

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 POLICE ASSOCIATION 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 Police Association (FBPA); and

WHEREAS, the City of Fort Bragg and the FBPA executed the Memorandum of Understanding between the City of Fort Bragg and the Fort Bragg Police Association (FBPA MOU) effective April 13, 2015 through June 30, 2017; effective July 1, 2017 through June 30, 2019; and effective July 1, 2019 through June 30, 2021; and

WHEREAS, FBPA ARTICLE 25-HOLIDAYS stipulates the City pay full-time regular sworn employees represented by the FBPA who are required to regularly work on holidays noted in Section 4 of Article 25 at one and one-half (1.5) times the employee's hourly rate paid in two equal installments during the first pay period in June and December; and

WHEREAS, the City of Fort Bragg was notified by CalPERS that ARTICLE 25-HOLIDAYS does not meet the California Code of Regulations (CCR) 571(b)(1)(B), Government Codes 20636 and 7522.34(c)(5) requirements for special compensation; and

WHEREAS, a Side Letter is required to clearly indicate the conditions for payment of holiday pay, including, but not limited to, eligibility for, and amount of, the special compensation; and

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

WHEREAS, a Side Letter agreement between the City of Fort Bragg and the FBPA 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 Fort Bragg does hereby approve the Side Letter, attached 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 13th day of October, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

WILLIAM V. LEE
Mayor

ATTEST:

June Lemos, CMC
City Clerk