MPLS for a Better Police Contract,

Plaintiff,

v.

City of Minneapolis,

Defendant.

This is an action for an injunction, civil penalties, exemplary damages, and an award of attorneys’ fees under the Minnesota Government Data Practices Act, Minn. Stat. Chapter § 13, and Negotiation Procedures § 179A.14.

THE PARTIES

1. Plaintiff MPLS for a Better Police Contract (“MFBPC”) is a coalition of community-led grassroots organizations that crafted a set of recommendations for changes to the Minneapolis Police collective bargaining agreement in an effort to improve policing in Minneapolis. Organizations in the coalition include Communities United Against Police Brutality, Racial Justice Network, and Our Revolution Twin Cities. These organizations and the coalition have operated in Minnesota at all times relevant to this action.

2. Defendant City of Minneapolis (“Minneapolis”) is a political subdivision of the State of Minnesota. Minneapolis is sued directly and also, on all relevant claims, on the theories of
respondeat superior or vicarious liability and pursuant to Minnesota Statutes § 466.02 for the unlawful conduct of its employees.

3. Minneapolis is the political subdivision charged with training and supervising its employees on data practices and public meeting compliance.

**JURISDICTION AND VENUE**

4. This Court has jurisdiction over this matter pursuant to Minn. Stat. § 484.01 et seq. and Minnesota common law. Venue lies properly in Hennepin County, Minnesota, pursuant to Minn. Stat. § 542.01 et seq., as the events giving rise to this action occurred in Hennepin County.

**FACTS**

5. Volunteers with MFBPC spent several months reviewing the City of Minneapolis collective bargaining agreement with the Police Officers Federation of Minneapolis (“Police Federation”) and creating a set of 14 recommended changes to the contract in order to improve policing in Minneapolis.

6. Starting in 2019, MFBPC presented their recommendations to city council members and to Laura Davis, Director of Labor Relations for the City of Minneapolis.

7. In June 2019, MFBPC began asking employees and elected officials with the City of Minneapolis about negotiating sessions with the Police Federation regarding their collective bargaining agreement with the city, which was due to expire in December 2019.

8. MFBPC representatives were interested in exercising their right to attend the negotiating sessions to determine if their recommendations would be brought forward by negotiators for the city.
9. On June 11, 2019, MFBPC submitted a request by email to Ms. Davis for information on the scheduling of negotiation sessions (“20190611 Request to Davis”).

10. On June 13, 2019, Ms. Davis responded by email, asking why MFBPC wanted the information (“20190613 Response from Davis”).

11. Although requesters are not obligated to provide explanations for their requests, MFBPC responded on that same date by telephone with an explanation of their interest in the information.

12. On June 18, 2019, Ms. Davis responded by email, stating no negotiating meetings were scheduled at that time. Ms. Davis further stated her belief that members of the public are not permitted to attend negotiating sessions (“20190618 Response from Davis”).

13. Minn. Stat. 179A.14, subd. 3 states that “All negotiations, mediation sessions, and hearings between public employers and public employees or their respective representatives are public meetings except when otherwise provided by the commissioner.”

14. In September 2019, MFBPC representatives held meetings with members of the Minneapolis City Council and their staff members. During those meetings, MFBPC representatives requested information on the dates, times and locations of upcoming negotiation sessions. The council members and their staff members stated they did not know this information.

15. On November 22, 2019, MFBPC sent an email to staff members for Council President Lisa Bender specifically asking for the dates of any upcoming negotiating sessions. On December 12, 2019, staff members for Ms. Bender sent a response email that did not include the dates of negotiating sessions (“20191122 Bender Staff Email”).

16. On December 3, 2019, MFBPC again requested information on the negotiation session schedule from Laura Davis (“20191203 Davis Email”). On December 6, Ms. Davis
responded that the next session would be held on December 17, 2019 and provided the time and location (“20191206 Davis Email”).

17. On December 4, 2019 MFBPC submitted a standing request for notification for all negotiation and mediation sessions between the city and the Police Federation. This letter was sent via email to Casey Carl, City Clerk and Laura Davis, Director of Labor Relations (“20191204 Standing Request”).

18. On December 4, 2019, MFBPC received a response from Mary Zenzen, Manager, Police Record Services, indicating that the request had been forwarded to Minneapolis Police Administration (“20191204 Zenzen Email”). MFBPC forwarded this response to Kristen Olson, the City’s Data Practices Compliance Officer (“20191204 Olson Email”).

19. On December 19, 2019, Compliance Officer Olson sent an email asking if MFBPC had heard from the council clerks who were responsible for meeting notifications. MFBPC responded that day indicating they had not. Ms. Olson responded that she would follow up with the clerks. To date, MFBPC has never received any information from these clerks. (“20191219 Olson Email Exchange”).

20. A few days before the December 17, 2019 negotiating session, MFBPC received notification from Ms. Davis that the session was canceled because the city and the Police Federation were moving into mediation, a non-public process by order of the Commissioner of the Bureau of Mediation Services.

21. On January 5, 2020, MFBPC submitted a request to Council President Bender’s staff members asking again for dates of past negotiation and mediation sessions as well as future sessions (“20200105 Bender Staff Email”).
22. On January 6, 2020, MFBPC submitted a request by email to Ms. Davis for notification of all mediation sessions (“20200106 Davis Email”). On January 7, 2020, Ms. Davis acknowledged the request but never provided the requested notifications (“20200107 Davis Response”).

23. On January 8, 2020, representatives of MFBPC met with Council President Bender and her staff and asked about dates of all negotiation and mediation sessions to date. The staff were unable to provide this information but agreed to gather the information and provide it after the meeting. However, this information was not provided and, instead, staff insisted that MFBPC submit yet another request for these data through the city’s data practices system. (“20200108 Bender Meeting Notes”).

24. On January 17, 2020 MFBPC submitted a data request letter to the City Clerk (“20200117 Data Request”) requesting:
   a. the dates of all bargaining sessions and mediation sessions with the Police Officers Federation of Minneapolis (“MPD Federation”) during 2019 and 2020;
   b. all proposals and written information shared by the City to the MPD Federation;
   c. all proposals and written information shared by the MPD Federation to the City;
   d. the date the MPD Federation requested or demanded mediation and any information indicating that negotiations were at an impasse;
   e. a list of individuals with the City involved in negotiations and/or mediation including their names and job titles;
   f. information on the process of mediation and consideration of new proposals under the mediation process;
25. On January 18, 2020, MFBPC requested information on past and future negotiation and mediation sessions from staff with Mayor Jacob Frey’s office ("20200118 Frey Staff Email"). On January 23, 2020, Mayor Frey’s office staff responded that they did not have these data but that the sessions might be scheduled on “Wednesdays in February.” ("20200123 Frey Staff Response").

26. On March 16, 2020, the city responded to the MFBPC data request of January 17, 2020 ("20200316 Response to Data Request"). The response indicated that six bargaining sessions had occurred that MFBPC never received notification of, despite the standing request for notification.

27. The city’s March 16, 2020 response also included a document titled “Process Agreement.” This document outlined the terms of negotiations including location, length of sessions, parties and other terms. Item 9 listed in the agreement was “Sub-Committees/Outside Resources/Visitors” and indicated that these required the approval of both parties.

28. In addition, the city’s March 16, 2020 response included a letter between the city and the Minneapolis Police Officers Federation dated December 13, 2019, 10 days after the MFBPC December 3rd standing request for scheduled negotiation sessions, indicating that an agreement to move discussions away from negotiation to mediation was based in part on their desire to prevent the public from observing the sessions.

29. On January 6, 2021, MFBPC submitted an Open Meeting advisory opinion request to the Minnesota Department of Administration to attempt to ascertain whether the failure to timely provide information on negotiating sessions by the City of Minneapolis violated the Open
Meeting Law, Minn. Stat. 13D (“20210106 Advisory Opinion Request”). On January 20, 2021, MFBPC received a telephone call from the Data Practices Office stating that negotiating sessions are not addressed in the Open Meeting Law, Minn. Stat. 13D.

