

RESOLUTION NO. 2012-80

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE
MARINE SAFETY MANAGEMENT ASSOCIATION (MSMA), BY ADOPTING THE SIDE
LETTER OF AGREEMENT**

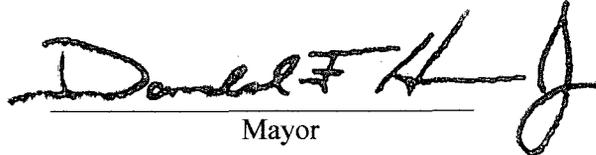
WHEREAS, on October 3, 2011, the City Council of Huntington Beach adopted Resolution No. 2011-80 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Marine Safety Management Association (MSMA);

Subsequent to the adoption of the MOU, the City of Huntington Beach and MSMA 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 MSMA ("Side Letter Agreement") attached hereto as **Exhibit A** and incorporated herein by this reference. The Side Letter Agreement pertains to On-Call compensation.

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 MSMA.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19th day of November, 2012.



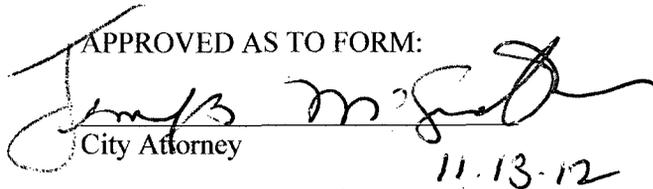
Mayor

REVIEWED AND APPROVED:



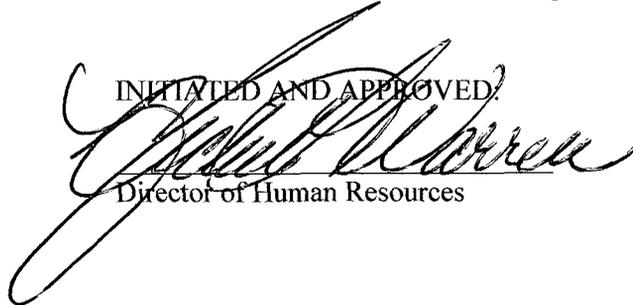
City Manager

APPROVED AS TO FORM:



City Attorney
11.13.12

INITIATED AND APPROVED:



Director of Human Resources

**City of Huntington Beach
SIDE LETTER AGREEMENT**

The Marine Safety Management Association ("MSMA") and the City of Huntington Beach ("City") hereby agree to this side letter to the 10/1/11 – 9/30/13 Memorandum of Understanding.

ARTICLE VIII – HOURS OF WORK/OVERTIME

E. On-Call

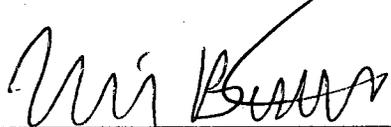
An employee scheduled to be on-call shall be compensated one (1) hour at the straight pay rate. On-call assignments and assignment duration shall be determined by operational schedules. On-call assignment shall not overlap the normal operational period.

Side-Letter Implementation

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 a factual allegation that the Agreement was the product of fraud, intentional misrepresentation or unlawful coercion on the part of City representatives.

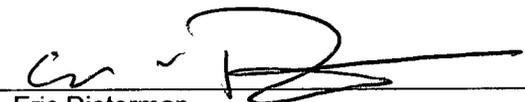
IN WITNESS WHEREOF, the parties have caused this SIDE LETTER AGREEMENT to be executed by and through their authorized officers on November 19, 2012.

Marine Safety Management Association



Michael S. Bartlett
President

Dated: 11-14-12



Eric Dieterman
Vice President

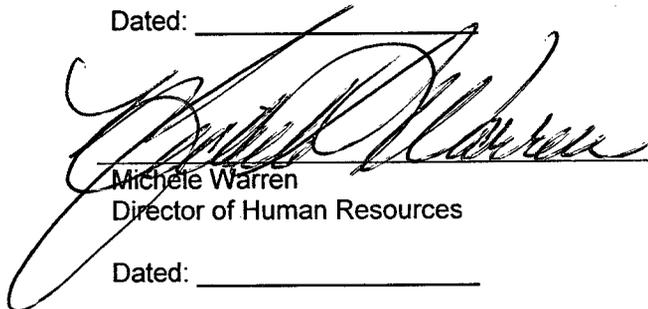
Dated: 11-14-12

City of Huntington Beach



Fred A. Wilson
City Manager

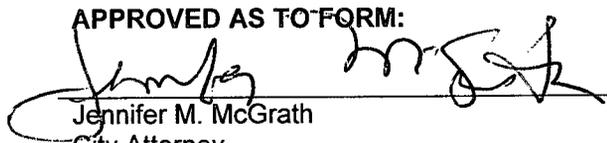
Dated: _____



Michele Warren
Director of Human Resources

Dated: _____

APPROVED AS TO FORM:



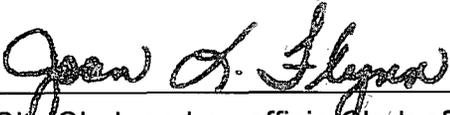
Jennifer M. McGrath
City Attorney

Dated: 11.13.12

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 **November 19, 2012** by the following vote:

AYES: Shaw, Harper, Dwyer, Hansen, Carchio, Bohr, Boardman
NOES: None
ABSENT: None
ABSTAIN: None



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