

RESOLUTION NO. 2010-22

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

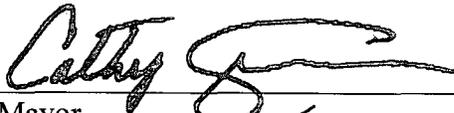
WHEREAS, on November 19, 2007, the City Council of Huntington Beach adopted Resolution No. 2007-85 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Municipal Employees' Association (MEA); and

WHEREAS, 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 Agreement") attached hereto as **Exhibit A** and incorporated herein by this reference. The Side Letter Agreement pertains to employee-paid CalPERS contributions.

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

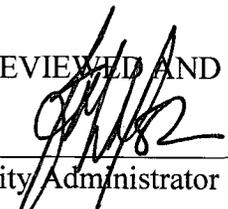
- Section 1. The Side Letter Agreement attached hereto as **Exhibit A** is approved and adopted.
- Section 2. The Side Letter Agreement amends the MOU between the City of Huntington Beach and MEA.

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



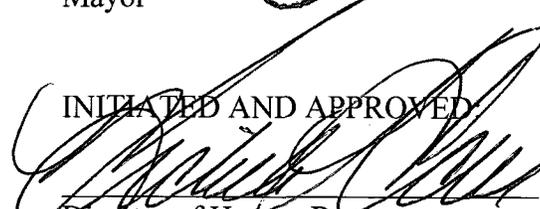
Mayor

REVIEWED AND APPROVED:



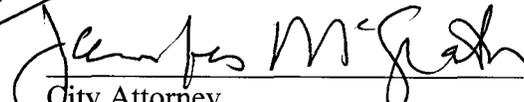
City Administrator

INITIATED AND APPROVED:



Director of Human Resources

APPROVED AS TO FORM:



City Attorney

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:

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 equal 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 the beginning of the pay period that includes July 01, 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. All employees covered by this agreement will contribute in accordance with this section, irrespective of the CalPERS retirement benefit formula to which they are entitled.

The provisions contained in this side letter will expire effective the end of the pay period which includes September 30, 2011, and the parties agree to return to the original language contained in *Article XI, Section C – Retirement – PERS 2.5% @ 55* of the MEA Memorandum of Understanding as of July 1, 2009.

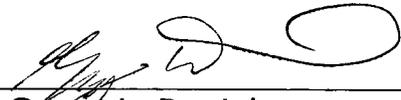
Side-Letter Implementation

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 MARCH 01, 2010.

**Huntington Beach
Municipal Employees'
Association**

City of Huntington Beach



Gregorio Daniel
Teamsters 911



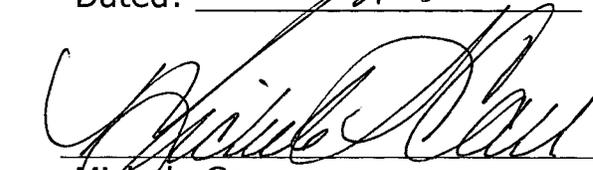
Fred A. Wilson
City Administrator

Dated: 2/25/10

Dated: 2-25-10



Judy Demers
MEA President

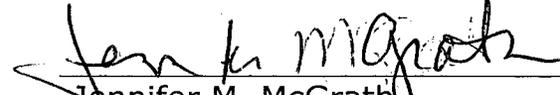


Michele Carr
Director of Human Resources

Dated: 2-25-10

Dated: 2-24-10

APPROVED AS TO FORM:



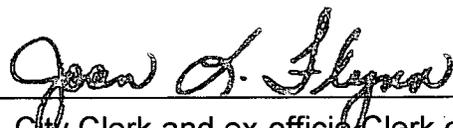
Jennifer M. McGrath
City Attorney

Dated: 2.24.10

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 an **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