Financial Officer for a final determination on these issues.

4. There has been a specific claim by some in the Tulsa Police Department that my Chief of Staff, Mr. Terry Simonson, in some way lied to the DOJ. From your review of the City of Tulsa's JAG application and from your interaction with Mr. Simonson, do you have any reason to believe this to be the case?

My primary contacts with Mr. Simonson took place approximately 2 weeks after BJA's approval of the change of scope request related to Tulsa's Recovery Act JAG grant and 2009 JAG grant. Mr. Simonson's email asked for clarification regarding the uses for the Recovery Act JAG funds and the related rules. I provided that clarification.

5. Do you believe that Mr. Simonson dealt with you in an open, honest, and professional manner?

My perception of any communication that I have had from Mr. Simonson was that he was conducting City of Tulsa business in a professional manner and that he was attempting to obtain important information directly from this office by requesting clarification on the purpose and intent of the JAG funds.

I must stress that the above responses represent my impressions alone from interactions that I have had with your staff.

As you are aware, OJP conducts audits and other oversight activities on a regular basis with grant recipients. Mr. Gerardo Velazquez, whom you met, will be scheduling several routine site visits with grantees in Oklahoma for September of this year and he plans to come to Tulsa for a site visit. If you have additional questions regarding the JAG funds or the administration of those funds, please do not hesitate to contact Gerardo at 202-353-8645, Division Chief Jill Young at 202-353-7302, or me at 202-353-8641.

Sincerely,



Carol C. Poole
Acting, Deputy Director
Bureau of Justice Assistance

01/26/10

KRMG Morning News

Denver Foxx and Rick Couri

Denver: And we continue to uh follow the story about keeping the police force intact and uh to keep the fire department intact not have to lay off people. Joining us on the line this morning is Mayor Dewey Bartlett and uh Mayor tell us the latest on the proposal to the police officers union uh is any possibility of that uh coming through?

Mayor: Well we certainly hope so uh Denver and uh uh as you know from the from the start we were uh uh our our our goal was that we would end up with at least giving the the uh unions and and the uh citizens the the uh probability of of no layoffs. And uh so were were still trying to trying to accomplish that. The uh uh Tulsa uh uh Police Department's Union uh has our latest proposal which does call cause uh call for for no layoffs. In fact if they agree to it uh we should have enough uh funds left to where we can hire uh back the three that were laid off last year. So it's actually a uh no layoff policy plus three. So it's it's a it's a good good proposal.

Denver: It's an interesting situation because the pink slips have already gone out. They know who's going to be laid off and uh so you know will they accept it and uh and try and stop that or not.

Mayor: Well, we sure hope so. I think it's in everybody's best interest uh certainly with the uh individual police officers uh I'm assuming they're looking at their at their families and uh their spouses are saying well if you get laid off what are we gonna do for for income and uh I'd say most of them uh they s... they would look at the opportunity that they will continue if they agree to the our proposal. They will they will continue to have a paycheck they will continue to have their pensions uh uh funded and most importantly as well they will also have their health care coverage uh funded and and available to their families.

Denver: How about this new uh suggestion about a voluntary fee added to utility bills to cover everything. What do you think of that?

Mayor: Well, it's it's been proposed before and to be honest with you I'm not uh I'm not too warm and fuzzy about it at this point. I think what we need to do is to show the public that we can live within our own means and that we uh we do have a process where I believe uh we can get uh all of our departments uh to operate more efficiently uh and uh once we get to that point uh if if it's if it's very apparent that we're uh short of revenues that uh uh I I do believe we need to eventually wean ourself off of the the uh strong ups and downs of our uh dependence upon sales tax revenue, but until we get to that point I think we need to show the voters that we can in fact uh manage our business well and uh then then at that point in time then I I certainly would would have no problem at all discussing alternative revenue sources.

Denver: I wanna ask you a little about our preparations for the next round of winter weather, but uh Rick has a question, Rick.

Rick: Uh uh Dewey we we obviously heard you say the other day that you you think there was a little bit of uh top heavying in the police department. Does this new proposal rearrange anything there? Does um um um the talk of the rearrange any of that there or is this strictly about numbers right now?

Mayor: It's it's mostly about numbers, but uh Rick it it does uh give the uh Union the opportunity to say yes they agree with the commitment to uh strongly evaluate re-organization of of uh uh management of of the police department. Uh our new interim police chief uh Chief Jordan uh he will have uh uh good opportunity to look at at uh at how our department is structured and uh if we're able to uh pass the rec the uh uh most recent proposal that's that's that's been presented to the union uh then that will give him the ability to uh interact very well with with the union and do his best for the union but also most importantly what best for the citizens of Tulsa and that is a well managed uh uh adequately funded uh fully manned police department.

Denver: And real quickly Mayor, uh another round of severe weather may be headed our way, nasty cold ice snow that type of thing uh are we set for that?

Mayor: Yes, we are uh the uh problems we saw uh over Christmas uh the Christmas holidays uh it looks like it will be somewhat potentially uh that that type of severity and I think we handled that extremely well uh we're we're we're uh adequately stocked with salt. We certainly have all our uh city employees ready to go we we were were ready. We we really don't know yet what's going to happen, uh but uh as we get closer to Thursday we'll have a better idea and we'll be we'll be positioned accordingly and we'll we'll take care of the problem.

Denver: Mayor Dewey Bartlett thanks for visiting with us today on KRMG.

02/10/10

KRMG Morning News

Joe Kelly

Joe: Joined by Tulsa's mayor Dewey Bartlett. Uh, Mayor what is the likelihood we're going to get these thirty-five officers back on the streets then from this uh this JAG grant.

Mayor: Well I, I think it's pretty good Joe. I what we'll have to do of course is wait for the uh members of the justice department to agree to a essentially a a reallocation of that money. Uh, when we received it uh last year uh it was for uh several specific purposes uh most of them uh related to the uh uh police department. Uh some of that money we've already we've we've already used uh about a half a million dollars of it, but uh the balance uh has not been utilized so far. I asked the uh uh uh police chief, Chief Jordan to uh look at what's left over and what we could uh use it for if it is uh if it could be reallocated and and if it should be and uh certain if certain of of the of the focuses of that money should continue to be used or or or should be used for uh returning police officers to work.

Joe: In in my conversations with the police union officials over the past several weeks they have often mentioned the JAG grants and that was money that could be utilized. Why wasn't this utilized sooner?

Mayor: Well it was uh uh discussed at different times. Uh Sometimes uh we we talked about it. Uh I, I did say when we were having our discussions uh over the past few months that the uh JAG grant money could be used uh, but it was uh something that would take a while to get a response back from the from the government. So and I said I wouldn't count on it being a uh of immediate use and uh one of the big points of contention was the uh police department wanted it to be used for uh only this current fiscal year which would which expires uh June 30th of this year. I wanted it spread out over a long period of time so it could be uh more more consistent and we could count on it for a longer period of time and if if we just had it for a few months uh it doesn't solve the problem. You know three or four months or five months from now the money runs out and people get laid off so why not try to use it for a longer period of time when people's jobs are more certain.

Joe: So now we have we've got to get permission from the Federal Government. The Federal Government is shut down this week because of this record snow fall that they've had and we're running up against this deadline Friday?

Mayor: Yes.

Joe: Because Friday's the day that the severance checks have to be written to the police officers who were dismissed.

Mayor: Yes, that is correct.

Joe: And then if if we write those checks then, we being the city of Tulsa, then the the numbers for everything changes and we, the the negotiation starts all over again?

Mayor: Uh it wouldn't start all over again, uh but the numbers will change. Uh what would have to be uh uh monies have would have to be reallocated or or be refigured uh because we would have paid out a million two.

Joe: Can can can that severance be delayed?

Mayor: Nnn uh, no it cannot

Joe: Even for the thirty-five officers who are at question here.

Mayor: That is correct uh because it would be uh, it it's still not a certainty and I uh at least I'm not aware that it can be delayed Joe. From what I'm told is no because we would be of, uh in vi in potential violation of some uh labor practices and and probably our union contract.

Joe: The the the recurring drum beat that we hear from the the police officials, specifically the the union officials, is that they don't or can't trust your administration. The the huh It sometimes seems like a shell game with these numbers because so often we keep hearing of well there's this money here, there's that money there, we have to let these officers go, we can hire these officers back. I mean how how does the average Tulsan look at the situation and and not concur with the police department?

Mayor: Well it's it's difficult because uh we don't have a consistent source of money. Uh Plus the the union contract uh ties our hands in many ways and we don't have a lot of lot of latitude over things. Uh When they voted down the uh the proposals that that that we presented to them, that their exec the executive committee agreed to, uh it's it kind of it it it really made things start all over again. We have a variety of of of ways that that we can uh try to accommodate uh the union contract, but we also uh have a reality that we have to cut ten million dollars from our budget by June 30th and as things progress and as more time uh gets behind us and as we get closer to the June thirty uh date, the end of our fiscal year, it exacerbates the problem.

Joe: Counselor Henderson is advocating uh an increase in sales tax. Will you get behind someone like that or a different a te a funding mechanism?

Mayor: Um uh not behind that. I think that the the sales taxes that we have right now are are al are already high. Uh If if if we added another penny uh it would ju it would make it almost 10 percent, 10 percent sales tax. I mean I think that would be uh very, very regressive and uh would would make uh people want to go shop elsewhere, over the internet especially. I mean ten percent uh on a hundred dollar purchase of ten bucks that would be just that that would be enough to make somebody go elsewhere.

Joe: Will you seek another funding option besides a sales tax?

Mayor: No, not at this point Joe. I think that we, uh I've said it consistently, that we have to live within our means. We have an opportunity to uh restructure our city services to where it's much more efficient and we and we can avoid having to uh to discuss a uh uh a sales tax. We've got that that capability right now. What we'll we'll be announcing Friday, uh uh with a uh uh uh group of very good civic minded people, a private funded uh uh study that is going to give us throughout the city, all city departments, a much more efficient and better run government that we can uh avoid a tax increase.

Joe: Tulsa's Mayor Dewey Bartlett here on the KRMG morning news. Mayor Bartlett thank you so much.

Mayor: Thank you Joe.

02/22/10

KRMG Morning News
Joe Kelly and Rick Couri

Joe: Terry Simonson is the Chief of Staff for Mayor Dewey Bartlett. He's joining us here on the KRMG Morning News. Hi Terry.

Terry: Good morning Joe.

Joe: First tell us what you know about the the counter proposal offered by the FOP for their ongoing contract discussions.

Terry: Well, we don't know a great deal of the details yet. Apparently the end of last week Thursday or Friday our negotiating team received a counter proposal, I believe it was by e-mail from the negotiating team for the FOP uh our team uh then began to go through it on Friday and today the Mayor and I are supposed to get a briefing on just what what the contents are of the counter proposal and how we want to respond to uh whatever it is they've included.

Joe: Now when you when you make reference to our team so who who is that then on your team that examines it. Are they lawyers or

Terry: Well okay it's actually three or four people. We have the finance director Mike Kier, we have the Director of Administration Jim Twombly, we have Jerry Bender from the legal department, and we have interim Chief Chuck Jordan. Uh there maybe one or two other people that come in, but those four individuals have been meeting consistently with the FOP team oh, for over the past couple of weeks and normally there would be a meeting there will be discussion some general concepts or ideas and then following that one side or the other would be sending the other a proposal or counter proposal. That's what we've been doing for the better part of this past month.

Joe: So obviously with that diversity of people who are looking at the contract, they're looking at it from both the the you know can we afford it perspective, the financial perspective, and the public safety perspective, they all have various interests in that particular proposal.

Terry: You're absolutely right and that's why we put a mix of people on there you know it doesn't do any good just to have a bunch of lawyers sitting down you know we need to have the Chief there to know what he needs and how he would deploy it. We certainly need Mr. Kier and the finance team there to make sure you know that the money works because at the end the of the day these proposals are really just various financial plans. That's really all that it is, it's numbers, it's math, it's amounts, and so they all have to be verified and checked to make sure everyone is on the same page, understand how it works and does it really reach the target of whatever is the budget reduction.

Joe: Alright now, do do any word as to whether or not the FOP proposal includes the the JAG grant money?

Terry: Well, I I'm not certain about that, but I had received some indication that it might and of course see that's gonna be an issue uh right off the bat because after we receive the approval to use the JAG grant late Friday uh we were told and we already had had known this that you can't use federal uh dollars, grant money or other money in a negotiating process as bargaining tools. You can't gamble with their money. It's for a particular project or a particular purpose that's not subject to any kind of negotiation's back and forth. So it the the very best scenario would be that this money could be used for the officers that were laid off in this fiscal year but it our understanding is it cannot be used in negotiations as we look forward to the next fiscal year. So, if that is part of their plan that we will be reviewing then there there'll be a problem with that because it it can't be allowed not because the Mayor doesn't want it to but because the Department of Justice says you cannot do that.

Rick: We we hear a lot of things about proposals, counter proposals and a lot of things that are are unclear as of now, but there's got to be one big things that is holding all of this up. What is that one big thing?

Terry: Well, Rick it's really uh it might be two things I would boil it down. Number one is you know the Mayor has said from the get go and he will I think not waiver from this is that we don't want a short term fix. We don't want a four month fix. We've already had two failed attempts at short term thinking in two thousand and nine, so we're not really interested in repeating failure or doing something that says you have a job through June but after that boy we're really not sure you know that's not smart planning that's not fair to the officers. So, we've got that problem and the second problem has always been this accumulation of compensatory time which uh is an unfunded liability it just incurs debt. Uh, the fire department has a cap of how much comp time a fire officer can accumulate. I think that's like forty hours. Uh, the police have a cap of like two hundred and forty hours and so that's always that's another issue that the Mayor again has been trying to put some kind of controls and caps you know on the spending uh the last things we need in this economy is more debt and more unfunded liability. So those two Rick I think would be the the two main issues the length of any kind of an agreement and that particular piece in the agreement.

Joe: Last couple of seconds here Terry. If you are expecting to get a briefing today on the FOP counter proposal at what point do you think that you will respond to them?

Terry: I would hope this week Joe because you know all though I haven't seen it I have to believe that if there is six or seven or eight kind of conditions or things going back and forth, it probably just really comes down to two or three like the two or three I just mentioned.

Joe: Yeah

Terry: What can we afford and how long should we go and the Mayor has said from the get go in these uncertain times I'm gonna look for anything I can that can be certain and telling seventeen officers or how ever many officers that you will have a job for at least seventeen months instead of saying you only have a job for four months is a little more moving into that certainty in these uncertain times.

Joe: Terry Simonson is the Chief of Staff for Tulsa's Mayor Dewey Bartlett joining us here on the KRMG morning news. Terry thank you.

3/10/10
KRMG Morning News
Joe Kelly

Joe: Joining us now is Mayor Dewey Bartlett's Chief of Staff Terry Simonson. Good Morning Terry.

Terry: Good Morning Joe.

Joe: Let's start with where were you yesterday during the uh the committee meetings. Uh Mayor Bartlett claimed he didn't know where you were and uh Jack Henderson and others were concerned about your whereabouts.

Terry: That that was so unbelievable I thought geez they have the Mayor uh you know. These meetings are every Tuesday morning for the most part I try to make them which I think was pre maybe not a common practice in the past just so that I'm available, but it always says on the agenda Mayor or his designee. And yesterday morning the KPMG team that is man... gonna help us get through some of the tough times they all arrived and I'm the project manager and so I was meeting with them and I told the Mayor I said you know they're here I need to spend some time with them and he said "That's fine, I can cover the meeting" So, I was meeting with KPMG team and he which you'd think he would be the best they could get because it's so rare the mayor could come that uh that he went uh along with Chief Jordon so uh normally you know when you look on these agendas it always says mayor first or his designee because they know the mayor can't probably spend a whole morning down there so he said "Well you stick with the KPMG people this is important they just got here, I can go cover the council committee meeting."

Joe: But didn't we hear him say on the or see him say in the video that he didn't know where you were?

Terry: I see I wasn't down there so I don't know what he said and I haven't listened to any any video. I was up here on the 15th floor because the three people had flown in from Chicago and uh and they had gone to their hotel settled in, come over to city hall and I was just kinda getting them to work.

Joe: Now after that meeting we learned of the e-mail from Carol Poole

Terry: Yes

Joe: From the Bureau of Justice Assistance and she writes that the JAG grant money could have been used prior to laying off these officers and then she writes sorry that's probably not the information that you wanted to hear. The the e-mail is sent to you. What did you send to her to elicit that response?

Terry: Good question and boy has this thing gotten confusing. What what this really comes down to is the matter of three days okay, and when is a layoff considered a layoff alright? So you know the mayor issued the layoff notices on Friday at 5 o'clock the twenty second of January. It was that Friday that the seven day seven day notice went out. Which meant that it was eminent it was pending within the next seven to two weeks you know you're going to be laid off okay. We were under the impression or thought that since two days later the FOP was going to be voting on a proposal that would have avoided the layoffs. The mayor gave them a proposal that would have avoided the layoffs and if they had voted for the proposal then we wouldn't even be talking about all this JAG money and all this.

Joe: But but I'm sorry Terry but didn't the proposal include the JAG grant money?

Terry: Well it included it and I don't have it in front of me, but you know but the proposal did not include layoffs okay it was used to help compensate offset uh uh try to make balance what the fire department had had also got.

Joe: Okay so I'm sorry but just for clarifications what included the JAG grant money but if layoffs were not gonna happen then it wouldn't have quite the urgency that it would if you knew layoffs were were gonna happen

Terry: That's right so when the FOP voted to for the layoffs, when the FOP voted for the layoffs on that Tuesday

Joe: Rather than pay cuts

Terry: Right, on Wednesday the Mayor said to Chief Jordan start get the process going get the application in and we knew Joe since this is all about money. This is all about when the money was walking out the door that the money would be walking out the door on the twelfth of February. So we knew we had until at least the twelfth of February to get the permission from the Department of Justice that we could retain or rehire these people because they had made it clear you can't make the request until some formal government action has been taken indicating there's gonna be layoffs okay. So we had that and we knew we until the twelfth before these checks and the issue of the money was all at hand. The mayor tells Chief Jordan get to work on it, tell me if there's anything you want to keep in the JAG, how many officers we can keep, how long we can keep them, and Chief Jordan did that and he e-mailed it off to Washington I believe it was on the fourth of February or fifth of February still a good week a good week before the money was going to walk out the door the request was in Washington DC to repurpose the JAG money and not cut the checks and then you know what happened. Then what happened, Washington shut down that whole week. The whole week and I later get an e-mail from Miss well actually I get a phone call from Miss Poole who was the one that authorized using it apologizing for me and admitting we've had your requests here since February eighth your request to reprogram it has been here since February eighth we weren't here to respond to it we apologize for our unresponsiveness. So they had it and could have given us permission at least five days before those checks were written out there so

Joe: So, I'm sorry but so what did your e-mail to her say that elicit that uh that response?

Terry: Well my e-mail to her simply said what day shou... what date do we go by? When is a layoff a layoff? Is it when the Mayor issued the layoff notices on Friday or when it was when the FOP voted for the layoffs on Tuesday? That was all I wanted to know.

Joe: But the and the answer that she provided was was surprising to you?

Terry: Well the answer she provided to me was the Friday okay was the Friday when the mayor the official government action not the vote by the FOP because we were still in negotiations with them and we thought okay we can wait one day we can wait two days there's gonna be a vote so maybe we won't have the layoffs. Which is all we were focusing on at the time was the layoffs. So I thought that the vote would be the date and she said no it actually would have been that Friday two days or three days before. We thought okay well that was we just didn't understand that, but that in the end didn't make the difference because we knew we had until the twelfth. We knew we had to get the request in before the twelfth and we got it in a week before the twelfth and uh nobody was there. Nobody was there. And she

Joe: I mean is this I mean is this as simplistic as saying this would have would have the layoffs would not have happened if it didn't snow in Washington DC?

Terry: That's absolutely right. If it hadn't snowed and blizzard out and closed the Federal Government I'm sure that on the eighth or ninth of February we would have gotten the permission and those checks those severance checks they never would have been written.

Joe: Terry will you release all e-mails related to this matter?

Terry: Sure I've got the one right before that yeah that's not I've got two that one and then the one you've got that she responded back so

Joe: Terry Terry Simonson is the Chief of Staff for Tulsa's Mayor Dewey Bartlett. Terry thank you so much for helping clear this up.

Terry: Okay Joe bye.

03/22/10

KFAQ Pat Campbell Show
Pat Campbell

Pat: Alright with that said we want to welcome aboard Mayor Dewey Bartlett. Mayor, welcome back to the Pat Campbell Show.

Mayor: Good morning Pat how ya doin?

Pat: Great, a couple of good things to talk about today, lets lets start with the uh the news that um apparently you guys got the JAG money. Thirty-five uh police officers could be rehired and I think we've gotta give uh kudos to Congressman John Sullivan, correct me if I'm wrong here he sort of uh expedited the whole process. Walk me through what happened.

Mayor: Absolutely he did he uh he helped tremendously. When we were uh trying to get the attention of the uh JAG organization, uh there was one individual we had to talk to to in order to get the uh their approval for us to uh essentially reallocate the the uh remaining balance of of the JAG funds that we had and if you uh we had made sent letters faxes calls all that no response, then then the blizzard hit uh Washington, Government was shut down for the week.

Pat: Right

Mayor: And we kept calling back nobody'd answer. Then the uh uh e the voice mail boxes were full and we couldn't through anything so we called John and uh he uh understood the situation he was aware of before we had talked and and uh so he put a call in to the Attorney General's office and uh just within a matter of hours literally uh we had a returned phone call from a high ranking individual and we got our we got got approval and and uh so that was that so that was great news he was a very very big help.

Pat: When do these guys come back or is this something the the FOP has to vote on. When when do things happen here?

Mayor: Uh I to be honest with you I don't know.