30. On February 4, 2021, MFBPC sent an email to Taylor Lebstock with the Minnesota Bureau of Mediation Services (“20210204 Email to BMS”). In it, MFBPC outlined the city’s refusal to provide information about negotiating sessions and asked about any recourse the Bureau of Mediation Services could provide.

31. On February 5, 2021, MFBPC received a response by email from Michael Stockstead, Deputy Commissioner, Bureau of Mediation Services (“20210205 Email from BMS”). In it, Mr. Stockstead stated that he was “disappointed the City of Minneapolis has chosen not to comply with statute with regard to the public meeting citation of PELRA.” Mr. Stockstead pointed out that the Bureau of Mediation Services lacks enforcement power for the public meeting citation and stated that litigation may be MFBPC’s only recourse.

32. Despite a standing request for notification of all negotiating and mediation sessions, MFBPC has received no further notifications of any sessions after May 18, 2020. Upon information and belief, the city continues to meet with the Police Federation. In an article in the Star Tribune newspaper dated August 20, 2020, city spokesperson Sarah McKenzie is quoted as saying: “The city has been in mediation continuously since December 2019, and is still in mediation. The chief has not participated in the negotiations since his announcement, but the mediation has continued.” (“20200820 Star Tribune Article”).
CLAIMS

Data Practices Violations

33. Plaintiff repeats and reasserts each and every allegation in all preceding paragraphs as if fully set forth herein.

34. Minneapolis is an entity governed by the Minnesota Data Practices Act. Minn. Stat. §13.01.

35. The City Clerk of Minneapolis is the Responsible Party for the City of Minneapolis under the Minnesota Government Data Practices Act.

36. All government data collected by a government entity shall be public unless classified by statute or temporary classification or federal law as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential.

37. The responsible authority or designee shall provide access to and inspection of public data upon request.

38. If the responsible authority or designee determines that the requested data are classified so as to deny the requestor access, the responsible authority or designee shall inform the requestor of the determination either orally at the time of the request, or in writing as soon after that time as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based.

39. Responsible authorities must keep government data in such an arrangement as to make them easily accessible for convenient use.

40. Persons shall be permitted to inspect government data at reasonable times and places.

41. All data requested by MFBPC are public data.

42. The City of Minneapolis has not informed MFBPC at any point that their data requests were denied, nor supplied a reason for any such a denial.
43. The City of Minneapolis has not granted access to the requested public data in a reasonably timely manner.

44. The City of Minneapolis is in violation of The Minnesota Government Data Practices Act in relation to multiple requests for data regarding negotiations with the Police Federation.

45. Violations of the Minnesota Government Data Practices Act by the City of Minneapolis in this matter denied MFBPC the ability to observe negotiations and to ascertain whether their recommendations were considered in negotiations.

46. This denial prevented MFBPC from ascertaining whether their recommendations were ever raised in negotiations, denying them the opportunity to pressure the Minneapolis city council and Labor Relations Director to include their recommendations. Further, this denial stymied MFBPC in their mission of working for changes to the Minneapolis Police collective bargaining agreement to improve policing in Minneapolis.

**Violations of Minn. Stat. 179A.14, subd. 3**

47. Plaintiff repeats and reasserts each and every allegation in all preceding paragraphs as if fully set forth herein.

48. Minneapolis is an entity governed by Minn. Stat. 179A.14, subd. 3 in its negotiations with public employee collective bargaining units.

49. Minn. Stat. 179A.14, subd. 3 states that “All negotiations, mediation sessions, and hearings between public employers and public employees or their respective representatives are public meetings except when otherwise provided by the commissioner.”

50. The Commissioner of the Bureau of Mediation Services issued no orders closing negotiating sessions between the City of Minneapolis and the Police Officers Federation of Minneapolis, the collective bargaining unit for Minneapolis police officers.
51. The City Clerk of Minneapolis is responsible for notifications of public meetings.

52. The City of Minneapolis is in violation of Minn. Stat. 179A.14, subd. 3 with regard to multiple requests for meeting notices of negotiation sessions between the City of Minneapolis and the Police Federation.

53. The intentional violations of Minn. Stat. 179A.14, subd. 3 by the City of Minneapolis, in coordination with the Police Federation in this matter, denied MFBPC the ability to observe negotiations and to ascertain whether their recommendations were considered in negotiations.

54. MFBPC was unable to ascertain whether their recommendations were ever raised in negotiations, thus they have been denied the opportunity to pressure the Minneapolis city council and Labor Relations Director to include their recommendations. Violations of Minn. Stat. 179A.14, subd. 3 by the City of Minneapolis stymied MFBPC in its mission of working for changes to the Minneapolis Police collective bargaining agreement to improve policing in Minneapolis.

WHEREFORE, MFBPC respectfully requests that the court order the City of Minneapolis to:

1. Enjoin the City of Minneapolis from refusing previous requests, and produce all documents previously requested by MFBPC.

2. Create an advisory committee of seven community members which will advise the Director of Labor Relations. Require at least four members of the committee to be representatives of MFBPC. This committee will provide ongoing consultation and oversight to ensure the community’s interests are considered in negotiations, and will review any proposed agreement before city council approval.
3. Notice collective bargaining agreement negotiating sessions in the same manner as all other open meetings.

4. Report regularly on the status of negotiations and mediations to the public, including on the minneapolismn.gov website.

Further, MFBPC respectfully requests that the court:

5. Find for exemplary damages against the City for its failure to comply with the Minnesota Government Data Practices Act;

6. Find for exemplary damages against the City for its failure to comply with Minn. Stat. 179A.14, subd. 3;

7. Award MFBPC its costs and fees, including reasonable attorney’s fees, in pursuing this action.

8. Award punitive damages.

9. Grant such other relief as it may deem just and equitable.

THE PLAINTIFF HEREBY DEMANDS A JURY TRIAL.

Date: June 17, 2021 By /s/ Micala Tessman
Micala Tessman
Gordon Tessman Law LLC
MN Attorney ID# 0391920
2637 Quincy Street NE
Minneapolis, MN 55418
Tel: (651) 442-8551
ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney’s fees may be awarded pursuant to Minn. Stat. § 549.211, to the opposing party.

Date: June 17, 2021  By /s/ Micala Tessman

Micala Tessman
Laura,
I am interested in learning more about the Police Union Contract negotiations. Are you the right person to discuss with?

Here are some of my questions:
- When does the process begin?
- What parts of the process are open to the public? What parts aren't?
- When is community input solicited?
- If community input is not part of the process, how can it be added?
- How are the Council Members part of the process?
- How does the contract receive approval? Does the Executive Committee just need to approve and/or does the full Council need to approve it? Is a simple majority needed to approve it?
- Who is on the negotiation committee?

Sorry for all the questions, but I am very interested in learning the process.
Thank you for your time!
Pete Gamades
pete.gamades@gmail.com
Good morning Mr. Gamades,

I regret that we don’t have answers to most of your questions at this time, but, yes, I will negotiate the Police Federation Labor Agreement on behalf of the City. Would you please let me know what your interest and/or connection is to the City and the MPD?

Many thanks,
Laura

Laura J. Davis
Director Labor Relations
City of Minneapolis
Office: 612-673-3521
Cell: 612-323-6110
Laura.Davis@MinneapolisMN.gov
Good afternoon Mr. Gamades,

I did not negotiate the last Police Federation contract. That was handled by my predecessor who has since retired and I don't know a great deal about it, but will try to address some of your questions in a general fashion.

The bargaining process usually begins a few months before a contract's expiration date, and we have not scheduled any meetings for this contract yet. We also have not yet developed the negotiating team, but it is usually senior members of the MPD Administration. I don't believe members of the public have ever attended parts of City labor contract negotiations. Labor Relations does not seek community input in connection with its 22 collective bargaining, although it's possible City Council members may do that form time-to-time. Finally, all City labor agreements must be approved by a majority of the City Council.

