



**Agenda  
City of Vernon  
Special City Council Meeting  
Tuesday, October 13, 2020, 09:00 AM  
City Hall, Council Chamber  
4305 Santa Fe Avenue  
Vernon, California**

**Leticia Lopez, Mayor  
Melissa Ybarra, Mayor Pro Tem  
William Davis, Council Member  
Carol Menke, Council Member  
Diana Gonzales, Council Member**

**THIS MEETING WILL BE CONDUCTED PURSUANT TO GOVERNOR NEWSOM'S EXECUTIVE ORDER N-29-20.**

The public is encouraged to view the meeting at <http://www.cityofvernon.org/webinar-cc> or by calling (408) 638-0968, Meeting ID 929-7790-3243#.

You may submit comments to [PublicComment@ci.vernon.ca.us](mailto:PublicComment@ci.vernon.ca.us) with the subject line "October 13, 2020 Special City Council Meeting Public Comment Item #\_\_." Comments received prior to 8 a.m., Tuesday, October 13, 2020, will be read into the record.

**CALL TO ORDER**

**FLAG SALUTE**

**ROLL CALL**

**APPROVAL OF THE AGENDA**

**PUBLIC COMMENT**

At this time the public is encouraged to address the City Council on any matter that is within the subject matter jurisdiction of the City Council. The public will also be given a chance to comment on matters which are on the posted agenda during City Council deliberation on those specific matters.

## NEW BUSINESS

### 1. Human Resources

[Amendment No. 2 to the Memorandum of Understanding with the Vernon Professional Firefighters' Association, Local 2312](#)

Recommendation:

Adopt Resolution No. 2020-34 approving and authorizing the execution of Amendment No. 2 to the Memorandum of Understanding by and between the City of Vernon and the Vernon Professional Firefighters' Association, Local 2312.

[1. Resolution No. 2020-34](#)

## ORAL REPORTS

City Administrator Reports on Activities and other Announcements.

City Council Reports on Activities (including AB1234), Announcements, or Directives to Staff.

## CLOSED SESSION

### 2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation

Government Code Section 54956.9(d)(2)

Number of Potential Cases: 1

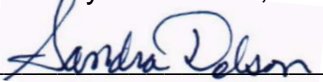
Facts and Circumstances: Interim City Attorney to provide oral statement prior to closed session pursuant to Government Code section 54956.9, subdivision (e)(2).

## CLOSED SESSION REPORT

## ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Vernon City Hall, located at 4305 Santa Fe Avenue, Vernon, California, and on the City's website, not less than 24 hours prior to the meeting set forth on this agenda.

Dated this 8<sup>th</sup> day of October, 2020.

By:   
Sandra Dolson, Administrative Secretary

## Guide to City Council Proceedings

**Meetings** of the City Council are held the first and third Tuesday of each month at 9:00 a.m. and are conducted in accordance with Rosenberg's Rules of Order (Vernon Municipal Code Section 2.1-1).

**Copies** of all agenda items and back-up materials are available for review in the City Clerk Department, Vernon City Hall, 4305 Santa Fe Avenue, Vernon, California, and are available for public inspection during regular business hours, Monday through Thursday, 7:00 a.m. to 5:30 p.m. Agenda reports may be reviewed on the City's website at [www.cityofvernon.org](http://www.cityofvernon.org) or copies may be purchased for \$0.10 per page.

**Disability-related services** are available to enable persons with a disability to participate in this meeting, consistent with the Americans with Disabilities Act (ADA). In compliance with ADA, if you need special assistance, please contact the City Clerk department at [CityClerk@ci.vernon.ca.us](mailto:CityClerk@ci.vernon.ca.us) or (323) 583-8811 at least 48 hours prior to the meeting to assure arrangements can be made.

The **Public Comment** portion of the agenda is for members of the public to present items, which are not listed on the agenda but are within the subject matter jurisdiction of the City Council. The City Council cannot take action on any item that is not on the agenda but matters raised under Public Comment may be referred to staff or scheduled on a future agenda. Comments are limited to three minutes per speaker unless a different time limit is announced. Speaker slips are available at the entrance to the Council Chamber.

**Public Hearings** are legally noticed hearings. For hearings involving zoning matters, the applicant and appellant will be given 15 minutes to present their position to the City Council. Time may be set aside for rebuttal. All other testimony shall follow the rules as set for under Public Comment. If you challenge any City action in court, you may be limited to raising only those issues you or someone else raised during the public hearing, or in written correspondence delivered to the City Clerk at or prior to the public hearing.

