



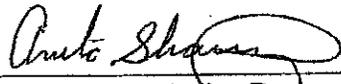
CITY OF MARINA
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CERTIFICATE OF THE CITY CLERK

I, ANITA SHARP, ACTING DEPUTY CLERK OF THE CITY OF MARINA, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of City Council Resolution No. 2011-88 Approving Side Letter of Agreement (SLA) amending existing Memorandum of Understanding (MOU) between City of Marina (City) and Marina Professional Firefighters Association (MPFFA) waiving 2011 scheduled equity pay adjustments and waiving Cost Of Living (COLA) salary adjustments, extending existing agreement and all other terms and conditions of employment contained therein for one (1) year effective January 1, 2012 through December 31, 2012, and; authorizing City Manager to execute Side Letter Agreement on behalf of City subject to final review and approval by the City Attorney, adopted by the City Council of the City of Marina at a regular meeting duly held on the 17th day of May 2011 and that the original appears on record in the office of the City Clerk.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MARINA

Date: May 20, 2011


Anita Sharp, Acting Deputy City Clerk

RESOLUTION NO. 2011-88

CITY COUNCIL OF THE CITY OF MARINA APPROVING TENTATIVE SIDE LETTER AGREEMENT AMENDING EXISTING MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF MARINA AND MARINA PROFESSIONAL FIREFIGHTERS ASSOCIATION (MPFFA) WAIVING 2011 SCHEDULED EQUITY PAY ADJUSTMENTS AND WAIVING COST OF LIVING (COLA) SALARY ADJUSTMENTS EXTENDING EXISTING AGREEMENT AND ALL OTHER TERMS AND CONDITIONS OF EMPLOYMENT CONTAINED THEREIN FOR ONE(1) YEAR EFFECTIVE JANUARY 1, 2012 THROUGH DECEMBER 31, 2012 AND AUTHORIZING CITY MANAGER TO EXECUTE SIDE LETTER AGREEMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY.

WHEREAS, at a regular meeting on July 21, 2009, the Marina City Council adopted a Memorandum of Understanding (MOU) between the City of Marina and the Marina Professional Firefighters Association (MPFFA) by Resolution 2009-126 and authorized the City Manager, as Employee Relations Officer, to execute the agreement on behalf of the City, and;

WHEREAS, the Marina Professional Firefighters Association submitted a proposal to the City of Marina to amend sections of the existing Memorandum of Understanding and defer the salary adjustments for Marina Professional Firefighters Association members scheduled for January 1, 2010 to January 1, 2011, and to defer the salary adjustment based on an April market study and effective July 1, 2010 to July 1, 2011, and to extend the term of the existing MOU for one year to termination on December 31, 2011, and;

WHEREAS, the Marina Professional Firefighters Association requested a meeting with City staff on December 8, 2010 to discuss the upcoming 2011 salary adjustments and the potential impact to the City's budget.

WHEREAS, an initial meeting occurred on December 14, 2010 at which time the Marina Professional Firefighters Association requested that the City delay administering the January 1, 2011 equity pay adjustments until April 1, 2011 to allow time for the City and the Marina Professional Firefighters Association to hold informal discussions regarding the impact of the salary adjustments to the City's budget.

WHEREAS, on January 24, 2011 the City and the Marina Professional Firefighters Association held the first of eight (8) confidential informal discussions regarding key issues affecting the City's budget, fiscal assumptions and analysis, FY11-12 budget projections, developments in Federal and State funding and various economic trends and the impact of the Marina Professional Firefighters Association scheduled salary adjustments.

WHEREAS, the City Council held a total of fifteen closed session meetings regarding confidential labor discussions, and;

WHEREAS, on February 22, 2011 the City Council formed a sub-committee and assigned Mayor Pro Tempore, Frank O'Connell as an observer during the informal labor discussions.

WHEREAS, on April 4, 2011 the City Council added a second representative to the Labor Relations Sub-Committee and assigned Mayor Bruce Delgado and Mayor Pro Tempore, Frank O'Connell to participate with City staff in the confidential informal discussions.

WHEREAS, the Marina Professional Firefighters Association and the City reached a tentative agreement on April 25, 2011 to waive the scheduled January 1, 2011 equity pay adjustment, waive the scheduled July 1, 2011 Cost of Living (COLA) salary adjustments, and;

WHEREAS, the existing MOU is extended for one year effective January 1, 2012 and all other terms and conditions of employment are rolled over through December 31, 2012, including the City continues to absorb all medical cost increases and all CalPERS retirement cost increases, and;

WHEREAS, except as expressly modified by this Side Letter Agreement, for the duration of the MOU through December 31, 2012, the remaining terms of the MOU are not subject to meet and confer unless mutually agreed to by the City and the Association; and.

