

## **RESOLUTION NO. 4315-2020**

### **RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING THE SIDE LETTER AGREEMENT WITH THE FORT BRAGG POLICE ASSOCIATION AND AUTHORIZING CITY MANAGER TO EXECUTE SAME**

**WHEREAS**, the City and the Fort Bragg Police Association (FBPA) commenced negotiations on April 8, 2019 for a new two-year Memorandum of Understanding (MOU); and

**WHEREAS**, the sessions concluded on June 5, 2019 when the parties agreed to an agreement package, which was ratified by the FBPA membership; and

**WHEREAS**, the new MOU was approved by the City Council on June 10, 2019; and

**WHEREAS**, on March 13, 2020, the President of the United States issued a proclamation declaring the COVID-19 outbreak in the United States as a national emergency, beginning March 1, 2020; and

**WHEREAS**, the Governor of the State of California and the Public Health Officer of the County of Mendocino have both issued Shelter-in-Place orders to combat the spread of COVID-19; and

**WHEREAS**, on March 17, 2020 the City Manager, as the City's Director of Emergency Services, issued Proclamation No. CM-2020-01 declaring a local emergency as authorized by Government Code section 8630 and Fort Bragg Municipal Code section 2.24.040(B); and

**WHEREAS**, the City, County and State economies were significantly impacted by the shutdown of nonessential businesses as a result of the Shelter-in-Place orders; and

**WHEREAS**, the City found it necessary to reduce staff levels through a combination of layoffs and furloughs; and

**WHEREAS**, the Fort Bragg Sworn Police Officers voluntarily agreed to forgo special pays in order to reduce public safety expenditures for the City; and

**WHEREAS**, the annual value of those special pays is approximately \$88,000; and

**WHEREAS**, the City Council recognizes that the Fort Bragg Sworn Police Officers of the Fort Bragg Police Association have provided a valuable and much appreciated contribution to reducing the City's budget without impacting public safety services in Fort Bragg; and

**WHEREAS**, on June 29, 2020, the Fort Bragg City Council and the Fort Bragg Municipal Improvement District No. 1 adopted the Fiscal Year (FY) 2020-21 Budget; and

**WHEREAS**, the City Manager continues to review and revise the budget as the impacts from the COVID-19 pandemic and economic downturn are better understood; and

**WHEREAS**, the City Manager identified and updated revenue projections, additional expenditure adjustments and corrections to the FY 2020-21 budget as adopted by the City Council on June 29, 2020; and


**WHEREAS**, the Fort Bragg City Council adopted Resolution No. 4311-2020, which amended the FY 2020-21 Budget and included appropriating funds to prospectively reinstate the Sworn Officer special pays; and

**WHEREAS**, the negotiation session concluded on September 23, 2020, when parties agreed to a new Side Letter revoking the May 24, 2020 Side Letter and reinstating special pays to Sworn Officers of the Fort Bragg Police Association; and

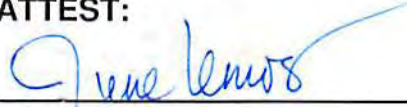
**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve the Side Letter attached hereto as Exhibit A, effective October 11, 2020, to the Memorandum of Understanding with the Fort Bragg Police Association and authorizes the City Manager to execute the same.

The above and foregoing Resolution was introduced by Councilmember Albin-Smith, seconded by Councilmember Peters, 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:** Councilmembers Albin-Smith, Morsell-Haye, Norvell, Peters and Mayor Lee.
- NOES:** None.
- ABSENT:** None.
- ABSTAIN:** None.
- RECUSED:** None.

  
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**WILLIAM V. LEE**  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
June Lemos, CMC  
City Clerk

**SIDE LETTER BETWEEN  
THE CITY OF FORT BRAGG  
AND  
THE FORT BRAGG POLICE ASSOCIATION  
CONCERNING PREMIUM INCENTIVE PAYS**

This Side Letter reflects an agreement between the City of Fort Bragg (City) and the Fort Bragg Police Association (FBPA), and collectively, "the Parties."

The Parties agree to terminate and revoke the Side Letter dated May 24, 2020, as attached.

Termination of the May 24, 2020 Side Letter eliminates the increase to vacation time for all sworn employees covered under the current Fort Bragg Police Association Memorandum of Understanding (FBPA MOU), as set forth in the Side Letter dated May 24, 2020. Vacation time shall only accrue as specified in Article 17 of the FBPA MOU, as it read prior to execution of the May 24, 2020 Side Letter. Effective October 11, 2020, the cap on a sworn employee's vacation accrual bank will be returned to the levels noted in in Article 17.2 of the FBPA MOU prior to execution of the May 24, 2020 Side Letter. However, no sworn employee shall be forced to take vacation or lose any accrued hours as of the effective date of this Side Letter. Employees who as a result of the side letter dated May 24, 2020 have had their vacation accrual bank exceed the vacation time accrual cap shall have the option of carrying the excess hours on the books until they have been used or cashed out.

Termination of the May 24, 2020 Side Letter eliminates the option for FBPA employees to have hours accrued in their Compensatory Time Off bank paid out in a separate check on the first pay period of each quarter of the Fiscal Year. Employees covered under the current FBPA MOU only have the option to request Compensatory Time Off bank paid out on the same check as their regular payroll check.

This Side Letter will be effective from 10/11/2020 to 06/30/2021.

FOR THE CITY OF FORT BRAGG:

DATE:

\_\_\_\_\_  
TABATHA MILLER  
CITY MANAGER

DATE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
JUNE LEMOS, CMC

CITY CLERK

FOR THE FORT BRAGG POLICE  
ASSOCIATION, INC.:

DATE:

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ANTHONY MELENDEZ  
PRESIDENT