



DISCUSSION ITEM

Agenda Item # 6

AGENDA REPORT SUMMARY

Meeting Date: May 26,,2020

Subject: Resolution No. 2020-16: Side Letter Agreement between City and Los Altos Police Officers Association

Prepared by: Jennifer Leal, Human Resources Manager

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Resolution 2020-16
2. Side Letter Agreement to extend Memorandum of Understanding (MOU) June 30, 2020 – December 31, 2020

Initiated by:

Staff

Previous Council Consideration:

Closed session on March 24

Fiscal Impact:

FY 2020/21: \$103,584

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to adopt Resolution 2020-16 and the terms within the Side Letter Agreement reached by the City and LAPOA?

Summary:

- The current MOU between City of Los Altos & LAPOA will expire on June 30, 2020
- Negotiations between the City and LAPOA representatives for a successor MOU began on March 3, 2020 when the outbreak and spread of COVID-19 occurred
- On March 16, 2020, the Santa Clara County Public Health Officer and Board of Supervisors declared a local health emergency and instituted a shelter in place order
- City representatives and LAPOA representatives discussed postponing negotiations due to the national, state and local emergency that has resulted from COVID-19
- LAPOA members ratified a Side Letter Agreement on April 29, 2020
- The Side Letter Agreement provides for a six-month extension of the current MOU expiring on June 30, 2020 and extends the agreement to December 31, 2020



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Staff Recommendation:

Move to adopt Resolution 2020-16 and the terms outlined in the Side Letter Agreement between City of Los Altos & LAPOA, which includes a six-month extension of their MOU set to expire on June 30, 2020



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Purpose

Approve the recommended terms of a Side Letter Agreement extending the current MOU set to expire on June 30, 2020 with an expiration date of December 31, 2020 and to postpone negotiations due to the national, state and local emergency that has resulted from COVID-19 to provide additional time to negotiate a successor MOU.

Background

The MOU between City of Los Altos & LAPOA will expire on June 30, 2020. Representatives from the City and LAPOA met and conferred in good faith to reach an agreement on a Side Letter Agreement for the Council's approval.

The parties reached a tentative agreement on the Side Letter Agreement on April 6, 2020. LAPOA members successfully ratified the tentative agreement for a Side Letter Agreement to extend their current MOU on April 29, 2020. Final approval of the Side Letter Agreement is now before Council.

Discussion/Analysis

The Side Letter Agreement will take effect upon the City Council's adoption and the six-month extension of their MOU will expire on December 31, 2020. Among the terms of this side letter are:

- Pay increases of 2.0- 3.0% effective the first full pay period that includes July 1, 2020 based on the April 2020 12-month Consumer Price Index, San Francisco Area, by the U.S. Department of Labor Bureau of Labor Statistics

Options

- 1) Adopt Resolution 2020-16 Side Letter Agreement to extend the Memorandum of Understanding (MOU) between City of Los Altos & LAPOA; six-month agreement.

Advantages: The parties have met and conferred in good faith in accordance with the Meyers Milias Brown Act (MMBA) to reach a Side Letter Agreement for a six-month extension of the current MOU. This Side Letter Agreement postpones negotiations and extends the current MOU due to the national, state, and local emergency that has resulted from COVID-19.

Disadvantages: None. Parties have mutually reached this Side Letter Agreement in accordance with the MMBA.

- 2) Do not approve the Side Letter Agreement between City of Los Altos & LAPOA.

Advantages: The City will continue to operate under the soon to be expired and existing MOU until both parties are able to meet and confer in a timely manner and



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the matter is returned at the conclusion of those processes for Council's final determination.

Disadvantages: Overturns the tentative agreement by the negotiating parties and ratification from LAPOA membership. Will not achieve an extension for the current MOU.

Recommendation

The staff recommends Option 1.