WHEREAS, City Council's consideration of this request is considered a matter of governance. The authority and requirements for considering approval of this request are related to the City's adopted Employee Relations Ordinance and to the requirements for "good faith" bargaining pursuant to the Meyers-Miliias-Brown Act.

WHEREAS, should the City Council approve this request, the approximate savings of the waived salary increases from January 1, 2011 to December 31, 2012 is approximately \$135,000, assuming the current composition of City staff without consideration of enhancement in pay step and/or incentive pays. During January 1, 2011 to December 31, 2012, the City continues to absorb all medical cost increases and all CalPERS retirement cost increases.

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 MPFFA and the City. Funding for all terms and conditions of employment associated with firefighter personnel were included in the adopted FY 2010-11 Budget.

WHEREAS, staff is recommending that City Council consider adopting the Side Letter Agreement effective January 1, 2012 through December 31, 2012, amending the Memorandum of Understanding between the City of Marina and the new Marina Professional Firefighters Association (MPFFA).

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

1. Approve Side Letter of Agreement (SLA) amending existing Memorandum of Understanding (MOU) between City of Marina (City) and Marina Professional Firefighters Association (MPFFA) waiving 2011 scheduled equity pay adjustments and waiving Cost Of Living (COLA) salary adjustments, extending existing agreement and all other terms and conditions of employment contained therein for one (1) year effective January 1, 2012 through December 31, 2012, and;
2. Authorize City Manager to execute Side Letter Agreement on behalf of City subject to final review and approval by the City Attorney.

Resolution No. 2011-88

Page 3

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 17th day of May, 2011, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Brown, Ford, Delgado

NOES, COUNCIL MEMBERS: O'Connell

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None



Frank O'Connell, Mayor Pro-Tem

ATTEST:



Anita Sharp, Acting Deputy City Clerk

May 13, 2011

Item No. **10d**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of May 17, 2011

CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2011-, APPROVING TENTATIVE SIDE LETTER AGREEMENT AMENDING EXISTING MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF MARINA AND MARINA PROFESSIONAL FIREFIGHTERS ASSOCIATION (MPFFA) WAIVING 2011 SCHEDULED EQUITY PAY ADJUSTMENTS AND WAIVING COST OF LIVING (COLA) SALARY ADJUSTMENTS EXTENDING EXISTING AGREEMENT AND ALL OTHER TERMS AND CONDITIONS OF EMPLOYMENT CONTAINED THEREIN FOR ONE(1) YEAR EFFECTIVE JANUARY 1, 2012 THROUGH DECEMBER 31, 2012 AND AUTHORIZING CITY MANAGER TO EXECUTE SIDE LETTER AGREEMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY.

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2011-, approving Side Letter of Agreement (SLA) amending existing Memorandum of Understanding (MOU) between City of Marina (City) and Marina Professional Firefighters Association (MPFFA) waiving 2011 scheduled equity pay adjustments and waiving Cost Of Living (COLA) salary adjustments, extending existing agreement and all other terms and conditions of employment contained therein for one (1) year effective January 1, 2012 through December 31, 2012, and;
2. Authorize City Manager to execute Side Letter Agreement on behalf of City subject to final review and approval by the City Attorney.

BACKGROUND:

At the regular meeting of July 21, 2009, the Marina City Council adopted Resolution 2009-126 approving a Memorandum of Understanding (MOU) between the City of Marina and the Marina Professional Firefighters Association (MPFFA). The term of the MOU was January 1, 2007 through December 31, 2010.

At a regular meeting of February 17, 2010, the City Council adopted Resolution No. 2010-29, approving a Side Letter Agreement (SLA) amending the existing MOU, deferring the scheduled January 1, 2010 equity pay adjustments to January 1, 2011, deferring the July 1, 2010 Cost of Living (COLA) salary adjustments to July 1, 2011 and extending the MOU and all other terms and conditions of employment for one (1) year through December 31, 2011 (“**EXHIBIT A**”).

