

**DELAWARE COUNTY COMMISSIONER'S SPECIAL MEETING
MONDAY, FEBRUARY 27, 2017 @ 1:30 P.M.
ROOM 309 A, 100 WEST MAIN STREET
MUNCIE, IN 47305
CALL TO ORDER
PLEDGE TO FLAG
ROLL CALL**

ORIGINAL

Mr. Shannon Henry
Mr. James King
Ms. Sherry Riggin
Auditor, Steven G. Craycraft
Attorney, Mr. John Brooke

President King stated changes regarding collective bargaining are going to take place with Delaware County and the Highway Department.

Mr. John Brooke, Delaware County Attorney, read aloud Ordinance 2017-006, Repeal of Section 1-2-2.7 of the Codified Code of Delaware County, Indiana.

**REPEAL OF SECTION 1-9-2.7 OF THE CODIFIED CODE
OF DELAWARE COUNTY, INDIANA
ORDINANCE 2017-006**

MOTION: Commissioner Henry made a motion to introduce Ordinance 2017-006, Repeal of Section 1-9-2.7 of the Codified Code of Delaware County, Indiana.

SECOND: Commissioner Riggin

MOTION PASSED UNANIMOUSLY

MOTION: Commissioner Henry made a motion to suspend rules for Ordinance 2017-006, Repeal of Sections 1-9-2.7 of the Codified Code of Delaware County, Indiana.

SECOND: Commissioner Riggin

MOTION PASSED UNANIMOUSLY

MOTION: Commissioners Henry made a motion to approve Ordinance 2017-006, Repeal of Sections 1-9-2.7 of the Codified Code of Delaware County, Indiana.

SECOND: Commissioner Riggin

MOTION PASSED UNANIMOUSLY

Commissioners Special Meeting February 27, 2017

Cancellation of Union 135 contract between Delaware County Commissioners and Delaware County Highway Department, effective 5/1/2017

ORDINANCE 2017-006

REPEAL OF SECTION 1-9-2.7 OF THE
CODIFIED CODE OF DELAWARE COUNTY, INDIANA

WHEREAS the Codified Code of Delaware County, Indiana was adopted by the Board of Commissioners with the ordinances and resolutions germane to the governing of Delaware County, Indiana through April 2013; and

WHEREAS, the Board of Commissioners in their August 28, 1989 meeting recognized the Local Union #135 of the International Brotherhood of Teamsters, Chauffeurs, Warehouse and Helpers of America as the authorized collective bargaining agent for all county highway employees, excluding clerical and supervisory positions; and


WHEREAS in 2007 the clerical employees of the Highway Department became members of Local Union #135 of the International Brotherhood of Teamsters, Chauffeurs, Warehouse and Helpers of America; and


WHEREAS, the current contract with Local Union #135 of the International Brotherhood of Teamsters, Chauffeurs, Warehouse and Helpers of America expires on April 30, 2017.

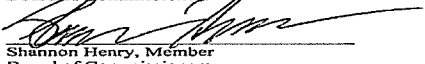
IT IS THEREFORE ORDAINED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA that:

1. Section 1-9-2.7 is hereby repealed in its entirety as well as any and all amendments thereto.
2. The current agreement with Local Union #135 of the International Brotherhood of Teamsters, Chauffeurs, Warehouse and Helpers of America shall be honored until said agreement expires on its own terms on April 30, 2017 and said agreement shall not be renewed nor replaced.
3. Delaware County, Indiana determines that there shall be no authorized collective bargaining agent for the employees of the Delaware County Highway Department after expiration of the current contract.

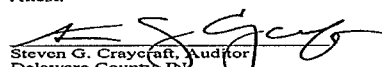
Dated this ___ day of February, 2017.


James King, President
Board of Commissioners


Sherry Riggins, Vice President
Board of Commissioners


Shannon Henry, Member
Board of Commissioners

Attest:


Steven G. Craycraft, Auditor
Delaware County, IN

A RESOLUTION TO CANCEL THE AGREEMENT BETWEEN TEAMSTERS LOCAL UNION NO. 135 AND THE COUNTY OF DELAWARE (HIGHWAY DEPARTMENT)
RESOLUTION 2017-008

Mr. Brooke read aloud Resolution 2017-008, a Resolution to Cancel the Agreement between Teamsters Local Union No. 135 and the County of Delaware (Highway Department). The Resolution will cancel the union agreement between Delaware County and the Highway Department, effective May 1, 2017.

MOTION: Commissioner Henry made a motion to approve Resolution 2017-008, A Resolution to Cancel the Agreement between Teamsters Local Union No. 135 and the County of Delaware.

SECOND: Commissioner Riggins
MOTION PASSED UNANIMOUSLY

Commissioners Special Meeting February 27, 2017

Cancellation of Union 135 contract between Delaware County Commissioners and Delaware County Highway Department, effective 5/1/2017

ORIGINAL

RESOLUTION 2017-008

A RESOLUTION TO CANCEL THE AGREEMENT BETWEEN TEAMSTERS LOCAL UNION NO. 135 AND THE COUNTY OF DELAWARE (HIGHWAY DEPARTMENT)

WHEREAS, the County of Delaware (Highway Department) entered into a Collective Bargaining Agreement ("Agreement") with the Teamsters Local Union No. 135 (collectively, the "Parties"). The Agreement was entered into in order to "promote harmony and efficiency in the County Highway Department so that the County of Delaware, the employees of the Highway Department, and the general public may benefit thereby;" and

WHEREAS, pursuant to Article 48, Section 48.2 of the Agreement, the Agreement is set to expire on April 30, 2017. Upon such expiration, the Agreement is set to renew, in its present form, unless written notice is given by one of the Parties at least sixty (60) days prior to the Agreement's expiration date; and

WHEREAS, the County of Delaware wishes not to renew the Agreement, and allow for the natural expiration and cancelation of the Agreement pursuant to Article 48, Section 48.2 thereof.