RESOLUTION NO. 2020-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS TO
ADOPT THE SIDE LETTER TO EXTEND THE MEMORANDUM OF
UNDERSTANDING WITH LOS ALTOS POLICE OFFICERS ASSOCIATION**

WHEREAS, Los Altos Police Officers Association (LAPOA) Memorandum of Understanding dated July 1, 2017 – June 30, 2020 will expire on June 30, 2020; and

WHEREAS, representatives from the City and Los Altos Police Officers Association met and conferred in good faith to reach a Side Letter Agreement; and

WHEREAS, the parties reached an agreement on April 6, 2020; and

WHEREAS, on April 29, 2020, members of the Los Altos Police Officers Association ratified the Side Letter Agreement for a six-month extension of the current Agreement.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby:

1. Approves the Side Letter Agreement to extend the current Memorandum of Understanding (MOU) with Los Altos Police Officers Association for the term of the side letter agreement from June 30, 2020 through December 31, 2020 attached to this resolution as Exhibit A. Unless otherwise noted, all changes shall take effect the first full pay period including July 1, 2020 after Union ratification and adoption of this Side Letter Agreement; and
2. Approves the following adjustments to the benefit package for LAPOA members, effective the first full pay period including July 1, 2020:
 - a. Salary: effective the first full pay period that includes July 1, 2020, base salary (defined as base pay only) shall be increased by the April 2020 12-month Consumer Price Index, San Francisco Area, by the U.S. Department of Labor Bureau of Labor Statistics (minimum of 2% and maximum of 3%)

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ____ day of ____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jan Pepper MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK

LETTER OF AGREEMENT

CITY OF LOS ALTOS

AND

THE LOS ALTOS POLICE OFFICERS ASSOCIATION

This Letter of Agreement (Agreement) between the City of Los Altos (City) and the Los Altos Police Officers Association (Association) (collectively "Parties") is entered into with respect to the following:

WHEREAS, the current Memorandum of Understanding (MOU) between Parties is currently set to expire on June 30, 2020;

WHEREAS, the Parties began negotiations over a successor MOU on March 3, 2020; and

WHEREAS, on March 4, 2020, the Governor of California declared a State of Emergency due to the outbreak and spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency concerning the COVID-19 outbreak; and

WHEREAS, on March 16, 2020, the Santa Clara County Public Health Officer and the Board of Supervisors declared a local health emergency in response to COVID-19; and

WHEREAS, the Parties have agreed to postpone negotiations and extend the current MOU due to the national, state, and local emergency that has resulted from COVID-19;

WHEREAS, the Parties have agreed that Association members will receive a Cost of Living Increase effective July 1, 2020;

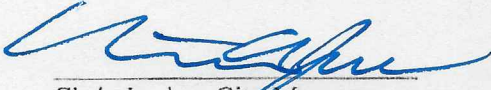
WHEREAS, the following memorializes the Parties' Agreement:

1. The term of the MOU is extended from June 30, 2020 to December 31, 2020; and
2. Effective the pay period that includes July 1, 2020, base salary for all represented classifications shall be increased by the April 2020 12-month Consumer Price Index-U, San Francisco Area, by the U.S. Department of Labor Bureau of Labor Statistics (minimum of 2% and maximum of 3%);
3. The Parties agree to resume negotiations no later than September 1, 2020;

PAH


4. This Agreement is effective upon ratification by the Association membership and subsequent approval of the Los Altos City Council.

FOR THE CITY OF LOS ALTOS


Chris Jordan, City Manager

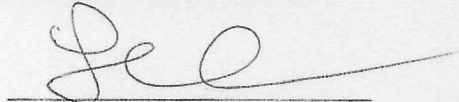
5/1/2020
Date

FOR THE POLICE OFFICERS ASSOCIATION


Cameron Shearer

4/29/20
Date

APPROVED AS TO FORM


Lisa S. Charbonneau

5/1/2020
Date


Peter Hoffmann

4/29/2020
Date