Thanks for your interest,

Thank you,

Laura

Laura J. Davis, JD
Director Labor Relations
City of Minneapolis – Human Resources
250 South Fourth Street – Room #100
Minneapolis, MN 55415
OFFICE: 612-673-3521

CELL: 612-323-6110
Laura.Davis@MinneapolisMN.gov

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D'Ana,

Thank you to Council President Bender and you for meeting with MPLS For A Better Police Contract. Since our November 7th meeting we have met and have in place a team of people who will be able to participate in the follow up meetings with the Council, and also attend the City and Police Federation Contract negotiation meetings as members of the public for observation.

Please let us know the day and time being set up for the first follow up meeting with the Council. If you prefer, we can meet with you prior to this meeting to share the positive feedback we are receiving from other members of the Council.

We would appreciate if you could also let us know when and where the District and Police Federation contract negotiations will be taking place.

If you need anything further from us, please let us know.

Thank you very much,
Stacey

Stacey Gurian-Sherman, Esq.
Managing Partner, Strategic Expansion & Trainings, LLC.
Educational Support Professional, Minneapolis Public Schools
ESP Union Steward, Member of Contract Negotiations Team, MFT Local 59
240-997-1809
StaceyTP@gmail.com
Laura
Thanks for the information below. A few of us would like to attend the next meeting between the city and the Federation. What is date/time/location of the meeting?
Thanks
Pete
Subject: Meeting Notification Request
From: mgresist <mgresist@minn.net>
Date: 12/4/2019, 1:28 AM
To: cityclerk@minneapolismn.gov
CC: laura.davis@minneapolismn.gov
BCC: Dave Bicking <dave@colorstudy.com>

Please see the attached meeting notification request.

Attachments:

Meeting Notification Request MPD Federation 20191204.pdf 91.7 KB
December 4, 2019

Mr. Casey Carl
Minneapolis City Clerk
Minneapolis City Hall, Room 304
350 South Fifth Street
Minneapolis, Minnesota 55415

Dear Mr. Carl:

Pursuant to Minnesota Statute 179a.14, subd. 3 and Minnesota Statute 13D.04, we request notification of all negotiations, mediation sessions, and hearings between the Police Officers Federation of Minneapolis (MPD Federation) and the City of Minneapolis. Please provide these meeting notices to us via email at cuapb.mpls@gmail.com.

Should you have any questions, please feel free to contact us this email address or at 612-874-7867.

Thank you for your assistance.

For justice,

Michelle F. Gross/s/
Michelle Gross, President

C: Laura Davis, Director of Labor Relations
Subject: RE: [EXTERNAL] Meeting Notification Request
From: "Zenzen, Mary L." <Mary.Zenzen@minneapolismn.gov>
Date: 12/4/2019, 11:05 AM
To: "mgresist@minn.net" <mgresist@minn.net>
CC: Responsible Authority <ResponsibleAuthority@minneapolismn.gov>

Hello -

I have passed your request to MPD administration, since they would be involved in the scheduling and notification of such meetings. Please follow up with MPD administration and/or the Police Federation with questions.

Thank you.

Mary Zenzen
Manager, Police Record Services
City of Minneapolis - Police Department
612-673-3996
mary.zenzen@minneapolismn.gov

-----Original Message-----
From: Responsible Authority
Sent: Wednesday, December 04, 2019 9:58 AM
To: datapractices <datapractices@minneapolismn.gov>; Zenzen, Mary L. <Mary.Zenzen@minneapolismn.gov>; Meuwissen, Caresa M. <Caresa.Meuwissen@minneapolismn.gov>; Bachun, Caroline M. <Caroline.Bachun@minneapolismn.gov>
Subject: FW: [EXTERNAL] Meeting Notification Request

-----Original Message-----
From: mgresist <mgresist@minn.net>
Sent: Wednesday, December 04, 2019 1:29 AM
To: City Clerk <cityclerk@minneapolismn.gov>
Cc: Davis, Laura J <laura.davis@minneapolismn.gov>
Subject: [EXTERNAL] Meeting Notification Request

Please see the attached meeting notification request. [EXTERNAL] This email originated from outside of the City of Minneapolis. Please exercise caution when opening links or attachments.
Subject: RE: RE: [EXTERNAL] Meeting Notification Request
From: "Olson, Kristen L." <Kristen.Olson@minneapolismn.gov>
Date: 12/4/2019, 5:14 PM
To: mgresist <mgresist@minn.net>

Good Evening Michelle,
I'll look into this and find out for you right away. I'm not sure off the top of my head who is responsible for sending out meeting notices but I'll get you some answers.
Have a nice evening,

Kristen L. Olson  
Data Practices Compliance Official  
City of Minneapolis – City Clerk's Office  
Office: 612-673-3245  
kristen.olson@minneapolismn.gov

Submit data requests and learn more about open government [here]

From: mgresist [mailto:mgresist@minn.net]
Sent: Wednesday, December 04, 2019 3:28 PM
To: Olson, Kristen L. <Kristen.Olson@minneapolismn.gov>
Subject: Fwd: RE: [EXTERNAL] Meeting Notification Request

Kristen,

This is the email I left you a message about. I'm also attaching our meeting notification request.

It is my understanding that public meetings are noticed out of the City Clerk's office, though I could certainly be wrong. Maybe I am reading the email below incorrectly but I don't feel assured that just passing on our request to "police administration" and not even a specific individual will mean that we will get such notice, as outlined in MN Statutes 13D.04, subd. 2(b). Could you please explain to me the process for sending meeting notices? In the past, I've been able to sign up for automated notifications for various commissions, city council committee meetings, etc. and I routinely receive such notices by email. I'm also confused about why, if notices are sent directly by the departments rather than through the City Clerk's office, Human Resources Labor Relations Director Laura Davis wouldn't be the person sending them, presuming she is the person arranging the meetings. Please advise.

Thank you for your assistance.

Michelle Gross
Communities United Against Police Brutality

-------- Forwarded Message --------
Subject: RE: [EXTERNAL] Meeting Notification Request
Date: Wed, 4 Dec 2019 17:05:54 +0000
From: Zenzen, Mary L. <Mary.Zenzen@minneapolismn.gov>
To: mgresist@minn.net <mgresist@minn.net>
CC: Responsible Authority <ResponsibleAuthority@minneapolismn.gov>
Hello -

I have passed your request to MPD administration, since they would be involved in the scheduling and notification of such meetings. Please follow up with MPD administration and/or the Police Federation with questions.

Thank you.

Mary Zenzen
Manager, Police Record Services
City of Minneapolis - Police Department
612-673-3996
mary.zenzen@minneapolismn.gov

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Subject: FW: [EXTERNAL] Meeting Notification Request

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From: mgresist<mgresist@minn.net>
Sent: Wednesday, December 04, 2019 1:29 AM
To: City Clerk<cityclerk@minneapolismn.gov>
Cc: Davis, Laura J <laura.davis@minneapolismn.gov>
Subject: [EXTERNAL] Meeting Notification Request

Please see the attached meeting notification request.
[EXTERNAL] This email originated from outside of the City of Minneapolis. Please exercise caution when opening links or attachments.
Mr. Gamades,

Thanks for your patience. The next bargaining session between the City of Minneapolis and the Police Federation will be held 1:00 – 4:00 p.m. on Tuesday, December 17, 2019, in Room 109 of the City’s Emergency Operations Training Facility, 25 37th Ave NE, Fridley, MN 55421.

It would help if I knew in advance the number of attendees you expect so we can be sure to have enough chairs.

Thank you,

Laura

Laura J. Davis, JD  
Director Labor Relations

City of Minneapolis – Human Resources  
250 South Fourth Street – Room #100  
Minneapolis, MN 55415  
OFFICE: 612-673-3521

CELL: 612-323-6110  
Laura.Davis@MinneapolisMN.gov

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Good morning, Kristen. Unfortunately, no one followed up with me on this. However, we learned through another source that the next meeting was supposed to have been on Tuesday but the federation called for mediation so there will apparently be no further meetings.

