

## RESOLUTION NO. 2023-84

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
APPROVING A FOURTH AMENDMENT TO THE MEMORANDUM OF  
UNDERSTANDING (MOU) BETWEEN THE CITY OF SUISUN CITY AND THE  
SUISUN CITY MANAGEMENT & PROFESSIONAL EMPLOYEES' ASSOCIATION  
(SCMPEA) EFFECTIVE JULY 1, 2021 THROUGH JUNE 30, 2023 TO ENFORCE LEAVE  
CAPS**

**WHEREAS**, on August 17, 2021, the City Council approved the Memorandum of Understanding between the City of Suisun City (City) and the Suisun City Management & Professional Employees' Association (SCMPEA), effective July 1, 2021 through June 30, 2023 (SCMPEA MOU 2021-23) with the adoption of Resolution No. 2021-81; and

**WHEREAS**, on April 5, 2022, the City Council approved a First Amendment to the SCMPEA MOU 2021-23 with the adoption of resolution No. 2022-53; and

**WHEREAS**, on November 1, 2022, the City Council approved a Second Amendment to the SCMPEA MOU 2021-23 with the adoption of resolution No. 2022-139; and

**WHEREAS**, on May 23, 2023, the City Council approved a Third Amendment to the SCMPEA MOU 2021-23 with the adoption of resolution No. 2023-62; and

**WHEREAS**, the City and SCMPEA'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 SCMPEA MOU 2021-23 pertaining to enforcing leave caps; and

**WHEREAS**, the foregoing proposed modifications to the SCMPEA MOU 2021-2023 have been ratified by SCMPEA membership; and

**WHEREAS**, the City Council now desires to accept, approve, and adopt the Fourth Amendment to the SCMPEA MOU 2021-23 (attached hereto as Exhibit "A"); and

**WHEREAS**, any additional costs of the Fourth Amendment to the SCMPEA MOU 2021-23 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 Fourth Amendment to the SCMPEA MOU 2021-23, attached hereto as Exhibit “A,” is hereby accepted, approved, and adopted.

**Section 3.** Effective Date. This Resolution is effective June 27, 2023.

1 **PASSED AND ADOPTED** at a Regular Meeting of said City Council of the City of Suisun City duly  
2 held on Tuesday, the 27th day of June 2023, by the following vote:

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

7 **WITNESS** my hand and the seal of said City this 27th day of June 2023.

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9 Anita Skinner  
10 City Clerk

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FORTH AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF SUISUN CITY AND THE SUISUN CITY MANAGEMENT  
& PROFESSIONAL EMPLOYEES' ASSOCIATION EFFECTIVE JULY 1, 2021  
THROUGH JUNE 30, 2023

This Forth Amendment to the Memorandum of Understanding between the City of Suisun City and the Suisun City Management & Professional Employees' Association effective July 1, 2021 through June 30, 2023 (SCMPEA MOU 2021-23) is made and entered into by and between the City of Suisun City, a municipal corporation (City), and the Suisun City Management & Professional Employees' Association (SCMPEA).

R E C I T A L S:

WHEREAS, on August 17, 2021, the City Council approved the SCMPEA MOU 2021-23 with the adoption of Resolution No. 2021-81;

WHEREAS, on April 5, 2022, the City Council approved the First Amendment to the SCMPEA MOU 2021-23 with the adoption of Resolution No. 2022-53;

WHEREAS, on November 1, 2022, the City Council approved the Second Amendment to the SCMPEA MOU 2021-23 with the adoption of Resolution No. 2022-139;

WHEREAS, on May 23, 2023, the City Council approved the Third Amendment to the SCMPEA MOU 2021-23 with the adoption of Resolution No. 2023-62;

WHEREAS, the City and SCMPEA'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 SCMPEA MOU 2021-23 to address excess leave accruals and enforcing previously agreed upon leave caps; and

WHEREAS, the City and SCMPEA now desire to further amend the SCMPEA MOU 2021-23 to address excess leave accruals and enforcing previously agreed upon leave caps through City buy down and working with employees, which modified terms were ratified by the SCMPEA membership and then signed by the authorized representatives parties.

