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**RESOLUTION NO. 2021-95**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY APPROVING THE TENTATIVE AGREEMENT BETWEEN THE CITY OF SUISUN CITY AND THE SUISUN CITY PROFESSIONAL FIREFIGHTERS' ASSOCIATION, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (SCPFA IAFF, LOCAL 1186) CONFIRMING COMPENSATION AND BENEFITS FOR REPRESENTED FIRE UNIT MEMBERS.**

**WHEREAS**, on August 13, 2021, the City, SCMPEA and the Suisun City Professional Firefighters' Association (SCPFA), International Association of Fire Fighters (IAFF, Local 1186) entered into a Stipulation Agreement regarding creation of a new employee bargaining "Fire Unit" comprised of the classifications of Fire Captain and Fire Engineer, recognition of IAFF Local 1186 as the sole, exclusive and majority representative for the new Fire Unit, and that the classification of Fire Captain was severed from the SCMPEA bargaining unit; and


**WHEREAS**, on September 15, 2021 the City entered into a Tentative Agreement (TA) between the City and the SCPFA IAFF, Local 1186 ratifying the Fire Engineers' benefits which have been informally tied to the benefits provided to the Fire Captains under the SCMPEA MOU since the adoption of resolution 2019-93, and approving that Fire Engineer benefits would continue to be tied to the benefits provided to the Fire Captains under the SCMPEA MOU 2021-23 retroactive to July 1, 2021 until a formal MOU is established; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Suisun City hereby adopts Resolution No. 2021-95: Approving the Tentative Agreement Between the City of Suisun City and the Suisun City Professional Firefighters' Association, International Association of Fire Fighters (SCPFA IAFF, Local 1186) Confirming Compensation and Benefits for Represented Fire Unit Members.

**PASSED AND ADOPTED** at a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 21st day of September, 2021, by the following vote:

<b>AYES:</b>	Council Members:	<u>Hernandez, Hudson, Williams, Mayor Wilson</u>
<b>NOES:</b>	Council Members:	<u>Day</u>
<b>ABSENT:</b>	Council Members:	<u>None</u>
<b>ABSTAIN:</b>	Council Members:	<u>None</u>

**WITNESS** my hand and the seal of said City this 21<sup>st</sup> day of September, 2021.

  
\_\_\_\_\_  
Anita Skinner  
City Clerk



**TENTATIVE AGREEMENT  
BETWEEN THE CITY OF SUISUN CITY AND  
THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 1186  
CONFIRMING COMPENSATION AND BENEFITS  
FOR REPRESENTED FIRE UNIT MEMBERS**

This Tentative Agreement is made and entered into this 15th day of September, 2021 pursuant to section 3507 of the Meyers-Milias-Brown Act (“MMBA”), and sections 10 and 11 of the City’s Employer-Employee Relations Resolution No. 74-33 (“EERR”) by and between the City of Suisun City (hereinafter referred to as the “City”) and the International Association of Fire Fighters Local 1186 (hereinafter referred to as “IAFF Local 1186”)(hereinafter referred to collectively as the “Parties”). Its deal terms have been ratified by the Association, but remains subject to formal approval/adoption by the City Council per California Government Code Section 3505.1, which provides:

“If a tentative agreement is reached by the authorized representatives of the public agency and a recognized employee organization or recognized employee organizations, the governing body shall vote to accept or reject the tentative agreement within 30 days of the date it is first considered at a duly noticed public meeting. A decision by the governing body to reject the tentative agreement shall not bar the filing of a charge of unfair practice for failure to meet and confer in good faith. If the governing body adopts the tentative agreement, the parties shall jointly prepare a written memorandum of understanding.”

**RECITALS**

**Whereas**, on August 13, 2021, the City, SCMPEA, and IAFF Local 1186 entered into a Stipulation Agreement (“Stipulation”) regarding creation of a new employee bargaining “Fire Unit” comprised of the classifications of Fire Captain and Fire Engineer, recognition of IAFF Local 1186 as the sole, exclusive and majority representative and employee organization for the new Fire Unit, and that the classification of “Fire Captain was severed from the Professional/Technical Employees bargaining unit represented by SCMPEA (Attachment hereto); and

**Whereas**, the Stipulation provided that the Fire Captains shall continue to be governed by the SCMPEA MOU 2021-23 until such time as an MOU is created for the Fire Unit; and

**Whereas**, the Stipulation provided that the Fire Engineers shall continue to be governed by City Resolution 2019-93 and Resolution No. 2021-71 until such time as an MOU is created for the Fire Unit; and

**Whereas**, the Fire Engineers have had their benefits informally tied to the benefits provided Fire Captains under the SCMPEA MOU since their creation, but without City Council approval or ratification; and

**Whereas**, the parties seek to formally clarify, confirm and approve the salary and benefits of the previously unrepresented Fire Engineers, including making such salary and benefits tied to the recently adopted SCMPEA MOU 2021-23 retroactive to July 1, 2021.

