

RESOLUTION NO. 2011-63

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 of Huntington Beach adopted Resolution No. 2006-43 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Police Management Association (PMA);

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

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 PMA.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 6th day of September, 2011.



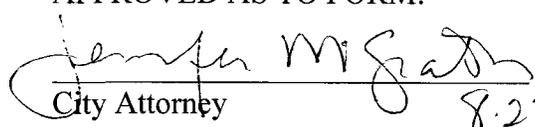
Mayor

REVIEWED AND APPROVED:



City Manager

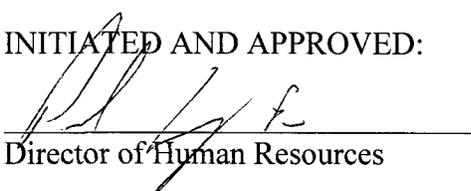
APPROVED AS TO FORM:



City Attorney

8.23.11

INITIATED AND APPROVED:



Director of Human Resources

**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 October 1, 2011, and ending at midnight September 30, 2013.

CONCESSION ITEMS

**PMA AGREES TO THE FOLLOWING ITEMS THAT WILL SUNSET AT THE
EXPIRATION OF THE 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.
- ii. PMA will agree to the implementation of a second-tier CalPERS retirement formula for newly hired police safety employees, if HBPOA implements a second tier retirement formula.
- iii. Any CalPERS second-tier safety benefit formula would be consistent among all new hires across all public safety groups.

- 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.

**PMA AGREES TO THE FOLLOWING CONCESSION ITEMS THAT WILL NOT 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. The amended PERS Retirement contributions established via side-letter executed May 17, 2010 (Resolution No. 2010-29) shall continue. [PMA employees will contribute 4.25% of the 9% employee share.]

Side-Letter Implementation

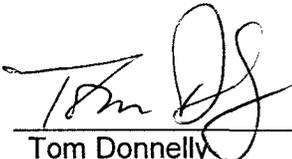
The modified provisions contained in this side letter are effective October 1, 2011 and will remain in full force and effect unless otherwise specifically modified, either by extension of this side-letter, a subsequent side-letter or a successor memorandum of understanding.

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 SEPTEMBER 6, 2011.

**Huntington Beach
Police Management Association**

City of Huntington Beach



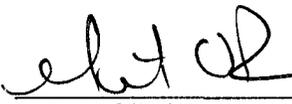
Tom Donnelly
President



Fred A. Wilson
City Manager

Dated: 8/23/11

Dated: 9-1-11



Mitch O'Brien
Vice-President

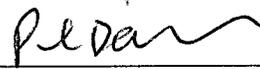


Michele Carr
Director of Human Resources

Dated: 8/24/11

Dated: 8/23/11

APPROVED AS TO FORM:



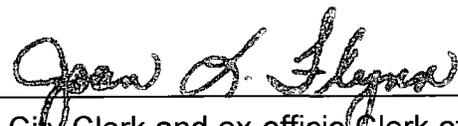
Jennifer M. McGrath
City Attorney

Dated: 8/30/2011

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 **September 6, 2011** by the following vote:

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



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