



**CITY OF**

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# **NEWPORT BEACH**

## **City Council Staff Report**

August 14, 2018  
Agenda Item No. 8

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** Dave Kiff, City Manager - 949-644-3001,  
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**TITLE:** Resolution No. 2018-61: Adopting a Memorandum of Understanding  
with the Newport Beach Fire Management Association

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### **ABSTRACT:**

A Tentative Agreement regarding a Memorandum of Understanding (MOU) between the City and the Newport Beach Fire Management Association (NBFMA or Association) was submitted at the Regular meeting on July 24, 2018 to provide the City Council and the community with an opportunity to consider the terms and costs of the agreement.

The proposed MOU is now presented for City Council approval/adoption (or rejection) and is the final step in the meet and confer process with the NBFMA.

### **RECOMMENDATION:**

- a) Determine that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to §§15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it will not result in a physical change to the environment, directly or indirectly; and
- b) Adopt Resolution No. 2018-61, *A Resolution of the City Council of the City of Newport Beach, California, Adopting a Memorandum of Understanding Between the City of Newport Beach and the Newport Beach Fire Management Association and Associated Salary Schedule.*

### **FUNDING REQUIREMENTS:**

The cost estimate of the successor MOU with the NBFMA was provided with the Tentative Agreement at the July 24, 2018 meeting. The cost to implement the terms of the contract is \$4,800. The FY 2018-19 Fire Department budget includes sufficient funding to cover the costs associated with the first year of the MOU.

### **DISCUSSION:**

*The following discussion was provided, in part, with the July 24, 2018 staff report and is included here for reference:*

Memorandum of Understanding Between the City of Newport Beach  
and the Newport Beach Fire Management Association

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The Newport Beach Fire Management Association (NBFMA or Association) is an exclusively recognized bargaining unit and represents four (4) employees, including the safety positions of Fire Battalion Chief 80 hours (+7.5%) and Fire Line Battalion Chief 112 hours. The City's negotiations team members were Carol Jacobs, Assistant City Manager; Barbara J. Salvini, Human Resources Director; and Susan Giangrande, Budget Manager. Attorney Peter Brown of Liebert, Cassidy & Whitmore provided consultative support but did not attend the negotiations meetings. The NBFMA was represented by Brian McDonough, President; and Justin Carr, Vice President. Attorney Rich Thomas of Wylie, McBride, Platten & Renner provided consultative support but did not attend the negotiations meetings. Topics discussed during negotiations included wages, benefits and other terms and conditions of employment. Additionally, language was added to the proposed Tentative Agreement to clarify terms associated with various CalPERS provisions.

Salient provisions of the Tentative Agreement between the City and the NBFMA include:

- Term of 1 year, from July 1, 2018 through June 30, 2019
- Additional employer contributions to the employee's medical cafeteria allowance
  - Effective January 1, 2019 – \$200 per month

In accordance with NBFMA ratification procedures, the majority of members voted to approve the Tentative Agreement on July 5, 2018. The Agreement will not become effective, per Government Code §3505.1, until the governing body, i.e., City Council, takes action to adopt it. If the City Council approves adoption of a successor MOU with the NBFMA, Human Resources staff will work to implement the provisions as soon as practicable.

**ENVIRONMENTAL REVIEW:**

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to §15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and §15060(c)(3) (the activity is not a project as defined in §15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

**ATTACHMENTS:**

Attachment A – Resolution No. 2018-61

Attachment B – Exhibit A to Attachment A (MOU)

Attachment C – Estimated Cost of Contract with NBFMA