1. All of the recitals listed above are material provisions of this Tentative Agreement and are deemed true and correct by the Parties and are incorporated in the agreements reached herein by this reference.

2. The parties understand and agree that since the adoption of the Fire Engineers classification in the Citywide Classification Plan, by resolution 2019-93, their benefits have been informally tied to the benefits provided to the Fire Captains under the SCMPEA MOU. The Parties agree to formally ask City Council to ratify this informal action by the City.

3. Until a formal MOU is entered into by the City and IAFF 1186, the Fire Engineers' benefits shall continue to be tied to the benefits provided Fire Captains under the SCMPEA MOU 2021-23 retroactive to July 1, 2021:

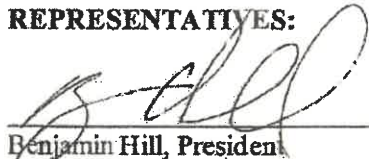
This Tentative Agreement shall be effective only upon adoption by the City Council of the City of Suisun City. Subject to the foregoing, this Tentative Agreement is hereby executed by the authorized representatives of the City and the Association.


**CITY OF SUISUN CITY  
REPRESENTATIVES:**

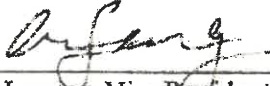
  
\_\_\_\_\_  
Gregory Folsom  
City Manager

  
\_\_\_\_\_  
Christina Penland  
Human Resources Administrator

**IAFF  
REPRESENTATIVES:**

  
\_\_\_\_\_  
Benjamin Hill, President  
International Association of Fire Fighters, Local 1186

  
\_\_\_\_\_  
Jason Brassfield, President  
Suisun City Professional Firefighters' Association

  
\_\_\_\_\_  
Aaron Leming, Vice President  
Suisun City Professional Firefighters' Association

Approved as to form  
Aleshire & Wynder, LLP

  
\_\_\_\_\_  
Elena Gerli, City Attorney

**STIPULATIONS BETWEEN THE CITY OF SUISUN CITY, SUISUN CITY  
MANAGEMENT AND PROFESSIONAL EMPLOYEES' ASSOCIATION, AND THE  
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1186 REGARDING  
RECOGNITION, UNIT CREATION AND UNIT MODIFICATION RELATIVE TO THE  
CLASSIFICATIONS OF FIRE CAPTAIN AND FIRE ENGINEER**

This Stipulation is made and entered into this 13th day of August, 2021 pursuant to section 3507 of the Meyers-Miliias-Brown Act ("MMBA"), and sections 10 and 11 of the City's Employer-Employee Relations Resolution No. 74-33 ("EERR") by and between the City of Suisun City (hereinafter referred to as the "City"), the International Association of Fire Fighters Local 1186 (hereinafter referred to as "IAFF Local 1186"); and the Suisun City Management and Professional Employees' Association (hereinafter referred to as "SCMPEA") (collectively "Parties"). The individual employees who are proposed to be represented by IAFF Local 1186 are also signatories to confirm their consent to the Stipulations contained herein.

**RECITALS**

**Whereas**, the City previously created and maintained the classification and salary ranges for Fire Division Chief and Administrative Fire Captain for many years with those classifications being represented by SCMPEA as part of the Professional/Technical Employees bargaining unit;

**Whereas**, the City Council directed the creation of several new classifications within the Fire Department in adopting the Fiscal Year 2019-20 Annual Budget;

**Whereas**, the City created classification specifications and salary ranges for the new classifications of Fire Captain and Fire Engineer and added them to the City's Classification Plan and Compensation Plan by means of City Resolution 2019-93 adopted September 3, 2019;

**Whereas**, City Resolution 2019-93 also determined that the new classification of Fire Captain would be represented by SCMPEA as part of the Professional/Technical Employees bargaining unit, but that the new classification of Fire Engineer would be designated as unrepresented;

**Whereas**, City Resolution 2019-93 provided the salary for the unrepresented classification of Fire Engineer with the City aligning their benefits with that of the Fire Captains;

**Whereas**, the classifications of Fire Division Chief, Administrative Fire Captain and Fire Captain are governed by the successive memoranda of understanding reached between the City and SCMPEA;

**Whereas**, IAFF Local 1186 filed a Severance Petition ("Petition") on March 29, 2021 jointly with the City and with the Public Employment Relations Board ("PERB"), Case No. SF-SV-131-M, seeking recognition to represent a new proposed bargaining unit comprised of currently unrepresented Fire Engineers, along with the classification of Fire Captain, which is currently in the Professional/Technical Employees bargaining unit exclusively represented by SCMPEA;

**Whereas**, on April 23, 2021, in its letter and Order to Show Cause, PERB determined that the City's EERR provides a mechanism for IAFF Local 1186 to request recognition of a severed unit, subject to the City's determination of unit appropriateness and that there was not any bar on petitions where unit members are already represented by an employee organization, nor does the plain language of the local rules suggest any other bar on the petition;

