

RESOLUTION NO. 2010-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH EXTENDING AND AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE HUNTINGTON BEACH MARINE SAFETY OFFICERS' ASSOCIATION (MSOA), BY ADOPTING THE SIDE LETTER OF AGREEMENT

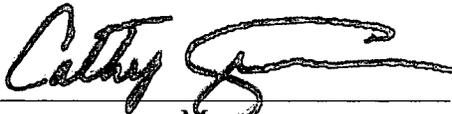
WHEREAS, on January 16, 2007 the City Council of Huntington Beach adopted Resolution No. 2007-4 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Huntington Beach Marine Safety Officer's Association (MSOA);

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

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 MSOA.

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.



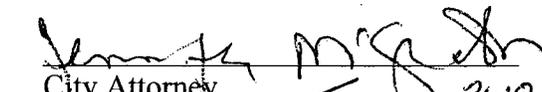
Mayor

REVIEWED AND APPROVED:



City Administrator

APPROVED AS TO FORM:



City Attorney 2/10

INITIATED AND APPROVED:



Director of Human Resources

City of Huntington Beach
SIDE LETTER AGREEMENT

Representatives of the Huntington Beach Marine Safety Officers' Association ("MSOA") and the City of Huntington Beach ("City") hereby agree to the following terms related to the MSOA MOU with respect to the following:

ARTICLE I - TERM OF MOU

This Memorandum of Understanding (MOU) shall be extended for the period October 1, 2009 and end at midnight September 30, 2011.

ARTICLE II - REPRESENTATIONAL UNIT/CLASSIFICATIONS

It is recognized that the Marine Safety Officers' Association is the employee organization, which has the right to meet and confer in good faith with the City on behalf of the employees of the Huntington Beach Community Services Department within the following classification and assignment titles:

Marine Safety Lieutenant
Marine Safety Officer II
Marine Safety Officer I

The City and the Association agree to a job title survey in which the study agencies are to include the Newport Beach Fire Department Lifeguard Division and the Los Angeles County Fire Department Lifeguard Division. The City agrees to review the assignment titles (only) of this unit and consider re-titling (only) in accordance with the "*California Surf Lifesaving Association Lifeguard Job Title Model*". The City and Association agree to meet and conclude the review no later than September 30, 2010.

CONCESSION ITEMS

The MSOA agrees to the following concession items that will sunset at the expiration of this MOU extension.

ARTICLE X - RETIREMENT

A. Benefits

1. Public Employees' Retirement System

The City shall provide the 3% @ Age 50 retirement formula set forth in California Government Code Section 21362.2 for all safety employees represented by the Association.

If at any time after the implementation of the 3% at age 50 formula the City is required to make retirement contributions with respect to employees represented by the Association, the amount with respect to which each employee is reimbursed pursuant to Article X.B.1. shall be modified accordingly.

B. Public Employees' Retirement System Reimbursement and Reporting:

1. Employees' Contribution:

Each employee covered by this agreement shall be reimbursed an amount equal to nine percent (9%) of the employee's base salary plus education incentive pay as pickup of a portion of each employee's CalPERS contribution. The above CalPERS pickup is not base salary but is done pursuant to Section 414(h)(2) of the Internal Revenue Code.

- a. Article X.B.1. is hereby modified such that the combined City-paid and employee-paid contribution equals 9%. The City shall pay 4.75% of each employee's "compensation earnable" of the employees' contribution of 9%. All employees covered by this agreement shall pay 4.25% of "compensation earnable" towards the employees' contribution of 9%.

ARTICLE XIII – MISCELLANEOUS

B. Physical Examinations

The City agrees to pay for bi-annual physical examinations, to include stress EKG. A copy of the physical examination shall be provided to the employee only, upon his request.

The Physical Examinations benefit as outlined herein is hereby suspended effective upon implementation of this agreement and shall be suspended continuously through September 30, 2011.

C. PERSONNEL RULE 5-21. REEMPLOYMENT LISTS- MODIFIED

Personnel Rule 5-21 shall be modified during the term of this contract extension(s) to provide that in the event any employee represented by the Marine Safety Officers' Association is demoted in lieu of layoff, that individual shall be placed at the top of a re-employment list for the classification from which the individual was demoted and shall be given first opportunity to fill any vacancy in that classification or the new classification which succeeded the one from which the employee was demoted irrespective of how much time transpires between the demotion and the existence of the vacancy.

Side-Letter Implementation

The provisions contained in this side letter are effective following approval by the City of Huntington Beach City Council and will remain in full force and effect unless otherwise specifically modified, either by subsequent side-letter or a successor memorandum of understanding.

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, 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
Marine Safety
Officers' Association**

City of Huntington Beach



Michael S. Bartlett
President

Dated: 3-01-2010



Michael A. Beuerlein
Negotiations Team Member

Dated: 3/01/10



Fred A. Wilson
City Administrator

Dated: 3-1-10



Michele Carr
Director of Human Resources

Dated: 3/1/10

APPROVED AS TO FORM:



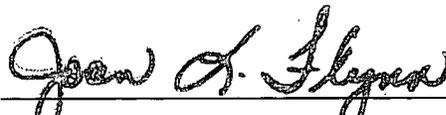
Jennifer M. McGrath
City Attorney

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 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