

ATTACHMENT A

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**

WHEREAS, the City Council of the City of Newport Beach ("City Council") previously adopted Resolution No. 2001-50, the "Employer-Employee Relations Resolution," pursuant to authority contained in the Meyers-Milias-Brown Act (Government Code §3500, *et seq.*);

WHEREAS, the City of Newport Beach ("City") promotes effective communication and collaborative working relationships with its employee associations to foster improved relations while balancing good management practices;

WHEREAS, the City previously entered into a Memorandum of Understanding ("MOU") with the Newport Beach Fire Management Association ("NBFMA"), a recognized organization, for the term of July 1, 2014 through June 30, 2018;

WHEREAS, City and NBFMA representatives met and conferred in good faith and reached a tentative agreement on wages, benefits and other terms and conditions of employment with the NBFMA which are memorialized in an MOU between the parties attached hereto as Exhibit A and incorporated herein by this reference;

WHEREAS, the NBFMA ratified said tentative agreement on July 5, 2018;

WHEREAS, City of Newport Beach Charter Section 601 requires the City Council to provide the number, titles, qualifications, powers, duties and compensation of all officers and employees of the City;

WHEREAS, Newport Beach Municipal Code Section 2.28.010 requires, upon recommendation of the City Manager, the City Council to establish by resolution the salary range or rate for each class or position in City employment;

WHEREAS, by adopting this resolution, the City Council intends to amend the salary schedule for NBFMA members so as to be in conformance with the MOU;

WHEREAS, the City Manager has reviewed the salary schedule provided in this resolution and recommends approval;

WHEREAS, the City Council received and considered the MOU at its regular meeting on July 24, 2018; and

WHEREAS, by adopting this resolution, the City Council also desires to replace the 2014-2018 MOU between the City and the NBFMA by adopting the MOU attached hereto as Exhibit A to serve as the successor agreement between the City and the NBFMA for the period July 1, 2018 through June 30, 2019.

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

Section 1: Wages, hours, fringe benefits, and other terms and conditions of employment for employees represented by the NBFMA shall be provided in accordance with the provisions of the MOU attached hereto as Exhibit A, which shall serve as the successor agreement between the City and the NBFMA for the period July 1, 2018 through June 30, 2019.

Section 2: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution. Any previously adopted resolution, or portion thereof, in conflict with the provisions of this resolution is hereby repealed to the extent it conflicts.

Section 3: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 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 Section 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.

Section 5: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

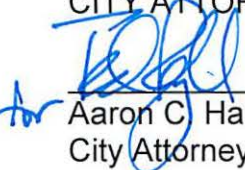
ADOPTED this 14th day of August 2018.

Marshall "Duffy" Duffield
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachments: Exhibit A - Memorandum of Understanding