

RESOLUTION NO. 2009-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE HUNTINGTON BEACH FIREFIGHTERS' ASSOCIATION, BY ADOPTING A SIDE LETTER OF AGREEMENT REGARDING SUPPLEMENTAL RETIREMENT BENEFIT OPTIONS

WHEREAS, the City Council of Huntington Beach adopted Resolution No. 2008-13 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Huntington Beach Firefighters' Association (HBFA); and

Subsequent to the adoption of the MOU, the City of Huntington Beach and the HBFA agreed to changes to the MOU that are reflected in a Side Letter of Agreement between the City of Huntington Beach and the HBFA ("Side Letter of Agreement") attached hereto as **Exhibit A** and incorporated herein by this reference. The Side Letter of Agreement pertains to supplemental retirement benefits options,

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

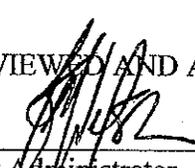
1. The Side Letter of Agreement attached hereto as **Exhibit A** is approved and adopted.
2. The Side Letter of Agreement amends the MOU between the City of Huntington Beach and the HBFA.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 16th day of March, 2009.



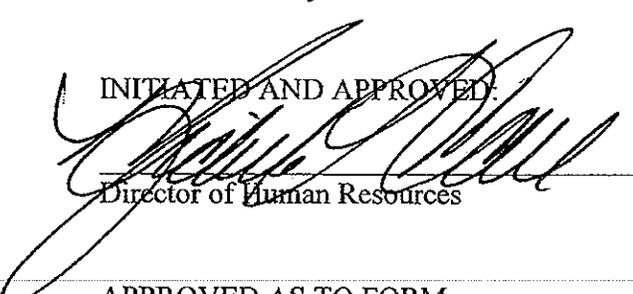
Mayor

REVIEWED AND APPROVED:



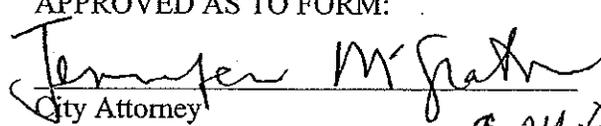
City Administrator

INITIATED AND APPROVED:



Director of Human Resources

APPROVED AS TO FORM:



City Attorney

9.24.08

SIDE LETTER AGREEMENT-HBFA

Representatives of the Huntington Beach Firefighters' Association ("HBFA") and the City of Huntington Beach ("City") have met and conferred on July 28, 2008 and hereby agree to the following terms related to the Supplemental Retirement Plan pursuant to Article IX A.2.a. of the MOU between the HBFA and City effective September 24, 2007.

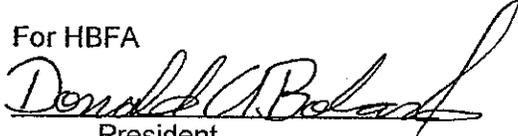
EMPLOYEE SUPPLEMENTAL RETIREMENT PLAN:

Effective June 16, 2008, Article IX A.2.a. of the MOU between HBFA and City is hereby deleted and replaced as follows:

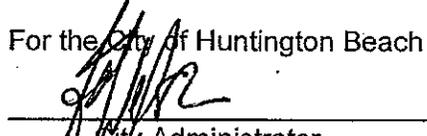
2. Self-Funded Supplemental Retirement Benefit:

- a. In the event a member elects Option #1, #2 #2W, #3, #3W or #4 of the Public Employees' Retirement Law, the City shall pay the difference between such elected option and the unmodified allowance which the member would have received for his/her life alone as provided in California Government Code sections 21455, 21456, 21457, and 21548 as said referenced Government Code sections exist as of the date of this agreement. This payment shall be made only to the member, shall be payable by the City during the life of the member, and upon that member's death, the City's obligation shall cease. The method of funding this benefit shall be the sole discretion of the City. This benefit is vested for employees covered by this MOU.
- b. Employees hired on or after October 4, 1999, shall not be eligible for the "Supplemental Retirement Benefit" referenced in Article IX.A.2 above.

For HBFA


President

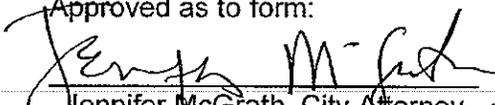
For the City of Huntington Beach


City Administrator

Dated: 12-22-2008

Dated: March 4, 2009

Approved as to form:

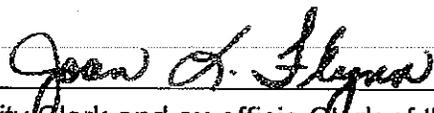

Jennifer McGrath, City Attorney *MV-1-6-09*

Dated: 1-6-09

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 16, 2009** by the following vote:

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



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