NOW THEREFORE, BE IT RESOLVED by the Delaware County Board of Commissioners, that the Agreement between Teamsters Local Union No. 135 and the County of Delaware shall be allowed to expire and not be renewed effective April 30, 2017, with no intent to negotiate as new; and

BE IT FURTHER RESOLVED, that notice of this expiration and a copy of this Resolution shall be mailed to appropriate Local Union representatives pursuant to the Agreement.

Passed and adopted by the Delaware County Board of Commissioners this 27th day of February, 2017.

DELAWARE COUNTY BOARD OF COMMISSIONERS

JAMES KING, President

SHERIE RIGGIN, Vice President

SHANNON HENRY, Member

ATTEST:

Steven G. Craycraft, Auditor

18090082.1

Mr. Brooke requested that he be allowed to send a letter pursuant to section Article 48, Section 48.2 to local 135 stating that the Commissioners will allow the contract between Delaware County and the Delaware County Highway Department to expire as of April 30, 2017.

MOTION: Commissioner Henry made a motion that Mr. Brooke will send a letter to local 135 stating the Commissioners will allow the contract between Delaware County and the Delaware County Highway Department to expire as of April 30, 2017.

SECOND: Commissioner Riggin

MOTION PASSED UNANIMOUSLY

Commissioners Special Meeting February 27, 2017

Cancellation of Union 135 contract between Delaware County Commissioners and Delaware County Highway Department, effective 5/1/2017



Brooke | Stevens, PC

John H. Brooke
Certified Mediator

John M. Stevens
Also Licensed in Illinois & Iowa

Joseph I. Rhettis

Lauren D. Henry

February 27, 2017

VIA CERTIFIED MAIL

Michael Gillespie
Teamsters Local 135
1233 Shelby Street
Indianapolis, IN 46203

Becky Strzechowski
International Vice President - Central
1300 W. Higgins Rd, Suite 301
Park Ridge, IL 60068.

Re: *The Delaware County Board of
Commissioners (Highway Department)
and Teamsters Local 135 Agreement*

Mr. Gillespie and Ms. Strzechowski:

As you know, the Delaware County Highway Department and the Teamsters Local 135 are parties to a Collective Bargaining Agreement, effective February 24, 2011 through February 23, 2016 (the "Agreement"). By way of letter dated May 20, 2016, the parties agreed to extend the Agreement for one year, to February 23, 2017. Such amended expiration date was again extended, by way of letter dated June 15, 2016, to April 30, 2017. Accordingly, the Agreement is set to expire on April 30, 2017.

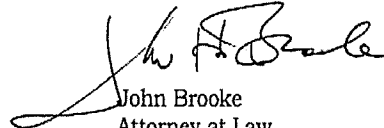
On February 27, 2017, the Board of Commissioners rescinded Delaware County Ordinance §1-9-2.7, which established Teamsters Local 135 as the authorized bargaining representative of the Delaware County Highway Department. Thus, the Board of Commissioners is no longer obligated to negotiate with the Teamsters Local 135 as a bargaining representative of the Delaware County Highway Department.

Additionally, on February 27, 2017, the Board of Commissioners passed Resolution No. 2017-008, indicating its intent not to renew the Agreement, allowing for its natural expiration as of April 30, 2017. A copy of the Resolution is enclosed for your records.

Therefore, pursuant to Article 48, Section 48.2, of the Agreement, the Board of Commissioners hereby provides notice through its undersigned counsel that it will not be renewing the Agreement, allowing for its natural expiration on April 30, 2017.

Sincerely yours,

Brooke | Stevens, P.C.



John Brooke
Attorney at Law

Enclosure

ounty

MOTION: Commissioner Henry made a motion to adjourn.

SECOND: Commissioner Riggin

MOTION PASSED UNANIMOUSLY

President James King

Vice-President Sherry Riggin

Member Shannon Henry

Auditor Steven G Craycraft

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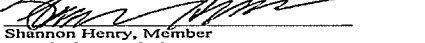
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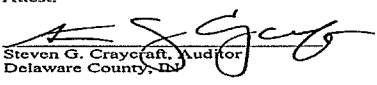
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February 27, 2017

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Michael Gillespie
Teamsters Local 135
1233 Shelby Street
Indianapolis, IN 46203

Becky Strzechowski
International Vice President –Central
1300 W. Higgins Rd, Suite 301
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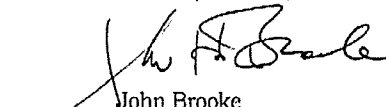
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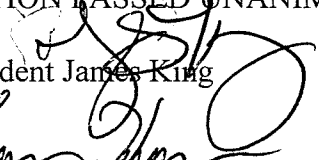
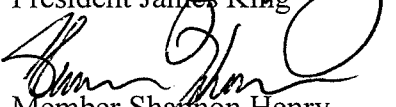
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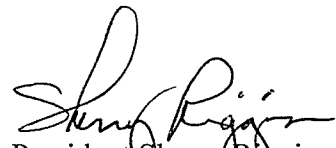

John Brooke
Attorney at Law

Enclosure

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MOTION: Commissioner Henry made a motion to adjourn.
SECOND: Commissioner Riggin
MOTION PASSED UNANIMOUSLY


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Commissioners Special Meeting February 27, 2017

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