Pat: Okay

Mayor: Uh uh we didn't get all this all didn't happen until the very end of last week uh

Pat: Okay

Mayor: Uh late Friday afternoon haven't heard yet from the uh human relations department uh and the uh chiefs office yet but we're obviously gonna try to get this accomplished as soon as we can.

Pat: Let let me ask you another question here.

Mayor: Sure

Pat: Couple couple things popped into my head. First of all I'm assuming that all thirty-five of these officers got their severance checks. Do they have to give those back?

Mayor: They would there there will have to be some sort of adjustment Yes.

Pat: Okay, also when when uh Terry Simonson was before the um city council a couple of weeks ago and they were talking about this maybe happening there was also an issue where they might have to be given pay for the weeks, and I don't know what it is now is it 3 or 4 weeks that they've been without work?

Mayor: Oh uh gosh uh it it all runs together.

Pat: Is is that something that's gonna have to be addressed. Will they be given money for those weeks too or what what's gonna go on there?

Mayor: I wouldn't think so I mean it it it'd be my my position that uh they uh the the FOP had had agreed with the layoffs.

Pat: Okay

Mayor: And so it it was their decision uh so I don't think they should get paid for when they weren't working.

Pat: Interesting, alright now I wanna the next thing I wanna get to uh with you is is this latest offer by the FOP because it sort of just came out of the blue late last week and and a couple things pop into my head. I was under the impression and correct me if I'm wrong, but when we had you on the program and when I had Terry on the program Terry Simonson. Um there there was a timeline on this deal and once once the severance checks were cut and the money went out well that was it we're out of time guys uh you know the the that's the way things are gonna be. Was I mistaken did I did I misunderstand you is is is there has there been a change?

Mayor: Uh hadn't been anything changed you might have misunderstood just a hair. Uh what we said was that um after the checks go out if a deal was to be cut there would have to be uh the uh severance check, severance payment would have to be taken into consideration on on whatever deal we made we certainly weren't gonna give them a a severance and then and then rehire them again uh.

Pat: So in other words if lets lets and I don't know any of the details here they haven't been made public yet. But let's say this FOP deal is great and you decide you know what I'm gonna do it. All of the severance checks that have were paid out before those gotta come back to the city.

Mayor: In some manner shape or form some some it it would have to be addressed. Ei ei either we would get the checks back or a uh deduction would be made on whatever deal we make. You know something like that it there it would have to be uh be uh allocated for.

Pat: The other thing when I heard about his deal and again I don't have any of the details okay, They said they would return all 124 police officers and I'm thinking to myself well wait how can we do that? We we have been told number one the severance check issue okay number two we're told that many of these cops have already left for greener pasture in fact we had uh uh I didn't have him, but uh Elvis had District Attorney Tim Harris on the program. Tim's actually had to throw out a couple cases felony cases because they couldn't find the police officers that that were needed to testify. How can we bring back the 124 cops if we don't even know where they are?

Mayor: Well I uh I assume that the FOP knows where they are but uh you know we'll we'll ask them to i i if we don't have current checks for them we'd we should have current addresses for them.

Pat: Uh yeah I would think and and you know even the ones that that you couldn't find for or even Tim Harris couldn't find for for court appearances. I'm wondering did their severance checks ever make it to them.

Mayor: I no that's I assume that they've kept their addresses current.

Pat: Alright. Let me ask you another question here. What we we keep talking about JAG money. What is JAG an acronym for what it JAG money?

Mayor: Oh Justice Assistance Grant

Pat: Okay and what does that mean?

Mayor: It comes from the Justice Department and it

Pat: Is is that part of the stimulus money?

Mayor: Uh, I believe it is yes.

Pat: Okay and and are there are there um

Mayor: Actually Pat I'm not certain on that on that question, I'm just kinda guessing. I think it is, but

Pat: Are are there are there sort of strings attached to that what you can and can't use it for kind of stuff?

Mayor: Yes, uh one thing is uh that uh we had to apply for it. Apply for the grant

Pat: I got ya

Mayor: And it was for very specific uses in the uh Police Department. And so in order to change what the use of the of of the funds were going to be for we had to uh uh ask for a change of of the allocation. So it had to be reallocated to to our purpose which which was to uh uh hire uh rehire officers that had been laid off. Uh part of the deal is when it was given to us initially they said that in no manner shape or form can these monies be used uh in a negotiating process.

Pat: Got ya

Mayor: And so that's very important

Pat: So so if if and again this latest plan by the FOP if that includes JAG money that's not legal you can't do that?

Mayor: That is correct

Pat: Okay, so well that's important for the public to know.

Mayor: Absolutely

Pat: Don't you think?

Mayor: Yes

Pat: Now now the other thing with the uh this this this offer from the FOP. Have you personally seen it? I know that I think wasn't Twombly that was going to digest it have you seen it yourself?

Mayor: No I haven't seen it yet uh uh uh uh Jim Twombly is uh looking at it and I think we're having a meeting uh late this morning early this afternoon to discuss it uh uh discuss the negotiations to see if there's any uh anything in there that that uh that we specifically uh requested not to be included.

Pat: Right, what my my I a couple questions I've got on that. First of all I I know all along you wanted a seventeen or eighteen month deal

Mayor: Yes

Pat: And and if I'm hearing things correctly this this deal that's being offered by the FOP would only take you to the end of the the fiscal year that's that's four months that's like well why even bother.

Mayor: There's not much time left I mean uh uh the the purpose of the seventeen, sixteen, seventeen month uh requirement is that we want to to have some certainty involved in whatever we're doing

Pat: Right

Mayor: Because the the revenues that we're receiving are uh are up and down and and it's just not a consistency yet so we want to make sure that we're able to uh have certainty both from our stand point as well as from the officers stand point uh both sides in my view should have as long a deal as possible in order for uh the tax payers and the fire officers to be fairly served.

Pat: How long does this JAG money last for? Is is this only through the end of the fiscal year or is this a seventeen month deal?

Mayor: Seventeen month deal that

Pat: Seventeen

Mayor: That was one of the uh requirements that I that I had put on when we reapplied for it.

Pat: So you're going to be meeting with the FOP when and where?

Mayor: Don't have uh a meeting set yet uh. We're meeting the uh uh group in my office in in the mayor's office we're meeting uh I think late this morning or this afternoon.

Pat: What would have to be in that deal to make things doable? You you mentioned they can't use JAG money so if JAG money is included it's already uh it's it's it's a no go right?

Mayor: Yes that's correct. If if if if it was in fact uh

Pat: What's something you absolutely have to have in there? Does it have to be a seventeen month deal or can it be a four month? Are you open

Mayor: It I I guess I'm open to it. It it depends on how it's structured uh. The seventeen month deal is just about uh uh a if it's not there it's almost a deal breaker in my view because for one thing I I have told the fire department for example when we made the deal with them and and their union uh uh strongly supported our proposal uh I I said to them and the other city employees that there would be no favorites in this in this whole uh

Pat: Right nobody would get a better deal.

Mayor: Exactly everybody gets there there's no sweetheart deals from somebody just because they're they're uh waiting uh waiting longer than everybody else. That's not right.

Pat: Mayor Dewey Bartlett, we thank you so much for stopping by today. Keep up the good work.

Mayor: Thank you Pat

Pat: Appreciate it. Quick break back with more, great live local talk 7:47

3/22/10

KFAQ Pat Campbell Show
Pat Campbell

Pat: It is 8:08, yet to come, your chance to win lunch with me PC at Michael Fusco's Riverside Grille also a little bit later in the program we're going to be talk to State Representative Mike Ritz about what can be done at the state level to uh prevent what happened in DC from impacting us here in Oklahoma. That's coming up later in the program but right now we are joined by Dewey Bartlett's Chief of Staff Terry Simonson. Terry was the uh the subject of a news article uh late Friday, you've got three deputy police chiefs who are accusing Terry Simonson of lying to the US Department of Justice which is a pretty serious allegation. May in fact even be something criminal I've uh invited Terry on this morning to the program here to find out what this is all about. Terry welcome.

Terry: Oh hi Pat good morning

Pat: What what's going on here run me through the details?

Terry: Well, there's not any lying going on here what this is all about what it has been about for gosh I guess going on two or three months particularly in December and January was the whole issue about how and when the grant money that the city had received back in two thousand and nine could actually be used to retain or bring back any laid off uh police officers um and this whole issue uh and the controversy I guess if you want to say that is when could that request have been made by the Mayor to the Department of Justice to redirect the money from the original purpose of the grant to this purpose of of retaining or bringing back any laid off police officers.

Pat: Now these police chiefs are saying that they uh they made requests of of Dewey in fact the first day he was in office December eighth.

Terry: Well what happened was and and and here's the problem and I and and that goes back to the understanding of this grant um you know I think the city has known all along and sometime December January you know people knew that the money could be used for that. That really wasn't the issue the issue was when could the mayor make that request.

Pat: Uh huh.

Terry: And the difference of agreement is this. You know we don't we read the rules we read the requirements of the grant that that the mayor could not make that request until after the mayor had made a decision that there were actually going to be layoffs.

Pat: And that decision was made what January twenty second?

Terry: That decision was made January twenty second.

Pat: Ok

Terry: The way we read the rules is that you know at no time prior to that before that decision even though it might have been talked about discussed and embedded um in terms of what was required by the department of justice there had to have been an executive decision, executive order something um in order for the actual request to go in.

Pat: Ok so the clock starts ticking on the twenty second. Walk me through the time line.

Terry: So , so it it couldn't have happened in December and I don't know if that's what their position is or if their saying yes it could and we're saying no it couldn't um but the timeline then was that uh the mayor sent that out I believe it was five o'clock on the twenty second it was a Friday. Um we knew that two days later two work days later on that following Tuesday the FOP was going to be voting maybe we wouldn't have layoffs maybe they would accept the uh concessions that the mayor had put on the table because the mayor never ever put forward a proposal for layoffs never stated any intentions of layoffs before that Friday after the uh proposal was voted down the mayor then instructed the uh chief at that time Chief Jordan to begin the process within his shop to make the request and ship it off to the Department of Justice which we understand then they did. So the issue here is you know were did we know we could use it well sure that wasn't the issue. The issue seems to be well you could have made the request much earlier and we

Pat: And you're saying legally you can't

Terry: Right, the way we read the requirements that you know until the mayor did that and here's the reason why that's important Pat because the the big caution in this grant the big caution is that you can't have money for police officers and then say use this money to hire new police officers is the word called supplanting and they look at this very very carefully to make sure that but for this grant money you in fact would lose policemen so what they're looking for is someone to say that. Someone to have to have said that in this case the mayor has to have said I'm laying off police officers may we now use that grant money to retain or bring back at least some of them.

Pat: Which he did on the, what the twenty second right?

Terry: Well on the twenty second is when he issued the no... the seven day notice

Pat: Right

Terry: We consider the twenty second the day you know the the the earliest, the layoff notice, not necessarily when people actually walked out of the building, but at that point in time and the Department of Justice agrees with that

Pat: And there's also a problem with when when when uh Jordan got the stuff off to the Department of Justice there was the snow storm right?

Terry: Well, and there's another factor in the middle there

Pat: Alright

Terry: Ok if you'll remember um the mayor's position had always been he wanted a seventeen month you know deal you'll remember that

Pat: Right

Terry: With the police and fire and everything okay. So when he agreed uh after the vote to go ahead and ship off the request to the Department of Justice it was to be for thirty some officers for seventeen months but apparently the first request that went in from the police department following that was only for nine months. Now I don't know how or why or who decided on the nine months but that wasn't really the instruction or the direction the mayor wanted to go so it had to be resubmitted um and it did get there it got there in plenty of time before the twelfth of February which was actually the last day the day the checks were cut the severance checks were cut on the twelfth the check uh the request was in the Department of Justice's hands almost a full week before that but as you just pointed out nobody was there. The office

Pat: And and and the argument is that that had we not laid off the officers we would have saved ourselves what three hundred and what was it three hundred and seven thousand dollars in in severance pay right?

Terry: Well yes I think what their say what their one point is is that on that twelfth um three hundred and some odd thousand dollars was issued to the thirty or thirty five officers that subsequently we brought back and the and the criticism as I understand it had been the city never the city should have gotten the request in sooner to have prevented that and the city did get the request.

Pat: And I wanna I wanna to get back to the the deputy police chiefs who

Terry: OK

Pat: Who have accused you of of lying which is a very serious charge in the US Department of Justice.

Terry: Right

Pat: Ok, given that these guys are police officers I I'm assuming they must have some sort of evidence. They wouldn't they wouldn't do something like this based on pure speculation.

Terry: It's it's it's not really evidence, this is what it is so what

Pat: Whoa hold hold on let me let me finish the thought here. Do do they have do they have e-mails do they have personal communications between you and the Justice Department stating something other than what you've told us?

Terry: What they have is because of all of this confusion I sent an e-mail to a lady in the Department of Justice trying to summarize for her the two points of view what had been going on here and asking for some help and guidance. Ok I wasn't representing anything other than this is what's been happening we think this, others think this, can you help me. Apparently they disagree with my summary of what happened. It's not a lie it's a difference of this is how I remember what happened or what was said and they're stepping forward saying well that's not how we remember it. Well that's a whole lot

Pat: Who who who is this lady from the Justice is this Carol Poole?

Terry: Yes

Pat: Ok, and and where where is she different? The timeline or what she said you said or or

Terry: No she no she, we have there's no beef with the Department of Justice. We've never heard from them

Pat: Ok

Terry: They have no problem everything went through smoothly

Pat: Alright

Terry: The day the officers or the day we were allowed to use it she actually called I spoke with her

Pat: Right

Terry: And everything was fine so there's there is no issue been brought to us of concern

Pat: Well how does her story differ from yours then?

Terry: Well I don't that her story that she even has a story it's their story see they're disagreeing with my summary as I presented it to her which really the whole issue was

Pat: But that's that's not lying

Terry: No

Pat: I mean the the charge they're making is a very serious charge that you're lying

Terry: Exactly

Pat: To the Feds and and I I I again

Terry: It's not lying

Pat: Based on the fact that they're police officers I would think that they would have some hard evidence to substantiate the claim

Terry: No, all all that they, here's what it is. They're calling what they have is my e-mail and my e-mail is my summary, my recollection. They differ with my recollection so they're calling that a lie. Well I don't call that a lie. It's a different recollection of how it had happened but a lie as you just said in my way is that you intentionally made a material misrepresentation that harmed the city. To me that's a lie, well that never happened, never happened at all. What I was saying

Pat: How do you prove or disprove something like that?

Terry: You can't, I mean all I can say is well this is how I remember. We had some conversations in January well right there and we we had lots in January and December and that's one of their contentions is no no those conversations weren't in January they were in December. Ok, well that's not a lie. My memory is we had

Pat: Do do you keep minutes at these meetings?

Terry: Well no, no no they I mean they would come up different people would come up I mean and sit with the mayor and I and we had lots of them I mean lots of meetings uh

Pat: Alright now let me throw the other thing in here that that that makes this a little bit more serious. City Council Chairman Rick Westcott is quoted in the newspaper Friday as saying that he's going to call for a council probe

Terry: Well I and I think that's great I I welcome

Pat: Due to the seriousness of the allegations

Terry: This this is absolutely the right thing to do. This is what I've been waiting for because instead of people or or the looking for scapegoats we should just be looking for understanding the truth of what happened here and I don't there's not going to be anything that's going to rise in my opinion to the level of a lie. Ok, that just never happened I'm not stupid enough to lie to the Department of Justice when all I was trying to understand is are we doing the right thing here are we reading the rules right are we reading the regs right have we done the right thing here please can you give us some advice. That was the e-mail. That's all it was.

Pat: And none of this none of this and correct me if I'm wrong here, but none of this would have ever been an issue had the the FOP approved any of the four different offers that the mayor made.

Terry: Well that's right, but even even in one of the offers, ok we still put in in one of the budget

Pat: The final one you actually included JAG money did you not?

Terry: We we did because that would have saved some officers that's right and and that would have been our our presentation to the to the Department of Justice is that if we could use this money it will save thirty or thirty five officers so we always knew that at some point we were going to have to make the request to the Department of Justice which which we did and which they granted and the money was used. So if there had been anything I think like they're claiming I don't know that the Department ever would have given us the pos the the permission if they would have raised some red flags.

Pat: Is the Department of Justice conducting any type of investigation of their own?

Terry: No

Pat: No?

Terry: No no no absolutely not. No they approved it and its been used and there is no there's no uh investigation going on there's been no letters there's been no calls absolutely nothing as I said what all this really is is when they read the e-mail that I sent to her they said well that's not how we remember it he's lying and I'm thinking ok, but that's how I remember it but it's not a lie and it and the Justice Department isn't saying to me well if you that's a lie because it was just all it was about is when could the mayor use the money and what could he and and what did he have to document to prove that we needed it

Pat: Do you feel that these e-mails will vindicate you?

Terry: Yes, well I fell like you know if the burden is on them and and you have to go back to what you said ok. I mean lie is a four letter word, but there's five big things that a person always has to prove in that. You have to prove that the statement was intentional and that it was very significant not a small little thing it has to be very significant and that you did it to lead somebody to do something they otherwise wouldn't do. That never happened. I wasn't asking her to do anything she otherwise wouldn't do. I was asking her please help clarify and even in her e-mail back to me she was I know all of this is very confusing.

Pat: Where where's the mayor on this? Does he support you?

Terry: Oh yes because he was in the meetings. You know he was in the meetings with me when we were meeting throughout December you know and with January the city wasn't harmed the city hasn't been penalized the city's not being probed you know I think they're just upset because you know they are of the position well we came in and told you to use it in December and we're of the position we couldn't use it in December and we didn't find out until January how we could use it but here's the other issue this is really important. Nowhere in this e-mail are any of these officers names mentioned. None in fact one of them I've never met with on this so none of their names are mentioned in this e-mail. I'm talking about the Tulsa Police Management. We had conversations with Mr. Palmer I had conversations with Chief Jordan I'm not pointing the finger at any one of them their names are never mentioned yet they think I'm talking about them.

Pat: Who who are the officers that uh came out with this letter?

Terry: Um

Pat: I think I've got their names here. It's uh Deputy Chief Daryl Webster.

Terry: Right

Pat: Dennis Larsen

Terry: Right

Pat: And uh Mark McCrory

Terry: I never had any meetings with Mr. Larsen uh he must do a different function in the police department um sometimes Mr. Webster maybe once Mr. McCrory more than once and with the mayor and and yeah we had those meeting but that isn't what they're saying you know I didn't say we didn't have meetings.

Pat: Uh huh

Terry: I never said we didn't have meetings. Yeah we had meetings, but what really came to our attention for the very first time in January was the how and the and the when the mayor could actually make the request. And I had to go research some of that myself.

Pat: Some pretty damning accusations and and you know as I read the article that was in the newspaper on Friday it was it was it was light on evidence.

Terry: Well it is light and I I and you know there's we still have conflict with the police department I mean as you can understand you know over the last two months or so you know relations are strained still not happy with how the administration has handled you know some of the police issues. I think that's going to kind of kind of linger on. I think Councilor Westcott's doing the right thing. I look forward to showing them all the documentation that we had that the mayor relied upon and and that's really important because we

Pat: Now will that will that be something that's done in an actually city council meeting or will that be like in a closed session with council.

Terry: Well I think I think they will probably start something in an executive session

Pat: Got ya

Terry: Do something you know something like this and the other thing to remember is you know the city has a bunch of different grants and neither the mayor nor I we knew nothing about any of these grants

Pat: So you're you're confident you're going to be vindicated

Terry: Uh huh, oh yeah. When you if when you lay an accusation on somebody and say they lied to the Department of Justice

Pat: That's pretty heavy

Terry: When you're pointing to an e all it was was an e-mail that I sent to Miss Poole saying this is kind of what's happened can you help us help us sort through this. I don't think that's a lie It's like as Pat says I know last week I had I did this and I say no it wasn't it was the week before you're lying. You'd say I'm not lying I mean that was my recollection in my memory it doesn't really matter what day. What really matters in this particular case is when could the mayor request the money and there were a number of people that said you could have done it a whole lot sooner and we didn't read the grant that way Pat

Pat: So how soon does Westcott kick off the probe?

Terry: Well I think what they're going to do is I think they're going to have some executive session perhaps Thursday of this week.

Pat: Right.

Terry: So I would imagine it could start uh you know next week and that's good that's good

Pat: We'll continue to follow the story Terry we thank you.

Terry: Thanks Pat.

Pat: Terry Simonson uh Dewey Bartlett's Chief of Staff back with more next.

TULSA WORLD

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Tulsa mayor offers hope for laid-off officers

by: BRIAN BARBER World Staff Writer
Wednesday, February 03, 2010

Mayor Dewey Bartlett hopes to meet with the police union before the end of the week to see if they can come to an agreement that will bring back the 124 laid-off officers, he said Wednesday.

The more than \$1 million in checks for their severance, vacation and compensation time pay apparently have not yet gone out, he said.

Once that happens, it would be hard to bridge that expense gap and still bring that number back this fiscal year, Bartlett said.

"We would have to come to some resolution and get them to take it to a membership vote very quickly," he said.

Fraternal Order of Police Lodge 93 President Phil Evans said he hasn't heard from the mayor but is willing to sit down with him.

Bartlett said he and interim Police Chief Chuck Jordan have not made any decision on whether to apply to redirect \$2.4 million in Justice Assistance Grant money to hire back some of the officers.

The City Council will have its regular meeting at 6 p.m. Thursday, when it will further discuss and possibly take action on establishing a mechanism for the public to be able to make donations toward public safety.

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**MEMORANDUM
LEGAL DEPARTMENT**

TO: Mike Kier, City Clerk

FROM: Deirdre O. Dexter, City Attorney
Robert H. Garner, Chief Prosecutor

DATE: April 14, 2010

RE: LEGAL DEPARTMENT – NOTICE OF RECUSAL

The Legal Department hereby provides this Notice of Recusal and advises that it has a conflict or potential conflict relating to the City Council's investigation of false statements made to the Council and therefore the Legal Department cannot provide legal assistance with respect to the investigation.

