

RESOLUTION NO. 2010-23

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

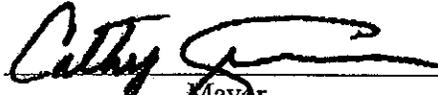
WHEREAS, on February 19, 2008, the City Council of Huntington Beach adopted Resolution No. 2008-13 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Huntington Beach Firefighters' Association (HBFA);

Subsequent to the adoption of the MOU, the City of Huntington Beach and HBFA 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 HBFA ("Side Letter of Agreement") attached hereto as **Exhibit A** and incorporated herein by this reference. (Side letter agreement regarding MOU extension and wage increase deferral.)

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 HBFA.

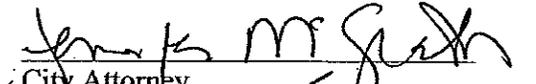
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 1st day of March 2010.


Mayor

REVIEWED AND APPROVED:

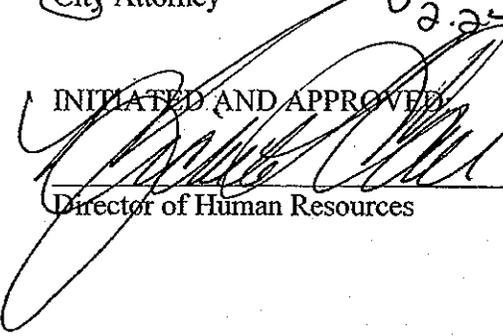

City Administrator

APPROVED AS TO FORM:


City Attorney

2.24.10

INITIATED AND APPROVED:


Director of Human Resources

**City of Huntington Beach
SIDE LETTER AGREEMENT**

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

ARTICLE IV – SALARY SCHEDULES

For each year of this agreement, the base salary of each classification represented by the Association shall be as set forth in the Salary Schedules, Exhibit B.

A. Wage Increases:

6. Effective the beginning of the pay period that includes March 22, 2010, all bargaining unit employees shall receive a two percent (2%) wage increase.
 - i. This scheduled wage increase is to be delayed until the beginning of the pay period that includes September 22, 2011.

ARTICLE XIV – TERM OF MOU

This Memorandum of Understanding shall be in effect commencing on September 25, 2007 and ending at midnight on June 24, 2011. This MOU constitutes the entire agreement of the parties as to the changes in wages, hours, and other terms and conditions of employment of employees covered hereunder for the term hereof.

- A) This article is hereby amended to extend the term of the MOU so that the MOU, as amended herein, shall expire June 24, 2012 instead of June 24, 2011.
- B) In addition, the Association shall have the exclusive option to extend the MOU, without any change in its terms and conditions, an additional twelve (12) months through and including June 24, 2013.

ARTICLE XI - CITY RULES

C. Layoff Rules - The procedure and practice regarding layoffs as contained in the City's Personnel Rules in effect on July 1, 1980 shall remain in full force and effect during the entire term of this MOU.

- i. If, during the term of the MOU, through December 31, 2010, the City causes any employees occupying job classifications within this unit to be demoted in lieu of layoff, the City shall cause those individuals to be assigned to work in a lower-paid classification without any change in their classification designation and accompanying rate of pay.
- ii. Personnel Rule 5-21. Reemployment Lists. - Modified

For each class there shall be maintained a general reemployment list consisting of the names of all persons who have occupied positions with probationary or permanent status in the class and who have been demoted in lieu of layoff. Such names shall be placed on the list in the order of competency and length of service from highest to lowest. When a reemployment list is to be used to fill vacancies, the Personnel Director shall certify the names of eligibles therefrom from the top of such list, and the department head may appoint such eligibles to fill such vacancies.

- a. The list of certified eligibles under this section, shall be maintained for one (1) year following the expiration of this MOU or until June 24, 2013, whichever is later.

Side-Letter Implementation

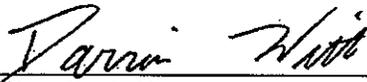
Except as modified above, all remaining terms and conditions set forth in the existing MOU, and all wages, hours and other terms and conditions of employment described therein and presently enjoyed by represented employees shall remain in full force and effect throughout the remainder of the term of the MOU as extended.

The modified provisions contained in this side letter are effective following approval by the City of Huntington Beach City Council and will remain in full force 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 MARCH 01, 2010.

**Huntington Beach
Fire Association**



Darrin Witt
President

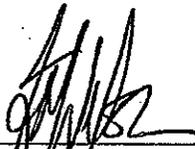
Dated: 3/1/10



Don Boland
Vice-President

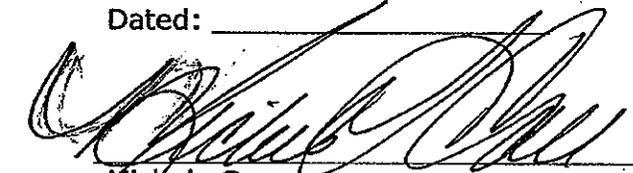
Dated: 3-2-2010

City of Huntington Beach



Fred A. Wilson
City Administrator

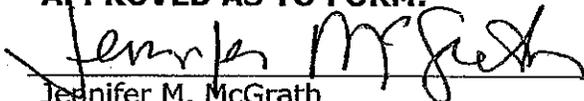
Dated: _____



Michele Carr
Director of Human Resources

Dated: 3-24-10

APPROVED AS TO FORM:



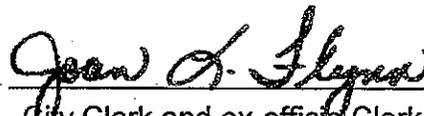
Jennifer M. McGrath
City Attorney

Dated: 2-24-10

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 an **regular** meeting thereof held on **March 1, 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