

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF HUNTINGTON BEACH AMENDING THE MEMORANDUM  
OF UNDERSTANDING BETWEEN THE CITY AND THE POLICE  
MANAGEMENT ASSOCIATION (PMA), BY ADOPTING THE  
SIDE LETTER OF AGREEMENT (MOU EXTENSION)

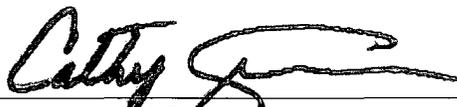
WHEREAS, on July 17, 2006, the City Council adopted Resolution No. 2006-43 which approved the Memorandum of Understanding (MOU) between the City of Huntington Beach (City) and the Police Management Association (PMA); and

Subsequent to approval of the MOU, the City and PMA agreed to changes, correction, and clarifications to the MOU that are reflected in a Side Letter of Agreement between the City and PMA attached hereto as Exhibit A and incorporated by this reference. The Side Letter of Agreement pertains to extension of the MOU.

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve 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 PMA.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 17th day of May, 2010.

  
\_\_\_\_\_  
Mayor

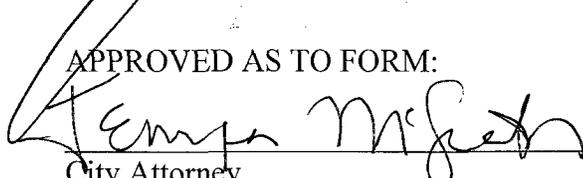
REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Administrator

INITIATED AND APPROVED:

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

APPROVED AS TO FORM:

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

KL  
5/18/10

**City of Huntington Beach  
SIDE LETTER AGREEMENT**

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

**TERM OF MOU EXTENSION**

This Memorandum of Understanding (MOU) shall be extended for the period July 1, 2010 and ending at midnight September 30, 2011. HBPMA exclusively reserves the right to extend this extended MOU for up to an additional six (6) months through and including March 31, 2012.

**THE HBPMA AGREES TO THE FOLLOWING ITEMS THAT WILL SUNSET AT THE EXPIRATION OF THE MOU EXTENSION**

**ARTICLE III - SALARY SCHEDULES AND RETIREMENT**

- D. Continue amended PERS Retirement contributions at the level established via side letter executed February 16, 2010 (Resolution No. 2010-14) until the end of the term of any MOU extension.

**ARTICLE XIV – MISCELLANEOUS PROVISIONS**

A. Re-Opener

If there is any change to the benefits provided to HBPOA that differ from those provided to PMA, either the City or Association may request to reopen discussions regarding a change to that specific benefit.

- i. In the event the City considers a two-tiered retirement system program the parties agree to reopen discussions on this item.
- L. 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 any MOU extension. It is the intent to incorporate the PT program with the ability to earn paid time off into the subsequent MOU.

**CHANGES TO EXISTING MOU NOT SUBJECT TO SUNSET CLAUSE**

**ARTICLE VIII- LEAVE BENEFITS**

B. General Leave

4. Conversion to Cash

An employee may elect to take up to one hundred and twenty (120) hours of pay per calendar year for accrued General Leave in lieu of time off. It is the intent of the parties that employees will take vacation during the current year. An employee, who has submitted an irrevocable notice of intent to retire, may, at least one (1) pay period prior to separation, but no greater than three (3) pay periods prior to separation, elect to take a one time option of up to three hundred and twenty (320) hours of pay for accrued General leave in lieu of time off prior to the established date of retirement.

**ARTICLE X- HOLIDAYS**

- C. All holiday pay shall be reported as Shift Differential Pay when required in accordance with CALPERS law. Holiday Shift Differential Pay is available to all members of the HBPMA that are required to work a recognized holiday.

**ARTICLE XIV - MISCELLANEOUS PROVISIONS**

B. Personnel Rule Changes

All MOU provisions that supersede the City's Personnel Rules shall automatically be incorporated into the City's Personnel Rules as applicable. All City Personnel Rules shall apply to Association members, however, to the extent this MOU modifies the City's Personnel Rules; the Personnel Rules as modified will apply to Association members.

**PERSONNEL RULE 5-21. REEMPLOYMENT LISTS – MODIFIED**

- a. Personnel Rule 5-21 shall be modified during the term of this contract extension to provide that in the event any employee represented by HBPMA 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 the first opportunity to fill any vacancy in that classification irrespective of how much time transpires between the demotion and the existence of the vacancy.

**THE LISTED SIDE LETTERS ARE HEREBY INCORPORATED INTO THE HBPMA MOU**

1. Health and Insurance Benefits- Article IV (E) and (F) (*Retiree Medical Trust*)
2. Use of unmarked law enforcement vehicles- Article VI (A)(1)
3. Any other side letters agreed upon during this agreement period.

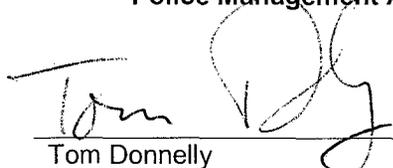
**Side-Letter Implementation**

The modified provisions contained in this side letter are effective July 1, 2010 and will remain in full force and effect unless otherwise specifically modified, either by extension of this side-letter, a subsequent side-letter or a successor memorandum of understanding.

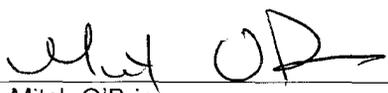
The parties agree that this side-letter agreement and the implementation thereof will not be subject to Personnel Rule 19 – Grievance Procedure/Non-Disciplinary Matters, or otherwise appealed either administratively or in a court of competent jurisdiction.

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

**Huntington Beach  
Police Management Association**

  
\_\_\_\_\_  
Tom Donnelly  
President

Dated: 5-10-10

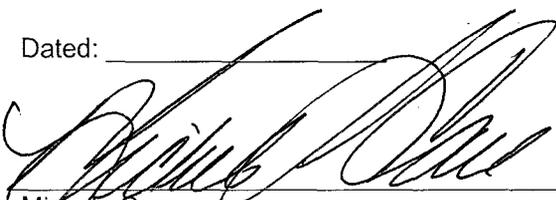
  
\_\_\_\_\_  
Mitch O'Brien  
Vice-President

Dated: 5-7-10

**City of Huntington Beach**

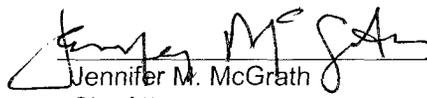
  
\_\_\_\_\_  
Fred A. Wilson  
City Administrator

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

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

Dated: 5/10/10

**APPROVED AS TO FORM:**

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

Dated: 5.5.10

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 **May 17, 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