



NEWPORT BEACH

City Council Staff Report

September 10, 2019
Agenda Item No. 14

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Tentative Agreement with Newport Beach Lifeguard Management Association (NBLMA)

ABSTRACT:

The Memorandum of Understanding (MOU) between the City of Newport Beach (City) and the Newport Beach Lifeguard Management Association (NBLMA) expired December 31, 2018. A Tentative Agreement (Agreement) has been reached for a successor agreement. The Agreement addresses wages, benefits, and other terms and conditions of employment for employees represented by the NBLMA, as required under the Meyers-Milias-Brown Act, California Government Code §3500.

To promote greater transparency in the negotiations process, including the costs associated with the labor contract, the Agreement is being presented at this time for public review and comment in Attachment A. The Agreement, which spans the time period from January 1, 2019 through December 31, 2021, will be presented again for City Council adoption (or rejection) at the September 24, 2019 regular meeting.

RECOMMENDATION:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Receive and consider the Tentative Agreement between the City of Newport Beach and the Newport Beach Lifeguard Management Association.

FUNDING REQUIREMENTS:

The NBLMA Resolution and MOU will be presented to the Council for consideration at the September 24, 2019 regular meeting, along with a budget amendment appropriating the cost to implement the terms for the remaining fiscal year, FY 2019-20, from the General Fund unappropriated surplus fund balance in the amount of \$62,449. The fiscal impact of the NBLMA contract is estimated at \$257,421 for the entire three-year term of the contract as shown in Attachment B.

DISCUSSION:

The Newport Beach Lifeguard Management Association (NBLMA or Association) is an exclusively recognized bargaining unit and represents 11 full-time safety employees (Lifeguard Captain, Lifeguard Battalion Chief) and 2.25 part-time safety employees (Lifeguard Officer). Positive and productive discussions between the Association and City have resulted in a proposed successor Agreement.

Salient provisions of the Agreement include:

- Term of three (3) years, from January 1, 2019 through December 31, 2021
- Wage adjustments
 - ✓ Pay Period Following Council Approval – 1.75%
 - ✓ January 1, 2020 – 1.75%
 - ✓ January 1, 2021 – 1.75%
- Adjustments to the City's contribution to the Cafeteria Plan as follows:
 - ✓ \$21 per month increase for full-time members
 - ✓ \$16 per month increase for part-time members
 - ✓ Revisions to the Cafeteria Plan for new employees
- Adjustments to ability to earn and use Compensatory Time Off
- A one-time, lump sum payment of \$1,500 for each member, which will not be reported to CalPERS as compensation earned/pensionable compensation.

A proposed draft version of the Agreement between the City and Association is included in Attachment A (revisions noted in this staff report are in this redlined version) with costing information included in Attachment B. The total cost of the NBLMA MOU is estimated to be \$257,421.

On August 21, 2019, the City was notified that in accordance with its ratification procedures, the majority of NBLMA members voted to approve the Agreement. 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, Human Resources staff will work to implement the provisions as soon as practicable.

Following tonight's City Council review of the proposed NBLMA MOU, a final version of the successor MOU will be presented at the September 24, 2019 regular meeting. Tonight's costing information and proposed revisions to the MOU will be posted for public review on the City's website.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action 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.

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 – Tentative Agreement and proposed MOU between the City and the NBLMA (redline) with signature of NBLMA President Gary Conwell
- Attachment B – Estimated Cost of Contract with NBLMA