**Whereas**, on May 5, 2021, IAFF Local 1186 refiled the recognition petition and attached the proof of support directly to City Manager Greg Folsom pursuant to the recognition process procedures set forth in sections 10 and 11 of the EERR;

**Whereas**, on May 7, 2021, IAFF withdrew its Severance Petition with PERB, indicating that it was working with the City to resolve the current matter;

**Whereas**, on May 10, 2021, PERB dismissed the case No. SF-SV-131-M;

**Whereas**, on May 21, 2021, SCMPEA held a membership meeting and voted to agree to stipulate with the City and IAFF Local 1186 to sever the Fire Captain classification from the Professional/Technical Employees bargaining unit represented by SCMPEA and to be placed in a new Fire bargaining Unit;

**Whereas**, on July 20, 2021, the City Council adopted Resolution No. 2021-71 approving the Amended City of Suisun City Salary Schedule setting forth the most current salary ranges for all classifications in the City;

**Whereas**, on July 20, 2021, the City Council approved the Tentative Agreement between the City and SCMPEA for a successor MOU covering the period July 1, 2021 through June 30, 2023, which also changed the former title of Administrative Fire Captain to just Fire Captain;

**Whereas, in the interest of promoting harmonious labor relations between and among the Parties, the Parties and signatories hereto mutually agree as follows:**

1. All of the recitals listed above are material provisions of this Agreement and are deemed true and correct by the Parties and incorporated herein by this reference.
2. The City's Municipal Employee Relations Officer has determined that IAFF Local 1186's Petition for Recognition complies with the requirements of the City's Employer-Employee Relations Resolution No. 1974-33 and all Parties agree with that determination.
3. The City's Municipal Employee Relations Officer has also determined that IAFF Local 1186's Petition for Recognition proposing a new employee bargaining "Fire Unit" comprised of the classifications of Fire Captain and Fire Engineer is an appropriate unit pursuant to the City's Employer-Employee Relations Resolution No. 1974-33 and all Parties agree with that determination.

4. The City's Municipal Employee Relations Officer has further determined that IAFF Local 1186 shall be the sole, exclusive and majority representative and employee organization for the Fire Unit and all Parties agree with that determination.
5. All Parties agree that SCMPEA's Professional/Technical Employees bargaining unit will be modified such that the classification of "Fire Captain" is severed from the Professional/Technical Employees bargaining unit.
6. All Parties agree that a new employee bargaining unit called the "Fire Unit" comprised of the classifications of Fire Captain and Fire Engineer is created and IAFF Local 1186 shall be the sole, exclusive and majority representative and employee organization for the Fire Unit.
7. All Parties each expressly represent that there is no other employee organization which claims to represent the classifications of Fire Captain and/or Fire Engineer, nor have made any petition to represent them.
8. All Parties each expressly agree that the Fire Captains shall continue to be governed by the SCMPEA MOU until such time as an MOU is created for the Fire Unit.
9. All Parties each expressly agree that the Fire Engineers shall continue to be governed by City Resolution 2019-93 until such time as an MOU is created for the Fire Unit.

The undersigned Parties and signatories represent that they have read and understand the terms of this Stipulation and that they are authorized to execute this Stipulation on behalf of their principals and/or themselves.

**For the City**

  
Greg Folsom, City Manager

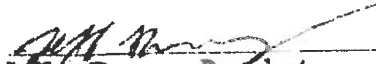
  
Christina Penland, HR Administrator

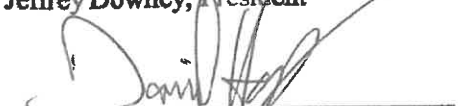
**For IAFF Local 1186**

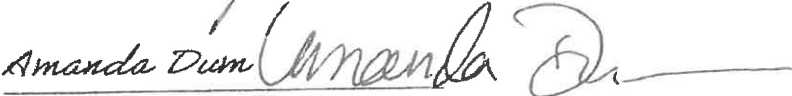
  
Ben Hill, President

  
Jason Brassfield, Vice President


**For SCMPEA**

  
\_\_\_\_\_  
Jeffrey Downey, President

  
\_\_\_\_\_  
Dan Healy, Vice President

  
\_\_\_\_\_  
Amanda Dum, Secretary

**Fire Captains**


  
\_\_\_\_\_  
Jason Brassfield

  
\_\_\_\_\_  
Joshua Danner

  
\_\_\_\_\_  
Jeremy Martinez

**Fire Engineers**

  
\_\_\_\_\_  
Jacob Helton

  
\_\_\_\_\_  
Aaron Leming

  
\_\_\_\_\_  
Che Salabarria



**Approved as to form**  
**Aleshire & Wynder, LLP**

A handwritten signature in cursive script that reads "Anthony R. Taylor".

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Anthony R. Taylor, City Attorney