

Resolution No. 2009-71

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2 **RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN**  
3 **BERNARDINO AMENDING RESOLUTION NO. 2007-345, SECTION 2, B,**  
4 **COMPENSATION; SECTION 2, H, UNIFORM ALLOWANCE; SECTION 2, K,**  
5 **OVERTIME; SECTION 2, O, DEFERRED COMPENSATION; SECTION 2, Q,**  
6 **VACATION LEAVE; SECTION 2, X, POST EMPLOYMENT HEALTH PLAN; AND**  
7 **ADDING SECTION 2, AA, WELFARE BENEFIT PLAN AND TRUST, BETWEEN THE**  
8 **CITY AND MANAGEMENT/CONFIDENTIAL FIRE SAFETY MANAGEMENT**  
9 **EMPLOYEES**

10 **BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE CITY**  
11 **OF SAN BERNARDINO AS FOLLOWS:**

12 SECTION 1: Resolution No. 2007-345, Section 2, B, Compensation, Subsection 1, is  
13 hereby amended as follows:

14 "B. Compensation

- 15 1. Safety Classifications shall have their salaries determined in accordance  
16 with Charter Section 186.
- 17 a. Short-term negotiated concession:  
18 Effective with the payroll period beginning April 1, 2009, and  
19 continuing through June 30, 2010, Fire Safety Management  
20 employees agree to contribute a ten percent (10%) 'Negotiated  
21 Concession' to the City due to a fiscal deficit. The calculation will  
22 be based on the employee's current base monthly salary.
- 23 b. In return for the above budget concession, effective April 1, 2009  
24 and continuing through June 30, 2010, all Fire Safety Management  
25 employees shall accrue four (4) hours and shift employees shall  
accrue six (6) hours of leave time per week. This leave time shall  
have no expiration date or cash value, except for Fire Safety  
Management employees who retire prior to June 30, 2010 who will  
be compensated for 50% of the accumulated leave hours. Shift  
employees shall not use the subject leave time prior to July 1,  
2010, and in all cases, leave use shall be arranged for and used  
according to established department policy.

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- 6 c. The City agrees to restore the ten percent (10%) employee  
7 concession prior to June 30, 2010 if the City's sales tax, utility tax,  
8 and property tax totals restore to FY 07-08 levels or if the City  
9 receives a Federal or State bailout or other windfall that can be  
10 applied to the General Fund with no limitations, equal to or greater  
11 than the amount of savings achieved through the above-noted  
12 employee concessions.

12 SECTION 2: Resolution No. 2007-345, Section 2, H, Uniform Allowance, is hereby  
13 amended as follows:

13 "Fire

- 14 1. Effective with the first payroll check in July 2009, and annually thereafter,  
15 each Fire Safety Management employee shall receive an annual uniform  
16 allowance of seven hundred thirty-five dollars (\$735) to be paid in a lump  
17 sum amount in lieu of the City furnishing and replacing uniforms."

18 SECTION 3: Resolution No. 2007-345, Section 2, K, Overtime, is hereby amended as  
19 follows:

19 "K. Overtime

- 20 1. Employees shall receive overtime compensation in accordance with the  
21 Fair Labor Standards Act (FLSA).  
22 2. Fire Safety Management Overtime for Reimbursable Incidents  
23 Any Battalion Chief (P5) assigned to a mutual aid/disaster reimbursement  
24 incident may receive time and one-half compensation subject to the terms  
25 and conditions of the local agreements with outside agencies. For each  
reimbursable incident, Battalion Chiefs shall receive straight time

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6 compensation consistent with present payroll procedures; and, if  
7 applicable, the extra one-half time compensation will be paid to the  
8 employee following the City's reimbursement by the respective local, state  
9 or federal agency responsible for the incident."