**Consent Calendar** items may be approved by a single motion. If a Council Member or the public wishes to discuss an item, it may be removed from the calendar for individual consideration. Council Members may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the Consent Calendar. Items excluded from the Consent Calendar will be taken up following action on the Consent Calendar. Public speakers shall follow the guidelines as set forth under Public Comment.

**New Business** items are matters appearing before the Council for the first time for formal action. Those wishing to address the Council on New Business items shall follow the guidelines for Public Comment.

**Closed Session** allows the Council to discuss specific matters pursuant to the Brown Act, Government Code Section 54956.9. Based on the advice of the City Attorney, discussion of these matters in open session would prejudice the position of the City. Following Closed Session, the City Attorney will provide an oral report on any reportable matters discussed and actions taken. At the conclusion of Closed Session, the Council may continue any item listed on the Closed Session agenda to the Open Session agenda for discussion or to take formal action as it deems appropriate.

# City Council Agenda Item Report

Agenda Item No. COV-380-2020

Submitted by: Michael Earl

Submitting Department: Human Resources

Meeting Date: October 13, 2020

## **SUBJECT**

Amendment No. 2 to the Memorandum of Understanding with the Vernon Professional Firefighters' Association, Local 2312

## **Recommendation:**

Adopt Resolution No. 2020-34 approving and authorizing the execution of Amendment No. 2 to the Memorandum of Understanding by and between the City of Vernon and the Vernon Professional Firefighters' Association, Local 2312.

## **Background:**

The term of the current operative Memorandum of Understanding (MOU) between the City and the Vernon Professional Firefighters' Association (VPFA) runs through March 31, 2021 or until the date of transition of fire services to the Los Angeles County Fire Protection District, whichever occurs first. In July of 2008, the City implemented a third tier of a longevity pay program for employees represented by VPFA. The City has paid this longevity tier through a provision in the MOU entitled "Service Adjustment Increase" and has been reporting this pay to the California Public Employees Retirement System (CalPERS).

CalPERS recently notified the City that it had misreported this type of compensation. Based on the research and information available, it is clear that this compensation was intended as longevity pay, which qualifies and is reported to CalPERS as "special compensation". As such, an amendment to the MOU is required in order to properly classify this pay for CalPERS purposes. The City has been reporting this premium pay to CalPERS and has been making the required contributions for reporting this compensation since 2008. However, in order to correct the way in which the pay is reported, an amendment to the MOU is appropriate. CalPERS has reviewed the proposed language, as well as how this pay has been applied to the affected employees, and is in agreement with the proposed method recommended for correcting this reporting error. The City Attorney's Office has reviewed and approved the proposed MOU amendment as to form.

## **Fiscal Impact:**

There is no fiscal impact as a result of approving this amendment to the MOU. The City and the affected employees have been making all required contributions associated with this special compensation reported to CalPERS since inception of the program in 2008.

## **Attachments:**

1. [Resolution No. 2020-34](#)

RESOLUTION NO. 2020-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERNON APPROVING AND AUTHORIZING THE EXECUTION OF AMENDMENT NO. 2 TO THE MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF VERNON AND THE VERNON PROFESSIONAL FIREFIGHTER'S ASSOCIATION, LOCAL 2312

SECTION 1. Recitals.

- A. The Vernon Professional Firefighters Association (VPFA) Local 2312, formerly titled the Vernon Firemen's Association, has been recognized as an employee organization pursuant to the City of Vernon Employer-Employee Relations Resolution (Resolution No. 4027).
- B. On July 12, 2016, the City Council of the City of Vernon adopted Resolution No. 2016-36 approving a Memorandum of Understanding (MOU), as amended on April 3, 2018, by Resolution No. 2018-10, setting forth certain terms and conditions for employment of City of Vernon employees in classifications represented by the VPFA, for the period of July 1, 2016 through June 30, 2019.
- C. On October 1, 2019, the City Council of the City of Vernon adopted Resolution No. 2019-41 approving a Side Letter of Agreement (Side Letter) setting forth certain terms and conditions for represented employees related to the City's transition of firefighting services.
- D. On June 2, 2020, the City Council of the City of Vernon adopted Resolution No. 2020-16 approving Amendment No. 1 to the Side Letter, which amended and extended the term of the MOU.
- E. Representative members of the VPFA and the City have agreed to execute an Amendment No. 2 to the MOU (Amendment No. 2) relating to longevity pay.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERNON AS FOLLOWS:

SECTION 2. The City Council of the City of Vernon hereby finds and determines that the above recitals are true and correct.

