

RESOLUTION NO. 20-061

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, RATIFYING DISASTER COUNCIL RESOLUTION NO. 20-060: (1) APPROVING SIDE LETTER AGREEMENT WITH AFSCME LOCALS 809 & 1017, THE CARSON PROFESSIONAL AND SUPERVISORS ASSOCIATION, AND THE ASSOCIATION OF MANAGEMENT EMPLOYEES; (2) AMENDING RESOLUTION NO. 19-036 PERTAINING TO THE CHIEF DEPUTY CITY CLERK AND CHIEF DEPUTY CITY TREASURER CLASSIFICATIONS; (3) AMENDING RESOLUTION NO. 18-170, AS AMENDED AND RATIFIED BY RESOLUTION NO. 19-015, PERTAINING TO THE UNCLASSIFIED MANAGEMENT EMPLOYEES; AND (4) DEEMING AMENDED ANY OTHER CITY RESOLUTIONS GOVERNING HOLIDAY LEAVE BENEFITS FOR UNREPRESENTED CITY OFFICERS AND EMPLOYEES WHICH SPECIFY A MARCH 31 DATE OF OBSERVANCE FOR CESAR E. CHAVEZ DAY, TO CHANGE THE DATE OF OBSERVANCE OF THE CESAR E. CHAVEZ DAY HOLIDAY FROM MARCH 31 TO MARCH 30 FOR THE 2020 CALENDAR YEAR ONLY

WHEREAS, on March 17, 2020, the City Council declared a local emergency in the City of Carson due to the COVID-19 pandemic, and created the Disaster Council to take emergency actions as necessary to respond to the effects of the COVID-19 pandemic during the period of the declared local emergency; and

WHEREAS, the declared local emergency remains in effect as of the date of this resolution and will continue in effect until terminated by the City Council; and

WHEREAS, the City executed a Side Letter Agreement dated March 25, 2020, with the American Federation of State, County and Municipal Employees Union (AFSCME) Locals 809 and 1017, the Carson Professional & Supervisors Association, and the Association of Management Employees, changing the date of observance of the Cesar E. Chavez Day holiday from March 31, 2020, to March 30, 2020, for the calendar year 2020 only, and then to return to March 31 for observance of such holiday in subsequent years, due to the declared local emergency and the desirous outcome of having employees off work for four (4) consecutive days (the "Side Letter Agreement"); and

WHEREAS, Section 4 of the Side Letter Agreement provides that it is of no force or effect unless and until approved and signed by the Mayor of the City and the City Manager acting also as the Disaster Council, and pursuant to said section, on March 26, 2020, the Disaster Council adopted Disaster Council Resolution No. 20-060, approving the Side Letter Agreement and ratifying the execution thereof by the City's signatories; and

WHEREAS, to achieve this same outcome with respect to City employees and officers that are not represented by one of the aforementioned unions, Disaster Council Resolution No. 20-060 also amended all City resolutions governing holiday leave benefits for such employees

which specify a March 31 date of observance of Cesar E. Chavez Day, to change the date of observance to March 30 for the 2020 calendar year only, including but not limited to: (1) Resolution No 19-036, pertaining to the Chief Deputy City Clerk and Chief Deputy City Treasurer Classifications; and (2) Resolution No. 18-170, as amended and ratified by Resolution No. 19-015, pertaining to the City's Unclassified Management Employees; and

WHEREAS, the City Council supports and approves of the Disaster Council's aforementioned action, and hereby intends to ratify Disaster Council Resolution No. 20-060.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct.

SECTION 2. Disaster Council Resolution No. 20-060, a true and correct copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, is hereby ratified.

SECTION 3. This resolution shall be effective immediately upon its adoption.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original Resolutions.

[SIGNATURES ON THE FOLLOWING PAGE]

PASSED, APPROVED AND ADOPTED THIS 7TH DAY OF APRIL, 2020.

