

RESOLUTION NO. 2010-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE HUNTINGTON BEACH FIRE MANAGEMENT ASSOCIATION (FMA), BY ADOPTING THE SIDE LETTER OF AGREEMENT

WHEREAS, on November 17, 2008, the City Council of Huntington Beach adopted Resolution No. 2008-72 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Huntington Beach Fire Management Association (FMA);

Subsequent to the adoption of the MOU, the City of Huntington Beach and FMA 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 FMA ("Side Letter of Agreement") attached hereto as **Exhibit A** and incorporated herein by this reference.

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

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

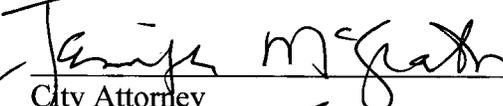
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 1st day of March, 2010.


Mayor

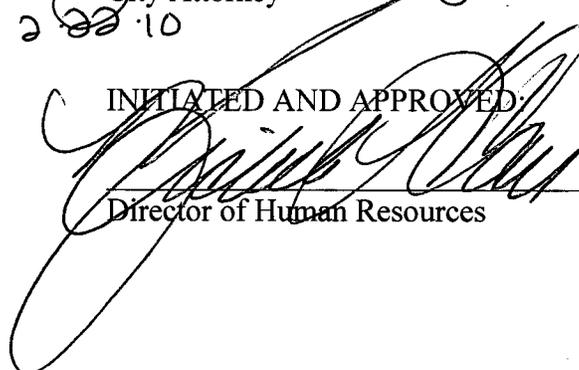
REVIEWED AND APPROVED:


City Administrator

APPROVED AS TO FORM:


City Attorney
2-22-10

INITIALED AND APPROVED:


Director of Human Resources

City of Huntington Beach
SIDE LETTER AGREEMENT

Representatives of the Fire Management Association ("FMA") and the City of Huntington Beach ("City") hereby agree to the following terms related to the FMA MOU with respect to the following:

ARTICLE V - SALARY SCHEDULES AND RETIREMENT

C. California Public Employees' Retirement System (CalPERS) Pick-up

Each employee covered by this Agreement shall be reimbursed an amount equal to nine percent (9%) of the employee's part of his/her California Public Employees' Retirement System (CalPERS) contribution unless otherwise modified in this MOU. The above CalPERS pickup is not salary but is done pursuant to Section 414(h)(2) of the Internal Revenue Code.

Article V (C.) is hereby modified such that the combined City-paid and employee-paid CalPERS pickup contribution equals 9%. The City shall pay 4.75% of each employee's "compensation earnable" of the employer-paid contribution of 9%. All employees covered by this agreement shall pay 4.25% of "compensation earnable" towards the employer-paid contribution of 9%.

Side-Letter Implementation

The modified provisions contained in this side letter are effective April 3, 2010, following approval by the City of Huntington Beach City Council and will remain in full force and effect until the end of the pay period that includes September 30, 2011, unless otherwise specifically modified, either by subsequent side-letter or a successor memorandum of understanding.

The parties agree that the execution of this Side Letter Agreement may not be challenged by the Association or any employee it is recognized to represent through the City's grievance procedure or in any other forum unless the challenge is based upon an allegation that the Agreement was the product of fraud, misrepresentation or unlawful coercion on the part of City representatives.

The Association shall have the exclusive option to extend the MOU, without any change in its terms and conditions, for an additional year through and including June 30, 2013.

IN WITNESS WHEREOF, the parties have caused this SIDE LETTER AGREEMENT to be executed by and through their authorized officers on MARCH 01, 2010.

**Huntington Beach
Fire Management Association**



Bob Brown
President

Dated: 2/26/10



William Reardon
Vice-President

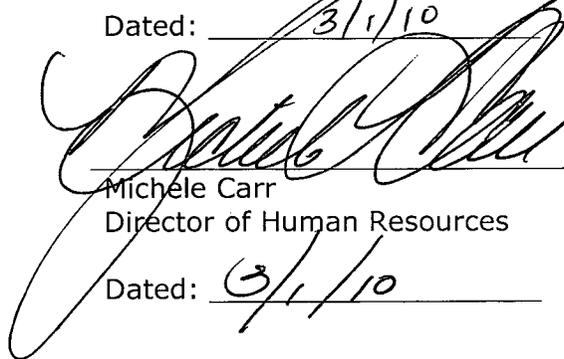
Dated: 2-26-10

City of Huntington Beach



Fred A. Wilson
City Administrator

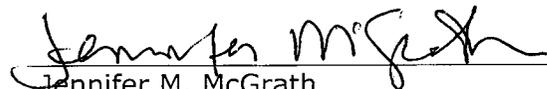
Dated: 3/1/10



Michele Carr
Director of Human Resources

Dated: 3/1/10

APPROVED AS TO FORM:



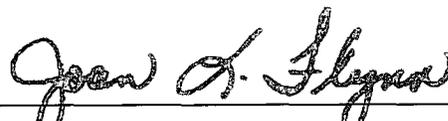
Jennifer M. McGrath
City Attorney

Dated: 3.1.10

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 **March 1, 2010** by the following vote:

AYES: Carchio, Coerper, Hardy, Green, Bohr, Dwyer, Hansen
NOES: None
ABSENT: None
ABSTAIN: None



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