Pursuant to the City of Tulsa Charter, Article III, §4, the City Attorney's office is charged with advising both the Mayor and the City Council with regard to legal matters. In addition, the City Attorney, through the Chief Prosecutor, is charged with prosecuting individuals who are accused of violating City of Tulsa ordinances. *See* Art. III, §4.G. Normally, these various duties do not involve a potential conflict of interest or the appearance or possibility of a conflict of interest. However, the City Council's current investigation of whether false statements were made to it by a member of the Mayor's staff in violation of 27 TRO §310 presents unique circumstances and creates, at a minimum, the appearance or possibility of a conflict of interest in providing legal assistance to both the Mayor and the Council on this issue.

Therefore, to ensure the integrity of the Council's investigation and that any decision the Chief Prosecutor may be required to make on whether City ordinances were violated, the Legal Department must recuse from providing any legal advice or assistance in connection with the Council investigation. This decision was made following a lengthy discussion among the majority of the management team in the Legal Department. In this way, the City Attorney's office, through the Chief Prosecutor, will be able to fairly and impartially analyze any information that may be provided at the conclusion of the City Council investigation, should the matter be referred to him to decide whether any charge or charges should be filed.

cc: The Honorable Dewey Bartlett, Mayor
The Honorable Rick Westcott, Council Chair
The Honorable Maria Barnes, Council Vice-Chair
Terry Simonson, Chief of Staff and General Counsel

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Officers' payouts to be \$1.2 million

by: BRIAN BARBER World Staff Writer

Friday, January 29, 2010

1/29/2010 4:27:13 AM

Read more about Tulsa's budget crisis and search a database of city employee salaries.

As more than 150 Tulsa police officers turn in their guns and badges and leave the force Friday, they will take \$1.2 million with them.

Each of the laid-off officers will receive an average of \$7,847 in vacation, compensation time and two weeks' severance pay, city Budget Director Pat Connelly told the Tulsa World.

Meanwhile, Tulsa's police union obtained a temporary restraining order Thursday in Tulsa County District Court to prevent four of the 155 affected officers from being laid off Friday because of seniority issues.

And some city councilors are looking to make changes in Mayor Dewey Bartlett's budget-cutting plan, but, at this point, they are not to prevent police or firefighter layoffs.

Police payouts: The laid-off officers are receiving so much money because many of them have a lot of accrued compensation time, some more than 200 hours' worth, Connelly said.

The payout range is from about \$2,300 to \$14,000, he said.

The Fraternal Order of Police Lodge 93 voted overwhelmingly this week to reject Bartlett's proposal to avoid the layoffs. It involved millions of dollars in salary cuts and other concessions.

At a news conference Thursday, Bartlett said the only option for the union at this point is to revote on the same proposal.

"I hope that's what they do," he said. "If they can imagine two or three months down the road when they haven't found a job, they are falling behind on their mortgage payments and bills are piling up, I think they would reconsider."

FOP representatives reached out to the Mayor's Office on Thursday with their previous suggestions to retain the officers, Bartlett said, but those ideas are still "unaffordable and unacceptable."

FOP Trustee Ryan Perkins said the idea of the union revoting on the same proposal "makes absolutely no sense, considering 90 percent were against it."

The mayor said he doesn't know whether he still will seek to redirect \$2.4 million in Justice Assistance Grant money to hire back some of the officers. That was part of his proposal to the union.

Bartlett said the grant money is already allocated toward other projects but that he will talk to interim Police Chief Chuck Jordan to determine its best use.

Tulsa firefighters are voting on a concessions offer from the mayor to avoid layoffs of their own. The result will be in Sunday.

If the proposal is rejected, the 147 firefighters who will be let go also will have payouts totaling nearly \$1.2 million, Connelly said.

Each of the laid-off firefighters would receive an average of \$7,829 in vacation, two weeks' severance and other cash benefits, he said. The payout range is from about \$2,700 to \$15,000.

A total of 59 civilian employees also are being laid off Friday. Each is receiving two weeks of severance and being paid for unused vacation time.

Court order: Tulsa County District Court Judge Linda Morrissey granted a temporary restraining order that

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prevents the city from laying off Officers John Williams, Naresh Persaud, Mary Bohanon and Aaron McPherson.

An attorney for the FOP, Jim Moore, said the officers maintain that their seniority is not being correctly factored by the city. The layoffs of the 155 officers are based on seniority.

The four making the claim are on the threshold.

A full hearing on an injunction is set for 2 p.m. Feb. 9. City officials said the Legal Department is reviewing the matter.

Council budget action: Four councilors will pursue a resolution next week stating the council's intent to raise the amount being cut from the city's Information Technology Department to 7.7 percent, or a total of \$1.3 million, to be able to reduce the cuts pending in other departments.

As it stands now, the IT Department is facing the same 4.4 percent cut as all other city departments, or \$744,000.

Councilor Bill Christiansen, who is proposing the action along with Councilors Jack Henderson, Roscoe Turner and Jim Mautino, said the effort is not to alleviate police or firefighter layoffs but instead to lessen cuts planned to the Lift Program, which is the para-transit bus service, the school crossing guard program and the Crime Commission.

"These are areas that we think are critical that have high impacts on the citizens of Tulsa," Christiansen said.

The resolution also recommends that the mayor achieve this savings by restructuring the IT Department to eliminate highly paid management positions.

The resolution will be up for discussion at Tuesday's council committee meetings.

Many of the councilors are concerned about losing so many police officers and possibly firefighters, Christiansen said. But the budget holes for those departments may be too much to overcome.

"Whenever you add money to one area, you have to take it from somewhere else," he said. "I don't know if we can accomplish that."

The council was briefed earlier this week by finance officials that budget amendments will be coming to them soon for approval to formally reduce the city's general fund budget by \$10.4 million.

Although councilors do not have control over employee layoffs, which is in the mayor's purview, they can seek to change the dollar amounts being cut from departments. Then the administration would have to adjust to the reallocations if the council has a veto-proof majority.

Bartlett said he hopes councilors "don't make any snap judgments based on emotions and not discussions with management."

"That could put us in a bad situation," he said.

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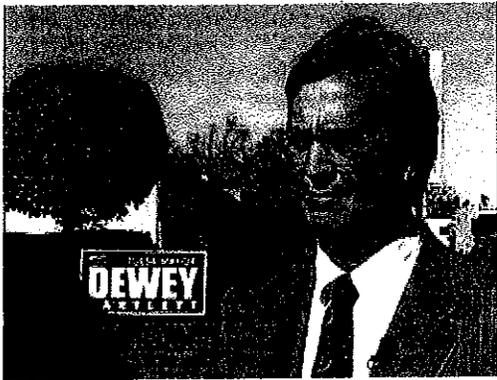
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KRMG Local News

18 Tulsa police officers laid off, rehired could lose jobs again

By Don Bishop @ December 15, 2009 3:27 AM [Permalink](#) | [Comments \(0\)](#) | [TrackBacks \(0\)](#)



TULSA, Ok. - City of Tulsa budget layoffs could mean 18 officers who were laid off and then rehired could lose their jobs again. Last week, Tulsa Mayor Dewey Bartlett asked city department heads to plan for \$5-million or \$10-million cuts to their budgets. The mayor's staff says he has not decided what to do about the problem. A \$1.7-million cut to the police budget could mean up to 27 officers could lose their jobs.

Tags:[budget](#) | [City of Tulsa](#) | [money](#)

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KRMG Local News

Tulsa Mayor sets January date to decide how many city employees will lose their jobs

By Don Bishop @ December 18, 2009 6:37 AM [Permalink](#) | [Comments \(0\)](#) | [TrackBacks \(0\)](#)



TULSA, Ok. - Tulsa Mayor Dewey Bartlett says cuts made previously may soon be restored to help trim city spending by \$10-million over the next six months. The mayor says he's not sure how many city employees will lose their jobs but he intends to make that decision on January 7, 2010. Each city department head will make recommendations to the mayor today on how to handle the cuts. Mayor Bartlett says he's pursuing new plans to get the police helicopter back in the air and turn the lights back on along expressways.

Tags:[City of Tulsa](#) | [Tulsa Mayor Dewey Bartlett](#)

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KRMG Local News

Recruiters from the Dallas PD to be in Tulsa to meet with local officers worried about layoffs

By Don Bishop @ December 21, 2009 6:14 AM [Permalink](#) | [Comments \(0\)](#) | [TrackBacks \(0\)](#)

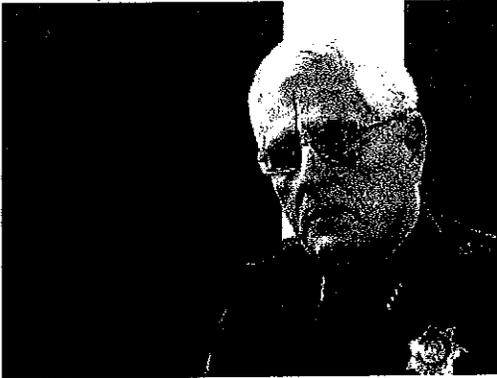


TULSA, Ok. - AM 740 and FM 102.3 News/Talk KRMG's Steve Berg reports Dallas, apparently, can't hire cops fast enough. Phil Evans with Tulsa's Fraternal Order of Police says the Big-D looking to add as many as 400 officers and he says Tulsa Police, with their high educational requirements, are considered a valuable commodity. Evans says, "We've got such a high reputation in the law enforcement field that they wanted to get down here and pick some guys up before the federal government got them." He says some Tulsa cops who are not at risk of layoffs are looking at Dallas, too, because they fear there could be more future problems.

KRMG Local News

City sales tax numbers to determine police officer layoffs

By Don Bishop @ December 29, 2009 5:24 AM [Permalink](#) | [Comments \(3\)](#) | [TrackBacks \(0\)](#)



TULSA, Ok. - Tulsa Police Chief Ron Palmer says the budget crisis layoffs could range from 56 officers up to a total of 135. He says, "These are the most difficult times I've ever seen." The chief says the smaller cut would include firing non-officers, cutting back on fuel and freezing job openings. Palmer says another option would mean no layoffs if the city did not buy new police cars and sold the older police helicopter. Voters would decide the issue.

Tags:[City of Tulsa](#) | [employment](#) | [Tulsa Police Department](#)

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June 15, 2010

Terry Laflin
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CONFIDENTIAL

DO NOT DISSEMINATE

Re: Tulsa City Council Investigation

Dear Mr. Laflin,

As legal counsel representing Mayor Bartlett's Chief of Staff Terry Simonson, I prepared this document and submit it based on my presence at your interview of Mr. Simonson on June 11, 2010, and other information gleaned from additional sources. The content, and any observations, opinions, statements or assertions of fact contained herein are mine and cannot to be taken or utilized as any statements or assertions of fact attributable to Terry Simonson.

Background

In December, 2009, shortly after taking office on December 8, Tulsa Mayor Dewey Bartlett informed all city departments that budget reductions in January, 2010, appeared likely, though it would not be known the amounts necessary until after the city received its sales tax receipts in January. Once the extent of the necessary budget reductions was more certain, then comprehensive discussions with each department would commence. The Mayor made it clear to all departments that it was premature at that time to talk about or discuss in depth any ideas for cost reduction or budget cut offsets. All 23 departments were required to and did submit 2.2% and 4.4% budget reduction plans before Christmas.

On December 18th, the Tulsa Police Department (TPD) presented their written cost reduction proposals which included the use of an *unidentified* grant, which they stated had in excess of \$2 million left over. Included is TPD's submission "Option Three," attached hereto as Exhibit "1." Exhibit "1" does not use the acronym "JAG" grant(s). However, "Byrne grant," and "COPS grant," are both referenced in Exhibit "1." Terry Simonson, the Mayor's Chief of Staff, does not recall any mention of "JAG" or "JAG grant" or "Byrne" or "Byrne grant" being mentioned at a short meeting with Deputy Chiefs McCrory and Webster on December 8, 2009, wherein the Deputy Chiefs were informed of expected budget shortfalls. Mr. Simonson does recall some reference(s) to a COPS grant by one of the Deputy Chiefs in this meeting.

Mr. Simonson's recall is that discussion of grant funding was minimal and all references to grants in the December 8th meeting with the Deputy Chiefs was either generic or to a COPS grant. The Mayor did specifically make clear to the Deputy Chiefs in the December 8th meeting his position that he was not inclined to use grant funds for purposes other than what the grants were specifically intended to fund. Rather, when discussions were to begin in January regarding reductions in spending in the police department budgets, he would look first for salary concessions, other spending cutbacks, and revenue generation opportunities. Therefore, the use of any grant funds, particularly specific grants identified by name or acronym, would have been extremely brief and definitely not the central topic of this meeting. More significantly, regardless of acronym or name, neither the Mayor nor Mr. Simonson was familiar with any of the federal grants.¹

For these reasons there were no requests from the Mayor in December, 2009 to the TPD, and no expectation, for in-depth and detailed information on the requirements,

¹ In researching federal Byrne and COPS grants, the best historical background on the internet is contained in the Library of Congress' Congressional Research Service's report on JAG grants prepared for Members and Committees of Congress, updated last in February, 2008. (See <http://www.policyarchive.org/handle/10207/bitstreams/18740.pdf>).

In the Section titled JAG Predecessor Grant Programs, the first subsection, "Edward Byrne Memorial State and Local Law Enforcement Assistance Programs" states: "The Byrne Grant programs were authorized by the Anti-drug Abuse Act of 1988 (P.L. 100-690). The Byrne Grant programs had two components, a formula grant program (Byrne Formula Grant program) and a discretionary grant program (Byrne Discretionary Grant program)" (footnote omitted).

The very next subsection, "The Local Law Enforcement Block Grant Program," states: "LLEBG, which was also a formula grant program was first authorized by Congress in the FY1996 Commerce, Justice, and State, the Judiciary and Other Related Agencies Appropriations Act (P.L. 104-134)."

The historical background of the "JAG" grants is set forth, stating: "*The Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162) combined the Byrne Grant programs and LLEBG into the Edward Byrne Memorial Justice Assistance Grant program (JAG). Congress consolidated the programs to streamline the process for states applying for funding under the programs*" (footnote omitted) (italics and emphasis added).

usage or conditions of any grants, and none was provided to the Mayor or Mr. Simonson in December, 2009.

Later, in January, 2010, when the possible re-direction/reallocation and potential usage of grant funding was considered by the Mayor, a very conservative approach to the requesting, the documentation required, and the use of such funding was taken. As the Mayor pointed out to the City Council urban development committee at its 3/9/10 meeting, the prior Administration's problem with usage of approximately \$2 million in HUD grant monies resulting in a serious violation of regulations and possibly statutes, was still a pending significant issue for the City. For that reason alone, extreme caution when dealing with grant funding was imperative, both to assure approval and proper usage. The City absolutely did not need another problem with the federal government regarding receipt or usage of federal grant money.

The bottom line is that any proposed or considered request, and the timing thereof, to the United States Department of Justice for grant money reallocation necessarily had to limit as much as possible the City's potential risk and exposure of failing the supplanting requirement and thereby risking denial of reallocation and jeopardizing the use of the grant money to retain or rehire the police officers. Therefore, the most conservative approach to the request and its timing was crucial to the success of the proposals made to the FOP in attempting to avoid the layoffs. But for approval of reallocation of the grant monies, retention would not be possible, the jobs would be lost and no solution to re-hire would exist.

Use of the terms "Retained," Re-hired" and "Saved"

What did or does each of these terms mean in usage related to the TPD layoff situation? I submit that the following definitions and applications are just as reasonable and logical as any others that could be assigned to these terms.

Retained -- A job status has changed from secure to jeopardized and some action had been taken to keep the job. In the situations under scrutiny, this occurred between the time the officers got the layoff notices (January 22nd) and the day their service was actually terminated, either Friday, January 29th or 31st depending on how it is viewed. The officers and their jobs weren't, respectively, gone and eliminated, yet both were in jeopardy absent a positive FOP vote accepting a City proposal.

Re-hired -- Job status has gone from employed to unemployed and the person is subsequently brought back to some type of employment status with the TPD. That would have occurred any time after January 31st.

Saved -- This is an obviously nebulous term, as the Obama Administration found out in attempting to spin the number of jobs "saved" by the government's stimulus spending. In the instant situation, it is such a nebulous term that it permits jobs to be counted or

discussed as "saved," either upon officers and their jobs being retained using reallocated grant monies or officers being re-hired using reallocated grant monies.

It is crystal clear that the Mayor's Office was trying to avoid the actual laying off/termination of service of the 155 officers. In the 1/23/10 Tulsa World article, "Layoffs loom – Police and fire unions weigh mayor's offers to save jobs," attached hereto as **Exhibit "2,"** the proposal submitted to the FOP that "would save 122 officer jobs ... Thirty-three officers still would be laid off under the plan." The proposal "includes using \$2.5 million in Justice Assistance Grant money during the 18 months and ..."

The very next day, 1/24/10, the Tulsa World article, attached hereto as **Exhibit "3,"** "Mayor's Office works on new plan to avoid police layoffs" again discusses use of the JAG grant money "to prevent officer layoffs," and "save 122 of those officer's jobs." The article states, in pertinent part:

Mayor Dewey Bartlett hopes that proposal will be completed by Monday morning and presented to FOP President Phil Evans by noon that day, Mayoral Chief of Staff Terry Simonson said Saturday. That would give the police union all week to look it over before the layoffs take effect. "We're working on new ideas and concepts that will hopefully address some of their concerns," Simonson said. "That would be the proposal we'd ask they put before their members for a vote." On Friday, 155 officers received seven-day layoff notices that they would be off the city payroll at the end of the following week. Later in the day, the mayor proposed a deal that would save 122 of those officers' jobs. Thirty-three officers would still be laid off. Simonson said the administration is looking at ways to reduce that number while crafting the newest proposal. "We're trying to work down that 33 by coming up with other ideas or other monies," he said. "The goal is zero."

Obviously, the Mayor and Mr. Simonson were operating under the belief that they could request DOJ to redirect the JAG grant funding prior to the layoffs taking effect if the FOP accepted the proposal and that such acceptance would save and retain 122 officer jobs and only 33 would actually have to be laid off. When the FOP rejected the proposal, all 155 layoffs were imminent and a certainty.

Since JAG grant monies were to be used or used, under any of the three descriptive terms – retained, rehired or saved -- there had to be the appropriate and acceptable documentation meeting the Recovery Act anti-supplanting requirement, that but for the JAG money, the position is lost, that is, "the reduction in non-federal

resources occurred for reasons other than the receipt or expected receipt of federal funds (See "Documentation and record Retention," below)." (Recovery Act Guidance Regarding Supplanting, **Exhibit "4"** hereto at page 2 of 6, "What is Supplanting? General Definition").

Most significantly, I call your attention to the language quoted immediately above, that is: "*the reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds* (See "Documentation and record Retention," below)." (Exhibit "4," hereto, at page 2 of 6). Regardless of the scenarios set forth in Exhibit "4," the actual "General Definition" clearly and unequivocally states that the "reduction occurred," utilizing the past and already happened tense, that to any competent attorney applying the definition to the layoff circumstance here, means that the layoff reduction had to have occurred and therefore, the documentation created in the ordinary course of business had to substantiate that the layoffs had already "occurred." . It is obvious that the ambiguities contained in Exhibit "4" itself creates confusion and could reasonably be open to all sorts of interpretations by any person attempting to read, understand and comply with its definitions and directives.

This confusion created by the contents, definitions and requirements issued by the federal government itself, permeated every analysis, opinion, strategy and action undertaken by the Bartlett Administration regarding the situation under investigation.

Mr. Simonson's dealings with the United States Department of Justice (DOJ) and its Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA)

Any allegation that Mr. Simonson made false representations or did something wrong in his dealings, whether orally or in email communication, with OJP or BJA is resolved beyond any question by the May 24, 2010, letter written by Carol Poole, Acting Deputy Director of BJA (**Exhibit "5,"** hereto). The contents thereof, and the fact that there is no allegation, inquiry or investigation by or on behalf of DOJ, OJP or BJA involving the reallocation of the JAG grant monies to rehire the TPD officers must conclude this aspect of the City Council's attempted and misdirected "investigation."

The City Council does not possess the authority to undertake this aspect of inquiry or investigation. Consequently, based on the contents and representations made in Exhibit "5," the lack of DOJ interest or investigation, and the lack of any authority whatsoever for the City Council to attempt determination of whether or not Mr. Simonson's dealings, actions with, or representations to, BJA were appropriate, no further response or explanation is necessary. Any attempt by the City Council to involve itself further in such an inquiry or investigation will be conducted at their own legal risk.

Allegation(s) of False Representation to the City Council by Mr. Simonson

Another apparent focus of the Council's purported investigation is making false or

deceitful statements to the Council in violation of the following Municipal Ordinance:

Title 27 - Penal Code Supp. 18 (7/1/08)

SECTION 310. FALSE STATEMENTS TO THE CITY COUNCIL

It shall be an offense for any person, in any manner to knowingly and willfully falsify, conceal or cover-up by any trick, scheme or device a material fact, make any false, fictitious or fraudulent statement or representation, or make or use any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry to the City Council during a Council meeting or Committee meeting.

Any person violating the provisions of this section shall be guilty of an offense and upon conviction shall be punished by a fine of not more than ONE HUNDRED DOLLARS (\$100.00), excluding costs and assessments, or by imprisonment in the City Jail for a period of not more than ten (10) days or by both such fine and imprisonment.

I am sure that you are aware and, hopefully the attorneys on the City Council are aware, that, although the particular wording of this section of the ordinance does not set forth the elements of the criminal offense, both the Constitution and case authority require that criminal acts be "knowingly and willfully" undertaken and that for fraud to have occurred, not only does a misrepresentation have to be made, but, at the very least, there must have been an intent that the misrepresentation be relied upon to the detriment of the person(s) to whom the misrepresentation or fraudulent statement is made. The terms "knowingly" and "willfully" are specifically defined in Title 27, Section 101(A) and (J), respectively.