ALBERT ROBLES, MAYOR

ATTEST:

DONESIA GAUSE-ALDANA, CITY CLERK

APPROVED AS TO FORM:

SUNNY K. SOLTANI, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF CARSON)

I, Donesia Gause-Aldana, City Clerk of the City of Carson, California, do hereby certify that the whole number of members is five; that the foregoing resolution, being Resolution No. 20-XXX was duly and regularly adopted by said City at a regular meeting duly and regularly held on the 7th day of April, 2020, and the same was passed and adopted by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

By: _____

City Clerk

EXHIBIT "A"

DISASTER COUNCIL RESOLUTION NO. 20-060

[to be attached]

RESOLUTION NO. 20-060

A RESOLUTION OF THE DISASTER COUNCIL OF THE CITY OF CARSON, CALIFORNIA: (1) APPROVING SIDE LETTER AGREEMENT WITH AFSCME LOCALS 809 & 1017, THE CARSON PROFESSIONAL AND SUPERVISORS ASSOCIATION, AND THE ASSOCIATION OF MANAGEMENT EMPLOYEES; (2) AMENDING RESOLUTION NO. 19-036 PERTAINING TO THE CHIEF DEPUTY CITY CLERK AND CHIEF DEPUTY CITY TREASURER CLASSIFICATIONS; (3) AMENDING RESOLUTION NO. 18-170, AS AMENDED AND RATIFIED BY RESOLUTION NO. 19-015, PERTAINING TO THE UNCLASSIFIED MANAGEMENT EMPLOYEES; AND (4) DEEMING AMENDED ANY OTHER CITY RESOLUTIONS GOVERNING HOLIDAY LEAVE BENEFITS FOR UNREPRESENTED CITY OFFICERS AND EMPLOYEES WHICH SPECIFY A MARCH 31 DATE OF OBSERVANCE FOR CESAR E. CHAVEZ DAY, TO CHANGE THE DATE OF OBSERVANCE OF THE CESAR E. CHAVEZ DAY HOLIDAY FROM MARCH 31 TO MARCH 30 FOR THE 2020 CALENDAR YEAR ONLY

WHEREAS, on March 17, 2020, the City Council of the City of Carson declared a local emergency due to the COVID-19 pandemic, and created the Disaster Council to take emergency actions as necessary to respond to the effects of the COVID-19 pandemic during the period of the declared local emergency; and

WHEREAS, the declared local emergency remains in effect as of the date of this resolution and will continue in effect until terminated by the City Council; and

WHEREAS, the City has executed a Side Letter Agreement dated March 25, 2020 with the American Federation of State, County and Municipal Employees Union (AFSCME) Locals 809 and 1017, the Carson Professional & Supervisors Association, and the Association of Management Employees, changing the date of observance of the Cesar E. Chavez Day holiday from March 31, 2020, to March 30, 2020, for the calendar year 2020 only, and then to return to March 31 for observance of such holiday in subsequent years, due to the declared local emergency and the desirous outcome of having employees off work for four (4) consecutive days (the "Side Letter Agreement"); and

WHEREAS, Section 4 of the Side Letter Agreement provides that it is of no force or effect unless and until approved and signed by the Mayor of the City and the City Manager acting also as the Disaster Council; and

WHEREAS, pursuant to Section 4 of the Side Letter Agreement, the Disaster Council hereby intends to approve the Side Letter Agreement and ratify the execution thereof by the City's signatories; and

WHEREAS, the City wishes to achieve the same outcome with respect to its employees and officers that are not represented by one of the aforementioned unions, and to that end, the

Disaster Council hereby desires and intends to amend all resolutions governing holiday leave benefits for such employees which specify a March 31 date of observance of Cesar E. Chavez Day, to change the date of observance to March 30 for the 2020 calendar year only, including but not limited to: (1) Resolution No 19-036, pertaining to the Chief Deputy City Clerk and Chief Deputy City Treasurer Classifications; and (2) Resolution No. 18-170, as amended and ratified by Resolution No. 19-015, pertaining to the City's Unclassified Management Employees.

NOW, THEREFORE, THE DISASTER COUNCIL OF THE CITY OF CARSON, CALIFORNIA DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct.

SECTION 2. The Side Letter Agreement, a true and correct copy of which is attached hereto as Exhibit "A," is hereby approved, and the execution thereof by the City's signatories is hereby ratified.

