



# CITY OF POMONA COUNCIL REPORT

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October 21, 2024

To: Honorable Mayor and Members of the City Council

From: Anita D. Gutierrez, City Manager

Submitted By: René Anderson, Human Resources/Risk Management Director

**SUBJECT: ADOPTION OF RESOLUTIONS AMENDING THE MEMORANDUMS OF UNDERSTANDING BETWEEN THE CITY OF POMONA AND THE PPOA, THE PPMA, AND THE COMPENSATION PLAN FOR EXECUTIVE GROUP A AND B SWORN EMPLOYEES**

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## **RECOMMENDATION:**

It is recommended that the City Council adopt the following resolutions:

**RESOLUTION NO. 2024-179 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMONA AND THE POMONA POLICE OFFICERS’ ASSOCIATION**

**RESOLUTION NO 2024-180 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMONA AND THE POMONA POLICE MANAGERS’ ASSOCIATION**

**RESOLUTION NO. 2024-181 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE COMPENSATION PLAN FOR EXECUTIVE MANAGEMENT GROUP A AND B SWORN EMPLOYEES BY ADDING CONTRACTUAL LANGUAGE REQUIRED BY THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM**

## **EXECUTIVE SUMMARY:**

Approval of the proposed resolutions will result in compliance with California Public Employees’ Retirement System (CalPERS) required language being reflected in the MOUs and Compensation Plan affecting Sworn Personnel.

**SB1439/GOVERNMENT CODE §84308 APPLICABILITY:**

When this box is checked, it indicates the agenda item is subject to the Levine Act SB1439 requirements. Councilmembers are reminded to check their campaign contributions and determine whether they have received a campaign contribution of \$250 or more that would require disclosure and/or recusal from discussing or acting on this agenda item. Campaign contributions of \$250 or more made 1) by any person or entity who is identified in the agenda report as the applicant or proposer or 2) on behalf of the applicant or participant, including a parent, subsidiary or otherwise related business entity, or 3) by any person who has a financial interest in the agenda item requires a councilmember to comply with SB1439.

**FISCAL IMPACT:**

There is no new fiscal impact

**PREVIOUS RELATED ACTION:**

On May 20, 1996, the City Council adopted Ordinance No. 3813, to amend the contract between the Board of Administration of CalPERS and the City of Pomona (City) to add 9% Employer Paid Member Contribution (EPMC) Converted to Pay Rate During the Final Compensation Period for the Pomona Police Managers' Association (PPMA) only.

On January 3, 2000, the City Council adopted Ordinance No. 3901, to amend the contract between the Board of Administration of CalPERS and the City to extend the 9% EPMC Converted to Pay Rate During the Final Compensation Period for all sworn employees.

**DISCUSSION:**

All sworn personnel members of PPOA hired prior to September 12, 2011 and all sworn personnel members of PPMA and the A-3 Executive Group hired prior July 3, 2011, have been eligible to receive the 9% EPMC Converted to Pay Rate during their Final Compensation Period, pursuant to Government Code Section 20692. This benefit was negotiated by the sworn bargaining units and executed via contract amendments between CalPERS and the City. The California Code of Regulations Section 566.1 requires the provisions of contract amendments be contained in applicable current written labor agreements as well as in adopted resolutions.

At this time, staff is requesting the adoption of Resolutions 2024-179 through 2024-181 (Attachments Nos. 1 through 3) to amend the current PPOA and PPMA MOUs; and to amend the Executive Management Group A and B Compensation Plan. Additionally, the Public Employees' Retirement Law (PERL) establishes guidelines for reportable compensation.

In August 2024, CalPERS notified the City Human Resources Department that the language in the current labor agreements does not fully comply with the PERL. As a result, revisions to the attached labor agreements (Exhibits A) are recommended to ensure MOU language is in conformance with legal standards.

The Pomona Police Officers' Association (PPOA) represents Police Officers, Corporals, Investigators and Sergeants. Before the Mayor and City Council's consideration today, is to amend the PPOA MOU Article IV Compensation and Benefits, Section W. Retirement to establish conforming changes bringing the Section 20692 benefit into compliance.

The Pomona Police Managers' Association (PPMA) represents Police Lieutenants and Captains. Also, before the Mayor and City Council's consideration today, is to amend the PPMA MOU Article IV Compensation and Benefits, Section E. Retirement to establish conforming changes bringing the Section 20692 benefit into compliance.

In 1996, when the contract between CalPERS and the City was amended to add the 9% Employer Paid Member Contribution Converted to Pay Rate During the Final Compensation Period for PPMA, the PPMA represented police lieutenants, captains, deputy chief of police and chief of police. Since that time, the deputy chief of police and chief of police are named as the only sworn personnel reflected in the Executive Group A-3, yet remain dues paying members of the PPMA. As such, the Executive Management Group A and B Compensation Plan should be amended to include Government Code 20692. Before the Mayor and City Council's consideration today, is to include language in the Executive Management Group A and B Compensation Plan, Article III Compensation and Benefits, Section C. Retirement to establish conforming changes bringing the Section 20692 benefit into compliance.

Prepared by: René Anderson, Human Resources/Risk Management Director

**ATTACHMENT(S):**

Attachment No. 1 – Resolution No. 2024-179

Exhibit A – Pomona Police Officers' Association Memorandum of Understanding

Attachment No. 2 – Resolution No. 2024-180

Exhibit A – Pomona Police Managers' Association Memorandum of Understanding

Attachment No. 3 – Resolution No. 2024-181

Exhibit A – Compensation Plan for Executive Group A and B Employees