It is also a requirement for many types of fraudulent misrepresentations that the person(s) to whom the representations are made actually rely to their detriment on such statement(s). It is certainly arguable here that the City Council would have had to actually rely on any alleged false or fictitious statement or representation in order for the knowing and willful statement to be legally a criminally punishable fraudulent statement.

Although I realize you are not the decision-maker, and are just gathering facts and information to be utilized by the Council to make some determination regarding the inquiry, I think it is important to set forth that any allegations would necessarily fail legally in the circumstances at issue here for the following reasons:

1. Mr. Simonson appeared before the City Council on February 23, 2010, after the events involving the JAG funding reallocation had occurred.
2. Any statement made by Mr. Simonson regarding the anti-supplanting documentation required by DOJ could not have been "knowingly" made under the

ordinance definition, because Mr. Simonson was merely informing the Council committee of what action(s) were taken as a result of certain opinions and conclusions the Administration formulated upon analysis of information received from others. Opinions and conclusions cannot, under any circumstances, legally constitute false, fictitious or fraudulent statements.

3. Regardless of whether the statement(s) under scrutiny were opinions, conclusions or "asserted fact(s)," the Council committee was not asked to make any decisions, take any votes, or take, or not take, any action based upon Mr. Simonson's statements. Even from their perspective, the most the Council committee could have been doing was relying on statements from individuals to obtain an understanding of what had happened and certainly not to their legal detriment.
4. All false statements are required to be "material." It is impossible that Mr. Simonson's statements constituted a material fraudulent, fictitious or false statement as clearly he was not misstating any material facts. The giving of his and the Mayor's opinion as to the JAG grant requirements, and even how and when those opinions were translated into actions and applied, have been conclusively found by BJA as appropriate and acceptable.
5. Regarding the "any asserted fact," as referenced in numbered paragraph 3, above, it is obvious from your questions to Mr. Simonson, and the accusation by Councilor Henderson made during the Council's session with the Mayor on this matter at the March 9, 2010, urban development committee meeting, that former TPD Chief Palmer has asserted that he did not state to anyone that the officers had to be laid off (termination-of-service) in order to apply for reallocation of the JAG grant. Mr. Simonson's statements in that regard at the committee meeting on February 23, 2010, were as follows:

In his opening remarks, Mr. Simonson stated:

In every one of the four proposals, the Administration came to the FOP, the JAG grant money was in there, they turned down every one of those proposals, as you know. Every single one of them. There was a component in there where the JAG grant money could be used. Had those – any of those proposals been approved in the beginning or second or third week of January, we then could have gotten a hold of the Department of Justice and said we want to use it for this purpose, but they denied every one of them. They turned down every one of the proposals until they finally went to a vote and turned it down. Once they turned it down, as you know, the layoff process started and that's when we could have asked the Department of Justice, okay,

layoffs are imminent. They're not likely, they're not possible, they're going to happen. And Chief Palmer told us that would be the triggering event to let them know and we would have to let them know for how many officers and for how long.

Mr. Simonson is later asked a question by Councilor Christianson, who obviously did not understand the context and use of the term "laid off" by Mr. Simonson in his earlier remarks, quoted immediately above.

BY COUNCILOR CHRISTIANSON: --I just don't -- what you're saying -- so what you're saying is that you couldn't ask for the JAG money to be used to -- for salaries until such time as you laid off the officers; is that right? They had to be laid off?

MR. SIMONSON: "That's what we were told by Chief Palmer. That's right."²

The use of "we" and "us" by Mr. Simonson refers to the Administration and not to Mr. Simonson, personally, and references Mr. Simonson's understanding of what Chief Palmer had advised other individuals in the Administration. The Mayor and Stuart McCalman had a number of meetings with Chief Palmer on this subject at which Mr. Simonson was not present. At no time did Mr. Simonson assert to you in his June 11, 2010, interview or to anyone else at any time that Chief Palmer made such statement(s) directly to him or that he ever heard Chief Palmer make such statement(s).

Response To Letter From Deputy Chiefs To Chief Jordan -- March 15, 2010

Significant information contained in the Deputy Chiefs' letter is either inaccurate, without factual basis or made without personal knowledge (therefore conjecture) by the individuals who authored this letter. In a number of instances these statements have been made with a reckless disregard as to their accuracy and truthfulness. As such, these

² The question and answer immediately following this quote of Mr. Simonson's answer to Councilor Christianson's question regarding a requirement that the officers had to be laid off prior to requesting grant funding reallocation is clearly illustrative of Councilor Christianson that any statement regarding the officers having to be laid off prior to a reallocation request to DOJ BJA was merely opinion:

COUNCILOR CHRISTIANSEN: Is that correct?

MR. SIMONSON: *We believed it to be correct*, yes, because ... (remainder of quote omitted here) (emphasis added).

attacks on Mr. Simonson's character and standing in the community are very serious and should have serious consequences to those making them.

Throughout this response the following will be used:

1. "DC" means Deputy Chiefs
2. "TPDM" means Tulsa Police Department Management" (Deputy Chiefs)
3. "Grant" means the second JAG grant received by the City of Tulsa
4. "DOJ" means Department of Justice

Responding to the letter of March 15, 2010, in the order in which the allegations were made is as follows:

Page 1 – part -1) - bullet points 1-3

Statement: *"Deputy Chiefs Webster and McCrory met with the Mayor and Mr. Simonson on December 8 and expressly asked that they consider the use of grant funds to prevent officer layoffs"*

Response: Most significant by its absence is any mention of "JAG" in reference to the grant funds referenced in the statement, above. December 8, 2009, was the very first day in office for Mayor Bartlett, and for Mr. Simonson as Chief of Staff. The meeting with the Deputy Chiefs touched on a number of topics, and necessarily so in a very general, non-specific way.

During this meeting the DC mentioned that the City had recently used the COPS grant to rehire a number of laid-off police officers but that there were still some laid off officers who had not been brought back and that there was still some grant money available to bring the remaining officers back. Again, Mr. Simonson does not recall any mention at this meeting of a grant known as the "JAG" grant, or that in fact there were two JAG grants and what their original purposes were. The Mayor made it clear very early in the December 8th meeting that he was not interested at that point in using grant funds for anything other than their original purposes and that it was premature in December to be looking at using grants to offset budget cuts. The Mayor did not give any indication that there was support for their position. For this reason the TPDM was not directed to provide any information on the requirements for using any grant funds and none was provided directly to either the Mayor or Mr. Simonson in December, 2009.

Statement: *"On the same day a copy of federal supplanting guidelines was emailed to Stuart McCalman, of the Mayor's office. These guidelines included a specific scenario that clearly demonstrated that grant funds could be reallocated to prevent layoffs from occurring."*

Response: This information was never emailed, faxed, mailed or otherwise physically presented to either the Mayor or Mr. Simonson by the TPDM, or by Mr. McCalman in December. Neither the Mayor nor Mr. Simonson had any knowledge that Mr. McCalman had this information, nor would McCalman have been expected to present this information to the Mayor or Mr. Simonson because of the Mayor's previously stated emphatic position that he was not interested in looking to the redirection of grant funds to offset budget shortfalls. The first time this information was presented to Mr. Simonson by Mr. McCalman was after December, 2009.

Sometime in January, 2010, Mr. McCalman made Mr. Simonson aware of the "Exhibit "4" information concerning various federal grant "supplanting" requirements that McCalman had apparently received from the TPDM which was taken off of the DOJ website. This was the first time that Mr. Simonson had heard about "supplanting" or learned that, before any request/application to DOJ to re-purpose funding of certain grant programs from their original purpose award, "ordinary course of business" documentation was necessary to substantiate that "supplanting" had not occurred. Mr. Simonson is an attorney and has practiced law for many years. The documentation examples set forth in Exhibit "4," in the section "Documentation and Record Retention," are obviously official "ordinary course of business" documents that would, to an attorney, exclude letters, memoranda and paperwork prepared in an effort merely to meet the documentation requirement.

It is certainly reasonable, and would seem cautious and prudent when navigating unknown waters with the federal government, to arrive at the opinion and belief that, in order to meet the documentation requirement, the TPD officers would at least have to actually receive official notification of their laid off status through the official January 22, 2010 action announcing and issuing layoff notices at least 7 days in advance, as required. Of course, Mr. McCalman, the Director of Government Affairs for the City of Tulsa, was also advising Mr. Simonson and the Mayor as to the prohibition of supplanting and documentation requirements to substantiate the same.

The Mayor and Mr. Simonson relied heavily upon the advice and counsel provided by Mr. McCalman, who represented to the Mayor that he was very familiar with all of the grant requirements, and that the grant documentation requirement, reflecting that supplanting did not occur, and as of January 22, 2010, was advising that the officers had to already been laid off, as clearly stated in his January 22, 2010 email to Mr. Simonson, attached hereto as **Exhibit "6."**

The use of the terms "layoff," "layoffs" and "laid off" have been used in at least four contexts by various individuals: (1) By instructing the Human Resources Department to issue layoff notices, the Mayor laid the officers off on January 22, 2010; (2) The officers were laid off and the layoff process began after the "no" vote of the FOP on the City's proposal on January 26, 2010; (3) The officers were actually laid off on the last day of the month of January, 2010, when their service to the City was terminated; and

(4) At the March 9, 2010, City Council Urban Development, the Mayor stated that the layoffs occurred on February 5th, which was the date the officers turned in their weapons, badges, etc.

Mr. Simonson has never stated that the grant funds could not have been reallocated to retain the officers, that is, prevent actual layoffs (termination-of-service). Due to Mr. McCalman's advice and their reliance on it, both Mr. Simonson and the Mayor were unaware of any means to request re-allocation of grant monies in advance of the ordinary course of business action(s) that had to be documented to substantiate that supplanting had not occurred. It is significant and only reasonable for an individual, particularly a newly elected City leader, unfamiliar with the federal bureaucracy, and having read the ominous documentation requirement, to assume that if application/request for the re-allocation was made *in advance* of the action that a federal government audit would/could draw a negative inference that the documentation of action(s) taken *subsequent* to the request was *not* in the ordinary course of business.

It should be emphasized that despite Mr. Simonson's *personal opinion* that the "triggering event" could have been the January 22nd layoff decision and notice, the Mayor's position regarding the certainty necessary to meet the documentation requirement was that until the FOP vote was taken the layoffs were not "imminent." Mr. Simonson, as the representative of the Mayor, was required to take that official position. *It is consequently irrelevant that Mr. Simonson may have held his personal opinion at that time or that he holds it now.* The March 8, 2010, email, attached hereto as **Exhibit "7,"** was sent from Mr. McCalman to Mr. Simonson, and the Mayor, copied to Chief Jordan and others, and clearly indicates that the FOP vote scenario was the accurate position. It is equally clear from the video of the March 9, 2010, Council committee meeting that the Mayor is reviewing and referring to the bulleted talking points set forth in Mr. McCalman's email.

As has been clearly indicated by Mr. Simonson, and the facts substantiate, that if the FOP had voted, in advance of January 29, 2010, to accept the City's proposal that included the use of JAG grant reallocated funds, and TPDM had made the application to DOJ and received the re-allocation approval, the actual layoffs would not have occurred and the officers would have been retained. TPDM did make application on or about January 27, 2010, but requested that the requested re-allocated grant funding be for only 9 months, which period had not been authorized by the Mayor. Thus, that submission had to be withdrawn and resubmitted by TPDM, creating significant, unwarranted and unexplained delay after the actual layoff "reductions had occurred."

Statement: *"On December 18, a report was submitted to Mr. Simonson that described several options to retain personnel. The report expressed optimism that if application were made to the federal grantor, funds could be reallocated to either retain personnel or rehire them in the event they were laid off. This report was hand delivered to Mr. Simonson by DC McCrory, DC Larsen, and Captain Jon Brooks. DC McCrory and DC*

Larsen discussed with Mr. Simonson alternative funding sources to avoid layoffs, including the use of grant funds and the requirements for requesting reallocation of grant funds."

Response: This TPDM report/proposal is a follow up subsequent to the December 8th meeting with the DC and the Mayor wherein they are urging the Mayor to use reallocated grant monies.

Again, there is no mention, recommendation, or suggestion regarding anything having to do with a "JAG" grant in the budget report submitted by the DC. In this report, they are telling the Mayor that \$2 million dollars of unspecified grant money is available and could and should be pursued. "JAG" does not appear nor is it mentioned.

The mention of a "Byrne" grant in the report would have no significance to the Mayor and Mr. Simonson or tie anything called a JAG grant to it. Even if it had been included, the acronym JAG would still have had no significance to the Mayor or Mr. Simonson. It is certainly curious why Byrne and not JAG is mentioned by TPDM in its proposal. Regardless, it had previously been clearly communicated to the DC by the Mayor that he was not interested in the usage of any grant funding as a means for covering budgetary reductions. Thus, at that time, Option Three was given no consideration and its recommendations, proposal and details regarding grant funding were not relevant to the Mayor or Mr. Simonson.

Given the position now being taken by the TPDM, it is important to also point out the following regarding the report delivered to Mr. Simonson on December 18, 2009:

1. There is no mention of the process which the Mayor or the City or the TPD would have to follow in a repurposing request of JAG grant funding.
2. There is no mention of any documentation requirements for *any* type of grant in the budget report.
3. There is certainly a lack of full disclosure to the Mayor and Mr. Simonson of any of the JAG grant requirements when the DC knew, or should have known, that they would not be personally knowledgeable on this important grant information.

Page 2 – part 2) – bullet points 1-2

Statement: *The Mayor was told in January by members of the Tulsa Police Department management that before the money could be used or before the request for repurpose of the JAG funds could be submitted to and granted by the Bureau of Justice Assistance, that the layoff of the officers had to have actually occurred and not just might occur at some point in the future"*

Response: This statement by Mr. Simonson is extracted from his email to Ms. Poole at BJA and I again emphasize that DOJ has conclusively found no problem with the reallocation of the grant or with Mr. Simonson's communications with BJA and this forecloses investigation of that matter by the City Council. Regardless, the statement is in reference to the JAG grant and the information received in by the Administration from the TPDM through Mr. McCalman's earlier receipt and January delivery of the Recovery Act Guidance in Exhibit "4" to Mr. Simonson is accurate according to McCalman's Exhibit "6" January email to Mr. Simonson, upon which the Mayor necessarily relied as to the requirements and conditions for using the JAG grant funds without violating the supplanting conditions of the DOJ.

In his email to Carol Poole, dated March 5, 2010, Mr. Simonson addressed the JAG grant requirements. Even though the DOJ weeks before had already agreed to the City's request to redirect funds to officers being laid off because there had been compliance with the supplanting requirements, there were still questions from some on the City Council as to whether or not the correct procedures had been followed. It is now clear that their distinct confusion was based upon the incorrect information provided to Councilor Christianson, and perhaps others, secretly by Mr. McCalman. In this email Mr. Simonson is requesting clarification on the required documentation and the correct timing of using the JAG grant. In this email Mr. Simonson begins by simply recounting what has transpired during the month of January, setting forth several important facts:

1. The specific use information on the JAG requirements regarding documentation and supplanting came to him in January.
2. The documentation requirement information was contained in Exhibit "4," the Recovery Act print-off from the DOJ website which came to him, and consequently the Mayor, in January, via Mr. McCalman, from the TPDM.
3. He interpreted this information as stating that the request for repurposing the grant funds could not be made until the Mayor had issued his executive memo to the human relations department directing the layoffs to occur and they were, at the very least, scheduled to occur.

In January, Chief Palmer and DC Webster did appear before the City Council to discuss the JAG grant. Mr. Simonson was present but did not address the Council and has little recollection of the details of the discussions or specific statements made by any person. It is only Mr. Simonson's recollection, but he does recall one of the persons present telling the Council members that the option of using the JAG grant was included in the December 18, 2009 Budget Proposal. If in fact, this statement was made during that presentation this inaccurate statement made to the Council. As Exhibit "1"

from the TPDM budget proposal clearly shows, there is no mention, discussion, or suggestion regarding a JAG grant that was made to the Mayor in December, 2009.

Page 2/3 – part 3) – bullet points 1-5

Statement: *The layoffs actually occurred the last week of January when the Fraternal Order of Police union voted down the Mayor's proposal for compensation reduction "*

Response: Layoff notices were given to officers on January 22, 2010. There was a question of when the "triggering event" for the purpose of requesting the repurposing of the grant funds, actually occurred: the date the Mayor issued the layoff notices or the date the FOP voted for the layoff instead of the across the board concessions. As stated in his interview with you, Mr. Simonson believed the date of importance was the date the Mayor issued the layoff notice to the Human Relations Department. This would have been the date after which he believed the request to DOJ for repurposing could occur. Again, that is not the Mayor's position, which understanding and determination was specifically based upon advice from Mr. McCalman (see Exhibit "8"). Based on that understanding and determination, the Mayor made the decision to wait until after the FOP vote-down of his proposal to authorize TPDM to make the request to BJA to redirect the grant funding. As previously stated, Mr. Simonson, as the Mayor's representative, was required to take the Mayor's position as the City's official position, which he so stated to the Council committee at the February 9, 2010.

Following the FOP vote on January 26th, the Mayor authorized it and the request to redirect funds process began. On January 27th, DC Webster was directed by Chief Chuck Jordan to submit an application for reallocation to the DOJ. This submission requested funding for 58 officers for a period of 9 months. This proposal of 9 months was never approved or authorized by the Mayor.

The Mayor had stated many times in January that his preference was to be for a period of 18 months. The decision for a shorter time was made in the TPD by someone who did not have the authorization to take this position. This move in the TPD created unnecessary delay as the request had to be withdrawn and then resubmitted after the Mayor found out that the incorrect request had been made.

Even with this error, the resubmission for the request should not have taken the TPDM as long as it did. By TPDM own admission, DOJ permission for these types of requests happens quickly, usually within the same day as the request is received. In fact when Ms. Poole called Mr. Simonson in February to review the request, once she was satisfied that the procedures had been properly followed, and that there was no issue of supplanting, she approved the request in less than 2 hours. DC Webster withdrew the first request on January 29th.

It is respectfully suggested that the appropriate questions to be asked and answered given this should be:

1. Why did the TPDM wait until February 8th to file the request?
2. Who in TPDM was responsible for getting this done?

At no time was either the Mayor or Mr. Simonson responsible for the direct day to day administration and submission of the grant documentation. From January 27, 2010 forward the entire responsibility for the administration of the JAG grant was in the hands of the TPDM. Their own records confirm this.

The letter by the Deputy Chiefs is a patent attempt to cover their own mis-steps.

The Administration's Failure To File The Request Cost The City

Some have asserted that due to the failure of the request to be submitted timely, it cost the city thousands of dollars that it otherwise would not have had to spend.

The one question which no one on the City Council has asked that would have answered this charge would have been: *Did the City submit the repurposing request to the DOJ in sufficient time before February 12th (severance payment date) to have avoided the payment of funds unnecessarily? Yes or No?*

The answer is Yes. The submission, confirmed and documented by two sources, (one in the TPD and one from the DOJ) shows that, even with the unexplained delay by TPDM, the request was received by DOJ on February 8th, a full 5 days before February 12th, the date the severance funds were distributed. And since it was common knowledge that the processing of the request would be addressed within just a matter of hours upon receipt, clearly the City had the request at DOJ in sufficient time ahead of the issuance of the severance package to those officers that would be returning under the grant funding.

Therefore, there is no factual basis to say the City lost an opportunity to save city dollars due to its negligence.

Inconsistency and Confession from Stuart McCalman

Stuart McCalman, the City of Tulsa's carryover Director of Government Affairs, has in the past asserted that Mr. Simonson's understanding of the supplanting requirements and representations of facts and circumstances is incorrect. Yet his email communications to Mr. Simonson unequivocally show that is false.

In the email from McCalman to Mr. Simonson, dated March 8th, (Exhibit "7") is significant in what it contains and what is omitted. Mr. McCalman's email is a time line from December 1st through February 19th. The only entry for December, 2009 regarding the usage of grant funds is with the prior Administration, a full week before Mayor Bartlett took office. There are no other entries for the entire month of December that any activity regarding the grants occurred.

In the March 8th email, there is no entry that Mr. McCalman provided any information or documentation to either the Mayor or Mr. Simonson on the grant requirements in December. As important as Mr. McCalman asserts this information was, and as certain as he proclaimed that he was informing the Mayor and Mr. Simonson of this, why is there not a single entry in his December time line regarding same?

Mr. McCalman also writes in the March 8th email:

"It seems to be the thinking of some on the council that at any time since the beginning of this Administration the use of JAG grant monies could have been used for the retention of officers. This simply cannot be true as it was not until January 28, 2010 that the FOP voted down the Mayor's offer thereby making the police layoffs imminent. Up until this point there would have been no case for retention as the expectation and hope was that FOP would accept the offer made thereby doing away with any need to retain as there would be no layoffs. The earliest such a request could have been made to DOJ would have been January 28, 2010³. "

From his own statements, it is clear that Mr. McCalman understood the DOJ regulations on the use of the grant funds in exactly the same way as it was processed by the TPD (see Email from Mr. McCalman 1/22/10, referencing specifically the JAG grant at issue, Exhibit 6"), to wit: "if the application in change of grant is approved by DOJ," and specifically advising/cautioning "The application could not be submitted until layoffs occurred so as to demonstrate need, meet the supplanting requirement and to give accurate number of positions to be rehired. I am confident that if layoffs do occur DOJ will approve request and hopefully do so expeditiously, but it is important you know that there is a chance that the request could be denied").

