

ORDINANCE NO. ____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA EXTENDING THE 2007-2013
MEMORANDUM OF UNDERSTANDING BETWEEN THE
CITY OF SANTA BARBARA AND THE SANTA BARBARA
CITY FIREFIGHTERS' ASSOCIATION THROUGH
JUNE 30, 2014

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS
FOLLOWS:

SECTION 1. The Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Firefighters' Association entered into as of July 1, 2007, adopted as Ordinance No. 5443 (the "Agreement"), and amended by Ordinance No 5533, is hereby amended effective January 1, 2013, as reflected in Exhibit A, attached hereto and included herein by reference.

**City of Santa Barbara and Firefighters
Second Agreement to Extend Existing MOU**

Pursuant to Section 3.12 of the Municipal Code of the City of Santa Barbara and Section 3500 et. seq. of the Government Code, the duly authorized representatives of the City Of Santa Barbara (“The City”) and the Santa Barbara City Firefighters Association, Inc. (Hereinafter Referred To As “Association”), having conferred in good faith, agree that the existing 2007-2013 Memorandum of Understanding (MOU), adopted by Ordinance No. 5443 and amended by Ordinance No 5533, shall be modified and supplemented with the following additional agreement:

1. Effective Date: The effective date of this amendment shall be January 1, 2013.
2. Term: The term of the agreement will be extended by twelve months, through June 30, 2014.
3. Retirement:
 - a. Classic PERS Members:
 1. Effective June 29, 2013, employee contributions to PERS under Government Code Section 20516(a) will stop as previously agreed, and
 2. Effective June 29, 2013, employees will instead contribute 2.98% of PERS-able compensation toward the 9% member contribution, reducing the City’s Employer Paid Member Contributions to 6.018%, and such employee contributions will not be subject to an expiration date. The City shall pay and report as special compensation to PERS this 6.018%.
 - b. New PERS Members: Effective January 1, 2013, new employees and/or members as defined by California Public Employees’ Pension Reform Act of 2013 (hereinafter “AB 340”) will be covered under the 2.7% at 57 retirement formula, with a final compensation measurement period of the average of the highest three (3) consecutive years, as well as all other statutory requirements of AB 340. Effective January 1, 2013, new employees and/or members as defined by AB 340 shall contribute half the normal cost for benefits, as defined by AB 340; the City will not pay any portion of these employees’ required contributions.
 - c. The parties agree that any provisions of this Agreement that are contrary to or inconsistent with the lawful provisions of AB 340, shall be modified so as to cause them to be consistent with those lawful provisions through letter of understanding to amend the Agreement.

4. The Minimum Staffing agreement is amended as follows: “Minimum Staffing: Subject to the requirements of Article X, Section 1008 of the City Charter, the City agrees to maintain the following minimum staffing levels:
 - a. The minimum staffing requirements of the Department shall be as follows:
 - i. For suppression, 28 sworn fire suppression personnel per shift within the City, not including sworn management, consisting of 7 engine companies, 1 AARF company, and 1 truck company. Staff on mutual aid of a duration of 12 hours or less will be included in this number, in which case back filling shall be at the discretion of the Fire Chief. Each engine company shall be comprised of one Fire Captain, one Fire Engineer and one Firefighter. The AARF Company at the Airport shall be comprised of one Fire Captain and two Fire Engineers. The truck company shall be staffed with one Fire Captain, one Fire Engineer, and two Firefighters.
 - ii. For the Prevention Bureau there shall be a minimum of 6 authorized positions on the official list of authorized positions. The City Council may direct that these positions, if vacated by the incumbent employee for reasons other than an involuntary termination, remain unfunded and unfilled without violating this section.
 - iii. There shall also remain a Training Captain position on the official list of authorized positions. The City Council may direct that this position, if vacated by the incumbent employee for reasons other than an involuntary termination, remain unfunded and unfilled without violating this section, however it is the intent of this section for the Training Captain position remain funded and filled if fiscal conditions permit.
 - b. If the City Council exercises its rights under Article X, Section 1008 of the City Charter, or otherwise discontinues the minimum staffing levels in **Section 3(a)** above without the express written consent of the Association:
 - i. The City will give the Association a minimum of 60 days written notice prior to the effective date of the change to minimum staffing (the “change date”), and
 - ii. The City will prospectively reduce the required employee member contribution toward PERS by 2.982%, increasing Employer Paid Member Contributions accordingly, and
 - iii. In the event the Association believes that such intended action will affect the safety or workload of affected employees, it shall so advise the City, whereupon the City and the Association shall meet and confer in good faith over the impacts of the change,
 1. Such meeting and conferring, however, shall not prevent the City from implementing the staffing change on an interim basis not less than 60 days after notice to the Association, but prior to the conclusion of negotiations over the impacts of the change.”

5. Other Terms and Conditions: All other terms and conditions reflected in the existing Memorandum of Understanding, as amended, will continue in full force and effect during the extended term of the agreement.

For the City:

For the Association:

Kristine Schmidt
Employee Relations Manager

Anthony Pighetti, Fire Captain
Association President