

RESOLUTION NO. 2010-28

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MARINA
APPROVING THE SIDE LETTER
AGREEMENT AMENDING THE
EXISTING MEMORANDUM OF
UNDERSTANDING BETWEEN THE CITY
OF MARINA AND THE MARINA
PUBLIC SAFETY OFFICERS
ASSOCIATION, AND AUTHORIZING
THE CITY MANAGER TO EXECUTE THE
SIDE LETTER AGREEMENT PENDING
FINAL REVIEW AND APPROVAL BY
THE CITY ATTORNEY.**

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ASSOCIATION, AND AUTHORIZING THE CITY MANAGER TO EXECUTE
THE SIDE LETTER AGREEMENT PENDING FINAL REVIEW AND
APPROVAL BY THE CITY ATTORNEY.

WHEREAS, on January 9, 2007, the City Council adopted Resolution No. 2007-12, approving the Memorandum of Understanding (MOU) between the City of Marina and the Marina Public Safety Officers Association and authorized the City Manager, as Employee Relations Officer, to execute the agreement on behalf of the City, and;

WHEREAS, the Marina Public Safety Officers Association submitted a proposal to the City of Marina to amend sections of the existing Memorandum of Understanding and defer the 5% salary adjustment scheduled for January 1, 2010 to January 1, 2011, and defer the salary adjustment based on an August, 2010, market study and effective July 1, 2010 to July 1, 2011, and to extend the termination of the existing MOU for one year, from December 31, 2010 to terminate on December 31, 2011, and;

WHEREAS, all other terms and conditions of employment contained in the existing MOU shall remain in effect as provided therein through December 31, 2011, and except as expressly modified by this Side Letter Agreement are not subject to meet and confer for the duration of the MOU unless mutually agreed to by the City and the Association; and.

WHEREAS, the deferred total cost is approximately \$290,000, with \$120,000 in FY 2009-10 and \$170,000 in FY 2010-11. The cost deferred had two major assumptions: (1) the market study would result in a 2% adjustment effective July 1, 2010 and (2) the deferred cost impact upon overtime was excluded, and;

WHEREAS, all matters related to fiscal impact are associated with previously negotiated terms and conditions as set forth in the previously adopted MOU between the MPSOA and the City. Funding for all terms and conditions of employment associated with public safety officer personnel were included in the adopted FY 2009-10 Budget.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Approves January 1, 2010 Side Letter Agreement between the City of Marina and the Marina Public Safety Officers Association (MPSOA) (EXHIBIT A); and
2. Authorizes the City Manager, as Employee Relations Officer, to execute the Side Letter Agreement on behalf of the City subject to final review and approval by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of February 2010, by the following vote:

AYES, COUNCIL MEMBERS: Ford, McCall, O'Connell, Gray, Delgado

NOES, COUNCIL MEMBERS: None

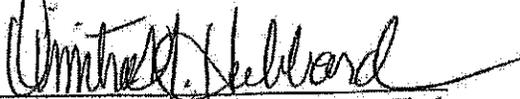
ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None



Bruce C. Delgado, Mayor

ATTEST:



Dimitra M. Hubbard, Deputy City Clerk

SIDE LETTER OF AGREEMENT TO MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF MARINA AND
THE MARINA PUBLIC SAFETY OFFICERS ASSOCIATION

The existing Memorandum of Understanding between the City of Marina (hereinafter "City) and the Marina Public Safety Officers Association (hereinafter "Association") was adopted by Marina City Council by Resolution 2007-12 on January 9, 2007. The term of the MOU is January 1, 2007 through December 31, 2010.

This Side Letter of Agreement (hereafter "SLA") is entered into by and between the City of Marina and the Marina Public Safety Officers Association effective January 1, 2010, and shall extend the MOU for one year and is effective as of January 1, 2010 through December 31, 2011.

ARTICLE VII. COMPENSATION – EXHIBIT D

6. Scheduled January 1, 2010 – 5% Equity Pay Adjustment Based On 2006 Market Study: This section of the existing MOU is amended to defer the current scheduled January 1, 2010 equity pay adjustments for one year and shall be effective date of January 1, 2011.

7. Scheduled July 1, 2010 Based On August, 2010 Market Study: This section of the existing MOU is amended to defer the scheduled July 1, 2010 salary adjustments based on the August, 2010 market study, for one year and shall be effective date of July 1, 2011.

ALL OTHER TERMS AND CONDITIONS" Except as expressly modified by this Side Letter Agreement, all other terms and conditions of employment contained in the existing MOU shall remain in effect as provided therein through December 31, 2011 and therefore are not subject to meet and confer for the duration of the MOU unless mutually agreed to by the City and the Association.

CITY OF MARINA

MARINA PUBLIC SAFETY OFFICERS ASSOCIATION

By: _____

By: _____

Anthony J. Altfield
City Manager/Employee Relations Officer

Larry Katz
Representative, Public Safety Officers Association

Dated: _____

Dated: _____

By: _____

By: _____

Kathy E. McFall
Human Resources and Risk Director
Association

Andres Rosas
President, Public Safety Officers

Dated: _____

Dated: _____

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CITY OF MARINA

MARINA PUBLIC SAFETY OFFICERS ASSOCIATION

By: [Signature] 03.04.10

By: [Signature]

Anthony J. Altfeld
City Manager/Employee Relations Officer

Larry Katz
Representative, Public Safety Officers Association

Dated: 03.04.10

Dated: 3/4/10

By: [Signature]
Kathy E. McFall
Human Resources and Risk Director
Association

By: [Signature]
Andres Rosas
President, Public Safety Officers

Dated: 03/04/10

Dated: 3/4/10

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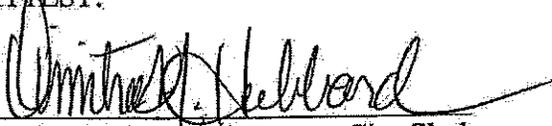
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AYES, COUNCIL MEMBERS: Ford, McCall, O'Connell, Gray, Delgado
NOES, COUNCIL MEMBERS: None
ABSENT, COUNCIL MEMBERS: None
ABSTAIN, COUNCIL MEMBERS: None



Bruce C. Delgado, Mayor

ATTEST:



Dimitra M. Hubbard, Deputy City Clerk