

RESOLUTION NO. 2009-70

**RESOLUTION OF THE CITY OF SAN BERNARDINO APPROVING A  
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN  
BERNARDINO AND THE SAN BERNARDINO POLICE MANAGEMENT  
ASSOCIATION REGARDING BUDGET CONCESSIONS**

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

**SECTION 1:** The City Manager of the City of San Bernardino and the Director of Human Resources are hereby authorized and directed to execute on behalf of said City a Memorandum of Understanding with the San Bernardino Police Management Association regarding budget concessions, a copy of which is attached hereto and incorporated herein marked as Exhibit A.

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1 **RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN**  
2 **BERNARDINO APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN**  
3 **THE CITY OF SAN BERNARDINO AND THE SAN BERNARDINO POLICE**  
4 **MANAGEMENT ASSOCIATION REGARDING BUDGET CONCESSIONS**

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

7 <u>Council Members</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>
8 ESTRADA	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
9 BAXTER	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
10 BRINKER	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
11 SHORETT	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
12 KELLEY	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
13 JOHNSON	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
14 McCAMMACK	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>

17 Rachel G. Clark  
18 City Clerk

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

21 Patrick J. Morris  
22 Patrick J. Morris, Mayor  
City of San Bernardino

23 Approved as to form  
24 JAMES F. PENMAN  
City Attorney

25 By: James F. Penman  
26  
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**MEMORANDUM OF UNDERSTANDING BETWEEN THE  
CITY OF SAN BERNARDINO AND THE SAN BERNARDINO  
POLICE MANAGEMENT ASSOCIATION  
REGARDING BUDGET CONCESSIONS**

This Memorandum of Understanding is entered into by the City of San Bernardino ("CITY") and the San Bernardino Police Management Association ("SBPMA") pursuant to and subject to *Government Code* Sections 3500 et seq. as follows:

WHEREAS, the CITY is seeking concessions from its employee organizations in an effort to address a budget deficit;

WHEREAS, the CITY acknowledges the SBPMA is the recognized employee organization, which within the scope of representation, represents the bargaining unit composed of all Police Department management-level employees;

WHEREAS, representatives of the CITY and representatives of the SBPMA have met and conferred in good faith, exchanged proposals, and have reached agreement regarding employee concessions equating approximately a ten percent (10%) reduction in salary;

NOW, THEREFORE, the CITY and the SBPMA hereby agree to the following budget concessions as follows:

1. Budget Concessions:
  - a. Effective April 1, 2009, and continuing through June 30, 2010, the City's monthly contribution towards health care benefits will be reduced by \$886 for Captains and \$794 for Lieutenants.
  - b. Effective April 1, 2009, and continuing through June 30, 2010, on a monthly basis, all Police Management employees' vacation balance will be reduced by 2.7 hours (total 40 hours) and employees' holiday balance will be reduced by 1.9 hours (total 28 hours).

2. Budget Concessions Leave:

In return for assisting the City during a severe budget deficit, effective April 1, 2009, and continuing through June 30, 2010, all Police Management employees shall accrue four (4) hours of leave time per week to be used in the same manner as vacation leave. These hours will have no expiration date nor cash value except for those Police Management employees retiring prior to June 30, 2010, who will be paid for 50% of the accrued hours.

3. Leave Balance Payouts:

Effective April 1, 2009, and continuing through June 30, 2010, upon retirement, any applicable leave balance payout shall be in the form of a lump sum.

4. Vacation Accruals:

Effective April 1, 2009, the vacation maximum cap as set forth in Resolution 2007-345 will increase by fifteen percent (15%).

5. Restoration of Budget Concessions:

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

6. Term of Memorandum of Understanding:

This Memorandum of Understanding will remain in effect through December 31, 2010.

Date: 4/9/09

Mark Weinberg (by B)  
Mark Weinberg, City Manager

B. Boon  
San Bernardino Police Management  
Association (SBPMA)

Linn Livingston  
Linn Livingston, Director  
of Human Resources

D. Lopez  
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ATTEST:

Rachel Clark  
Rachel Clark, City Clerk  
by Maya Olligui

Approved as to Form:

James F. Penman  
James F. Penman  
City Attorney