

RESOLUTION NO. 2010-70

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

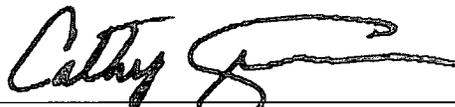
WHEREAS, on May 1, 2006, the City Council of Huntington Beach adopted Resolution No. 2006-19 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Huntington Beach Police Officers' Association (HBPOA);

Subsequent to the adoption of the MOU, the City of Huntington Beach and the POA agreed to changes to the MOU that are reflected in a Side Letter of Agreement between the City of Huntington Beach and the HBPOA ("Side Letter of Agreement") attached hereto as **Exhibit A** and incorporated herein by this reference. The Side Letter of Agreement pertains to medical retirement trust fund program modifications.

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 HBPOA.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 4th day of October, 2010.

  
\_\_\_\_\_  
Mayor

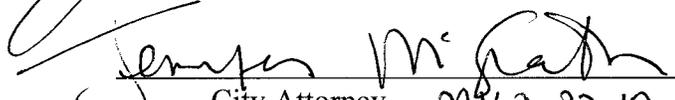
REVIEWED AND APPROVED:

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

INITIATED AND APPROVED:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney MV 9-22-10

**City of Huntington Beach  
SIDE LETTER AGREEMENT**

Representatives of the Huntington Beach Police Officers' Association ("HBPOA") and the City of Huntington Beach ("City") have met and conferred regarding the subject matter of this Side letter Agreement and hereby agree to the following terms related to the HBPOA Memorandum of Understanding (MOU):

**ARTICLE X – HEALTH AND OTHER INSURANCE BENEFITS**

**A. HEALTH**

**EMPLOYEE WELFARE BENEFIT TRUST FUND**

The City authorizes the HBPOA to participate in an employee welfare medical benefit trust fund program, called the PORAC Retiree Medical Trust, with the following conditions:

1. The City and HBPOA agree that the City shall not provide any contribution to the program.
2. Effective 5/31/08, City shall withhold \$100.00 PER month for each represented employee to participate in the program. Thereafter, said withholding shall be in an amount as designated in writing by the HBPOA. Deductions shall be taken on the first two checks of each month.
3. Generally, participation and contributions are required for every member of the bargaining unit represented by the Association. However, this requirement will not apply to an Employee who is entitled to receive full retiree medical coverage due to his or her service in the United States military (Military Exception).
4. HBPOA shall pay all associated expenses incurred to participation in this program.
5. Upon request, the HBPOA shall provide documentation to the City as follows:
  - a. A copy of the in-force employee medical welfare benefit trust fund program;
  - b. A statement certifying that funds collected are for employee welfare medical benefits for HBPOA represented employees only;
  - c. A copy of the current program document as well as any changes of amendments, or written confirmation that there have been no changes as employee medical welfare benefit trust fund program provider;
  - d. Verification of the funds submitted to the PORAC Retiree Medical Trust, and
  - e. A statement certifying that the submitted funds are only being utilized to provide employee welfare medical benefit trust funds for participating members including members of the HBPOA.
6. City shall pay the withheld funds to the PORAC Retiree Medical Trust bi-weekly.
7. All Federal and State laws regarding employee medical welfare benefit trust funds coverage shall be followed.
8. HBPOA agrees that it will indemnify and hold harmless the City as well as all direct or indirect successors, officers, directors, heirs, predecessors, assigns, agents, insurers, employees, attorneys, representatives, and each of them, past and present, from and against any claims, lawsuits, penalties, interest, taxes, or liability of any kind whatsoever, which may result from the qualified employee welfare benefit trust fund program (Reference Resolution No. 2008-35).

**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.

IN WITNESS WHEREOF, the parties have caused this SIDE LETTER AGREEMENT to be executed by and through their authorized officers on October 4, 2010.

**Huntington Beach  
Police Officers' Association**

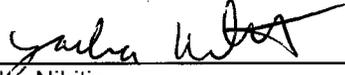
**City of Huntington Beach**

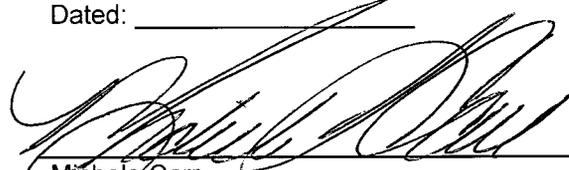
  
\_\_\_\_\_  
James (Kreg) Muller  
President

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

Dated: 9/23/10

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

  
\_\_\_\_\_  
Yasha Nikitin  
Vice-President

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

Dated: 9/23/10

Dated: 9/23/10

  
\_\_\_\_\_  
Ken Small  
Police Chief

Dated: 9-23-10

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
Jennifer M. McGrath  
City Attorney

Dated: 9-22-10

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 **October 4, 2010** by the following vote:

**AYES:** Hardy, Green, Bohr, Dwyer, Hansen

**NOES:** None

**ABSENT:** Carchio, Coerper,

**ABSTAIN:** None



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