Thank you for following up on this.

Michelle

On 12/19/2019 8:21 AM, Olson, Kristen L. wrote:

Morning Michelle,
I did follow up with the Council Clerks and they indicated they would reach out to you regarding this question, just following up to make sure someone did.
Thanks much,
Kristen

From: Olson, Kristen L.
Sent: Wednesday, December 04, 2019 5:15 PM
To: mgresist <mgresist@minn.net>
Subject: RE: RE: [EXTERNAL] Meeting Notification Request

Good Evening Michelle,
I’ll look into this and find out for you right away. I’m not sure off the top of my head who is responsible for sending out meeting notices but I’ll get you some answers.
Have a nice evening,
certainly be wrong. Maybe I am reading the email below incorrectly but I don't feel assured that just passing on our request to "police administration" and not even a specific individual will mean that we will get such notice, as outlined in MN Statutes 13D.04, subd. 2(b). Could you please explain to me the process for sending meeting notices? In the past, I've been able to sign up for automated notifications for various commissions, city council committee meetings, etc. and I routinely receive such notices by email. I'm also confused about why, if notices are sent directly by the departments rather than through the City Clerk's office, Human Resources Labor Relations Director Laura Davis wouldn't be the person sending them, presuming she is the person arranging the meetings. Please advise.

Thank you for your assistance.

Michelle Gross
Communities United Against Police Brutality

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To: mgresist@minn.net <mgresist@minn.net>  
CC: Responsible Authority <ResponsibleAuthority@minneapolismn.gov>

Hello -

I have passed your request to MPD administration, since they would be involved in the scheduling and notification of such meetings. Please follow up with MPD administration and/or the Police Federation with questions.

Thank you.

Mary Zenzen
Manager, Police Record Services
City of Minneapolis - Police Department
612-673-3996
mary.zenzen@minneapolismn.gov

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Subject: FW: [EXTERNAL] Meeting Notification Request

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Sent: Wednesday, December 04, 2019 1:29 AM
To: City Clerk <cityclerk@minneapolismn.gov>
Cc: Davis, Laura J <laura.davis@minneapolismn.gov>
Subject: [EXTERNAL] Meeting Notification Request

Please see the attached meeting notification request.
[EXTERNAL] This email originated from outside of the City of Minneapolis. Please exercise caution when opening links or attachments.
D’Ana,

This e-mail is to **confirm our meeting on Wednesday, January 8th at 10:15 am** at the Council City Hall offices.

This meeting was called to further discussions on how to solidify growing City Council member support for the common sense recommendations to the City and Police Federation contract being led by the coalition MPLS For A Better Police Contract.

Since this meeting was called, we were very concerned to learn that the December 17th negotiation session between the District and Police Federation was cancelled when the Police Federation abruptly called for mediation. And now, the mediation sessions will be held behind closed doors.

This is very suspect for several reasons. From what we know, there had been very few negotiation sessions and bargaining seemed to be just getting started in earnest. Past negotiations of recent contracts have gone on for many months either leading to agreement or before mediation was requested. Our coalition members submitted formal requests to be notified of pending negotiations, with members of the public poised to attend negotiations sessions — certainly for the first time in many years, if not for the first time ever. Finally, and most significantly, our coalition’s recommendations have been gaining support and momentum for passage amongst Council Members and the public.

Given this, there may well be a public perception that the Police Federation is trying to circumvent the public’s right to know and be engaged. We would not want the City Council to be swept up in such a perception. The cessation of negotiations and the request for mediation seems to have blindsided City negotiators, and many members of the Council.

Our discussion with Council Members and staff on January 8th will certainly be altered by the Police Federation’s seemingly premature call for mediation.

Given her support in continuing to meet with us, we want to give City Council President Bender the benefit of some our questions and concerns in advance of Wednesday’s meeting. We would appreciate her assistance in getting answers to these questions.

**Negotiations**

- How many and on what dates did bargaining sessions occur?

- Our understanding is that once proposals and other written information are passed across the table, these documents are public. From whom do we request these materials? We ask this given our request for meeting notification was never followed up by the Council Clerk’s office.

**Request For Mediation**
- Did the Police Federation request mediation during the last contract negotiations, or any prior to that?

- Did the City feel negotiations were at a legitimate impasse?

- We understand mediation is not open to the public. However, our understanding is that the scheduling and occurrence of mediation sessions are a matter of public information. Again, to whom do we request data as to the dates and times of mediation?

- Who, including Council Members or staff, is allowed to observe mediation sessions?

- What is the process for mediation, including the following:
  - Who is the mediator?
  - How is agreement reached?
  - How are new proposals that were not yet considered passed for deliberation?
  - What if no agreement is reached during mediation?

**Recommendations from MPLS For A Better Police Contract**

- Were any of our coalition recommendations passed across the table at bargaining sessions?

- Once the City Council agrees which recommendations it wants considered, what is the process now that mediation has been requested?

**City Council Action**

- Since the City Council must vote to approve the Police Federation contract, what actions can the Council take to ensure their priority provisions are made part of the contract?

- How does an impasse affect the budget for the police department?

**Police Federation Action**

- Since law enforcement agencies and other first responders are not permitted by law to strike, what actions are permissible for the Police Federation if an agreement remains at an impasse?

Thank you for your time and consideration.

Dave Bicking
Kevin Chavis
Pete Gamades
Michelle Gross
Stacey Gurian-Sherman
Kimberly Milliard
MPLS For A Better Police Contract
Dear Ms. Davis:

Although the negotiations between the City and the Police Officers Federation of Minneapolis have moved into mediation and, thus, the sessions are not public, we would like to reiterate our request for notification of these meetings. Please send these notices to my email address: mgresist@minn.net

Thank you for your assistance.

Michelle Gross
Communities United Against Police Brutality
Ms. Gross,
Many thanks for this clarification.

Laura J. Davis
Director Labor Relations
City of Minneapolis
Office: 612-673-3521
Cell: 612-323-6110
Laura.Davis@MinneapolisMN.gov

Disclaimer: If you are not the intended recipient of this message, please immediately notify the sender of the transmission error and then promptly delete this message from your computer system.

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Dear Ms. Davis:

Although the negotiations between the City and the Police Officers Federation of Minneapolis have moved into mediation and, thus, the sessions are not public, we would like to reiterate our request for notification of these meetings. Please send these notices to my email address: mgresist@minn.net

Thank you for your assistance.

Michelle Gross
Communities United Against Police Brutality

[EXTERNAL] This email originated from outside of the City of Minneapolis. Please exercise caution when opening links or attachments.
Council President Lisa Bender (LB) stated that in her opinion there was no question but that the call for mediation by the MPLS Police Federation (Federation) was done to subvert public engagement in the contract process.

11-20-19 was the last negotiation session scheduled. [Confirm this date is correct]

The Council was briefed on the efforts of (Director Labor Relations and Lead Negotiator for the City) Davis to talk the Federation out of seeking mediation, precisely because it was so early in the process. Plus, the Federation had not come back with something the Council steadfastly would not support. And finally, the public would not look kindly on being shut out. The next negotiations session was set for December 17th, and that is the only one that the public was made aware of. Mediation was requested prior to this meeting.

 Asked what the Federation had to gain in a prolonged process, LB responded, holding out for new pro-police Council Members. Many of this old guard lost their seats in the last election. The Federation is banking on the last election being an anomaly and can be corrected as opposed to a lasting trend.

The issue is control, and how the Federation is trying to gain the upper hand in their contract negotiations. The point was made that if this is what they in this process that involved elected City Council Member approval, then it is no wonder how they abuse their power when dealing with people with much less power.

The issue of scope was discussed again, as it was at our first meeting with LB. She made the distinction between changes to the contract that would be within the scope, as opposed to “reforms” that could be construed to be outside the contract purview. Reforms require a public engagement process. Changes to the contract that amount to reforms need to be part of a legally vetted process. Some portions of the contract are controlled by state statutes and mandates. However, the issue of giving away managerial rights is not only within scope, but is a legal violation. Whether we think that all of the recommendations from MPS For A Better Police Contract fall within scope, there will likely be Council Members and City staff who differ.

