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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH APPROVING A LETTER OF AGREEMENT TO THE 2022-2025 MEMORANDUM OF UNDERSTANDING (MOU) WITH THE POLICE OFFICERS ASSOCIATION (POA)

WHEREAS, on January 10, 2023, the City received a written determination from CalPERS that the manner in which the POA President was being compensated did not comply with the California Public Employee’s Retirement Law (Government Code section(s) 20630 and 20028); and

WHEREAS, the City worked with CalPERS to find a resolution, and the City agreed with CalPERS and the POA to correct the classification and compensation issues; and

WHEREAS, the City proposes to amend the POA 2022 – 2025 MOU, Article One, Section V.D to reflect changes in compensation for the Association President, effective October 12, 2019; and

WHEREAS, City Council approval is requested to formally approve the Letter of Agreement amending the 2022-2025 Memorandum of Understanding between the City and the POA;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

Section 1. The Letter of Agreement amending the 2022-2025 Memorandum of Understanding with Police Officers Association, attached hereto as Exhibit “A” is hereby authorized and approved.

Section 2. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2024, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

EXHIBIT "A"

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OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802

LETTER OF AGREEMENT
CITY OF LONG BEACH AND POLICE OFFICERS ASSOCIATION (POA)

RE: POA President

This Letter of Agreement is entered between the City of Long Beach (“City”) and the Police Officers Association hereinafter called “POA” (collectively “the Parties”).

WHEREAS, the Parties have entered into a Memorandum of Understanding (MOU) covering the period of October 1, 2022 to September 30, 2025, which includes provisions for union release time for the Association President (Article One, Section V.D); and

WHEREAS, the City proposes to amend the POA MOU 2022 – 2025, Article One, Section V.D to reflect changes in compensation for the Association President, effective 10/12/2019.

NOW THEREFORE, the Parties agree to the following revised language:

- A. This Letter of Agreement shall not change any Memorandum of Understanding provisions other than as outlined above.
- B. The City will discontinue use of the classifications: POA President-Police Officer, POA President-Police Sergeant and POA President-Police Lieutenant. All current and future employees serving as POA President will remain in their assigned classification paid at the established rate for that classification.
- C. Unless there is a change in the law, employees on full union release leave of absence shall not be eligible for special assignment pays regarded as compensation earnable or pensionable compensation nor reported as compensation earnable or pensionable compensation to CalPERS.
- D. During the period of 10/12/2019 to 05/20/2022 the City paid the POA President special assignment Detective Pay (interchangeably referred to by the City as administrative pay), however, per CCR 571 this compensation will not be reported as pensionable compensation to CalPERS.
- E. The City and the Long Beach Police Officers’ Association agree to the need for this position to serve in a standby capacity as indicated herein:
 - I. The City recognizes the need for the Police Department to operate efficiently and effectively at all hours, every day. As such, represented members maintain varying work schedules to provide the community with necessary police services around the clock.
 - II. The position of Association President often necessitates managing and responding to urgent, immediate and crisis matters concerning represented members outside of standard working hours. Availability of the Association President during these times is crucial to supporting the missions and goals of both the Police Department and the City of Long Beach.

LETTER OF AGREEMENT
CITY AND POA
RE: ASSOCIATION PRESIDENT

III. Duties of the Association President that may require attention, including a potential physical response, beyond normal working hours include, but are not limited to:

- Engaging with Department leadership, City officials or other elected officials and representatives regarding emergent policy and legal matters.
- Coordinating and providing legally required member representation during Department investigations, whether criminal, civil or administrative.
- Coordinating and providing legally required representation and support services to officers involved in on-duty law enforcement actions, including officer-involved shootings, or other significant critical incidents.
- Organizing and delivering timely support services to represented members or their families during emergency situations, including events in which officers are injured or severely impacted.
- Coordinating and providing resources during other crisis events related to the health and wellness of police officers.

IV. As compensation for these responsibilities, the Association President will receive nine (9) hours of regular pay per week at the straight time rate for being on standby. This standby pay will not be reported as pensionable compensation to CalPERS. If this pay is determined to be pensionable by CalPERS at any time, the City will engage the Association to discuss this compensation.

IT IS SO AGREED.

For the Parties:



Thomas Modica
City Manager
City of Long Beach



Gerrit DeJongh
Vice President
Long Beach Police Officer Association

Date: 12-22-2023

Date: 12-22-2023