10 SECTION 4: Resolution No. 2007-345, Section 2, O, Deferred Compensation, is hereby  
11 amended as follows:

12 "O. Deferred Compensation

- 13 1. The City shall execute an agreement with a carrier to provide a deferred  
14 compensation plan for all participants provided the Association concurs  
15 with the selection of the carrier and the plan.
- 16 2. The City agrees to contact our healthcare vendors to determine if the  
17 City's current contracts can be amended to participate in the H.R. 2177  
18 program, which allows for the direct transfer of deferred compensation  
19 deposits to pay for medical premiums, up to a maximum of \$3,000  
20 annually for retired Fire Safety Management employees. Costs to establish  
21 and maintain this program shall not exceed \$500 annually and shall be  
22 paid by the City."

23 SECTION 5: Resolution No. 2007-345, Section 2, Q, Vacation Leave, Subsection 2, is  
24 hereby amended and Subsection 6 is hereby added as follows:

25 "Q. Vacation Leave

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6 2. Vacation credits may accrue and accumulate for a maximum of two (2)  
7 years' total accumulated vacation credits on a carry-over basis from year  
8 to year. Effective March 1, 2009, vacation credits for non-safety  
9 employees may accrue and accumulate an additional 20% over the two  
10 year maximum. Effective April 1, 2009, vacation credits for Fire Safety  
11 Management employees may accrue and accumulate an additional 15%  
12 over the two year maximum. Vacations or portions thereof from any one  
13 year so accrued may run consecutively with vacations or portions thereof  
14 the next succeeding year.

14 Fire (NEW)

15 6. Effective April 1, 2009, and each fiscal year thereafter, Fire Safety  
16 Management 56-hours-per-week employees will be allowed to sell back  
17 vacation hours of up to 144 hours per year and effective July 1, 2010, 40-  
18 hours-per-week employees will be allowed to sell back 40 hours per year.”

18 SECTION 6: Resolution No. 2007-345, Section 2, X, Post Employment Health Plan, is  
19 hereby amended as follows:

20 “X. The City agrees to participate in the Post Employment Health Plan (PEHP) in  
21 accordance with the terms and conditions of the Plan’s Participation Agreement.  
22 Specifically, the City will establish the following PEHP programs for Fire Safety  
23 Management employees:

- 23 ➤ 401 (a) Accumulated Benefit Conversion Program
- 24 ➤ Universal Reimbursement Account
- 25 ➤ Insurance Premium Reimbursement Account”



**RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO AMENDING RESOLUTION NO. 2007-345, SECTION 2, B, COMPENSATION; SECTION 2, H, UNIFORM ALLOWANCE; SECTION 2, K, OVERTIME; SECTION 2, O, DEFERRED COMPENSATION; SECTION 2, Q, VACATION LEAVE; SECTION 2, X, POST EMPLOYMENT HEALTH PLAN; AND ADDING SECTION 2, AA, WELFARE BENEFIT PLAN AND TRUST, BETWEEN THE CITY AND MANAGEMENT/CONFIDENTIAL FIRE SAFETY MANAGEMENT EMPLOYEES**

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Mayor and the Common Council of the City of San Bernardino at a joint regular meeting thereof, held on 6th day of April, 2009, by the following vote, to wit:

COUNCILMEMBERS:	AYES	NAYES	ABSTAIN	ABSENT
ESTRADA	<u>X</u>	_____	_____	_____
BAXTER	<u>X</u>	_____	_____	_____
BRINKER	<u>X</u>	_____	_____	_____
SHORETT	<u>X</u>	_____	_____	_____
KELLEY	<u>X</u>	_____	_____	_____
JOHNSON	<u>X</u>	_____	_____	_____
MCCAMMACK	<u>X</u>	_____	_____	_____

*Rachel G. Clark*  
Rachel G. Clark, City Clerk

The foregoing resolution is hereby approved this 7<sup>th</sup> day of April, 2009.

*Patrick J. Morris*  
Patrick J. Morris, Mayor  
City of San Bernardino

Approved as to form:

JAMES F. PENMAN,  
City Attorney

By: *James F. Penman*