LB also stated, as she had at our previous meeting, that some of the changes we are recommending can be achieved through avenues other than the Federation contract. And these avenues would provide opportunities for public education, engagement, input, and vetting. She gave as an example the policy framework for making changes to roads. Public input comes at various stages, and is within a framework of developed priorities. Developing these priorities provides foundational principles on which to operate. For example with housing, the history of racial bias is noted, and countering this are priorities to keep people in their homes, and keeping renters from being evicted.

LB provided her opinion of the current state of where Council Members. 5 are solidarity in the Mayor’s pro-police camp. 3 are neutral but trend towards pro police. The rest are for police reforms or trend that way. Steve Fletcher who is on the Council VP and a member of Public Safety is a key ally.
LB noted there is a real data problem and this is definitely true with police statistics. And what is available is skewed to try to show that more police are needed, as opposed to real reforms, and new ideas, such as non-police first responders (mental health, homelessness). For instance, there is no evidence that increasing police results in crime reduction. In fact, it does nothing to get at the issues that cause crime, including domestic violence, economics, structural racism, etc.

LB proposed a concerted effort to begin this February/ March to convene a group to develop the priorities around policing, including new reforms. We made the case that MPLS For A Better Police Contract should play a substantial role in this effort. LB agreed. LB stated “real conversations” need to happen. She suggested starting with a sit down with reporters to begin needed public education. This is needed given the public has been conditioned to believe the myth that more police means more safety, which is not supported by data. However, the Mayor ran on more police, and is not bending on this. Education can include how other localities are seeing success with non-police first responders.

Action Items.

1. **Priority Process** - Convene the process for public education, engagement and input. Zero in on problems and solutions that have been proven to work, and how increasing police is not a successful solution for increasing safety and reducing crime. Develop the road map to know where we want to go.

2. **Mediation** - Follow mediation process and get answers to questions in Stacey’s e-mail to D’ana. See following these minutes the e-mail update from Pete with Laura Davis’s responses. When pushed again she simply stated: “Please make a data request to the Office of the City Clerk.”

3. **Push The Council** – It can take months to develop priorities. What efforts do we need to take to get the Council to commit to not passing the Federation Contract unless certain recommendations are included. Research and brainstorm how we can influence the City Council to put pressure on the Federation (budget, public forums that give Council backing).

4. **Other Avenues for Recommendation Implementation** - Beyond the effort to develop priorities in cooperation with the City.
Laura,

Thanks for getting back to me. There is a gap between our perspectives on what is public information. Below are the questions with my understanding. Please confirm your understanding for each question.

**Negotiations**

1) How many and on what dates did bargaining sessions occur? This is public information. The date/time was already provided for one session (the originally scheduled session on 12/17). We are asking for any previous session(s).

2) In relation to these sessions, please provide any proposals and other written information that were passed "across the table". This is public information. Please provide the statute that refers to it being "confidential".

**Request For Mediation**

3) Did the Police Federation request mediation during the last contract negotiations, or any prior to that? If so, at what phase of the process did they request mediation? This was not answered. Please provide a response.

4) Did the City feel negotiations were at a legitimate impasse? This was not answered. Please provide a response and provide the reasoning that the Federation stated for requesting mediation (including the letter/email from the Federation).

5) Who from the City is allowed to observe mediation sessions? Are Council Members or their staff allowed? This was not answered. Please provide a response.

6) What is the process for mediation, including the following:
   a) Who is the mediator? Answer provided: State Bureau of Mediation Services
   b) How is agreement reached? This was not answered. Please provide a response.
   c) How are new proposals that were not yet considered passed for deliberation? This was not answered. Please provide a response.
   d) What if no agreement is reached during mediation? Answer provided: the matter may proceed to an interest arbitration, where a neutral arbitrator makes a final decision.

**Recommendations from MPLS For A Better Police Contract**

7) Were any of the coalition’s recommendations passed across the table at bargaining sessions? If so, which ones? This is public information. Please provide the statute that refers to it being "confidential".

**Police Federation Action**

8) Since law enforcement agencies and other first responders are not permitted by law to strike, what actions are permissible for the Police Federation if an agreement remains at an impasse? Answer provided: the matter may proceed to an interest arbitration, where a neutral arbitrator makes a final decision.

9) Please confirm that you will provide the date/time/location of the all upcoming mediation sessions. I understand that the public can not attend. However, the date/time/location is public information.
January 17, 2020

Casey J. Carl
City Clerk's Office, City of Minneapolis
350 South Fifth Street, Room 304
Minneapolis, MN 55415-1382

Dear Mr. Carl:

Pursuant to the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13), we write to request access to and inspection of documents that provide the following information:

- The dates of all bargaining sessions and mediation sessions with the Police Officers Federation of Minneapolis (“MPD Federation”) during 2019 and 2020
- All proposals and written information shared by the City to the MPD Federation
- All proposals and written information shared by the MPD Federation to the City
- The date the MPD Federation requested or demanded mediation and any information indicating that negotiations were at an impasse
- A list of individuals with the City involved in negotiations and/or mediation including their names and job titles
- Information on the process of mediation and consideration of new proposals under the mediation process
- The dates, times and locations of upcoming negotiation and/or mediation sessions between the City and the MPD Federation.

Please provide access to these data by February 3, 2020. Please contact me via email at mgresist@minn.net or via cellular telephone at 612-703-1612 regarding availability of the data. If the data will not be available for inspection by the requested date, please let us know when they will be available. I understand the Data Practices Act to require you to respond promptly to this request. If you choose to deny any part of this request, please provide a written explanation for the denial including a reference to the specific statutory sections upon which you rely. Also, we are aware that you are required under Chapter 13 to separate public from not public data at no cost to us. Please make the public data available.

Please be advised that we are prepared to pursue whatever legal remedy is necessary in order to obtain access to the requested records. Also, please note that willful violation of the Data Practices Act could result in the imposition of disciplinary action and the award of costs and disbursements, including reasonable attorney fees.

We look forward to a prompt reply. Thank you for your assistance.

Respectfully,

Michelle Gross
President
Happy New Year! Since the last time we’ve chatted it seems like the major development is that the Federation called for mediation. Do you know what the reason was provided by the Federation calling for mediation? It seems unlikely that the sides were at an impasse so early in the process. Also when is the next mediation scheduled? I know the public cannot attend but it’s important to know the next steps in the process.

What is your take on this and are there any other updates you can share?

Thanks
Pete
Hi Pete,

Thanks for the email. I don’t know what the reason given was. I have not seen the request. I’m also not sure off the top of my head when the meetings are but I think they are scheduled for Wednesdays in February.

Heidi

Heidi Ritchie, BSN, RN, PHN
Policy Director to Mayor Jacob Frey
Hello,

The dates of all bargaining sessions and mediation sessions with the Police Officers Federation of Minneapolis ("MPD Federation") during 2019 and 2020:

- September 30, 2019
- October 7, 2019
- November 6, 2019
- November 14, 2019
- November 20, 2019
- January 15, 2020
- January 29, 2020
- Wednesday, 3/18/20 (9:00am-4:30pm): Police Officers Federation Hall
- Friday, 4/17/20 (9:00am-4:30pm): Police Officers Federation Hall
- Thursday, 4/30/20 (9:00am-4:30pm): Police Officers Federation Hall
- Wednesday, 5/6/20 (9:00am-4:30pm): Police Officers Federation Hall
- Monday, 5/18/20 (9:00am-4:30pm): Police Officers Federation Hall

All proposals and written information shared by the City to the MPD Federation:

- The Parties are engaged in an Interest Based Bargaining (IBB) process that does not include passing proposals “across the table” in the traditional sense. Rather, it is a collaborative process, where the parties discuss issues following a specific format. Some helpful information, and examples of how that process works can be found here: [http://ala-apa.org/newsletter/2008/11/14/can-we-bargain-amicably-a-primer-on-interest-based-bargaining/](http://ala-apa.org/newsletter/2008/11/14/can-we-bargain-amicably-a-primer-on-interest-based-bargaining/)

All proposals and written information shared by the MPD Federation to the City:

- Interest based bargaining does not include proposals.

