

RESOLUTION NO. 2011-85

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE MUNICIPAL EMPLOYEES' ASSOCIATION (MEA), BY ADOPTING THE SIDE LETTER OF AGREEMENT**

WHEREAS, on November 19, 2007, the City Council of Huntington Beach adopted Resolution No. 2007-85 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Municipal Employees' Association (MEA);

Subsequent to the adoption of the MOU, the City of Huntington Beach and MEA agreed to changes, corrections, and clarifications to the MOU that are reflected in a Side Letter of Agreement between the City of Huntington Beach and MEA ("Side Letter of Agreement") attached hereto as **Exhibit A** and incorporated herein by this reference. The Side Letter Agreement pertains to CalPERS pick-up, two-tier retirement, and PT suspension.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Huntington Beach as follows:

- Section 1. The Side Letter Agreement attached hereto as **Exhibit A** is approved and adopted.
- Section 2. The Side Letter Agreement amends the MOU between the City of Huntington Beach and MEA.

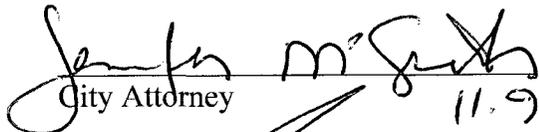
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 21st day of November, 2011.

  
\_\_\_\_\_  
Mayor

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Manager

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney 11.9.11

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Director of Human Resources

**City of Huntington Beach**  
**SIDE LETTER AGREEMENT**

Representatives of the Municipal Employees' Association ("MEA") and the City of Huntington Beach ("City") hereby agree to the following terms related to the MEA MOU with respect to the following:

**TERM OF MOU EXTENSION**

The Memorandum of Understanding (MOU) shall be extended for a period of (1) one-year from July 1, 2012, through and including midnight June 30, 2013.

**ARTICLE XI – RETIREMENT**

**B. California Public Employees' Retirement System (CalPERS)**

**1. Employee's Contribution**

Each employee covered by this Agreement shall be reimbursed an amount up to eight percent (8%) of the employee's base salary as a pickup of the employee's contribution to CalPERS. The above CalPERS pickup is not base salary, but is done pursuant to Section 414 (h)(2) of the Internal Revenue Code.

**C. PERS 2.5% @ 55**

If all other affected units agree, and subject to a formal ratification vote conducted by PERS, the City shall implement PERS 2.5% @ 55, effective as soon as possible. Effective with implementation and through June 30, 2009, the employees shall pay all of the additional costs to implement 2.5% @ 55.

Effective July 1, 2009 and thereafter, the employees shall pay two and one-quarter percent (2.25%) of the employee share of PERS.

- i. Effective July 1, 2010 and continuing until the end of the pay period that includes September 30, 2011, the employees shall pay four and one-quarter percent (4.25%) of the employee share of PERS.
- ii. Effective the beginning of the pay period that includes January 1, 2012, and continuing until modified by a subsequent side letter or successor MOU, employees covered by this agreement shall pay four and one-quarter percent (4.25%) of the employee-share of PERS.

**D. PERS – Second Tier**

- a. The association agrees to implementation of a second-tier retirement benefit, subject to formal adoption procedures as required by CalPERS.

**ARTICLE XIV – MISCELLANEOUS**

- R. The Physical Fitness program compensation of earning paid time off as outlined in Section 208.8 – 208.8.8 of the Huntington Beach Police Department Policy Manual is hereby suspended until the expiration of the MOU extension.

**Side-Letter Implementation**

The parties agree that this side-letter agreement and the implementation thereof will not be subject to Personnel Rule 19 - Grievance Procedure/Non-Disciplinary Matters nor Article XIV-Miscellaneous (A) - Grievance Arbitration, or otherwise appealed either administratively or in a court of competent jurisdiction.

IN WITNESS WHEREOF, the parties have caused this SIDE LETTER AGREEMENT to be executed by and through their authorized officers on NOVEMBER 21, 2011.

**Huntington Beach  
Municipal Employees' Association**

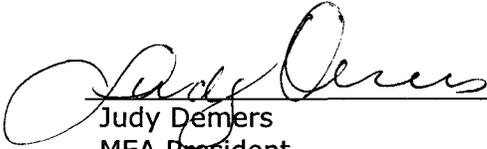
**City of Huntington Beach**

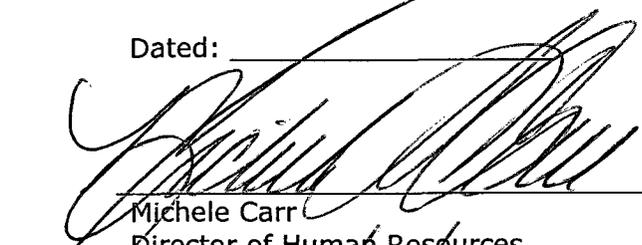
  
\_\_\_\_\_  
Gregorio Daniel  
Teamsters 911

  
\_\_\_\_\_  
Fred A. Wilson  
City Manager

Dated: 11/17/11

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
Judy Demers  
MEA President

  
\_\_\_\_\_  
Michele Carr  
Director of Human Resources

Dated: 11/17/11

Dated: 11/8/11

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Jennifer M. McGrath  
City Attorney

Dated: 11/14/11

STATE OF CALIFORNIA  
COUNTY OF ORANGE                    ) ss:  
CITY OF HUNTINGTON BEACH    )

I, JOAN L. FLYNN the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **regular** meeting thereof held on **November 21, 2011** by the following vote:

**AYES:**       Shaw, Carchio, Bohr, Boardman

**NOES:**       Harper, Hansen, Dwyer

**ABSENT:**   None

**ABSTAIN:**  None

  
\_\_\_\_\_  
City Clerk and ex-officio Clerk of the  
City Council of the City of  
Huntington Beach, California