SECTION 3. The City Council of the City of Vernon hereby approves and authorizes the execution of Amendment No. 2 to the Memorandum of Understanding between the City of Vernon and the Vernon Professional Firefighters Association, in substantially the same form as attached hereto as Exhibit A.

SECTION 4. The City Council of the City of Vernon hereby instructs the City Administrator, or designee, to take whatever action is deemed necessary or desirable for the purpose of implementing and carrying out the purposes of this Resolution and the transactions herein approved or authorized, including but not limited to, any non-substantive changes to the Amendment attached herein.

SECTION 5. The City Council of the City of Vernon hereby directs the City Clerk, or designee, to send a fully executed Agreement to Dean Richens, President of the Vernon Professional Firefighters Association.

SECTION 6. The City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

APPROVED AND ADOPTED this 13<sup>th</sup> day of October, 2020.

\_\_\_\_\_  
LETICIA LOPEZ, Mayor

ATTEST:

\_\_\_\_\_  
LISA POPE, City Clerk  
(seal)

APPROVED AS TO FORM:

\_\_\_\_\_  
ARNOLD M. ALVAREZ-GLASMAN,  
Interim City Attorney

**AMENDMENT NO. 2 TO THE MEMORANDUM OF UNDERSTANDING  
BETWEEN  
CITY OF VERNON  
AND  
VERNON PROFESSIONAL FIREFIGHTERS' ASSOCIATION**

**Parties to the Memorandum of Understanding**

Pursuant to Chapter 10 (section 3500 et seq) of Division 4, Title 1 of the Government Code, and Resolution No. 4027, the Resolution for the administration of employer-employee relations, the matters within the scope of representation that are set forth in this Memorandum of Understanding (MOU) have been discussed by and between representatives of the City of Vernon and the representatives of the Vernon Professional Firefighters' Association (hereinafter "VPFA") and except as otherwise specifically provided herein shall apply only to those defined in the aforesaid Resolution as "all full-time and regular part-time employees in the Fire Department except management employees."

This Amendment to the MOU constitutes a joint agreement by the Municipal Employee Relations Representative ("MERR") and the VPFA, to be submitted to the City Council of the City of Vernon for its determination and approval by one or more Resolutions or Ordinances as the City Council may deem fit and proper.

The MERR and the Representative of the VPFA have agreed that they will jointly urge the City Council of Vernon to adopt one or more Resolutions or Ordinances reflecting the changes in wages, hours, and other conditions of employment agreed upon in this Amendment. If approved, the terms agreed upon by this Amendment to the MOU shall be deemed effective October 13, 2020.

IN CONSIDERATION OF THE TERMS AND CONDITIONS HEREIN STATED, the VPFA and the City of Vernon agree that Article Four is amended within the MOU to add the following:

**ARTICLE FOUR: LONGEVITY**

**Section 3: Employees Hired After June 30, 1994 and on or Before December 31, 1999**

Notwithstanding Sections 1 and 2 above, effective July 6, 2008, the City established an additional 5% longevity program tier. Employees hired after June 30, 1994 and before December 31, 1999, shall be entitled to receive an additional 5% above base pay (for a total Longevity pay not to exceed 10%) for attaining ten years of service.

**CITY OF VERNON**

**VERNON PROFESSIONAL  
FIREFIGHTERS' ASSOC.**

\_\_\_\_\_  
Carlos R. Fandino, Jr.  
City Administrator

\_\_\_\_\_  
Dean Richens  
President

\_\_\_\_\_  
Michael A. Earl  
Director of Human Resources

\_\_\_\_\_  
Todd Hewitt  
Vice-President

ATTEST:

\_\_\_\_\_  
Lisa Pope, City Clerk

Dated: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Arnold Alvarez-Glasman  
Interim City Attorney

APPROVED AND ADOPTED BY THE CITY COUNCIL ON \_\_\_\_\_, PER  
RESOLUTION NO. \_\_\_\_\_.