The MPFFA and the City reached a tentative agreement on April 25, 2011 to waive the scheduled January 1, 2011 equity pay adjustment, waive the scheduled July 1, 2011 Cost of Living (COLA) salary adjustments, to extend the existing MOU for one year, effective January 1, 2012 and to “rollover” all other terms and conditions of employment through December 31, 2012, including the City continues to absorb all medical cost increases and all CalPERS retirement cost increases.

Except as expressly modified by this Side Letter Agreement, for the duration of the MOU, through December 31, 2012, the remaining terms of the MOU are not subject to meet and confer unless mutually agreed to by the City and the Association.

Staff is requesting City Council consider approving the tentative Side Letter Agreement amending the existing MOU between the City and the MPFFA, authorize the City Manager, as Employee Relations Officer, to execute the Side Letter Agreement effective January 1, 2012, and subject to final review and approval by the City Attorney.

ANALYSIS

The existing Memorandum Of Understanding between the City of Marina and the Marina Professional Firefighters Association will expire on December 31, 2011. In accordance with the City's 2006 citywide salary, the current MOU includes an equity pay adjustment for MPFFA members effective January 1, 2011. The MOU also includes an annually scheduled Cost Of Living Adjustment (COLA) based on the current year, April, 2011 (All Urban Consumers, San Francisco-Oakland-San Jose) Consumer Price Index (CPI) and effective July 1, 2011.

The MPFFA requested a meeting with City staff on December 8, 2010 to discuss the upcoming 2011 salary adjustments and the potential impact to the City's budget. An initial meeting occurred on December 14, 2010 at which time the MPFFA requested that the City delay administering the January 1, 2011 equity pay adjustments until April 1, 2011 to allow time for the City and the MPFFA to hold informal discussions regarding the impact of the salary adjustments to the City's budget.

At the meeting, the City agreed to provide the MPFFA information regarding the City's key interests that have significant fiscal impact on the budget and to address mutual interests and opportunities. A follow up meeting occurred on January 24, 2011 between the City and the MPFFA, which initiated the first of eight (8) confidential informal discussions regarding key issues affecting the City's budget, fiscal assumptions and analysis, FY11-12 budget projections, developments in Federal and State funding and various economic trends and the impact of the MPFFA scheduled salary adjustments.

Staff met with City Council in closed session to provide details of the informal discussions and obtain direction from City Council. During closed session meetings the City Council reviewed comprehensive and detailed fiscal analysis and assumptions, deliberated on numerous fiscal scenarios and considered the implications of federal, state and local affairs and the various economic trends and developments affecting the City's budget.

At the February 22, 2011 closed session meeting, the City Council formed a sub-committee and assigned Mayor Pro Tempore, Frank O'Connell as an observer during the informal labor discussions. At the April 4, 2011 the City Council added a second representative to the Labor Relations Sub-Committee and assigned Mayor Bruce Delgado and Mayor Pro Tempore, Frank O'Connell to participate with City staff in the confidential informal discussions. A total of fifteen (15) closed session meetings were held.

The City and the MPFFA exchanged several offers to modify the existing MOU, which addressed options for administering the salary adjustments for 2011, the term of the agreement, and other terms and conditions of employment.

On April 25, 2011 the MPFFA agreed to waive the January 1, 2011 equity pay adjustment and waive the July 1, 2011 Cost of Living (COLA) salary adjustment, to extend the existing MOU for one year effective January 1, 2012 and "rollover" all other terms and conditions of employment from December 31, 2011 through December 31, 2012, including the City continues to absorb all medical cost increases and all CalPERS retirement cost increases.

Except as expressly modified by this Side Letter Agreement, for the duration of the MOU, through December 31, 2011, the remaining terms of the MOU are not subject to meet and confer unless mutually agreed to by the City and the Association.

City Council consideration of this request is considered a matter of governance. The authority and requirements for considering approval of this request are related to the City's adopted Employee Relations Ordinance and to the requirements for "good faith" bargaining pursuant to the Meyers-Miliias-Brown Act.

FISCAL IMPACT:

Should the City Council approve this request, the approximate savings of the waived salary increases from January 1, 2011 to December 31, 2012 is estimated at \$135,000, assuming the current composition of City staff without consideration of enhancement in pay step and/or incentive pays. During January 1, 2011 to December 31, 2012, the City continues to absorb all medical cost increases and all CalPERS retirement cost increases.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted



Kathy E. McFall
Human Resources and Risk Management Director
City of Marina

REVIEWED/CONCUR:



Anthony J. Altfield
City Manager
City of Marina