The date the the MPD Federation requested or demanded mediation and any information indicating that negotiations were at an impasse:

- December 13, 2019.

A list of individuals with the City involved in negotiations and/or mediation including their names and job titles:

Sarah Almquist, Human Resources Generalist
Medaria Arradondo, Chief of Police
Laura J. Davis, Director Labor Relations
David Garman, Lieutenant
Henry Halvorson, Deputy Chief
Anna Hedberg, Sergeant
Mark Johnson, Officer
Michael Kjos, Assistant Chief
Jim Michels, Attorney
Erin Naveen, Human Resources Consultant
Sherral Schmidt, Sergeant
Kathy Waite, Deputy Chief
Richard Walker, Officer

Information on the process of mediation and consideration of new proposals under the mediation process:

- Attached to this email.

The dates, times and locations of upcoming negotiation and/or mediation sessions between the City and the MPD Federation:

- Wednesday, 3/18/20 (9:00am-4:30pm): Police Officers Federation Hall
- Friday, 4/17/20 (9:00am-4:30pm): Police Officers Federation Hall
- Thursday, 4/30/20 (9:00am-4:30pm): Police Officers Federation Hall
- Wednesday, 5/6/20 (9:00am-4:30pm): Police Officers Federation Hall
- Monday, 5/18/20 (9:00am-4:30pm): Police Officers Federation Hall


At this time, your request will be closed.

We invite you to learn more about Data Practices, explore open government, or submit a request in the future:

http://www.minneapolismn.gov/datapactices

Thank you,

Courtney Martin
Records Management Specialist

City of Minneapolis – City Clerk
350 S. Fifth St. – Room #304
Minneapolis, MN 55415

Office: 612-673-2421
Courtney.Martin@minneapolismn.gov

What data are you requesting?
Pursuant to the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13), we write to request access to and inspection of documents that provide the following information:

• The dates of all bargaining sessions and mediation sessions with the Police Officers Federation of Minneapolis (“MPD Federation”) during 2019 and 2020

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• A list of individuals with the City involved in negotiations and/or mediation including their names and job titles • Information on the process of mediation and consideration of new proposals under the mediation process

• The dates, times and locations of upcoming negotiation and/or mediation sessions between the City and the MPD Federation. Please provide access to these data by February 3, 2020. Please contact me via email at mgresist@minn.net or via cellular telephone at 612-703-1612 regarding availability of the data. If the data will not be available for inspection by the requested date, please let us know when they will be available. I understand the Data Practices Act to require you to respond promptly to this request. If you choose to deny any part of this request, please provide a written explanation for the denial including a reference to the specific statutory sections upon which you rely. Also, we are aware that you are required under Chapter 13 to separate public from not public data at no cost to us. Please make the public data available. Please be advised that we are prepared to pursue whatever legal remedy is necessary in order to obtain access to the requested records. Also, please note that willful violation of the Data Practices Act could result in the imposition of disciplinary action and the award of costs and disbursements, including reasonable attorney fees. We look forward to a prompt reply.

Thank you for your assistance. Respectfully, Michelle Gross/es/ Communities United Against Police Brutality

Ref: MSG2531876

Attachments:

Public_Sent_DR205060.pdf 831 KB
Hello Commissioner Johnson – as you will recall, several months ago when the parties were ready to commence bargaining on the successor to the Labor Agreement that expires 12/31/2019, we had requested assistance from BMS for Interest Based Bargaining Training. We have been applying the process on several issues and, although we have made progress on many of those issues, the Federation is now requesting that the case be moved to traditional mediation. It is my understanding that a formal Petition for Mediation Services need not be filed. If you do require that we file a Petition, please advise and I will submit one electronically. Thank you for your consideration.

Jim Michels
Rice, Michels & Walther, LLP
10 Second Street NE, Suite 206
Minneapolis, MN 55413
Direct Dial: (612) 676-2301
Fax: (612) 676-2319

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[EXTERNAL] This email originated from outside of the City of Minneapolis. Please exercise caution when opening links or attachments.
Laura – please see the attached. I will send the hard copy by US Mail.

Jim Michels
Rice, Michels & Walther, LLP
10 Second Street NE, Suite 206
Minneapolis, MN  55413
Direct Dial: (612) 676-2301
Fax: (612) 676-2319

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[EXTERNAL] This email originated from outside of the City of Minneapolis. Please exercise caution when opening links or attachments.
PROCESS AGREEMENT

1) Team Members

<table>
<thead>
<tr>
<th>Federation</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jim Michels, Lead Negotiator</td>
<td>Laura J. Davis, Lead Negotiator</td>
</tr>
<tr>
<td>Sherral Schmidt</td>
<td>Medaria Arradondo</td>
</tr>
<tr>
<td>David Garman</td>
<td>Michael Kjos</td>
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<tr>
<td>Anna Hedberg</td>
<td>Henry Halvorson</td>
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<tr>
<td>Richard Walker</td>
<td>Kathy Waite</td>
</tr>
<tr>
<td>Mark Johnson</td>
<td>Sarah Almquist</td>
</tr>
</tbody>
</table>

2) Quorum
- City: Davis and (Arradondo or Kjos) + 1
- Federation: Michels + 3

3) Arrangements
- Location: Emergency Operations Training Facility (EOTF) or Union Hall; (back-up)
- Table set-up: U-shape

4) Meeting Format
- Full days, 9:00am-4:00pm (0900-1600) preferred
- Breaks as needed
- Lunch as agreed per prior meeting
- Facilitator: Davis or Michels
- Wrap-up (during last 15 minutes):
  - Evaluate/review meeting
  - Determine Action items/homework assignments, including co-facilitator roles, and external communications (if any; see #6)
  - Establish next meeting agenda & lunch arrangements

5) Recording Process
- Erin Naveen will take notes and distribute following each session
  
  *Back-up TBD*
- Electronic

6) Communication
- In general: what happens in the room, stays in the room, except as otherwise required by law
- Information may be shared externally, only by mutual agreement, if the party seeking to share the information discloses to the other party:
  - To whom the party will be communicating;
  - The information to be shared; and
  - The method of communication
7) **Use of Discussions/Materials**  
   • Discussions and materials will not be used outside the IBB process except as agreed by the parties or to clarify unclear or ambiguous final contract language

8) **Caucus**  
   • Can be called by either party as needed  
   • Minimal and short in duration  
   • If more time is needed, notify the other party

9) **Sub-Committees/Outside Resources/Visitors**  
   • May be used with approval of both parties

10) **Tentative Agreements**  
    • T.A. = Standalone agreement with the understanding that we won’t revisit the issue  
    • T.T.A. = Tied to resolution of other issue(s)  
    • Will have final language before consensus reached

11) **Ratification**  
    • Subject to the rules governing each party

12) **Amendments**  
    • The Process Agreement may be amended by consensus

13) **Issue Identification and Cut-Off Date**  
    • All issues to be identified by the fourth meeting

**Opting Out**  
• Either party may opt out of the process after discussion with other party  
• Remember Norms of Behavior  
• No retribution
Laura Davis
Director of Labor Relations
Room 100 – Public Service Center
250 South Fourth Street
Minneapolis MN 55415-1339

RE: Police Officers Federation of Minneapolis – Collective Bargaining

Dear Laura:

I am writing to follow up on our telephone conversation about the Federation’s decision to request mediation. As you will recall, during our last bargaining session the Federation raised the prospect of filing for mediation to assist us in more effectively utilizing the interest based bargaining process. You requested that we give the process another chance during the scheduled afternoon session. Although our respective teams did an admirable job of working through two issues, after the conclusion of that session the Federation team still felt that we would be better served with a facilitator from BMS under traditional mediation.