NOW, THEREFORE, it is hereby agreed that the SCMPEA MOU 2021-23 is amended in the following particulars only and made effective as indicated:

The following provision shall be inserted into Article VIII Hours of Work, pertaining to Executive Leave; Article X, Vacation Leave; and Article XXXV, Municipal Holidays, as a new section titled "Enforcing Leave Caps" (additions in ***bold italics***):

*The parties agree that the previous contractually agreed upon leave caps shall be enforced as follows: for Miscellaneous and Fire Safety employees, Vacation and Holiday leave accruals shall be enforced effective October 1, 2023, and Executive leave accruals shall be enforced effective January 8, 2024. For Police Safety employees, all leave accruals shall be enforced effective July 1, 2024. In order to effectuate this intent, the parties agree*

FORTH AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SUISUN CITY AND THE SUISUN CITY MANAGEMENT & PROFESSIONAL EMPLOYEES' ASSOCIATION EFFECTIVE JULY 1, 2021 THROUGH JUNE 30, 2023

*that the City will buy down fifty (50%) percent of any excess accrued leave to the original contractual accrued leave cap effective the last full payroll period in June 2023. The remaining fifty (50%) percent excess accrued leave as of the last full payroll period in June 2023 will be tracked in a separate excess leave accrual bank. The City will buy down the remaining excess leave accruals in January 2024 at the employees' June 2023 pay rate. The parties agree that Miscellaneous and Fire Safety employees will then have ninety (90) days, until October 1, 2023, to maintain and/or reduce their Vacation and Holiday leave accruals below the contractual leave caps, and until January 8, 2024, to maintain and/or reduce their Executive leave accruals below the contractual leave caps, at which time employees will no longer be allowed to exceed the leave caps. The parties agree that Police Safety employees will have one (1) year, until July 1, 2024, to maintain and/or reduce their leave accruals below the contractual leave caps. Those who are still over the cap on or after October 1, 2023, January 8, 2024, or July 1, 2024, respectively, shall cease accruals until their accrual balance falls below the leave cap and shall not be allowed to accrue leave over the cap from thereon. The parties understand that after buying down the excess accrued leave to the accrual 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 aforementioned ninety (90) day, six (6) month, and one (1) year grace periods to give employees time to sufficiently reduce their leave accruals to avoid future loss of accruals when the accrual cap is once again enforced.*

The representatives of the City and of the SCMPEA have jointly prepared this Forth Amendment to the SCMPEA MOU 2021-23, 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 Forth Amendment to the SCMPEA MOU 2021-23, all other provisions of the SCMPEA MOU 2021-23, including the First Amendment, the Second Amendment and the Third Amendment thereto shall remain in full force and effect. The parties also acknowledge that this Forth Amendment to the SCMPEA MOU 2021-23 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 Forth Amendment is hereby executed by the authorized representatives of the City and the SCMPEA and entered into as of this 16th day of June 2023.

**IT IS SO AGREED:**

For The City:

Gregory Folsom  
City Manager

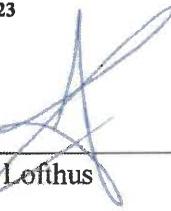
Christina Penland  
Human Resources Administrator

For SCMPEA:

**Mary LaPlante**  
Mary LaPlante, Managing Labor Representative  
City Employee Associates

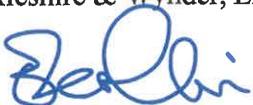
**John Kearns**  
John Kearns, SCMPEA Vice President

FORTH AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SUISUN CITY AND THE SUISUN CITY MANAGEMENT & PROFESSIONAL EMPLOYEES' ASSOCIATION EFFECTIVE JULY 1, 2021 THROUGH JUNE 30, 2023

  
Kris Lofthus

Deputy City Manager

Approved as to form  
Aleshire & Wynder, LLP



Elena Q. Gerli, City Attorney

**Signature:** John Kearns  
John Kearns (Jun 20, 2023 12:09 PDT)

**Email:** [jkearns@suisun.com](mailto:jkearns@suisun.com)

**Amber Kent**

Amber Kent, SCMPEA Secretary

**Signature:** Amber Kent  
Amber Kent (Jun 20, 2023 12:35 PDT)

**Email:** [akent@suisun.com](mailto:akent@suisun.com)

**Signature:** Mary LaPlante  
Mary LaPlante (Jun 20, 2023 13:58 PDT)

**Email:** [mary@cityemployees.net](mailto:mary@cityemployees.net)

# SCMPEA MOU 2021-23 Forth Amendment - eff. 2023.6.22 v3

Final Audit Report

2023-06-20

Created:	2023-06-20
By:	John Kearns (jkearns@suisun.com)
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## "SCMPEA MOU 2021-23 Forth Amendment - eff. 2023.6.22 v3" History

- 📄 Document created by John Kearns (jkearns@suisun.com)  
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- ✍️ Signer mary@cityemployees.net entered name at signing as Mary LaPlante  
2023-06-20 - 8:58:05 PM GMT- IP address: 199.247.121.165
- ✍️ Document e-signed by Mary LaPlante (mary@cityemployees.net)  
Signature Date: 2023-06-20 - 8:58:07 PM GMT - Time Source: server- IP address: 199.247.121.165
- ✅ Agreement completed.  
2023-06-20 - 8:58:07 PM GMT



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