

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 MANAGEMENT ASSOCIATION, BY
ADOPTING A SIDE LETTER OF AGREEMENT

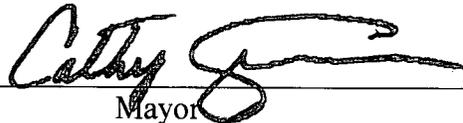
WHEREAS, the City Council of Huntington Beach adopted Resolution No. 2006-43 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Huntington Beach Police Management Association (HBPMA); and

Subsequent to the adoption of the MOU, the City of Huntington Beach and the HBPMA agreed to changes to the MOU that are reflected in a Side Letter of Agreement between the City of Huntington Beach and the HBPMA ("Side Letter of Agreement") attached hereto as **Exhibit A** and incorporated herein by this reference.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Huntington Beach 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 HBPMA.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 16th day of February, ~~200~~ 2010.



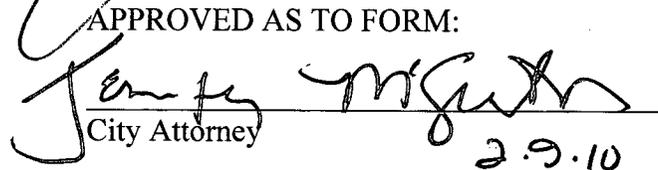
Mayor

REVIEWED AND APPROVED:


City Administrator

INITIATED AND APPROVED:


Director of Human Resources

APPROVED AS TO FORM:


City Attorney
2.9.10

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:

ARTICLE III -- SALARY SCHEDULES AND RETIREMENT

- B. Each employee covered by this Agreement shall be reimbursed an amount equal to nine percent (9%) of the employee's part of his/her California Public Employees' Retirement System (CalPERS) contribution unless otherwise modified in this MOU. The above CalPERS pickup is not salary but is done pursuant to Section 414(h)(2) of the Internal Revenue Code.
- C. The City and the Association agree that employees hired after July 6, 1998 shall not be eligible for the "Self-Funded Supplemental Retirement Benefit" (as described in Article XI, Paragraph A.2 of the Police Officers' Association 1997/2000 Memorandum of Understanding, attached hereto and incorporated herein as Exhibit E).
- D. When the City adopted the 2000-2003 Huntington Beach Police Management Association Memorandum of Understanding, the City amended its contract with CalPERS and implemented the "3% at age 50" retirement formula set forth in the California Government Code for all safety employees represented by the Association. Article III.B. is hereby modified such that the combined City-paid and employee-paid contribution equals 9%. Effective the pay period beginning April 3, 2010, the City shall pay 4.75% of each employee's "compensation earnable" of the employer-paid contribution of 9%. All employees covered by this agreement shall pay 4.25% of "compensation earnable" towards the employer-paid contribution of 9%.

Side-Letter Implementation

The modified provisions contained in this side letter are effective April 3, 2010 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 FEBRUARY 16, 2010.

**Huntington Beach
Police Management Association**



Tom Donnelly, President

Dated: 2-9-2010



Mitch O'Brien Vice-President

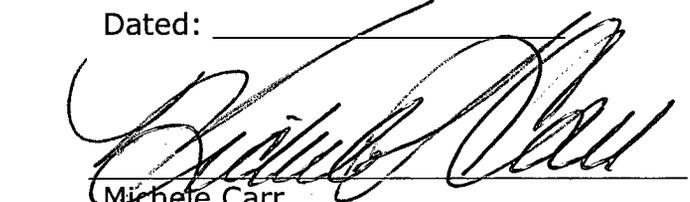
Dated: 2-9-10

City of Huntington Beach



Fred A. Wilson
City Administrator

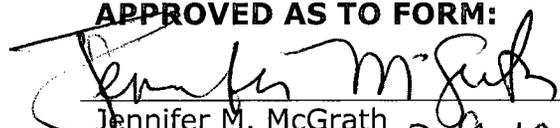
Dated: _____



Michele Carr
Director of Human Resources

Dated: 2-8-10

APPROVED AS TO FORM:



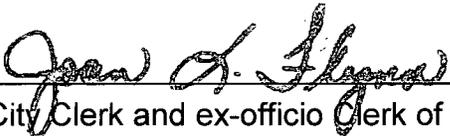
Jennifer M. McGrath
City Attorney

Dated: _____

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 **February 16, 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