SECTION 3. Section 11 (Holiday Leave) of Article IV (Leaves) of Resolution No. 19-036 is hereby amended to change the date of observance of the Cesar E. Chavez Day holiday for the Chief Deputy City Clerk and Chief Deputy City Treasurer Classifications from March 31, 2020 to March 30, 2020, for the calendar year 2020 only.

SECTION 4. Section 4 (Holiday Leave) of Article IV (Leaves) of Resolution No. 18-170, as amended and ratified by Resolution No. 19-015, is hereby amended to change the date of observance of the Cesar E. Chavez Day holiday for the City's Unclassified Management Employees from March 31, 2020 to March 30, 2020, for the calendar year 2020 only.

SECTION 5. Any and all other City resolutions governing holiday leave benefits for City officers and employees not subject to the Side Letter Agreement which specify a March 31 date of observance of the Cesar E. Chavez Day holiday are hereby deemed amended such that the date of observance of the holiday for such officers and employees shall March 30 instead of March 31, for the 2020 calendar year only.

SECTION 6. This resolution shall be effective immediately upon its adoption.

SECTION 7. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original Resolutions.

[SIGNATURES ON THE FOLLOWING PAGE]

PASSED, APPROVED AND ADOPTED THIS 26TH DAY OF MARCH, 2020.

ALBERT ROBLES, MAYOR

ATTEST:

DONESIA GAUSE-ALDANA, CITY CLERK

APPROVED AS TO FORM:

SUNNY K. SOLTANI, CITY ATTORNEY

EXHIBIT "A"

SIDE LETTER AGREEMENT

[to be attached]

**SIDE LETTER AGREEMENT
BETWEEN THE CITY OF CARSON AND
THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
UNION (AFSCME) LOCALS 809 & 1017, THE CARSON PROFESSIONAL & SUPERVISORS
ASSOCIATION, AND THE ASSOCIATION OF MANAGEMENT EMPLOYEE
CHANGING THE DATE OF OBSERVANCE OF CESAR E. CHAVEZ DAY FROM MARCH 31,
2020 TO MARCH 30, 2020 FOR CALENDAR YEAR 2020 ONLY**

RECITALS

WHEREAS, pursuant to the provisions of the Meyers-Milias-Brown Act ("MMBA"; Gov't Code §§ 3500 *et seq.*), the City of Carson ("City") may adopt reasonable rules and regulations for the administration of employer-employee relations, and must meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations for City employee bargaining units; and

WHEREAS, the City and the American Federation of State, County and Municipal Employees, Council 36, Local 809 ("AFSCME 809") entered into that certain Memorandum of Understanding which was approved on October 21, 2014, pursuant to adoption of City Resolution No. 14-100, and which was effective from July 1, 2013 through June 30, 2016 (the "AFSCME 809 MOU"), and which provided under Article V, Section 8.1, that March 31 of every year would be Cesar E. Chavez Day, a recognized City holiday; and

WHEREAS, on October 23, 2018, the City and AFSCME 809 entered into a Tentative Agreement for Successor AFSCME 809 MOU ("AFSCME 809 MOU TA"), which maintains March 31 as Cesar E. Chavez Day and which provides that all terms and conditions of the AFSCME 809 MOU shall be maintained unless expressly modified in the AFSCME 809 MOU TA until the Successor AFSCME 809 MOU between the parties is accepted, approved and adopted by the City Council, which Successor AFSCME 809 MOU shall then supersede and replace the AFSCME 809 MOU TA; and

WHEREAS, the City Council has not yet accepted, approved or adopted the Successor AFSCME 809 MOU; and

WHEREAS, the City and the American Federation of State, County and Municipal Employees, Council 36, Local 1017 ("AFSCME 1017") entered into that certain Memorandum of Understanding which was approved on May 3, 2016, pursuant to adoption of City Resolution No. 16-040, and which was effective from July 1, 2015 through June 30, 2016 (the "AFSCME 1017 MOU"), and which provided under Article IV, Section 3.1, that March 31st of every year would be Cesar E. Chavez Day, a recognized City holiday; and