Subsequently, we learned that there has been a request from members of the public to attend our negotiations. Although the Federation Team had already decided to request mediation, I do want to address this issue. One of the initial tasks in an interest based bargaining process is for the parties to develop a Process Agreement that establishes certain “ground rules” to guide their negotiations. As you know, our Process Agreement contains standard provisions regarding limitations on the size and make-up of our negotiation teams, the scope of who may attend the sessions, and confidentiality requirements. One of the purposes of these provisions is to facilitate the free-flow of ideas which is critical to the honest dialogue necessary for the interest based process to work. The attendance of outside parties (even members of the Federation or other City union leaders) who would not be bound by these ground rules seems incompatible with the nature of interest based bargaining and our Process Agreement. Accordingly, even if we had not already decided to file for mediation, we likely would have done so in order to preserve the integrity of the process. We trust you understand.

We look forward to continuing to work with you and your team as we seek to reach a negotiated resolution of all open issues.

Sincerely,

[Signature]

cc: POFM Negotiation Team
January 6, 2021

Minnesota Department of Administration
c/o Data Practices Office
320 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155.

RE: Open Meeting Advisory Opinion Request

Dear Madam or Sir:

We are a coalition of organizations that crafted a set of recommendations for changes to the Minneapolis Police collective bargaining agreement. In doing this work, we sought information on the scheduling of negotiating sessions so that we could observe those sessions, which we understand to be open to the public.

We write to request an open meeting advisory opinion on whether the City of Minneapolis properly noticed negotiation and mediation sessions with the Minneapolis Police Officer Federation.

Starting in June 2019, we began asking the City of Minneapolis about negotiating sessions with the Minneapolis Police Officer Federation regarding their collective bargaining agreement with the city, which was due to expire in December 2019.

On June 11, 2019, we submitted a request by email to Laura Davis, Director of Labor Relations, asking for general information on the scheduling of negotiation sessions. She responded to this request on June 13, 2019 by asking why we were interested in the information. Although we were not obligated to provide her with an explanation, we responded that same day explaining our interest in the information. On June 18, 2019, Ms. Davis responded that no negotiating meetings were scheduled at that time. She also stated that members of the public don’t attend negotiating sessions or have input into the contract. Her response seemed to indicate that the public is not allowed to observe negotiation sessions, which we believe to be incorrect. Moreover, we never sought to participate in the sessions, only observe them.

In September 2019, we began to hold meetings with Minneapolis City Council members and others to present our recommendations for changes to the Minneapolis Police Officer Federation collective bargaining agreement. During those meetings, we requested information on the scheduling of upcoming negotiation sessions. The council members and their staff
members stated they did not know the information. On November 22, 2019 we sent an email to staff members for Council President Lisa Bender specifically asking for the dates of any upcoming negotiating sessions (in addition to scheduling a meeting with Ms. Bender). We received a response on December 12, 2019 but it did not include the dates of the sessions.

On December 3, 2019, we again requested information on the negotiation session schedule from Laura Davis. Ms. Davis responded that she was unsure about the next date but would respond later with that information. On December 6, Ms. Davis notified us that the next session would be held on December 17, 2019 and provided the time and location.

On December 4, 2019 we submitted a standing request for notification for all negotiation and mediation sessions between the city and the Minneapolis Police Officer Federation. This request was responded to by Mary Zenzen, Manager, Police Record Services, indicating that our request had been forwarded to Minneapolis Police Administration. This request was also copied to Kristen Olson, the City's Data Practices Compliance Officer.

On December 12, 2019, Ms. Olson emailed asking if we had heard from the council clerks who were responsible for meeting notifications. We responded that day indicating we had not. Ms. Olson responded that she would follow up with the clerks. To date, we have never received any information from these clerks.

A few days before the December 17, 2019 negotiating session, we received notification from Ms. Davis that the session was canceled because the city and the Minneapolis Police Officer Federation were moving into mediation, a non-public process by order of the Commissioner of the Bureau of Mediation Services.

On January 5, 2020, we submitted a request to Council President Bender's staff members asking again for dates of past negotiation and mediation sessions as well as future sessions.

On January 6, 2020, we submitted yet another email to Ms. Davis requesting notification of all mediation sessions. On January 7, 2020, Ms. Davis acknowledged the request but never provided the requested notifications.

On January 8, 2020 we met with Ms. Bender and her staff, and asked about dates of all negotiation and mediation sessions to date. They unable to provide this information but agreed to gather the information and get back to us. Unfortunately, they did not provide any data on session dates and times. Instead, they insisted that we submit yet another request through the city’s data practices system.
On January 17, 2020 we submitted a request for the following information. This letter was submitted to the City Clerk.

- The dates of all bargaining sessions and mediation sessions with the Police Officers Federation of Minneapolis ("MPD Federation") during 2019 and 2020
- All proposals and written information shared by the City to the MPD Federation
- All proposals and written information shared by the MPD Federation to the City
- The date the MPD Federation requested or demanded mediation and any information indicating that negotiations were at an impasse
- A list of individuals with the City involved in negotiations and/or mediation including their names and job titles
- Information on the process of mediation and consideration of new proposals under the mediation process
- The dates, times and locations of upcoming negotiation and/or mediation sessions between the City and the MPD Federation.

On January 18, 2020, we requested information on past and future negotiation and mediation sessions from staff with Mayor Frey’s office. On January 23, 2020, Mayor Frey’s office staff replied that they did not have that data but that the sessions might be scheduled on “Wednesdays in February.”

The city responded to our January 17, 2020 request on March 16, 2020. We learned through the city’s response that six sessions had occurred that we never received notification of, despite our standing request for notification. We were provided with information on five upcoming sessions through May 18, 2020.

In addition, the city’s response to our January 17, 2020 request included a letter between the city and the Minneapolis Police Officer Federation indicating that their proposal to move the discussions to mediation was based on their desire to ensure the public could not observe the sessions.

Despite multiple requests for notification of all negotiating and mediation sessions, including a standing request, we have received no further notifications of any sessions after May 18, 2020. Upon information and belief, the city continues to meet with the MPD Federation. In an article in the Star Tribune newspaper dated August 20, 2020, a representative of the city is quoted as saying:

“The city has been in mediation continuously since December 2019, and is still in mediation,” city spokeswoman Sarah McKenzie said. “The chief has not participated in the negotiations since his announcement, but the mediation has continued.”
All referenced documents are enclosed. Please let us know if you are able to render an opinion on whether the City of Minneapolis properly noticed negotiation and mediation sessions with the Minneapolis Police Officer Federation.

Sincerely,

Dave Bicking
Pete Gamades
Michelle Gross
Stacey Gurian-Sherman
Kimberly Milliard
Ryan Rantanen
Micala Tessman
Mpls for a Better Police Contract

Enclosures:
- June 11, 2019 Request to Laura Davis
- June 13, 2019 Response from Laura Davis
- June 18, 2019 Response from Laura Davis
- November 22, 2019 Email to Bender Staff Members
- December 3, 2019 Email to Laura Davis
- December 4, 2019 Standing Request and Email
- December 4, 2019 Email from Mary Zenzen
- December 4, 2019 Email to Kristen Olson and Response
- December 6, 2019 Response from Laura Davis
- December 12, 2019 Response from Bender Staff Members
- December 19, 2019 Email from Kristen Olson
- December 19, 2019 Response to Kristen Olson
- December 19, 2019 Response from Kristen Olson
- January 5, 2020 Email to Bender Staff Members
- January 6, 2020 Email to Laura Davis
- January 7, 2020 Response from Laura Davis
- January 8, 2020 Notes from Meeting with Lisa Bender
- January 17, 2020 Data Request
- January 18, 2020 Email to Mayor Frey Staff Members
- January 23, 2020 Email Response from Mayor Frey Staff Members
- March 16, 2020 Response to January 17, 2020 Data Request
- August 20, 2020 Star Tribune Article
Dear Ms. Lebsock,

Thank you for your prompt reply to my phone call on Monday morning.

