

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RESCINDING RESOLUTIONS 2017-110 AND 2017-111, WHICH OTHERWISE WOULD HAVE ENDED EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) FOR CHULA VISTA POLICE OFFICERS ASSOCIATION (CVPOA) REPRESENTED TIER 1 EMPLOYEES ON MAY 10, 2019; CONTINUING THE STATUS QUO UNDER THE TERMS OF ARTICLE 2.18 OF THE 2014-2017 MEMORANDUM OF UNDERSTANDING (AS EXTENDED) BETWEEN THE CITY AND CVPOA DURING LABOR NEGOTIATIONS REGARDING EPMC; AND TERMINATING EPMC EFFECTIVE JUNE 7, 2019, WITH A CORRESPONDING CESSATION OF GOVERNMENT CODE SECTION 20615 PAYMENTS BY CVPOA REPRESENTED TIER 1 EMPLOYEES

WHEREAS, via an attendant MOU with the Chula Vista Police Officers Association (specifically Article 2.18) (“CVPOA”) for the period of 2014-2017, the City and CVPOA agreed that the City would pay 9% on the employee side (resulting in EPMC as authorized by Government Code section 20691) for pension benefits and CVPOA represented employees would correspondingly pay 9% on the employer side (as authorized pursuant to Government Code section 20516) for pension benefits; and

WHEREAS, in an Amendment to the Contract Extension of the 2014-2017 MOU between the City and CVPOA dated June 28, 2017, the City and CVPOA agreed that EMPC would terminate the first pay period of May 2019 (May 10, 2019), but that CVPOA may elect to keep EPMC if they notify the City of its desire to keep EPMC and enter into a Letter of Understanding (LOU) with the City (providing that the full cost to be borne by the CVPOA represented employees and the term that EPMC will continue for) by April 1, 2019; and

WHEREAS, CVPOA notified the City on March 27, 2019 of its desire to keep EMPC, but did not timely enter into a LOU with the City as required by April 1, 2019; however, the City and CVPOA are negotiating on the matter and desire to maintain the “Status Quo” during said negotiations; and

WHEREAS, by this Resolution the City and CVPOA will maintain the terms of Article 2.18 as the Status Quo, specifying that the City will pay 9% on the employee side (resulting in EPMC as authorized by Government Code section 20691) and CVPOA represented employees will correspondingly pay 9% on the employer side (as authorized pursuant to Government Code section 20516) until June 7, 2019, as set forth below; and

WHEREAS, the governing body of the City of Chula Vista has the authority to implement Government Code Section 20691;

WHEREAS, the governing body of the City of Chula Vista has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Chula Vista of a Resolution to commence said Employer Paid Member Contributions (EPMC) and this is said Resolution;

WHEREAS, the governing body of the City of Chula Vista has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to all Tier 1 employees represented by Chula Vista Police Officer's Association.
- This benefit shall consist of paying zero (0) percent of the normal member contributions as EPMC.
- The effective date of the setting of the benefit to zero (0) shall be June 7, 2019.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the City of Chula Vista (City Council) does hereby:

1. Rescind Resolutions 2017-110 (eliminating EPMC effective May 10, 2019) and 2017-111 (correspondingly eliminating employee payments pursuant to Government Code section 20615); and
2. Reaffirms Article 2.18 of the 2014-2017 MOU between the City and CVPOA (as extended) and attendant City Council Resolutions implementing Article 2.18 that provide that the City will pay 9% on the employee side (resulting in EPMC as authorized by Government Code section 20691) and CVPOA represented employees will correspondingly pay 9% on the employer side (as authorized pursuant to Government Code section 20516) to maintain the Status Quo during negotiations re EMPC; and
3. Elects to pay EPMC, as set forth above (setting City payment to zero (0) percent), effective June 7, 2019, with a corresponding cessation of CVPOA represented employee payment pursuant to Government Code section 20516.

Presented by

Approved as to form by

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Gary Halbert  
City Manager

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Glen R. Googins  
City Attorney