

RESOLUTION NO. 2023-23

**RESOLUTION OF THE WATER BOARD OF THE CITY OF
SAN BERNARDINO, CALIFORNIA, AUTHORIZING THE
GENERAL MANAGER TO EXECUTE SIDE LETTER
AGREEMENTS WITH THE WATER DEPARTMENT'S
BARGAINING GROUPS FOR PREMIUM PAY**

WHEREAS, in accordance with Section 603 of the City Charter, the Water Board is responsible for oversight and management of the City's water supply, recycled water, wastewater collection and treatment functions; and

WHEREAS, on March 11, 2021, President Biden signed into law the American Rescue Plan Act (ARPA), which appropriated nearly \$1.9 trillion nationwide for COVID-19 pandemic relief funding including \$350 billion for every eligible state, city, town, territorial and tribal government in the country; and

WHEREAS, the City of San Bernardino was awarded \$77,656,407 under the Act; and

WHEREAS, ARPA establishes the Coronavirus State and Local Fiscal Recovery Funds to provide an infusion of resources to help address economic struggles in responding to the impact of COVID-19; and

WHEREAS, during City Council meetings over the past several months, City Council allocated portions of these funds for various purposes and programs, including broad categories consisting of Small Business and Non-Profit Assistance, Parks and Recreation Rehabilitation City Services, and the Homeless Initiative; and

WHEREAS, consistent with the essential worker premium pay allowed for in the Final Rule issued by the US Treasury Department, City Council desired to recognize those City and Water Department employees who provided important and essential public service during the COVID-19 pandemic, and to establish and approve a one-time lump sum premium payment for City and Water Department employees; and

WHEREAS, on September 6, 2023, City Council established and approved a one-time lump sum premium payment for all eligible City and Water Department full- and part-time employees of \$5,000; and

WHEREAS, Department management has met conferred with the Water Department Bargaining groups in accordance with the Meyers-Milias-Brown Act of the State of California; and

WHEREAS, unrepresented part-time Student Intern employees are eligible for premium pay.

BE IT RESOLVED BY THE WATER BOARD OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The Water Department hereby establishes and approves a one-time lump sum premium payment for all Water Department full- and part-time employees employed at any time during March 13, 2020, through May 5, 2023, and employed on the date premium payment is disbursed. The premium payment shall be considered a one-time non-pensionable compensation, subject to tax withholdings.

The General Manager is authorized to execute Side Letter Agreements with each of the Department's unions/associations relating to the issuance of the premium payment as defined herein to all represented Department employees. The premium payment shall be paid on the first pay date following adoption of this Resolution.

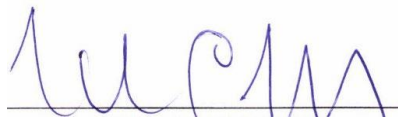
Premium payment as defined herein is hereby approved and authorized for those eligible unrepresented City employees and part-time employees and shall be paid on the first pay date following adoption of this Resolution.

SECTION 3. CEQA. The Water Board finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 4. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 5. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the Water Board and signed by the President of the Water Board and attested by the Deputy City Clerk & Ex Officio Secretary of the Water Board this 26th day of September, 2023.

A handwritten signature in blue ink, appearing to read 'Toni Callicott', written over a horizontal line.

Toni Callicott, President
City of San Bernardino Water Board

Attest: Robin Ohama
Robin Ohama (Oct 3, 2023 10:03 PDT)

Robin Ohama
Deputy City Clerk & Ex Officio Secretary of the Water Board

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Robin Ohama, Deputy City Clerk & Ex Officio Secretary of the Water Board, hereby certify that the attached is a true copy of Resolution No. adopted at a regular meeting held on the 26th day of September, 2023 by the following vote:

<u>Waer Board:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CALLICOTT	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
HENDRIX	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
MLYNARSKI	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
BRICKLEY	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
JOHNSON	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

WITNESS my hand and official seal of the City of San Bernardino this 26th day of September, 2023.

Robin Ohama
Robin Ohama (Oct 3, 2023 10:03 PDT)

Robin Ohama
Deputy City Clerk & Ex Officio Secretary of
the Water Board

SIDE LETTER TO THE
MEMORANDUM OF UNDERSTANDING
DATED JULY 1, 2023, THROUGH JUNE 30, 2028
BETWEEN
THE CITY OF SAN BERNARDINO WATER BOARD
AND
THE SAN BERNARDINO ASSOCIATION OF WATER DEPARTMENT MID-MANAGERS

The Water Board and the San Bernardino Association of Water Department Mid-Managers (Association) hereby agree to a modification of the terms and conditions set forth in the Memorandum of Understanding (MOU) dated July 1, 2023, through June 30, 2028, between the Water Board and the Association as follows:

1. This Side Letter Agreement is to implement a one-time, non-pensionable premium pay for essential work provided during the COVID-19 public health emergency as follows:
 - a. One-time lump sum premium payment for all eligible full-time employees of \$5,000. Employees must have been employed at any time during March 13, 2020, through May 5, 2023, and must be employed on the date that the payment is disbursed.
 - b. The premium payment is taxable and is considered non-pensionable compensation.
 - c. The Premium payment will be issued on the first pay date following approval by the Board.
2. This Side Letter Agreement shall become effective upon Board approval.
3. All other terms and conditions of the MOU shall remain the same.



Aaron Winchester, President
San Bernardino Association of Water Department
Mid-Managers



Miguel J. Guerrero, P.E., General Manager
San Bernardino Municipal Water Department

Date: Sep 12, 2023

Date: Sep 12, 2023