If there was any doubt as to who is responsible for planting the interpretation of supplanting understanding into the Mayor's mind, via Mr. Simonson, Mr. McCalman's subsequent admissions definitively resolve this matter. Mr. McCalman has now confessed that any confusion, misunderstandings, mistakes, or other inconsistent statements made by the Administration to the Council is his responsibility and he has accepted the responsibility for all of it (see Email from Mr. McCalman to Mayor Bartlett, 4/25/10, Exhibit "8," attached hereto).

³ This statement by McCalman is different in its interpretation of the ability and timing of the application to reallocate grant funding than his earlier (Exhibit 6) 1/22/10 email statement addressed in the paragraph immediately below.

Mr. McCalman intentionally created a sense of certainty and trust in his January, 2010, advice to, and the reliance thereupon by Mr. Simonson and the Mayor regarding the layoff requirements. McCalman's changed his opinion, at least by March 8, 2010, well after the actual layoffs and confusion, and after creating uncertainty and suspicion by his February 24, 2010 email representations and advice to Councilor Christianson that the City "didn't have to wait for the officers to be laid off" to make the request to DOJ, and about the question needed to be asked⁴. McCalman's conduct regarding the layoff issue is reprehensible, despicable, a patent breach of trust and fiduciary duty to the City and its Administration, and should not be countenanced.

CONCLUSION

I respectfully submit that, based on the evidence, there is absolutely no factual or legal basis for any action by the Council or any other agency regarding Mr. Simonson's actions or statements concerning the matters within the scope of the Council's inquiry.

Sincerely,



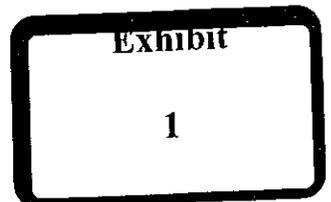
DAVID E. O'MEILIA
Attorney for Terry Simonson

⁴ Email from McCalman to District 8 Councilman Christiansen, 02/24/10, Exhibit "9," hereto.

OPTION THREE

The Police Department was recently successful in receiving Federal consent to utilize grants for the rehire of laid-off police officers. 18 officers were re-hired under terms of a COPS grant, 3 additional re-hires were approved under terms of a Byrne Grant, though these 3 re-hires are pending. We are optimistic that by re-applying to the Federal grantor, we may receive authorization to apply additional grant funds for rehiring or retaining additional laid-off personnel. Since in excess of \$2 million dollars in awarded grant funds are available for this purpose, we propose to submit for City of Tulsa approval our Federal application to divert these funds for this vital purpose.

We urge your approval of our application and your consideration of the other options presented above.



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Layoffs loom

by: BRIAN BARBER World Staff Writer
Saturday, January 23, 2010
1/23/2010 4:08:34 AM

Read more about tulsa's budget crisis and search a database of city employee salaries.

Related story: In 'insane' day, 361 employees given notices.

As 155 police officers and 147 firefighters received layoff notices Friday, their unions were making plans to take the city's latest salary-cut offers to their members for votes next week before the layoffs go into effect.

Mayor Dewey Bartlett and the Tulsa Firefighters Local 176 reached a tentative agreement late in the afternoon that, if approved, will save all the firefighter jobs.

"There were good handshakes all around the table," the mayor said. "We really are very happy at this point. It's been a long process."

The deal does not involve tapping into the city's emergency reserve fund, as was previously proposed by the mayor.

It includes 5.2 percent salary cuts for 18 months, meaning that there would be no contract negotiations for next fiscal year. And there are some concessions involving fitness pay and the clothing allowance.

In addition, some further restructuring of the Fire Department during the next year would eliminate some upper positions through attrition.

Fire Union President Stan May said the agreement was scratched on a piece of paper at the moment.

Once it is written up by attorneys, the union's executive board will decide whether the deal will go to a membership vote. That is expected to happen Saturday.

A membership vote would take six days, from Sunday to Friday, with three days for education and three for voting.

Layoffs are set to go into effect at the end of next week.

Latest offer to police: Meanwhile, Bartlett's latest offer to Fraternal Order of Police Lodge 93 would save 122 officer jobs.

Thirty-three officers still would be laid off under the plan.

The deal involves 5.2 percent pay cuts for 18 months, meaning there would be no negotiations for next fiscal year's contract.

It also includes using \$2.5 million in Justice Assistance Grant money during the 18 months and accepting the union's offer to give up take-home vehicles going outside the city and to have notification guidelines to use compensatory time.

The federal grant money would pay for 37 officers, but they would have to be laid off and then hired back to follow procedure.

FOP Trustee Ryan Perkins said the union's leaders are meeting to discuss the mayor's offer. They are not completely happy with it, but "we haven't rejected it."

Instead of the salary cuts, the union wants to get comp time instead of cash for overtime, he said. That would free up the \$1.5 million budgeted to pay for police overtime the rest of the fiscal year.

"That would be all the money the mayor needs to save every police job in town," Perkins said, noting that officers are worried about the long-term effects of salary cuts on their pensions.

FOP attorney Jim Moore said, "This frees up the cash, but the answer we've gotten from (the administration) don't like comp time."

EXHIBIT

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Moore called it a "superficial response."

"Every time that we get close to the target, the target moves," he said. "A dollar is a dollar."

FOP President Phil Evans said he is committed to taking an offer — either this one or one with changes negotiated with the mayor — to his membership for a station house vote, likely beginning Tuesday night. The vote will take 24 hours.

"That's the plan right now," he said. "I'm going to take my guys the absolute best deal the mayor can come up with, and we'll see how it goes."

Bartlett said he is optimistic that his administration and the police union can come to a resolution, as it did with the fire union.

"I think they will see that there must be reasonable participation by all parties in our city to help resolve this very serious problem," he said. "There is no hidden money, no pot under the table."

'Extremely sad day for Tulsa:' Council Chairman Rick Westcott said the panel has no say in the layoffs, other than having indirect input.

"It isn't our decision," he said.

The council's role eventually will be to approve the mayor's proposed budget amendments that will reduce the city's general fund by a total of \$10.4 million, Westcott said.

"Even that will not be a direct vote on layoffs," he said.

With hundreds of employees possibly losing their jobs, Westcott said, Friday "has been an extremely sad for Tulsa."

"Especially for the firefighters and police officers," he said. "These are men and women who derive a lot of self-identity from their jobs. As a former officer, I understand that completely."

Though the number changes daily, there are about 674 firefighters and 808 police officers employed by the city. The layoffs would cut their manpower by roughly 20 percent.

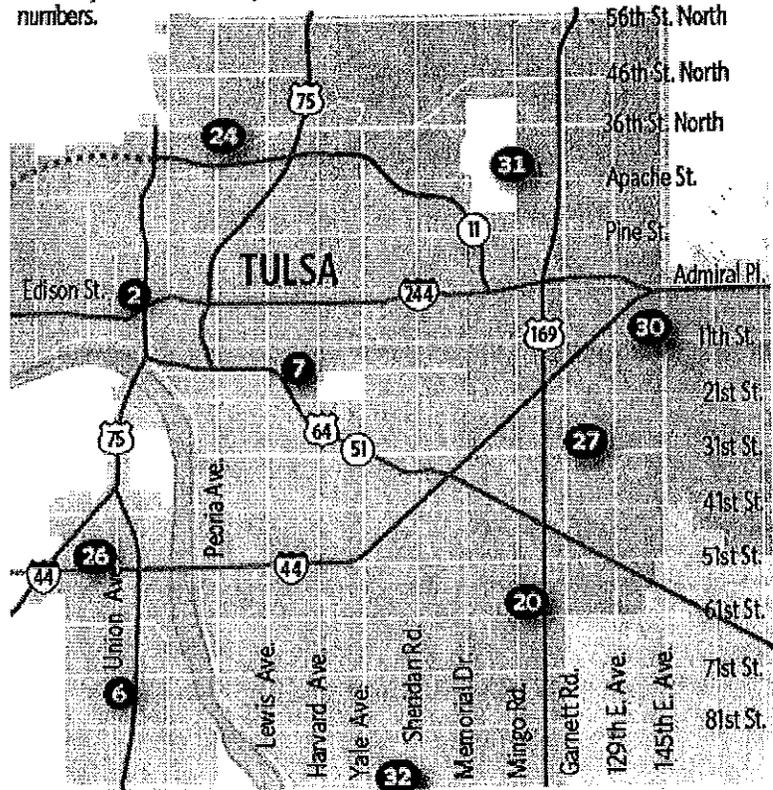
The Fire Department and Police Department have \$2.5 million and \$3.5 million budget shortfalls, respectively.

The city's 2,400 nonsworn employees already voted this week in a nonbinding labor union opinion poll to take layoffs in lieu of a 5.2 percent pay cut.

The number of civilian layoffs has dropped from 65 to 59 because of recent vacancies that have occurred, city spokeswoman Kim MacLeod said.

Tulsa fire truck reductions

If the city fails to reach an agreement with the fire union, the department plans to remove 10 fire trucks from service. One fire truck will be removed from each of the stations pictured on the map. Numbers inside the red circles are the fire station numbers.



Source: Tulsa Fire Department

DAVID HOUSE/Tulsa World

Mayor's Office works on new plan to avoid police layoffs

by: MIKE AVERILL World Staff Writer
Sunday, January 24, 2010
1/24/2010 4:03:35 AM

The Mayor's Office is working on a new proposal for members of Fraternal Order of Police Lodge 93 to consider to prevent officer layoffs.

Mayor Dewey Bartlett hopes that proposal will be completed by Monday morning and presented to FOP President Phil Evans by noon that day, Mayoral Chief of Staff Terry Simonson said Saturday.

That would give the police union all week to look it over and vote before layoffs take effect.

"We're working on new ideas and concepts that will hopefully address some of their concerns," Simonson said.

"That would be the proposal we'd ask they put before their members for a vote."

On Friday, 155 officers received seven-day layoff notices that they would be off the city payroll at the end of the following week.

Later in the day, the mayor proposed a deal that would save 122 of those officers' jobs. Thirty-three officers would still be laid off.

Simonson said the administration is looking at ways to reduce that number while crafting the newest proposal.

"We're trying to work down that 33 by coming up with other ideas or other monies," he said. "The goal is zero."

The last proposed deal on Friday involved a 5.2 percent pay cut for 18 months and included using \$2.5 million in Justice Assistance Grant money. The federal grant money would pay for 37 officers. The pay cuts would extend through the next fiscal year, meaning no new contract would be negotiated.

Union leaders said Friday that they were not completely happy with the proposal. Instead of salary cuts, union leaders were proposing comp time instead of cash for overtime, which would free up \$1.5 million budgeted to pay for police overtime through the rest of the fiscal year.

Meanwhile, the final legal documents were being drafted Saturday laying out the deal between Tulsa Firefighters Local 176 and the city that would prevent 147 firefighters from being laid off.

Once the documents are finished, the fire union's executive board is expected to send the deal on to a membership vote.

"We've already prepared for a vote," fire union President Stan May said. "Wednesday, we'll have ballots ready to go, if we get the language worked out."

A vote would take six days with three days for education and three for voting.

Depending on when the board gets the final document, the vote would be completed by Friday or Saturday.

"We've talked to the mayor, and that won't be a problem," May said.

That deal includes 5.2 percent salary cuts for 18 months as well as some concessions involving fitness pay and the clothing allowance.

The mayor is working to reduce the city's general fund by a total of \$10.4 million. The Fire Department and Police Department have \$2.5 million and \$3.5 million budget shortfalls, respectively.

Layoffs are set to go into effect at the end of this week if deals are not reached.

Exhibit

3

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RECOVERY ACT

Recovery Act Guidance regarding Supplanting

Which OJP Recovery Act programs prohibit supplanting?

The Recovery Act itself does not impose any new or unique non-supplanting requirements on OJP programs. Where, however, a specific statutory prohibition on supplanting applies to an OJP program funded from sources other than the Recovery Act (for example, Byrne Justice Assistance Grant formula awards, awards for construction of correctional facilities on tribal lands, and awards under the Victims of Crime Act compensation and assistance formula programs), the same prohibition applies to the related Recovery Act program. Also, the provisions of the OJP Financial Guide with respect to supplanting generally apply, unless otherwise indicated here or in the program announcement ("solicitation") for the Recovery Act program.

As specifically indicated in the solicitations, **the following OJP Recovery Act programs do not prohibit supplanting.**

- OJJDP FY 09 Recovery Act Internet Crimes Against Children Task Force Program Grants
- OJJDP FY 09 Recovery Act ICAC Task Force Training and Technical Assistance Grants
- OJJDP FY 09 Recovery Act Internet Crimes Against Children Research Grants
- OJJDP FY 09 Recovery Act National Internet Crimes Against Children Data System (NIDS)
- OJJDP FY 09 Recovery Act Local Youth Mentoring Initiative
- OJJDP FY 09 Recovery Act National Youth Mentoring Programs
- Recovery Act: Assistance to Rural Law Enforcement to Combat Crime and Drugs
- Recovery Act: Edward Byrne Memorial Competitive Grant Program Announcement
- Recovery Act State and Local Law Enforcement Assistance Program: Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States
- Recovery Act: Evaluation of Internet Child Safety Materials Used by ICAC Task Forces in School and Community Settings
- Recovery Act: Research and Evaluation of Recovery Act State and Local Law Enforcement Assistance

The following OJP Recovery Act programs **do** prohibit supplanting.

- Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: State

EXHIBIT

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Solicitation

- Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation
- Recovery Act: Correctional Facilities on Tribal Lands Program
- Recovery Act: OVC FY09 VOCA Victim Assistance Formula Grant Program
- Recovery Act: OVC FY09 VOCA Victim Compensation Formula Grant Program
- Recovery Act: National Field-Generated Training, Technical Assistance, and Demonstration Projects ("VOCA discretionary grants")
- Recovery Act: Tribal Crime Data Collection, Analysis and Estimation Project

What is Supplanting?

General Definition. For a State or unit of local government to reduce State or local funds for an activity specifically because federal funds are available (or expected to be available) to fund that same activity. When supplanting is not permitted, federal funds must be used to **supplement** existing State or local funds for program activities and may not replace State or local funds that have been appropriated or allocated for the same purpose. Additionally, federal funding may not replace State or local funding that is required by law. In those instances where a question of supplanting arises, the applicant or grantee will be required to substantiate that the reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds. (See "Documentation and Record Retention," below.)

Program-specific statutory restrictions on supplanting (with examples)

A. Edward Byrne JAG Formula Program (State and Local)

The Byrne JAG law provides that Federal funds may "not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities." 42 U.S.C. § 3752.

Examples - Recovery Act Byrne JAG program

Example 1 For FY 2009, City A appropriates a total of \$25 million for law enforcement activities, including salary and benefits for 100 police officers and purchase of 5 police cruisers. In FY 2009, City A is awarded federal Recovery Act JAG formula funds, which it uses to hire 5 police officers, in addition to 10 hired with local funds, and purchases 2 new police cruisers, in addition to 5 purchased with local funds. City A expends all of the \$25 million in local funds appropriated for FY 2009 for law enforcement activities.

In this scenario, City A has not used Recovery Act JAG formula funds to supplant State or local funds, but rather has used the funds "to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities." Supplanting has **not** occurred.

Example 2 For FY 2009, City B appropriates a total of \$15 million in local funds for law enforcement activities, of which \$75,000 is budgeted for equipment for training of new police recruits. In FY 2009, City B is awarded federal Recovery Act JAG formula funds. It uses the federal funds to purchase the training equipment and hire additional officers, and uses the \$75,000 in local funds originally budgeted for equipment to hire a dispatcher. Total expenditures of local funds for law

enforcement activities remain constant.

Under these circumstances, supplanting has **not** occurred. Despite the fact that local funds were shifted from equipment to hiring, the amount of State or local funds that would, in the absence of Federal funds, be made available for law enforcement activities has not changed.

Example 3 For FY 2009, City C appropriated \$15 million in local funds for law enforcement activities, including salary and benefits for 80 police officers. Due to anticipated revenue shortfalls in FY 2010, City C intends to lay off 10 police officers at the end of FY 2009 (facts that City C is able to substantiate). In FY 2009, City C is awarded federal Recovery Act JAG formula funds, which it proposed to use for the hiring of 5 police officers. For FY 2010, City C appropriates funds to pay salary and benefits for 70 police officers. At the start of FY 2010, City C lays off five of its 80 police officers and uses federal Recovery Act JAG funds to continue the salary and benefits for 5 other officers.

In this scenario (which assumes that City C can document that the planned layoff of 10 officers was not made in anticipation of the availability of federal funds), City C will use federal Recovery Act JAG formula funds to pay the salary and benefits for 5 police officers who would have been laid off but for the availability of federal funds. Local funding for law enforcement activities has been reduced, but not because of the availability (or anticipated availability) of Recovery Act JAG funds. Therefore, supplanting has **not** occurred.

Example 4 State X's initial FY 2009 appropriation for law enforcement activities is sharply reduced due to an across-the-board cut in the State budget. This results in a hiring freeze. When the State receives federal Recovery Act JAG formula funding, it uses federal Recovery Act funds to fill 15 correctional officer positions that were included in the initial budget but were vacant due to the hiring freeze.

The total amount of State funds available for law enforcement activities in State X has been reduced, but not because of the availability (or anticipated availability) of Recovery Act JAG formula funds. Therefore, supplanting has **not** occurred.

Example 5 For FY 2009, State Y budgeted \$1 million in State funds to be used for renovation of a particular prison. Later in FY 2009, in response to enactment of the Recovery Act, the State determines that it will use Recovery Act JAG formula funds for the prison renovation, and will use the funds the State had budgeted for the prison renovation instead to provide health services for infants and children. No additional State funds were added to the State budget in any other law enforcement category.

Under these circumstances, supplanting **would have** occurred, as there would have been a decrease in "the amounts of ... funds that would, in the absence of Federal funds, be made available for law enforcement activities."

B. Victims of Crime Act of 1984 (VOCA) / Victim Compensation Formula Program

The law underlying the VOCA Victim Compensation Formula requires that grants received under the program "not be used to supplant State funds otherwise available to provide crime victim compensation." 42 U.S.C. § 10602(b)(3).

Examples - Recovery Act: VOCA Victim Compensation Formula Grant Program

Example 1 State A provides compensation to victims for crime-related expenses for seven different categories of expenses. In FY 2009, State A initially provided their State Compensation Program with \$11 million in State funds for victim compensation

payouts and received \$6.6 million from its FY 2009 VOCA Victim Compensation Formula award for the Program (based on its compensation payouts from State funds in FY 2007). State A's FY 2009 budget reflected total victim compensation payouts to be \$17.6 million (from both federal and State funds). In addition to its annual VOCA Victim Compensation Formula award, State A also received \$2 million in Recovery Act funds for its victim compensation program. Later in FY 2009, State A chose to rescind \$2 million from its State Compensation Program and redirected the State funds to an education program, thereby providing only \$9 million in State funds for victim compensation payouts, rather than the \$11 million originally provided, and did not reduce the number of categories of crime-related expenses that the State compensated. State A used all of its \$2 million in Recovery Act funds, as well as all of its \$6.6 million in VOCA funds, for victim compensation payouts. Total victim compensation payouts from State and federal funds were \$17.6 million.

Under these circumstances, supplanting **would** have occurred. The federal funds did not increase the amount of funds available to crime victims. Rather, State funds that would have been "otherwise available to provide crime victim compensation" were not used for this purpose.

NOTE: State A will also receive \$1.2 million less in FY 2011 from its VOCA Victim Compensation Formula award, as it will only be able to certify \$9 million in State victim compensation claim payouts from State funds for FY 2009. Assuming that each State receives a full sixty percent of its prior year certified State payouts (as is usually the case), State A will receive only \$5.4 million in federal funding in FY 2011 instead of the \$6.6 million it would have received had it used the full \$11 million in State funds originally appropriated for compensation claim payouts.

Example 2 When adopting the FY 2009 budget in July 2008, State B budgets \$15 million in State funds for its victim compensation program. In addition, during FY 2009 State B receives \$2.5 million in Recovery Act funds for its State Crime Victim Compensation program. Later that year, State B receives \$9 million for its State compensation program from its FY 2009 VOCA Victim Compensation formula award. State B intends first to spend the original \$15 million of budgeted State funds for victim compensation payments, and as much of the remaining federal funds (either FY 2009 VOCA or Recovery Act VOCA funds) as may be needed for FY 2009 to pay all legally-payable compensation claims.

However, during FY 2009, State B experiences a revenue shortfall, and due to its Balanced Budget State Constitutional Amendment, State B enacts an emergency 10% across-the-board rescission for all State programs, including the State Crime Victim Compensation program. Thus, State B's Crime Victim Compensation program State funds are reduced from \$15 million to \$13.5 million. To make up the difference, State B intends to use \$1.5 million in Recovery Act funds for its Victim Compensation program this year.

Under this scenario, supplanting **would not** have occurred. The reduction in State funds for its Crime Victim Compensation program was not a result of its receipt of federal funds, but rather a result of independent circumstances (i.e. an unexpected revenue shortfall). As such, the \$1.5 million in State funds were not "otherwise available" in FY 2009 to provide crime victim compensation. Consequently, replacement of those funds (which the State originally planned to use, but which never materialized) with Recovery Act funds would not be considered supplanting.

NOTE: As with the previous VOCA Victim Compensation example, any reduction in the amount of State funds spent on victim compensation awards will result in a reduction in the amount of federal funds State B subsequently will receive for its victim compensation program.

C. VOCA / Victim Assistance Formula Program

The law underlying the VOCA Victim Assistance Formula Program requires that grants received under the program "will not be used to supplant State and local funds otherwise available for crime victim assistance." 42 U.S.C. § 10603(a)(2)(C).