I fear my phone message was not specific enough. We are aware that mediation sessions are closed to the public, and we are not contesting that. We are concerned about the public being shut out of the prior negotiations before the issues went to mediation.

I should say first that I am writing on behalf of a coalition of police accountability and racial justice activist groups, Minneapolis for a Better Police Contract. We came together almost two years ago to analyze the labor contract between the city of Minneapolis and the Police Federation, and to develop recommendations for changes. We brought 14 recommendations to the mayor, the city council, the police chief, and the city's negotiators, and received a generally favorable reaction.

We wished to know whether the city was bringing those recommendations to the negotiations, and we knew from Statute 179A.14 subd. 3 that public employee negotiations are public meetings. Despite numerous requests, the city refused to tell us the time and locations of the meetings. We found out much later, through a data practice request, that the city and Federation negotiated a written agreement at their first meeting, specifying that the public would be excluded. We are confident that this was a violation of 179A.14.

It may seem odd and untimely that we are coming to the BMS to find out what recourse we have. But we have spent over a year now trying to determine what issues were brought to the table by the city. We have received no answers to our repeated questions, frustrating any accountability to the public for the city's relationship to the Federation. Since the killing of George Floyd, there is much more attention to reforming the contract, but the public has no idea of what the city is or isn't trying to accomplish.

We are hoping that you can direct us to the proper person or agency that can help. Once we know who is responsible for assuring compliance with this law, we can provide many more details and extensive documentation. We have already checked with the MN Dept of Adminstration to request an advisory opinion regarding the Open Meeting Law. They replied that they are not involved in this issue because the meeting is not defined as "open" under 13D, and they do not have jurisdiction regarding public meetings required by other statutes.

We hope that we can resolve this short of litigation. We believe that we and the rest of the concerned public have been harmed and continue to be harmed by the lack of the information that we would have received in a public meeting. The city could still reduce that harm by supplying agendas, minutes, recordings, or other documentation of the meetings and of the issues that were brought forward.

Please let us know if the BMS has a means for resolving this matter, or if there is another agency we should contact. If there is no recourse outside of the courts, please let us know that.

Thank you for your assistance,

Dave Bicking
Minneapolis For A Better Police Contract
4200 Cedar Ave S, Suite 5, Minneapolis, MN 55407
612-600-4121
Mr. Bicking,

Thank You for your patience in waiting for my reply. I am disappointed the City of Minneapolis has chosen not to comply with statute with regard to the public meeting citation of PELRA. I did not find an order from the Bureau which closed those meetings therefore would have expected them to respond to your requests for times, dates and locations of the negotiations. Our agency does not have the authority to determine compliance with the statute except where it relates to employee representation and independent review issues. In fact for us, issues unrelated to orders or notices issued by the Bureau end up in court.

I would have suggested that you contact the Department of Administration to intercede, however given you have already tried, this seems to be a dead-end. I apologize for not being able to point to a person or office to resolve this issue short of court, I can only make suggestions. You may have already tried, but perhaps calls to the City Attorney or Attorney General may generate some response.

Next year seeking an order from the Bureau when contract negotiations open up for the next contract if you receive a rejection for information on location of pending negotiations may help. Otherwise I am at a loss and suspect court may be your only relief.

Mike Stockstead,
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Despite chief's withdrawal, city continues talks with Minneapolis police union

Minneapolis Police Chief Medaria Arradondo, shown in June. In a statement, Arradondo said that he wouldn’t return to the bargaining table with the police union until he’d had a chance to consult with experts and others. — Richard Tsong-Taatarii, Star Tribune

By Liz Navratil and Libor Jany, Star Tribune
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Two months after Minneapolis Police Chief Medaria Arradondo announced he was withdrawing from labor negotiations with the police union, the city continues to talk with them.

Just without the chief involved.

Arradondo made headlines across the country when he announced, a few weeks after George Floyd’s death, that he was “immediately withdrawing from the contract negotiations with the Minneapolis Police Federation.”

However, negotiations have not ceased. The city, state and police federation met for another mediation session last week.

“The city has been in mediation continuously since December 2019, and is still in mediation,” city spokeswoman Sarah McKenzie said. “The chief has not participated in the negotiations since his announcement, but the mediation has continued.”

It’s unclear exactly what the sticking points are in the negotiations. If they reach an agreement, the contract will need to be approved by the mayor and City Council.

In a statement released Wednesday, Arradondo said that he wouldn’t return to the bargaining table until he’d had a chance to consult with experts and others.
“It is important to me, as chief, that the contract is one that strengthens our efficiency, has strong accountability measures and values the communities we serve,” he said in the statement.

The union contract has become a point of contention as the city debates how to overhaul policing following Floyd’s death.

Many of the city’s elected leaders have described the contract — which they must ultimately approve — as an obstacle to implementing reforms desperately needed to reduce racist behavior in the ranks. Police union leaders have said they feel they’re being scapegoated, and many of their contractual rights are enshrined in Minnesota state law.

When Arradondo made his announcement, he said he hoped to consult subject matter experts for advice on how to reconstruct the contract to provide more transparency and “more flexibility for true reforms.”

He reiterated that stance again on Wednesday.

“I continue my intentional pause in my participation in the contract negotiations process while I am in discussions with professionals who have been evaluating contracts from across the country,” his statement read.

Supporting Arradondo when he made his initial announcement was Mayor Jacob Frey, who issued a statement saying: “There are valid reasons for a party to step away from bargaining.”

A mayoral spokesman on Wednesday said that Frey and Arradondo had discussed the decision before the chief’s announcement.

Some on the City Council described the announcement as a publicity stunt and said they doubted the city actually had the authority to step away from the talks. They questioned whether leaving would give the union grounds to file a costly unfair labor practices lawsuit. Others noted that city rules state the Executive Committee, which includes Frey and some council members, directs labor negotiations, and the decision hadn’t gone through them.

“The mayor appreciated and supported the chief’s goals at the time and is looking forward to continue working alongside him to negotiate the best contract possible for Minneapolis residents,” Mychal Vlatkovich, the spokesman for Frey’s office, said in an e-mail.

The police federation has been working for months under an expired contract. Their last three-year contract expired at the end of 2019. Shortly before that, the city and the union began working with the Minnesota Bureau of Mediation Services to try to reach an agreement on a new contract. According to the state, they held six mediation sessions from January through March, and paused after COVID-19 was confirmed in Minnesota.

Floyd was killed in late May. Arradondo announced in June that he was withdrawing from the talks. The contract has been the subject of much debate among reform groups like Communities United Against Police Brutality, which have long argued that community members should have a say in how such labor agreements are composed.

The contract language affects many city processes.

A week and a half after Floyd was killed, the Minnesota Department of Human Rights announced it was filing a civil rights charge against the city and investigating whether the Minneapolis Police Department had engaged in racial discrimination over the past 10 years.
The city and state negotiated a temporary restraining order, which requires Minneapolis to quickly implement changes to the department. Among other changes, it speeds up part of the disciplinary process, requires a wider audit of body camera footage, **bans chokeholds and strengthens the requirement to intervene if a colleague is using inappropriate force.**

The agreement was filed in court and approved by a judge, who has the ability to act if the city doesn’t follow through on the changes or comply with the state’s investigation.

Earlier this week, the federation asked the court for approval to participate in the case. James Michels, an attorney for the union, said they wanted the chance to defend their officers and that the city’s interests, at times, conflict with those of the union members.

“If a party to the case, the Federation could ensure that its statutory and contractual rights and those of its members are considered in any proceedings or ultimate resolution of the case,” Michels wrote in a memorandum. “The Federation prefers to work with the State and the City to address legitimate issues and necessary reforms in ways that are meaningful yet consistent with statutes and contract.”

He added later: “Participation as a party now would preserve judicial resources by negating the need for the Federation to bring separate proceedings to contest any mandates that it may believe to infringe upon those rights.”

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