

## **RESOLUTION NO. 2023-70**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
APPROVING A SECOND AMENDMENT TO THE MEMORANDUM OF  
UNDERSTANDING (MOU) BETWEEN THE CITY OF SUISUN CITY AND THE  
SUISUN CITY PROFESSIONAL FIREFIGHTERS' ASSOCIATION EFFECTIVE  
JULY 1, 2022, THROUGH JUNE 30, 2023, TO AMEND MOU PROVISIONS TO  
RESTORE LEAVE ACCRUAL CAPS**

**WHEREAS**, on July 19, 2022, the City Council approved the Memorandum of Understanding between the City of Suisun City (City) and the Suisun City Professional Firefighters' Association (SCPFA), effective July 1, 2022, through June 23, 2023 (SCPFA MOU 2022-23) with the adoption of Resolution No. 2022-102; and

**WHEREAS**, on May 2, 2023, the City Council approved a First Amendment to the SCPFA MOU 2022-23 with the adoption of resolution No. 2023-43; and

**WHEREAS**, the City and SCPFA's authorized labor relations representatives met and conferred in good faith pursuant to the requirements of the Meyers-Milias-Brown Act (MMBA)(Gov't Code Sections 3500-3511) regarding certain proposed modifications in the SCPFA MOU 2022-23 to restore leave accrual caps; and

**WHEREAS**, the City Council now desires to accept, approve, and adopt the Second Amendment to the SCPFA MOU 2022-23 (attached hereto as Exhibit "A"); and

**WHEREAS**, any additional costs of the Second Amendment to the SCPFA MOU 2022-23 will not require additional budget appropriations for this fiscal year.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Suisun City as follows:

**Section 1.** The recitals set forth above are true and correct and incorporated herein by this reference.

**Section 2.** The Second Amendment to the SCPFA MOU 2022-23, attached hereto as Exhibit "A," is hereby accepted, approved, and adopted.

**Section 3.** Effective Date. This Resolution is effective June 20, 2023.

1 **PASSED AND ADOPTED** at a Regular Meeting of said City Council of the City of Suisun City  
duly held on Tuesday, the 20th day of June 2023, by the following vote:

3    **AYES:**    Councilmembers: Dawson, Osum, Washington, Mayor Hernandez  
4    **NOES:**    Councilmembers: Pal  
4    **ABSENT:**    Councilmembers: None  
5    **ABSTAIN:**    Councilmembers: None

WITNESS my hand and the seal of said City this 20th day of June 2023.

Anita Skinner  
City Clerk

Exhibit A: Second Amendment to the SCPFA MOU 2022-23

SECOND AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF SUISUN CITY AND THE SUISUN CITY  
PROFESSIONAL FIREFIGHTERS' ASSOCIATION EFFECTIVE JULY 1, 2022  
THROUGH JUNE 30, 2023

This Second Amendment to the Memorandum of Understanding between the City of Suisun City and the Suisun City Professional Firefighters' Association effective July 1, 2022 through June 30, 2023 (SCPFA MOU 2022-23) is made and entered into by and between the City of Suisun City, a municipal corporation (City), and the Suisun City Professional Firefighters' Association (SCPFA).

R E C I T A L S:

WHEREAS, on September 21, 2021, the City Council approved the Tentative Agreement between the City of Suisun City and the SCPFA confirming compensation and benefits for represented Fire Unit Members with the adoption of Resolution No. 2021-95;

WHEREAS, on July 19, 2022, the City Council approved the SCPFA MOU 2022-23 with the adoption of Resolution No. 2022-102;

WHEREAS, on May 2, 2023, the City Council approved the First Amendment to the SCPFA MOU 2022-23 with the adoption of Resolution No. 2022-43;

WHEREAS, the City and SCPFA's authorized labor relations representatives met and conferred in good faith pursuant to the requirements of the Meyers-Milias-Brown Act (MMBA), Gov't Code Sections 3500-3511, regarding further modifications to the SCPFA MOU 2022-23 to address excess leave caps;

WHEREAS, the City and SCPFA now desire to amend the SCPFA MOU 2022-23 to modify contract provisions to restore leave accrual caps through City buy down and working with employees, which modified terms were ratified by the SCPFA membership and then signed by the authorized representatives parties.

NOW, THEREFORE, it is hereby agreed that the SCPFA MOU 2022-23 is amended in the following particulars only and made effective as indicated:

The following provision shall be inserted into Article 9, Hours of Work pertaining to Compensatory Time Off (CTO); and Article 10, Vacation Leave, as a new section titled "Restoring Leave Caps" (additions in ***bold italics***):

*The parties agree that the previous contractually agreed upon leave caps shall be restored effective October 1, 2023. In order to effectuate this intent, the parties agree that the City will buy down any excess accrued leave to the original contractual accrued leave cap effective the last full payroll period in June 2023. The parties agree that employees will then have ninety (90) days, until October 1, 2023, to maintain and/or reduce their leave accruals below the contractual leave caps at which time employees will longer be allowed to exceed the leave caps. Those who are still over the cap on or after October 1, 2023, shall not accrue any more leave time until they bring their accrual balance below the leave cap*

SECOND AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SUISUN CITY AND THE SUISUN CITY PROFESSIONAL FIREFIGHTERS' ASSOCIATION EFFECTIVE JULY 1, 2022 THROUGH JUNE 30, 2023

*and shall not be allowed to accrue over the cap from thereon. The parties understand that after buying down the excess accrued leave to the leave cap that it is likely in the first few payroll periods following that event that employees will exceed the caps again, so the parties have negotiated the ninety (90) day period to give employees time to sufficiently reduce their leave accruals to avoid future loss of accruals when the hard cap is imposed.*

The representatives of the City and of the SCPFA have jointly prepared this Second Amendment to the SCPFA MOU 2022-23, and jointly presented to City Council of the City of Suisun City for determination pursuant to Government Code section 3505.1. Except as expressly provided for in this Second Amendment to the SCPFA MOU 2022-23, all other provisions of the SCPFA MOU 2022-23, including the First Amendment thereto shall remain in full force and effect. The parties also acknowledge that this Second Amendment to the SCPFA MOU 2022-23 shall not be in full force and effect until adopted by resolution by the City Council of the City of Suisun City. Subject to the foregoing and in witness whereof, this Second Amendment is hereby executed by the authorized representatives of the City and the SCPFA and entered into as of this **2nd day of June 2023**.

**IT IS SO AGREED:**

**For The City:**

Gregory Folsom  
City Manager

Christina Penland  
Human Resources Administrator

Kris Loftus  
Deputy City Manager

**For SCPFA:**

Ken Martin, Labor Relations Consultant  
IAFF, Local 1186

Aaron Leming, President  
IAFF, Local 1186

Christopher Lujan, Vice President  
IAFF, Local 1186

Approved as to form  
Aleshire & Wynder, LLP

Elena G. Gerli, City Attorney