Examples - Recovery Act: VOCA Victim Assistance Formula Grant Program

Example 1 State A has traditionally used State funding to support eight full-time positions to administer its Victim Assistance program, in addition to two full-time positions supported by a portion of the five percent administrative and training allowance from its annual VOCA Victim Assistance Formula award. Due to State-wide funding constraints in FY 2009, State A laid off one of its State-funded Victim Assistance program staff members in January of 2009, and issued notices to another two State-funded staff members from the same office that they were scheduled for layoff in October 2009. In May 2009, State A received a Recovery Act Victim Assistance Formula award, and in September it received its annual VOCA Victim Assistance Formula award. State A used a portion of the five percent training/administration allowance from its federal victim compensation funding to rehire the staff member it had laid off in January, as well as retain the two staff members who were scheduled for a layoff. In addition, State A hired an additional staff member to help administer the additional Recovery Act funding.

Under these circumstances, supplanting would **not** have occurred as long as the State's actions were not based on the anticipated receipt of federal VOCA victim assistance formula funds. Note that the State must use State funding to support the two positions until the planned layoff date in October - only at that point may the State begin supporting these positions with federal victim assistance funds (to do otherwise would be to supplant the State funds).

Example 2 In FY 2009, State B initially budgeted \$15 million for victim assistance programs and it received \$7 million in federal funding from its FY 2009 VOCA Victim Assistance Formula award. The State also received \$5 million in Recovery Act funds for victim assistance. A total of \$27 million in State and federal funds was available for victim assistance programs from FY 2009 funding sources.

State B has traditionally supported an assistance program run by Domestic Violence Shelter B with State Victim Assistance funds. In FY 2009, however, State B decided to use Recovery Act funds (instead of State funds) to support Domestic Violence Shelter B. In FY 2009, State B obligated \$15 million of State funds for various victim assistance programs.

Under these circumstances, supplanting would **not** have occurred. Though State B used federal money to support a particular victim assistance program that it otherwise would have supported with State funds, the State did not reduce the amount of overall State funding to victim assistance programs.

D. Correctional Facilities on Tribal Lands Program Competitive Grant Program

The underlying statute for this Recovery Act program provides that "[f]unds made available [under this program] shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources." 42 U.S.C. § 13708(b)(2).

Example - Recovery Act: Correctional Facilities on Tribal Lands Program Competitive Grant Program

Tribe X appropriated funds for the construction of a correctional facility on tribal lands. No State funds had been appropriated or set aside for the construction of the correctional facility. Upon receiving an award under the Recovery Act - Correctional

Facilities on Tribal Lands grant program to construct the needed correctional facility, the tribe reallocated the appropriated funds for the purpose of correctional facility operations, rather than construction.

The statutory non-supplanting provision has **not** been violated in this scenario, because the non-supplanting provision encompasses State funds, but not tribal funds.

Documentation and Record Retention

In a case where a question of supplanting may arise, the State or unit of local government that receives Recovery Act funds that are subject to a non-supplanting restriction should retain whatever documentation is produced during the ordinary course of government business that will help substantiate that supplanting has not occurred. Depending on the circumstances, relevant documents might include annual appropriations acts, executive orders directing broad reductions of operating budgets, or city or county council resolutions or meeting minutes concerning budget cuts and layoffs.

All States and units of local government that receive Recovery Act awards are reminded that the record retention and access requirements of 28 C.F.R. § 66.42 and chapter 12 of part III of the OJP Financial Guide apply to Recovery Act grants, as well as to other OJP grants.

Monitoring and Audit

For Recovery Act programs that prohibit supplanting, potential supplanting will be the subject of monitoring and audit. OJP monitors compliance with all grant requirements in a variety of ways. For example, a recipient may receive an on-site monitoring visit from the program office or an on-site financial monitoring visit from the OJP Office of the Chief Financial Officer, or it may be audited by the Department of Justice Office of the Inspector General.

For Additional Information

For answers to specific questions regarding supplanting, contact the OJP Office of the Chief Financial Officer's Customer Service Center at 1-800-458-0786 or ask.ocfo@usdoj.gov

Updated: April 27, 2009



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

May 24, 2010

The Honorable Dewey F. Bartlett, Jr.
City Hall At One Technology Center
175 E. 2nd Street
Tulsa, OK 74103

Re: Grants #2009-DJ-BX-1222
#2009-SB-B9-3102

Dear Mayor Bartlett:

Along with BJA's Oklahoma State Policy Advisor Gerardo Velazquez and Division Chief Jill Young, I want to thank you for coming to BJA and meeting with us on Tuesday, May 4, while you were in Washington. It was a pleasure to get to know you and to learn more about Tulsa and its public safety needs.

Below you will find my responses to the questions that you have asked regarding the recent request for a change in the use of the Recovery Act JAG grant and the 2009 JAG grant that were both awarded to the City of Tulsa in 2009.

1. To your knowledge, has anyone in the Mayor's office misstated or misrepresented any of the circumstances or information related to the administration of the JAG grant?

I am not aware of any misstatement or misrepresentation of the facts in any communications between City of Tulsa personnel or officials and BJA staff regarding the purpose or administration of the JAG grants.

2. Are there currently any pending concerns by DOJ regarding how and when the City of Tulsa processed its request for grant funds to be repurposed?

Following a careful review of Tulsa's grant file, including JAG requirements, assurances, certifications, and conditions of the grant, BJA does not currently have any concerns regarding the administration or change in scope related to the use of the grants. The documentation for the requested changes was found to be appropriately detailed and complete.

3. To your knowledge, did the City of Tulsa follow the supplanting requirements correctly when we made the request to redirect a portion of the JAG funds to retain/rehire laid off police officers?

BJA staff saw no evidence of supplanting, as defined under the JAG statute at 42 U.S.C. 3752(1), in either the original applications or in the requested changes to the grants. Please note that supplanting matters are referred to OJP's Office of the Chief Financial Officer for a final determination on these issues.

Exhibit

5

4. There has been a specific claim by some in the Tulsa Police Department that my Chief of Staff, Mr. Terry Simonson, in some way lied to the DOJ. From your review of the City of Tulsa's JAG application and from your interaction with Mr. Simonson, do you have any reason to believe this to be the case?

My primary contacts with Mr. Simonson took place approximately 2 weeks after BJA's approval of the change of scope request related to Tulsa's Recovery Act JAG grant and 2009 JAG grant. Mr. Simonson's email asked for clarification regarding the uses for the Recovery Act JAG funds and the related rules. I provided that clarification.

5. Do you believe that Mr. Simonson dealt with you in an open, honest, and professional manner?

My perception of any communication that I have had from Mr. Simonson was that he was conducting City of Tulsa business in a professional manner and that he was attempting to obtain important information directly from this office by requesting clarification on the purpose and intent of the JAG funds.

I must stress that the above responses represent my impressions alone from interactions that I have had with your staff.

As you are aware, OJP conducts audits and other oversight activities on a regular basis with grant recipients. Mr. Gerardo Velazquez, whom you met, will be scheduling several routine site visits with grantees in Oklahoma for September of this year and he plans to come to Tulsa for a site visit. If you have additional questions regarding the JAG funds or the administration of those funds, please do not hesitate to contact Gerardo at 202-353-8645, Division Chief Jill Young at 202-353-7302, or me at 202-353-8641.

Sincerely,



Carol C. Poole
Acting, Deputy Director
Bureau of Justice Assistance

Simonson, Terry

From: McCalman, Stuart
Int: Friday, January 22, 2010 4:42 PM
To: Simonson, Terry
Subject: JAG Grant

Terry,

As I was principle on COPS grant from pervious administration I just want to make sure you've got the right info as it pertains to the availability of the \$2.5 million from JAG grant to rehire officers.....DOJ has approved a previous request to reprogram \$544,000 to rehire three officers for three years. That 3 represented the 3 of the 21 previously laid off that were not rehired through the COPS grant .The additional monies available under the JAG grant could only be reprogrammed to rehire X number of officers for X number of years from original request if the application in change of grant is approved by DOJ. The application could not be submitted until layoffs occurred so as to demonstrate need, meet the supplanting requirement and to give accurate number of positions to be re-hired. I am confident that if layoffs do occur DOJ will approve request and hopefully do so expeditiously, but it is important you know that there is a chance that the request could be denied.

Stuart McCalman
Director of Government Affairs
City of Tulsa
(918) 576-5389

Exhibit

6

Simonson, Terry

From: McCalman, Stuart
Sent: Monday, March 08, 2010 11:16 AM
To: Bartlett, Dewey; Simonson, Terry
Cc: Twombly, Jim; MacLeod, Kimberly; Jordan, Chuck
Subject: JAG Council agenda item

Mayor/Terry,

in response to the following agenda item, I have put together some dates/thoughts that may be of help (below)

09. Discussion with the Mayor, or his designee, regarding the JAG grants, their use to retain or rehire Tulsa Police officers, and Tulsa Police officer layoffs, including the costs, timing, communications with appropriate federal, state, and local agencies. (Christiansen) [UED 3/9/10] 10-73-4

- It seems to be the thinking of some on the council that at any time since the beginning of this Administration the use of JAG grant monies could have been used for the 'retention' of officers. This simply cannot be true as it was not until January 28, 2010 that FOP voted to turn down the Mayor's offer thereby making police layoffs imminent. Up until this point there would have been no case for retention as the expectation and hope was that FOP would accept the offer made thereby doing away with any need to 'retain' as there would be no layoffs. The earliest such a request could have been made to DOJ would have been January 28, 2010. Ultimately, the final request that was approved for rehiring of 35 officers for 17 months was submitted to DOJ on February 8, 2010. I've put together a timeline below of key dates that will need to be known in discussion with council tomorrow.

* Week of December 1: Taylor Administration is notified by TPD that DOJ has approved the use of JAG Grant monies to rehire 3 police officers for 4 years. These 3 officers were what remained of the 21 that had been laid off in the Fall but had been unable to be rehired through the monies made available by the COPS grant. It is important to note that the DOJ approval for the use of JAG monies for the rehiring of these 3 officers remained constant and available up until DOJ approval was ultimately granted to use those monies as part of final package of 35 officers for 17 months.

* January 27, 2010: Request is submitted to DOJ to reprogram JAG grant monies from original purpose to rehiring of 58 officers for 11 months.

* January 28, 2010: FOP rejects Mayor's offer making layoffs now imminent. It may be difficult for us to reconcile that we did not consider potential availability of JAG Grant dollars in discussions with FOP when reprogramming request was sent to DOJ day before actual vote was taken.

January 29, 2010: TPD notifies DOJ that they will most likely be looking to alter request submitted on January 27, 2010 as it relates to number of officers and length of time monies would be used to cover their related costs.

February 8, 2010: TPS submits request to DOJ to reprogram JAG grant monies to rehire 35 officers for 17 months

February 11, 2010: Compensation payouts made to laid off officers

Exhibit

February 17, 2010: TPD informed by DOJ that JAG Grant Administrator, Mr. Gerardo Velasquez, will be out until March 2, 2010 and that no decision can be made absent his return

February 18, 2010: I speak to Rep. John Sullivan's office apprising them of situation and inform them that their direct intercedence with DOJ may be needed.

February 19, 2010: After speaking to Mayor and garnering approval, I formally request help of Rep. John Sullivan in expediting DOJ decision-making process on accepting/rejecting proposed reprogramming of JAG grant dollars. We receive word late that afternoon from the office of Rep. Sullivan that DOJ has approved reprogramming request.

Stuart McCalman
Director of Government Affairs
City of Tulsa
(918) 576-5389

Bartlett, Dewey

From: stuart McCalman [shmccalman@gmail.com]
Date: Sunday, April 25, 2010 9:01 PM
To: Bartlett, Dewey
Subject: Mr. Mayor

Mr. Mayor,

In light of recent reports in the press and now a Tulsa City Council investigation related to the JAG Grant issue, I believe it is imperative that I address a few issues that I think require a greater degree of objective fairness on my behalf and a clearer understanding of the environment in which information was being conveyed. While I believe I understood the process for reallocation and at the time felt I had conveyed this information to you and Chief of Staff, hindsight shows I did not do enough to make sure those depending on me for guidance clearly understood what I was trying to convey. It was and is not right for me to assume that guidance provided by myself to you and Terry Simonson as related to the JAG grant was provided in a manner that would leave you knowledgeable from a policy standpoint and not to the extent that you could have reasonably been expected to speak to policy specifics when given your brief time in office and unfamiliarity with a such a complex and confusing issue as this. My job was to ensure that you and the Administration were fully in possession of the information you needed to arm yourselves in deliberations and I clearly failed you in this regard. That was my error, not yours, and it is only right to accept my own responsibility. Any responsibility for errors based on my failure to effectively communicate should not fall with you or Terry Simonson, but but with me. Whatever frustrations I vented out of anger to a friend who happens to serve on the Tulsa City Council could have been better addressed by doing what was truly needed: more effectively conveying relevant information to you and this Administration, which required it. To that end, I also have to take responsibility for making an accusation against you, Terry, Council Chairman Westcott, Councilor Henderson and Councilor Turner as to the then potential process of a council investigation. It was unfair and beneath what I expect out of myself to make such an accusation when not aware of the true facts at hand. I sincerely hope you accept my humble apology.

As I have said, it was an honor and privilege to serve you and his Administration and before the honor of some may be further unfairly impugned, it is my responsibility to make clear where this accountability justly lies.

Very Respectfully,

Stuart

From: Stuart Mccalman [stuart.mccalman@yahoo.com]
Sent: Wednesday, February 24, 2010 6:52 AM
To: District8
Subject: JAG Grant

Obviously I would very much like this to remain between you and I, but you were and are absolutely correct on timing of JAG grant. I had been asking for over two weeks for Terry/Mayor to call DOJ and they just wouldn't do it for whatever reason. The only reason Rep. Sullivan called on our behalf is because I personally called their office and asked them to and the reason I had to ask them was because no one seemed interested in taking any initiative from our office on this issue. And we didn't have to wait for officers to be laid off, we could have sent in our request to DOJ at any point and asked to "retain" rather than "rehire". The question you need to ask is why no one from Mayor's office ever even bothered to call DOJ

Public Works Committee

January 5, 2010

(Transcribed from TGOV)

Excerpts from Agenda Item #15

Discussion with the Mayor or his designee, and the Chief of Police and Fire Chief or their designees regarding changing the organization of the Police and Fire Department management to reduce upper management expenses and achieve cost savings for the departments; and other potential cost savings measures throughout the City

Bynum

I know the Council voted on this resolution several months ago regarding a JAG grant for 2.2 million dollars for satellite cars. Can that be used for something else?

Palmer

We've made that option available to the administration for consideration to prevent layoffs

Public Works Committee

January 12, 2010

(Transcribed from TGOV)

Excerpts from Agenda Item #7

Discussion with Chief of Police or his designee regarding 2.1 million JAG grant funding and potential use for patrol officers salaries and benefits.

Bynum

I was meeting with an officer last Thursday and he told me about some conversation he had heard around the department or maybe it was through the FOP, that the department had contacted the DOJ to see about the potential reality of re-allocating some of the JAG grant that we had previously received to use for officers salaries and, well, he didn't know a whole lot more than that. I just wanted to bring you in and see if there were more details to that, that you're aware of and what the City's options are.

Palmer

Obviously the JAG money has been on the table as an option since our original submission on or about December 18th. And we have more update on that and Deputy Chief Webster has the details of that.

Webster

I can only assume you're talking about the Byrne grant because the sum that was quoted is not correct.

Bynum

That's correct, I think it's 2.7

Webster

Yes, the grant process is kinda complicated. Relatively few people understand it and so the sources of information, if it's coming from the field or whatnot, you're probably not gonna get the full flavor of what it's about. What we have is a 2.7 million dollar Byrne grant that we were awarded. And it was awarded with the intent that it would be allocated in a series of certain ways.

And then, of course, when the budget started going downhill we asked for a reallocation for part of that grant to rehire officers. And so, \$540,000 of that 2.7 million was ok'd by the grantor to re-hire 3 officers.

You will recall that of the 21 that were laid-off, we were able to re-hire 18 with the 'COPS' grant. That left 3 and so this money was approved for the re-hire of those 3.

Bynum

And that's over what period of time?

Webster

That's a 3 year period that they offered us. That was never completed. It was approved and the money is there.

Bynum

Approved by the DOJ?

Webster

Right, and my understanding is that it has been basically approved by the City but the 3 officers in question, if they had been (unintelligible). The bottom line is the City never gave us the go-ahead. So we have \$540,000 of the grant that has been approved per DOJ and that leaves us with 2.2 million.

If that 2.2 million approximately \$200,000 is allocated to the CIC project which the city is a co-partner of and the ANE nurse program. Those are the funds we simply don't think we can allocate elsewhere.

And so what we're left with is 2 million remaining in this grant and what we would like to do with that is approach the grantor and ask if we can re-allocate that for Police salaries. So what you'd be looking at in total is actually 2.5 million that we would like to re-allocate for police salaries.

Bynum

And if they gave us the okay, how many salaries does that amount to and for what period of time?

Webster

It relies entirely upon the plan as it is revealed to us when the plan is revealed to us. In other words we don't know how many layoffs and demotions we're facing, when that will happen, and so we have to have the number of personnel affected before we can approach the grantor with the re-application

Bynum

Ok, in a worst case scenario though, how many salaries does this

Webster

Worst case scenario really, it would depend upon the term that one wants to cover. We can, with that amount of money hire, and this may give or take on a body here, 94 officers for the remainder of the fiscal year. 38 officers for a full year, or 12-13 officers for a 3-year period.

Bynum

12-13 for 3 years, and how many was it for a year?

Webster

For a full year it would be about 38

Bynum

38, ok, so really where we are now on this is waiting to see what the Mayor proposes and then based on that could make a request to the DOJ as necessary?

Webster

Yea, that process as we go forward is we learn the number. We will submit an application that day. We would expect a turn-around of approximately one week from the grantor, that's not guaranteed, but we would expect it.

At that point, assuming the grantor said yes, then it has to go through the city process which is Mayor to Council for first and second reading. Back to the Mayor. Finance has to look at it. We're told it takes anywhere from 4-6 weeks to process that through once it gets back to the City.

Bynum

And my understanding is, unlike the COPS grant, this grant doesn't have any 'out year' strings attached to it? I mean you spend what you spend.

Webster

You spend, and then you got to

Palmer

And it terminates. I think we should point out it does in fact terminate and at that point, you have to do something. Either assume those officer's salaries within the City or lay those officers off.

Bynum:
ght, right

Webster
Actually from prior determination, if or when, I should say when, the economy rebounds, then the City is able to shoulder the burden for some or all of those personnel, the City would be obligated to do so.

Bynum
Ok, thank you

Urban and Economic Development Committee Meeting

January 26, 2010

(Transcribed from TGOV)

Excerpts from Agenda Item #8

Discussion on the Police and Fire Union Contracts, and the requirements for negotiating, approving, or amending collective bargaining agreements.

Henderson

I have a couple of questions. The problem that I see is that the City is asking the union to give up some things that they already have negotiated for in the past. And possibly some things that are gonna take you into another year that you have not even been to the bargaining table for yet.

Bartmier

True

Henderson

And the membership is the union, and not necessarily the leadership. I wanted to clarify that. Everybody in the union s the union, not just the head. All of these people are gonna have to agree when it comes down to what you will or won't settle for.

Bartmier

Yes sir

Henderson

Ok, and when we first talked about this I thought it was odd that the union would be asked to give up some things that, when you go to the bargaining table, you don't go by yourself. The city has someone on the other side of that bargaining table.

Bartmier

That's correct

Henderson

And over the years the City, it looks like to me and I'm not perfect but I do believe that the City probably lost more times than they won and the union got this, and got this and got that.

Now what we have is we've got a budget crunch. But before we talk about that, answer this for me. Every time that you've gone through any kind of bargaining, haven't the City said 'we're broke'. Isn't that one of the tools they use and bring to the table and try to get you to give up some things or not?

Bartmier

That is a constant answer from anyone who has anything to do with money, yes

Henderson

Ok, I just want everybody to understand what's happenin here. I don't want anybody to leave here today without knowin a little bit of history about how this works.

So, we're told that the city is broke. We're expecting some things out of you. We want you to give this, this, this, that. You don't sit down with them and say, let's talk about what we're willing to maybe give up. Somebody's gonna say to you, this is what we want you to do.

Bartmier
Yes

Henderson
That's where the un-readiness is because you really don't have no input at this point. Other than we gotta see and try to decide whether this is gonna be fair to you or not. You, meaning the union at this point.

Bartmier
Yes

Henderson
And that's what makes this really so difficult, because people need to understand that they did not go to the bargaining table by themselves. Over the years they've accomplished all of these things and some people might think that they've gotten too much over the years but it was bargaining (unintelligible) they didn't do anything unusual other than go to the bargaining table.

So, I think that this really needs to be handled at the bargaining table and that's when the next bargaining comes around and if they present something to you to say we're asking you to take a decrease in pay until it gets around to that point where we're gonna go back to the table, you're gonna take somebody to the table and they're gonna take somebody to the table. And where everything ends up, that's where we're gonna end up being again.

But, I think that we really need to see it for what it is and not try to hold a lot of other people hostage and I'm talkin about people that don't even belong to unions. These people are callin me talkin about how hard it is for them to make it through with their lives and wonderin what the police union or the fire union is gonna do. They're over there without any representation and all, and they're bein told it depends on what happens with these guys on what happens to you and I think that's totally out of line and un-called for.

So we're in a situation. How we get out of the situation we're not gonna solve that here today but I do want everybody to understand that. Don't beat up on the unions cause all they're doin is tryin to survive just like everybody else. Don't beat up on the City necessarily, they're trying to do that too. So we have a dilemma that we have to be faced with. But I think that if you're gonna do somethin and ask somebody to give up somethin you ought to bring them to the table and let both groups talk about it.

And let, you might have something different that you're willing to give up and still save some money. Right?

Bartmier
We have offered several things, yes

Henderson
ok, so, you know it's not necessarily, we shouldn't necessarily say that it's either you do this or we gotta lay-off. Because there are some other options that have not been presented and they have some of them. So unless you sit down with them and talk you're not gonna win. You're gonna come out and you're gonna lose a lot of firemen and a lot of police officers that we could have saved. They're gonna go and work for somebody else and Tulsa is gonna lose in that deal.