WHEREAS, on September 25, 2018, the City and AFSCME 1017 entered into a Tentative Agreement for Successor AFSCME 1017 MOU ("AFSCME 1017 MOU TA"), which maintains March 31st as Cesar E. Chavez Day and which provides that all terms and conditions of the AFSCME 1017 MOU shall be maintained unless expressly modified in the AFSCME 1017 MOU TA until the Successor AFSCME 1017 MOU between the parties is accepted, approved and adopted by the City Council, which Successor AFSCME 1017 MOU shall then supersede and replace the AFSCME 1017 MOU TA; and

WHEREAS, the City Council has not yet accepted, approved or adopted the Successor AFSCME 1017 MOU; and

WHEREAS, the City and the Carson Professionals And Supervisors Association ("CPSA") and the Association of Management Employees ("AME") entered into that certain Memorandum of Understanding which was approved on February 2, 2016, pursuant to adoption of City Resolution No. 16-002, and which was effective from July 1, 2015 through June 30, 2016 (the "CPSA/AME MOU"), and which provided under Article IV, Section 11, that March 31st of every year would be Cesar E. Chavez Day, a recognized City holiday; and

WHEREAS, on January 8, 2019, the City and CPSA entered into an Amended & Restated Tentative Agreement for a Successor CPSA MOU ("CPSA MOU TA"), which maintains March 31st as Cesar E. Chavez Day and which provides that all terms and conditions of the CPSA MOU shall be maintained unless expressly modified in the CPSA MOU TA until the Successor CPSA MOU between the parties is accepted, approved and adopted by the City Council, which Successor CPSA MOU shall then supersede and replace the CPSA MOU TA; and

WHEREAS, on January 8, 2019, the City and AME entered into an Amended & Restated Tentative Agreement for a Successor AME MOU ("AME MOU TA"), which maintains March 31st as Cesar E. Chavez Day and which provides that all terms and conditions of the AME MOU shall be maintained unless expressly modified in the AME MOU TA until the Successor AME MOU between the parties is accepted, approved and adopted by the City Council, which Successor AME MOU shall then supersede and replace the AME MOU TA; and

WHEREAS, the City Council has not yet accepted, approved or adopted the Successor CPSA MOU or AME MOU; and

WHEREAS, the City and AFSCME 809, AFSCME 1017, CPSA, AND AME have met and conferred, and mutually desire and agree to recognize Cesar E. Chavez Day on March 30, 2020 instead of March 31, 2020, for this year only, and then return to March 31 for recognition in subsequent years due to the current emergency declarations of the City Council and the desirous outcome of having employees off work 4 consecutive days.

TERMS

1. The foregoing recitals are true and correct, and are incorporated herein by reference.

2. Having met and conferred on the topic, the City and the undersigned employee organizations agree to a one-time written modification of their respective Memoranda of Understanding, subsequent Tentative Agreements and any other understandings or past practices to change the recognition date of Cesar E. Chavez Day from March 31, 2020 to March 30, 2020, for this year only.

3. This Side Letter Agreement supersedes any prior agreements between the City and the undersigned employee organizations relative to the subject matter hereof.

4. This Side Letter Agreement is of no force or effect unless and until ratified by each employee organization and executed by their representative below, and approved and signed by the Mayor of the City and the City Manager acting also as the designated Disaster Council.

IT IS SO AGREED:

For AFSCME 809:

Ana Meni 05 March 2020
Ana Meni, President Date

For AFSCME 1017:

Sylvia Rubio
Sylvia Rubio, Vice-President Date

For City of Carson:

Albert Robles 3/25/20
Albert Robles, Mayor Date

Sharon Landers 3/25/20
Sharon Landers, City Manager Date

For CPSA:

Freddy Loza 3/25/2020
Freddy Loza, President Date

Faye Moseley 03/25/2020
Faye Moseley Date
Director of Human Resources & Risk Management

For AME:

Cristine Galennie 3/25/20
Cristine Galennie, President Date

APPROVED AS TO FORM

Sunny Soltani
Sunny Soltani, Esq.
Counsel for the City of Carson