

**RESOLUTION NO. \_\_\_\_-2020**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL  
APPROVING THE SIDE LETTER AGREEMENT BETWEEN THE CITY OF  
FORT BRAGG AND THE FORT BRAGG EMPLOYEE ORGANIZATION AND  
SERVICE EMPLOYEES INTERNATIONAL UNION AND AUTHORIZING CITY  
MANAGER TO EXECUTE SAME**

**WHEREAS**, the Memorandum of Understanding is the collective bargaining agreement between the City of Fort Bragg and the Fort Bragg Employee Organization and Service Employees International Union, Local 1021 (SEIU); and

**WHEREAS**, the City of Fort Bragg and the SEIU executed the Memorandum of Understanding between the City of Fort Bragg and the Fort Bragg Employee Organization (SEIU MOU) effective: July 1, 2007 through June 30, 2011; July 1, 2011 through June 30, 2014; July 13, 2014 through June 30, 2017; October 23, 2017 through June 30, 2019; and July 1, 2019 through June 30, 2022; and

**WHEREAS**, the SEIU MOU ARTICLE 12-OVERTIME sets forth how overtime will be calculated for employees in certain departments and ARTICLE 19-HOLIDAYS establishes holiday pay but didn't fully clarify how employees who work full or partial shifts on a holiday will be compensated; and

**WHEREAS**, the City of Fort Bragg was notified by CalPERS that ARTICLE 12-OVERTIME and ARTICLE 19-HOLIDAYS do not meet the California Government Code Sections 20636 and 7522.34(c)(5) requirements for "pensionable compensation;" and

**WHEREAS**, a Side Letter is required to clearly indicate how employees who may be required to work the holiday will be compensated and how certain department employees will be selected to work the holidays; and

**WHEREAS**, The City of Fort Bragg and the SEIU have met and conferred in good faith; and

**WHEREAS**, a Side Letter agreement between the City of Fort Bragg and the SEIU has been created and incorporates the information required by the California Code of Regulations; and

**WHEREAS**, the changes incorporated are reflective of previous and current practice; and

**WHEREAS**, based on all the evidence presented, the City Council finds as follows:

1. That by incorporating into the Side Letter agreement the information required by the California Code of Regulations, the City of Fort Bragg will be in compliance with California Public Employees Retirement Law.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve the Side Letter, attached hereto as Exhibit A, and authorizes the City Manager to execute the same.

The above and foregoing Resolution was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 26th day of October, 2020, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**  
**RECUSED:**

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**WILLIAM V. LEE**  
Mayor

**ATTEST:**

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**June Lemos, CMC**  
City Clerk