I think we oughta try to figure out how can we win, everybody, win/win for everybody and the City keep the professionalism that we've got. Keep the safety that we are expecting to have and citizens are expecting us to do just that.

And a lot of people today are scratchin their heads trying to figure out what's gonna happen, what's gonna come out of this meeting and they probably think that we, that help run the city don't have a clue.

And I really hate to say that but I'm beginning to believe every day when I see people that they're expecting us to work a miracle and to work this thing out at all costs whatever it takes.

I was asked a few minutes ago about taking a cut in my pay. A Councilor's givin up 5% is not gonna fix the problem. We need to get serious about the problem. And the problem may not necessarily be the police and fire either. We got some other things we can do so that's my speel and I hope I didn't take too much time.

Simonson

I just want to make sure it's clear to councilor Henderson that I have done nothing for the last 6 weeks but work on this issue with the police and fire. And would be a mistake to think, well, we're not talking or not meeting. No, I can show you my calendar of the meetings I've had with this gentleman (Bartmier), Mr Mayes, Chief of Police, former Chief of Police.

The last thing we're lacking is people not talking, ok. Now somebody has been characterizing that we keep moving the target, that we keep moving it closer. If you remember we're on the 5th proposal that we have worked on. As someone has said here it would have been quite easy for the Mayor to have pulled the trigger on the only option he had in January when we got the sales tax. He could have said 'that's it, layoffs'. We wouldn't have gone through any of this because he wouldn't have to.

So the last you remember, we went from 7.5% paycut to 5%. We went from no JAG grant money to all the JAG grant money. We went from everybody being laid off to everybody plus the other three guys comin back. And I think the problem really here is that only in the public sector does 18 months sound like long term planning. To me, that's not long term planning, 18 months. We don't have any, any evidence or proof to say it's gonna be better this year. None. Sales tax, Use tax, Franchise tax, nothing. Nothing to tell us. And the only reason we've been looking at the 18 months is that twice in 2009 the City took the short term approach and it failed. That's what we were told.

We were told that when they did this in '09 they just kept sayin 'wait until January' and here we are - January, and we're still now gonna be 10 million short.

It won't get better in February, it won't get better in March, ok?

We think, yea this has been intense. Nobody's been nasty to each other, nobody's been mean to each other. Ok, I don't think anybody's pulled any trickery. You know, it's just a tough nut to crack. But as evidenced by the fire department it can happen. It can happen.

The newest thing we put on there about trying to change the shift work from four tens to five eights, that came from the police Department. That was one of their ideas through one of our meetings.

So we're lookin for everything that we can possible put on the table. That brings it closer to this. Knowing that we can't change the 3.5 million. That's the only target that can't move.

Henderson

I've got one question for you. If the union came up with other changes, other give backs, that would still get you to the same result, you're sayin the Mayor would consider those?

Simonson

Sure. They've brought us an MOU, we've looked at that. And in the beginning we even had more concessions from them like you know, the longetivity pay, the college education, the 2nd language. All those are off the table. They took those back.

We had JAG money, we put that back. I think instead of moving farther apart we've been trying to move towards them. But the biggest difference Councilor, the biggest difference is, as the officer said, they wanna look at 6 months and we wanna look at 18. Cause I would not think that anybody in this room wants to be sitting here again in June doing this and we have every reason to believe we would be. We'd be still arguing about pay. We'd be still arguing about concessions, and give backs. And you're right, when the times were good the City made every single one of those promises they were never held hostage and those things were deserved.

It's nobody's fault in this room we can't keep that promise, nobody's fault we can't keep that promise. Whether it's ASME or fire. We'd like to keep you. This isn't a disciplinary thing, let's cut their pay cause people aren't performing. It has nothing to do with that. But sometimes recession equals concession.

Bartmier

I'd like to respond to what he just said if that's, I mean, the target has moved. As of Friday we had a percentage amount and some other concessions that frankly we were ready to take to a vote. As of yesterday, you provided us with something else which added another 3.1% in concessions which was additional furlough days for next year.

Simonson

But the only reason we did that was because the one on Friday still had 33 people off and the Mayor has always said 'get me a plan with no layoffs'. And so you're right. You did present one, or we did to you. We weren't happy with it. We weren't even sure we were finished with it, but we felt like since your team was comin in we should give it to you. But there was still 33 guys losin their jobs. And the Mayor has never said 'if you can just get this down to 20 then there's a deal'. He said 'No get it to zero, get it to zero'.

Well, if you get it to zero, it costs more of course. And so you're right. I don't believe the plan has more furloughs, it supposed to be the furloughs keep goin.

We're not adding, I was told it's been 1, it will stay 8. But it's gonna cost some money for everybody to have their job. And you're right, the Friday proposal said well most of you can have your job. But 33 of you won't and the Mayor said 'that's not right'. Anyway, that's what we did.

Bartmier

And we have offered concessions that

Simonson

And I understand and we may still keep goin

Eagleton

Let me jump in...Ron, you mentioned several times that the union has ideas they would like to present. And I'm real curious, what do you have that you would like to put on the table for discussion, in terms of ways for us to get to our budgetary requirements?

Bartmier

There are some ideas that certainly they don't like. We have offered a 1.2 million in the form of overtime pay. Certainly we have the ability to, we do have what's called comp time – the ability to take all of our overtime (unintelligible) comp time and then turn all the overtime money back to the city. Certainly it's not the best thing and certainly the city doesn't want that but in dire times you do dire things.

So we're willing to provide that and we've offered several other concessions.

Urban and Economic Development Committee Meeting

February 9, 2010

(Transcribed from TGOV)

Excerpts from Agenda Item #6

Discussion and update from administration on the status of the JAG Grant including but not limited to the funding available from the grant to rehire police officers, and how many additional officers could be hired if the severance payouts are not made.

Christianson

Well I'll start out. I know this JAG grant's been hanging out there for quite some time and I guess my concern has been, you know, we're getting ready on this Friday to give out the severance checks. And I know that if we use the JAG grant, depending on how it's used over what length of time we'll be able to hire some of those officers back. So my concern was that in fact we've delayed the letter going to Washington and now we're kinda up against the wall because on Friday we have to pay the severance packages even to those that we could potentially hire back. So I just wanted an update and find out where that is in the mix.

Simonson

Ok, in each of the 3 proposals that the administration gave to the FOP, the JAG money was included, in each of the 3. And it was in the proposal that they voted down. So since they voted it down, the Mayor's office was under the impression that we would continue to hear back from the FOP leadership to keep talks going in the hopes of accomplishing what we just said.

We set up 2 meetings last week to do that but both of those meetings were cancelled by the FOP for various reasons. So we lost a whole week. Not because we weren't there, they weren't there to talk about it.

So, and at this point, we don't have anything on the table. The message we're getting is that it appears like they just wanna talk about the next fiscal year, not this one. So they don't really want to focus on saving these officers in the negotiations, they want to talk about the 2010-2011 fiscal year.

So, the Mayor directed interim Chief Jordan, in light of the layoffs, to begin a re-organization of the department, in light of the layoffs. And now he has substantially done that. It's not complete of course, we're a long way from that, but he has substantially done that and he's been able to look at the programs in the JAG grant that he thinks are worth saving. And it was approximately 3.1 million that covered about a dozen very good programs that obviously we needed and were funded. The Chief has determined that there is at least 2 programs that we ought to continue to fund

1. The community intervention program for juveniles. That saves time and money. It's a good thing to do for the kids. It kinda gets them off the street. I'm sure you've been briefed on what that is.
2. The nurse examination program for victims of sexual abuse and domestic violence. You know, that's a good program and they wanted to keep that program

So, those two combined are about \$200,000, that the Chief thinks we really ought to keep. So, that leaves approximately 2 million, give or take. That 2 millions could fund 35 officers for 17 months. And the Mayor has authorized Chief Jordan to process that forward, ok, which we have done. Unfortunately, because the Federal government was closed yesterday and it's closed again today, we haven't heard anything.

Christianson

And may be closed tomorrow

Simonson

And may be closed tomorrow, and may be closed Thursday. The impression we're under is that it would not take them a great deal of time to approve it. In fact they can approve it faster than you can approve it.

Christianson

Uh-huh

Simonson

So once we hear the approval, we can appeal to the Council to do whatever you have to do to fast track your procedure whether it's a special meeting, or whatever. To approve the, if we get the redirection approval, if you would approve that so we can begin (unintelligible)

Now, you're spot on, the reason we decided to try to do this last week to avoid issuing the severance check and the complications that involves. Unfortunately that didn't happen last week. We got no counter proposal. We had meetings, they didn't come. And so, as I said, we lost a week. It doesn't mean we can't use the JAG money. We hope we can use it we've asked to use it for that period of time. All indications we get is that it's likely we will get approval. It's not a guarantee but we probably will, and then we'll move forward with that.

Now what we're trying to figure out at this point in time is that if the approval comes even this week, you know, what can we do, you know, how many of those officers can we bring back. What amount of money would they be entitled to anyway. You know, maybe their severance, they're entitled to that, or maybe they put their comp time and vacation time kind of back in the bank.

Ok, so if they didn't really lose it and bring it back. The chief is kind of working through that in the time that we've got. And of course you've got to work from the seniority back when you do that.

Christianson

) Because if we can avoid paying severance, that gives us more money back in the pot to hire a couple of more officers doesn't it?

Simonson

Absolutely, that's why we've been trying to work on this since the day after they voted it down.

Christianson

I've been told, and I don't know the legalities of this Terry, but I've been told that the JAG grant cannot be used as a negotiating tool when negotiating with the FOP

Simonson

That's correct, the federal government does not award you a grant or give you money under the impression that you can also use it as a bargaining tool. They're not in the negotiating process. You say 'I need the money for this'. They expect you to use the money.

Christianson

Well then, why the hold up in applying for the change of the usage of the funds. I think what you just said was you didn't have a meeting with the FOP. But what did those meetings have to do with applying for the funds to be changed to be able to rehire the Police Officers if it's not allowed to be used in the negotiation process.

Simonson

Well the difference is, is that up to the vote they took and up until today, we weren't really in negotiations with the FOP cause we're dealing with this contract moving backwards.

) I know for some people that sounds like a, you know, two different words that have the same meaning. They don't have the same meaning. As long as we're talking about his existing contract, we could put that on the table

as a way to use it if they would have approved it. So that was part of the process. But we can't use it going forward in labor negotiations that's the distinction and the difference between why could you use it then and you can't use it.

Christianson
So, you're not technically in negotiations

Simonson
Not for the past year. Now we're about to enter it today for the next year. But what we had hoped they would have done after the vote would have been to come back to the table while we were still in the discussion period to modify the existing contract in a way to save the jobs using the grant money. And that didn't happen.

Christianson
Ok, just one other question. I've been told that, you know, ok, you're hiring these back on what did you say? 17 months?

Simonson
That's what

Christianson
That's when the money would run out for these officers

Simonson
Yes it would

Christianson
But, if you use only a 12 month period, you could hire more back now. But that's just philosophically, you're opposed to that?

Simonson
Well it's not philosophically, it's economically. It doesn't make sense, ok? We know that the budget you get here in the next 60 days for the next year is gonna be less than the budget you have right now. There's nothing on the table that says in 12 months the sun's back and you could tell these, whatever it is, 50 or 60 officers, 'you'll have a job back'.

So, our thought was certainty to the public and certainty to the officers is important. Why not put a plan on the table that gives them a job for as long as possible, not as short as possible. And get through at least 12 or 17 months of this economy.

And some of the other things we wanted to do was to try to find the money so when that runs out we're in a better position to say you can stay than we will be in the summer when we're not gonna be in any position to say you can stay.

We just don't believe that in 120 days things are gonna flip around so well in the next fiscal year to say you have a job. So it was more for certainty and more for time to plan to keep them and more time for the Chief to work on re-organization. More time for the attrition to work. There's a lot of things that can work out for us with time that we don't get by July. That was the thing.

Christianson
One more and then I'm done. The only thing I, and I'm not an expert, ok? You know I'm just a city Councilor, you know what I mean?

We read in the paper this morning, we see on TV last night that in fact there's communities from Texas coming in and interviewing our guys. And you know I don't know how many are leaving, but you know, everyone we leave is one that we have an investment in, in training and you know, knowledge and all that. And it's just, and I know it's a tough situation and I'm not faulting anybody for it. With the thought that the more we can hire back the less that would be apt to leave so therefore the less we would have to train again. You know, so you know, I mean, I know you can't count on anything but you know one of the things we're looking at is that water utility bill and whether that would work out. I don't know. I know you can't count on that.

It just seems to me the more we can save now, the longer benefit we'll have and that we'll save them and not have to hire new ones to be trained, that's all. I know you're, I know it's tough. I'm not faulting anybody for it, believe me.

Simonson

We didn't like seeing that news either. Our hope would have been that the FOP would have spent as much time in coming to see us as they spent bringing these out of town guys here. It would have been you know, it would have been good for us to have spent that time with us last week. Then these guys from Texas wouldn't have really had to have been here. Or maybe not as much if we could've kept talking. But I think that they said they want to look at next year.

Christianson

Yea. May I just ask one more question, I'm sorry.

So what happens if we don't get the approval by Friday. We go ahead and issue the severance checks. Then there's just more accounting to do? (unintelligible) rehire guys (unintelligible)

Simonson

Well see, and here's that other thing you have to understand that I just learned. Apparently in the contract, ok, let's say that you're a Police Officer that's been laid off and I'm Chief Jordan and I come to you and say we got the grant money, we'd like to bring you back. You have 3 weeks to make up your mind. 3 weeks.

We can't make you decide it in 3 days or 3 hours. 3 weeks

Christianson

And that's in the contract

Simonson

Yea it's in the contract. So if we could go through 35 guys and get 35 yes's in a row, that's terrific. But if we go to you and you say I'll get back to you, I'll get back to you...well then we can't move on down the list until you say well, I've taken a job in "Austin, I'm gonna go work with my father, or whatever. So, but we have to give you 3 weeks to make up your mind. Cause that's in the contract. That potentially will drag it out.

Christianson

Yea, I'm done

Barnes

So you said you couldn't use the JAG money for negotiations, but you're not in negotiations. But why is it still taking you so long, or the Mayor so long, to move that forward if Chief Jordan's working with you to get that signed and moved ahead?

Simonson

Well, if you think about the time frame. First of all it was just two weeks ago I guess that the FOP made their vote, ok? They turned down using the JAG money. That was in the plan, they turned it down. We offered it, they turned it down.

We were under the impression that they come back to us and talk more about using it or how to use it. That's what the indication was from us is that they would come back with a proposal that they thought they could approve and so we thought all right, well let's wait and see if we're gonna need the JAG money for that, or do they want to do it a different way.

Barnes

But isn't that Chief's job to work with you to move that JAG forward

Simonson

The chief had been working with us but you have to understand that once they voted a layoff then he had 155+ officers. He didn't know the next day, ok I know exactly how it's gonna work out. I know where I'll need officers or where I won't.

Cause his plan was to move people out of offices and out of desks so that people in the community were protected. And that's what he has been working on. And after he's done that, he's determined, ok I may not need 155 back but I probably need at least 35 or more back let's use the JAG grant money for that. And in 2 weeks and also waiting for them to respond to us. We really haven't been sitting on our hands waiting for something to happen. We've been working on it every day.

Barnes

So, and you don't want to look at it for 12 months. Because if you look at it for 12 months. Because if you look at 12 months you could hire more back. But you don't want to do that. But haven't you also heard those numbers that are probably gonna retire come May/June that were gonna lose 40 some then.

Simonson

We have. And that will be part of the negotiation that starts today. So it may be that we're able to adjust the JAG grant depending on how these negotiations go. Yes we've heard all those numbers, ok? Haven't seen any numbers, haven't seen any lists. Nobody's given us with any certainty, here are 38 guys that absolutely are retiring. We'd like to see that, haven't seen that. Ok?

Once we see that, then Mr. Connelly can say this is how much you'll save. Now, don't be mistaken that just cause we see we can save it that we can automatically hire all these people back when they're telling us that the budget that we're living in now is not gonna be the budget next year. It's gonna be even smaller.

Urban and Economic Development Committee Meeting

February 23, 2010

(Transcribed from TGOV)

Excerpts from Agenda Item #'s 15, 23, 24

15) Update by the Administration as to the status of the request to the U.S. Department of Justice for permission to use the JAG grant to re-hire laid-off Tulsa Police Officers

23) Discussion with the administration regarding additional costs incurred, if any, by re-hiring officers who were paid severance packages

24) Discussion with the Mayor, or his designee, regarding additional costs incurred, if any, by delayed signing of Memorandum of Understanding on the take home vehicles and comp time usage.

Time Stamp 1:52:21

Christianson

My question is now, you know we've got permission from the Justice Department to rehire the officers, but we've already paid the severance package, so I'd like to know what this whole thing is gonna end up costing the citizens of Tulsa. And in addition I'd like to know...

2 Memorandums of Understanding (1) vehicles outside the city and (2) change in handling of comp time) did not get signed for quite some time so there is probably an additional cost to the citizens there from the continued use of take home vehicles outside the city limits and the continued way of calling for comp time. So I'd really like to get a handle on what the dollar amounts are on all this because at the end of the day, my constituents are calling and, I guess in retrospect I wish we would have applied for the JAG grant 60-90 days ago so we would have avoided layoffs and hire backs. But how we haven't and so I want to know the costs associated with not doing that.

Simonson

We had this presentation a couple of weeks ago about the JAG grant and we'll go over it again. We could not use the JAG grant money for repurpose or redirection until the Police officers had actually been laid off, ok?

Because until you have the triggering event, you have to use the grant money for the original purpose of the grant. Otherwise you have no basis to go to the Department of Justice and say, 'well what if we have layoffs, and we might have layoffs'. And they have said, as they said in 2009, you have to have the triggering event which I understand must have happened with Mayor Taylor and that was allowed under the COPS grant

We knew the money was there. In every one of the 4 proposals the administration gave to the FOP, the JAG grant money was in there. They turned down every one of those proposals as you know. Every single one of them. There was a component in there where the JAG grant money could be used.

Had those, any of those proposals been approved, in the beginning or second or third week of January, we then could have gotten hold of the Department of Justice and said we want to use it for this purpose. But they denied every one of them. They turned down every one of the proposals until they finally went in a vote and turned it down. Once they turned it down as you know, then the layoff process started and that's when we could ask the Department of Justice 'ok, layoffs are imminent, they're not likely, they're not possible, they're gonna happen'.

And Chief Palmer told us at the time that would be the triggering event to let them (Department of Justice) know and we would have to let them know for how many officers and for how long. You just can't say 'can we just have all the money for this purpose?' You've got to be very precise.

That happened the very following week, as you'll remember, the layoffs happened the last week of January. That next week, the first week of February, the request went in to do that. We contacted them, and Chief Jordan will talk about that, waited to get a response, waited to get a response. The following week they shut down Washington. Last week we started it again, this time we got a hold of Congressman Sullivan and by last Friday we got the approval.

So there's really only been two weeks that they were actually open from the time that we could start the request until we could get the request to use the dollars. And we had to resort to Congressman Sullivan because we weren't getting anywhere through the traditional channels. I wasn't, Chief Jordan wasn't, nobody wasn't.

As I understand it, Congressman Sullivan called the Attorney General himself and talked to Eric Holder and said 'We need this help' and within an hour I got a phone call about 4:00 o'clock, 3:30 on Friday afternoon from a lady 3 or 4 levels up from the guy we've been dealin with and at 4:42 she sent me the email that said 'I approve this'.

And at that point we informed Chief Jordan do whatever it is you're supposed to do now to bring back the 35 officers for the 17 month period of time.

That's all I can tell you about what we were told, when can you ask for the JAG grant to be repurposed and when we did and move forward.

Now, the part about the MOU'S...

discussion regarding MOU's

All of those – JAG, comp time, take home cars, were in every proposal. Every proposal that the city gave the FOP, there was something in there about JAG money and of course the cars and the comp time. We just tried to fold it all together.

Christianson

So, your proposals were for 17 months?

Simonson

The January, Yea, through (unintelligible)

Christianson

But you were using the JAG money in the proposal to them, right? To avoid the layoffs?

Simonson

To avoid them, if we could

Christianson

If you could

Simonson

Yea, if we could

Christianson

Well, how could you make that proposal if you didn't know that you could, or that you were gonna have the layoffs?

Simonson

Well, we knew we would have the layoffs if they turned it down. So we knew that we could at least ask for it, we could at least say ask the Department of Justice 'this will help us save, if we don't have this as part of it, we'll lose these jobs as a package.

Christianson

So why couldn't you have asked the Justice Department well ahead of that, prior to the FOP's decision, to use the money to avoid the layoffs?

Twombly

One of the issues was that we really didn't know how many officers we would be bringin back with the JAG grant. Because we were in discussions with the FOP over the MOU's and other ways of finding savings. We didn't know how much savings we were gonna find by using other methods. So the number of officers to be brought back was always in flux.

I mean the number that was finally settled on was 35 but at one point it was up in the 60's, 66 or 67 or something like that. So, there was a lot of variation over time and when you put in for the JAG grant money, you have to put in for a certain number of officers for a certain number of times, certain length of time.

Christianson

The 66 or 67 was only if you were gonna use the JAG money until the end of the fiscal year

Twombly

That's right. And that's the very original

) Christianson

But you had in your mind what you were gonna do. You wanted to use it for 17 months like you're doing now

Twombly

Yes

Christianson

So what does 66 officers have to do with anything

Well, in the original sheet that we gave to the FOP, it was just through the end of the year. Just like the original sheet we gave to fire that included either layoffs or some combination of savings. And the number related to the JAG money did fluctuate between that 35 and 66.

Simonson

See what's been characterized is that it's almost as if the Mayor put an offer on the table to the FOP and never changed it, ever. It was the same offer over and over and again.

We kept trying to change it, 17 months, 6 months, whatever

Christianson

I know, I know, it's principle, I understand. You know, I will tell you this, ok there's a lot of principle goin around that costing the citizens a lot of money in this whole deal.

We don't have the Police Officers workin, we've spent a lot of money and it's all on principle

) And you know that's great for each side but at the end of the day the citizens of Tulsa are suffering because they don't have the Police Officers on the street.

Ve can talk about principle all day long, but I just don't – what you're saying is that you couldn't ask for the JAG money to be used for salaries until such time as you laid off the officer, is that right? They had to be laid off?

Simonson

That's what we were told by Chief Palmer, that's right

Christianson

Is that correct?

Simonson

We believed it to be correct. Yes, because we can ask them if we can do it, but until you have a triggering event they're gonna say 'why do you wanna redirect it?' And we can't say 'well we might lay people off'. And I will disagree with you, if you don't have a city governed by principles then you don't have a city government.

You may disagree with it, we may have different ideas about strategy. But if you're gonna try to (unintelligible) a city with no principles or flip flopping, which I'm sure you guys have seen plenty of, then the citizens I don't think are better served by (unintelligible) then let's just do it by emotion or anger or reaction right now. But let's not use principle

You're gonna see principles in every decision we make. You guys may not like the principles but you're not gonna say 'what a bunch of flip floppers'. If you don't stand for anything you fall for everything.

Roscoe

If I may please, I'd like to keep this thing civil. I don't want people getting upset with each other. You may disagree, but we can always agree to disagree. So let's just keep it on that plain if you would please.

Barnes

So, you were using the MOU's for negotiation, 17 month negotiation. How long have we had that JAG grant.

Simonson

I don't know, I mean I don't know when it came. I mean I think Chief Palmer submitted it, I think there were 15 programs, or 12 programs it could have been funded for. As far as I know when we arrived they hadn't spent any of it. But that happened before we arrived.

Barnes

It seems like at this table somebody said, from your side, that we couldn't use the JAG grant for negotiations but yet that's what we were doing.

Simonson

No we weren't. There's a difference. I've tried to explain this and I know it's confusing, ok? When we're trying to change and existing contract, they don't call that negotiations. Don't ask me why, but it's not. You can change it by an MOU or agreement or understanding. That's different than when you say we're gonna negotiate a new agreement. I'm like you. I thought what's the difference? But there is a difference

So, while they would allow us to bring back these officers they said you can't put it on the table for the next contract. Where you're kinda startin from scratch and you're negotiating all new terms for a whole new year. They said you can't use it for that.

But if you have people that you lose in the contract, in this year. And this money will help bring those people back, you can use it for right now. But you can't use it as gambling chips for the next term in a negotiation fashion. That's the explanation that was given to us.

Barnes

But aren't you doing that?

Twombly

Well, I would add to that, and maybe further explanation. The federal regulations don't allow us to use it as a negotiating tool. And the way that we tried to use it was just to show what savings would be generated by using that grant. We haven't negotiated, and I think the Chief in the last negotiation session said we can't include this in negotiations. But what it was, was just to illustrate the amount of savings that we would achieve.

Barnes

You would use (unintelligible) to illustrate the savings. So when the police are using them or telling they're gonna have the police retiring and they're trying to show you or illustrate to you the savings that are coming, the next fiscal year because of all them that are retiring, that's still the same thing to me. So, why are we not letting them do that?

Simonson

We do

Twombly

We do

Simonson

We do

Twombly

We do, although they don't know how many are gonna be retiring. They can't, they won't know until they actually retire because they don't have to put in like 90 days in advance or anything. There's not a certainty there.

Simonson

If someone has told you that we're not counting that, that's false.

(several minutes of discussion on attrition)

Christianson

So the negotiations for the 17 months was just really not negotiation, even though you were asking them to sign a new contract for the next year. So that enabled you to use the JAG grant in the discussions. Is that the way I get it?

Twombly

Yes, we wanted to characterize it as discussions because when you enter negotiations there are, under state law, certain requirements or limits on what you can say and do and so on.

Christianson

So you were discussing the 17 months and not just the end of this fiscal year.

Twombly

Yes

Simonson

You know that sounds like semantics but

Christianson

But you'll be using the JAG grant in the discussions for the next fiscal year

Twombly

Using it to show what savings could be generated

Christianson

And you're certain that we couldn't have gotten permission to use the JAG grant money to avoid layoffs. You're telling me we had to physically lay them off before we could say we want to use that money to rehire them. Is that what you're saying to me?

Twombly

I'm saying that was my understanding. I haven't spoken personally to the Department of Justice.

Christiansen

But isn't that a significant issue because we just, severance paid a whole bunch of them and we've lost that money and now we're hiring them back so can we get a definitive answer on that? Is there someone that could tell us that?

Simonson

That's what Chief Palmer told us, ok? Because I asked that very question. You know, what does it take to trigger it? Is it a hope, a might, a may? No, you have to actually have (unintelligible), it's imminent.

Christiansen

But there's a difference between imminent and layoffs

Simonson

Well, I know

Christiansen

If we had asked for it because it was imminent and gotten permission then we wouldn't have had the layoffs.

Simonson

Well I think they wanted something more certain than that Bill and we didn't know until they voted. And we wouldn't know until the FOP voted because they could have avoided the layoffs. And then we could have used it for the original purpose.

So when they voted, we thought ok, that's their, there's the moment, they just laid off their officers.

Christianson

I see

Urban and Economic Development Committee Meeting

March 9, 2010

(Transcribed from TGOV)

Excerpts from Agenda Item #'s 8 & 9

8) Budget amendment ordinance reducing appropriations of \$7,597,410 within the General Fund, Fund No. 1080, to reflect shortfalls in the General Fund.

9) Discussion with the Mayor, or his designee, regarding the JAG grants, their use to retain or rehire Tulsa Police officers, and Tulsa Police officer layoffs, including the costs, timing, communications with appropriate federal, state, and local agencies.

Christianson

I'll start this out, is Mr. Simonson coming today?

Mayor

(unintelligible) not aware

Christianson

Anyway, I'll just start out. You know, I know this has been kind of on the burner for a long time and (pause) I really don't fully understand, and I'm not a lawyer so I have to premise it with that. But, Terry has been to us twice and tried to explain why in fact the police officers had to be laid off before they were hired back. And so I've done some research and got some information. And, I hope I'm wrong, I really do at the end of the day, I hope I'm wrong.

But in fact, you know, I gave everybody a handout earlier that talks about the money we had to spend in the severance packages. I don't know where that is, uh, it's a little over \$300,000. And it seems as though to me that if we had, at the day we notified those individual officers of the layoffs, if we had applied to the Justice Department on that day, to ask the Justice Department to be able to use the JAG money to retain those officers instead of laying them off, that we could have saved this \$316,716.

So, and it's not only, I say this, you know with my heart in my hand, it's not only the money aspect of it, but it's also the aspect that the officers were laid off. You know, the citizens didn't have the benefit of those officers being employed, so they were laid off, police services were cut. And I think it was obvious what was cut because once they were rehired, there was talk about what they were going to be doing again. Like, for example, sending some back to the detective division, some back to writing traffic tickets in the traffic division.

So, it's just a difficult situation and I think as elected officials, us controlling the budget or us voting on the budget, it's important before we vote on the budget, that we fully understand all the things that have gone on and where we've spent this money.

So, that's why I'm bringing it back because I have some things that I believe will show that in fact we didn't have to lay the officers off in order to ask for the money to be used to rehire them. I think we could have used the money to retain them, but then again maybe I'm wrong.

So I had some questions for Terry but he's not here so I guess I'll just kind of show you my handouts if that's ok.

This is from the Department of Justice and it's really a brochure on supplanting, which means using funds that were designated for one thing on another thing. It talks about supplanting guides and it gives an example of how

you can use money to retain police officers. And it says in the scenario they're talking about 'who would have been laid off but for the availability of Federal funds'.

So, at least to me, that indicates that we in fact didn't have to lay the officers off in order to rehire them. Again, I haven't contacted the Justice Department, I haven't talked to them personally about this. But I think it's important that we figure out exactly what we did or didn't do. And I'm not throwin any blame at anybody because believe me Mayor, we all know the budget is a difficult situation and you came in at a very difficult time.

It also talks here, and this is kind of difficult to see, but this is one of the offers that was made to the FOP by the City and it was given on January 25th. And it said alternative reductions to laying off Police Officers. And it says 'saved sworn employees'. Now, this would indicate to me that there was an alternative out there to actually not laying the police officers off, if in fact we could get permission to use the JAG money. They wouldn't have had to been laid off to be rehired.

So this is a thing that was offered to the FOP in the not formal negotiations, like Mr. Simonson said, just in the discussions about what we could do help save Police Officers from being laid off. This page just indicates to me that there was an alternative.

We had some questions for Terry but since he's not here, I don't know, would you like to respond to this Mayor?

Mayor

Let me answer a few of them councilor, if you like

Christianson

Sure, ok, thank you

Henderson

The first one that I have and I think we have a right to know, is that this agenda item was posted far enough in advance that Mr. Simonson knew that we wanted him here. I just want to know why he's not here.

Mayor

Let's give him a call, I don't know

Henderson

He works for you

Mayor

I haven't seen him this morning. I was out touring Mohawk Water Treatment Plant

Henderson

If I was the Mayor and you were my Chief of Staff I would know where you were. And I'd be able to tell this Council where you were. And that's all (unintelligible). Thank you

Mayor

Well you can give him a call, if you'd like to

Henderson

No, I just wanted in here, that's all. Go ahead

Mayor

We can have him come down. Do you want to have him come down?

Henderson

No, go ahead

Bynum

Where's your aide now Jack

Henderson

My aide

Bynum

Yea, your main aide. Your council aide. The mayor's supposed to know where his aide is all the time.

(unintelligible)

Henderson

But that's not computing to me though because I was not placed on the agenda to answer any questions so that does not apply. And I don't even think that you should have said that, but you say a lot of things. Go ahead.

Christianson

If I may, Mayor. One of the suggestions I had to some of the other councilors that we actually put this on a Thursday budget meeting agenda. So, you know maybe it would be better if Terry would be available then to come down and talk because Terry's the one that has come to us, not you Mayor, and talked about all this stuff. So, if you'd prefer, we can have another meeting on Thursday and see if he can come.

Mayor

I can talk about it a little bit if you like. Just maybe clear up a few things at least. If you don't mind. One thing I would suggest is that when these questions come up in the future, it's very simple to give me a call or Terry a call and just come up and we'll just talk to you guys face to face. Instead of havin to bring up a big item that might be solved very easily just by having a conversation across the table or over coffee or whatever. So I might suggest doin that. It's certainly a lot easier

Christianson

That's a good idea

Mayor

Probably the point in question regarding the JAG grant is, how I recall it, is whether or not the money could be utilized for (unintelligible) initial purpose. Which, from how I was informed we could not. Because what we were wanting to do, of course, was to use that money, some of which had already been expended, whatever the unspent balance was. We would have to get the approval of the appropriate individual in Washington DC to change the use of the money.

And so that's probably, I guess, where our confusion is, is how that is arrived upon. How we were informed, and my understanding is, that in order for the money to actually be changed, for its use to be changed, layoffs had to have occurred.

In the period of time that, well, plus we had to get permission from an individual either written or otherwise. And that in itself was a whole amount of difficulty because we were told for almost a 10-day period of time that there was only one individual that could make that decision.

There is a gap of time from January 27, which is the day after the vote of the police union where they decided to lay off their fellow police officers. And then after notice had been given for layoffs, a two week period of time had to expire, if I remember correctly. That date where the layoffs actually did occur was February 5th, a Friday. That's when their service to the city came to a screechin halt.

In that interim period of time, in that gap of time, we were still attempting to negotiate with the police union and to make a deal with them. We also became aware that the police union had not, according to some of the members of the union, that the FOP union had not, in their view, adequately informed the membership of what the entire proposal was. The fire department when they had their vote, they made a copy of the proposal and made that available to each one of their members. Apparently, the police union did not do that. They gave some kind of synopsis that in the view of some of the membership that I had talked with, of the police union, did not adequately explain our position with our proposal.

So, we were attempting to get the police union to have a re-vote. And to allow a situation to occur where we could more adequately explain and at least make a copy available to all the members of the union. So we thought that would at least give members of the union better information. Allow them to have a better position upon which to make a decision.

So, up until the day that they were laid off, we were still attempting, and still, I really sincerely thought that we were gonna make some kind of deal or at least have an opportunity for another vote that could have had a more positive outcome for the members of the union.

So, up until that time in my view, layoffs were possible and maybe probable, but they certainly were not going to happen with certainty. Now we were informed by the lady that eventually did make the decision in Washington at the Justice Department of reallocating the funds, that certainty had to occur in her opinion before a change or reallocation of that money would be granted. And certainty to her was the receipt of official action. Would be either, for example, a vote and a resulting letter from the city council, or a vote and letter from the Mayor, and email from the Mayor, fax, letter, something of an official nature that did show that there was a certainty that layoffs had occurred.

So, that to us pretty much told us that at that point in time, which was February 5th, layoffs had to occur. Now, obviously moneys were expended and fortunately we were able to rehire 35 officers. That interim period of time, that gap period of time the Police Department was going through a lot of work with their staff as well as with the staff of the Finance Department to look at different alternatives that we were trying to get to the union negotiating team and to various members of the union to try to come up with a proposal that we could agree upon.

So there was a lot of work going on in that period of time when we were trying very very hard to try to come to a deal. So, anyway, that's kind of how it happened, and then unfortunately after the 5th which was a Friday, I think that's when, Chief Jordan is here and he can speak better about this, but I think that was the day that the request was emailed to the individual in Washington to make that request to reallocate the funds. Then that's when the snow storm occurred, that weekend of the following week. So the government was shut down for an entire week.

And then the following week on the 15th of February was President's Day, a national holiday. So we weren't able to do much until the 16th, Tuesday. And that's when we finally did get hold of John Sullivan's office, Congressman Sullivan's office, and he made a phone call to the individuals concerned and we finally went up the ladder, or he went up the ladder. He actually went to the U.S. Attorney's office, talked to that gentleman. He then made a few phone calls and the next day, Wednesday, we received the agreement.

So, it's a process that we hope we never have to go through again, obviously, but that's what happened. That gap period of time is when we, if we knew that with certainty that the layoffs were going to occur, then at that point in time, that's when we would have mailed that request in. But we didn't know, because we really did think that at the end of the day that the union, or the membership, would at least allow a re-consideration and another vote. (unintelligible) obviously it didn't happen.

Henderson

Mayor, the information that was put up on the screen

Mayor
Uh-huh

Henderson
Have you seen that?

Mayor
No, huh-uh. I haven't, have you seen it before?

Henderson
Had you seen it before?

Mayor
No, I just wondered if you had because if you would've I would have loved to have seen that.

Henderson
Ok, but I guess the real question is, had you seen that before you did what you did would there have been a different outcome?

Mayor
I have not seen it before

Henderson
I'm not, if you had

Mayor
Oh, I don't have a clue. I mean that's all conjecture at this point.

Henderson
Well, I mean it was pretty clear to me what it said and it would make me think that councilor Christianson would've been right according to his assertion. What that one particular line said for sure, and I just wondered if you had seen it, would you have done the same thing that you did anyway?

Mayor
Well, as I mentioned we had received information verbally from Washington that the point of certainty had to occur. That layoffs, from that individual's point of view, and this was coming from the person who was in charge, and I would assume that that individual would have read this kind of information as well, and maybe had other information at their disposal that trumped this information.

So, I was relying upon individuals that were in a position to make a decision.

Henderson
Ok, the only other thing I'd like to clarify is the statement that was made. Councilor Bynum, my aide does not make \$150,000 and neither do I. Thank you sir

Bynum
But she should

Barnes
So, Mayor have you seen it? Is it written somewhere that they have to be laid off before you can use that JAG grant?

Mayor

There was an email that we received just recently that essentially said that yes. It said that certainty had to occur before the agreement could be given to change the use of the money.

Barnes

So the email said that it would have to be done that way?

Mayor

Yes

Barnes

Thank you

Christianson

Mayor, this handout from the Justice Department was indeed emailed maybe not to you, but to people in your office quite some time ago, actually, and people in your office had a copy of it.

Mayor

Could have been

Christianson

And then, the February 5th date, what is that date again? Is that the date

Barnes

That's when they were laid off

Mayor

) That's when they were laid off

Christianson

Ok, when was their notice of layoff given? It was before that wasn't it?

Mayor

Before that, I think it was, let's see, notice (unintelligible) January 22nd

Christianson

January 22nd, so did anybody check to see if that would have been an appropriate mechanism that would have indicated to the Justice Department that layoffs were imminent?

Mayor

I believe so, but layoffs were not imminent though. If you will recall what I just said was that notice had been given, that is correct and layoffs were to occur at a specific point but we were still negotiating. And so there was, in my view a very good probability, possibility/probability that we were gonna be successful in negotiating with the union

Therefore if we would have been successful or if the union would have had a re-vote and if it would have come out in favor of the proposal that had been given then layoffs would not have occurred.

So, at the point in time, January 22, when layoff notices were given, the layoff itself was not imminent. There was no certainty from what I was informed that was required for the Justice Department to agree to re-allocation of the funds. Does that make sense?

) Christianson

Yes, I understand what you are saying entirely. I just, I know it makes sense and I don't disagree, but I say to you that I think every rock should have been turned to try to move this money, if needed, to avoid the layoffs.

And I think there was information readily available to your staff that would've indicated that they could have applied with certainty that there were layoff notices issued.

And I understand that you needed a number and a time frame and that's what Terry has said so often, but at the end of the day, we knew the dollar amount we had, we knew that you wanted the 17 month deal to rehire them for the next fiscal year also.

And it would just seem to me we had the information we needed but that step was not taken because you were still negotiating with the FOP. But as I understand it, the FOP doesn't dictate how many get laid-off, they have really nothing to do with that, it's really an administrative issue to determine how many people get laid off or not get laid off.

I can't refute what you say. I'm still confused about the whole timeline and everything but, Darrell Webster was at our Public Works meeting on January 12th and he sat right there and went through the whole potential scenario and one of the things he said was Mayor Bartlett gives the number of police officers that will be laid off, which you did on January 22nd because notices were given to those officers.

Mayor
Right

Christianson

That's pretty certain, then the Tulsa Police Department makes re-allocation request to DOJ that day. And had we done it, and I understand why you didn't do it, because of the uncertainty, but had we done it that day to protect the officers' jobs and to make sure we had the proper number of officers on the street, we wouldn't have gotten down the road so far where we had to actually pay out the money.

You follow me on that?

Mayor

I understand, but I guess we're disagreeing on the perspective points of view. One thing I didn't want to put in jeopardy was that we, the city government, and I guess the previous administration, had a problem with HUD where monies were used in an area where they probably shouldn't have been used.

And as a result of that, there was a very serious breach of law and a very serious breach of trust certainly. And it put the city in a very bad place, for 1.5 to 2 million dollars, and what I didn't want to put us in jeopardy more especially while we're having a very difficult time financially. So I took the conservative route.

I didn't want to overplay my hand. I didn't want to put us in a position to where suddenly we had to bounce back and say well, whoa, we didn't need to do that, Federal government, and we made a mistake here and, you know, we're just kind of having a hard time back here in Tulsa and we're trying to figure something out.

Well I didn't want to put in a position where somebody said 'you should have known that'.

What we're doin now is kinda replayin history. And, uh, whether or not I did right or wrong, I did what I thought was in the best interest of the city of Tulsa. Both from our financial aspect and our legal perspective.

And I'm still attempting very very diligently to make a deal with the union. Because at the end of the day we'd all agree the best event would have been for the Police Department to vote in a positive way and for us not to have laid anybody off. That would have been best for everybody concerned.

So we were attempting again to come through negotiation, come to a good settlement, a good agreement, a good compromise and avoid this whole mess.

But the situation that we had with HUD, I didn't want to put us in a position to have that happen again.

Christianson

But wouldn't a simple phone call on January 22nd when the lay-off notices were given, just a simple phone call to the Justice Department and say 'look, this is what's happened, can we go ahead and apply now?' You know, and 'hopefully we won't need to apply, but can we go ahead and apply?'

It just seems, and I know Monday morning quarterbacking is easy and I apologize for that, but we spent a lot of money and laid a lot of officers off. We up-ended a lot of officers and their families' lives, they've been living on the edge and it's just

Mayor

Well, I was told that those phone calls had been made

Christianson

Who made those phone calls?

Mayor

Somebody on my staff

Christianson

I would love to know who that is

Mayor

I can't tell you a name right off hand

Christianson

So the phone call was made and they said no?

Mayor

The phone call was made and they didn't say no but they said layoffs have to be imminent in other words they have to have occurred. That was the word we got back from Washington D.C.

Christianson

They had to have occurred, that's what they said, the word you got back?

Mayor

Layoffs were a certainty and were imminent. And that they had to be in receipt of an official communication between the city governments.

Christianson

But they were on January 22nd

Mayor

No they weren't

Christianson

They got layoff notices

Mayor

But they weren't, they weren't imminent. They were possible but they weren't imminent until the day they were actually laid off. Because, counselor, in an interim period of time, that gap period of time, we could have made a deal with the Police Department, correct?

Christianson

Yes

Mayor

If we would have done that, layoffs would not have occurred. Therefore the 22nd date is not a good date in my opinion to start the clock on, as far as stating that layoffs had occurred.

Notice would have been given. We did the same thing with the Fire Department. Notice had been given, but we made a deal with the Fire Department, at the very end. As a matter of fact, it was a day or two later when we were going to lay off members of the Fire Department. And the vote occurred and it came out positive in the acceptance of the proposal and layoffs didn't occur.

So that's a great example right there of how layoffs did not occur. I hope I'm not confusing you.