

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING THE APPROPRIATIONS LIMIT FOR THE CITY OF MILPITAS FOR FISCAL YEAR 2010-2011

WHEREAS, Article XIII B, Section 1 of the Constitution of the State of California requires that total annual appropriations subject to limitation of the City of Milpitas shall not exceed the appropriations limit of the City for the prior year adjusted for changes in the cost of living and population except as otherwise provided; and

WHEREAS, this Article became effective July 1, 1980, as amended, which requires the City to establish its appropriations limit by resolution each year at a regularly scheduled meeting or a noticed special meeting, commencing after the beginning of each fiscal year; and

WHEREAS, the appropriations base for 1978-79 had been determined and adjusted by the changes in population, cost of living, and transfers of financial responsibility, establishing an appropriations limit for fiscal year 2010-2011 of \$66,571,940. The calculation is attached hereto as Attachment No.1 (“FY 2010-2011 APPROPRIATIONS LIMIT”); and

WHEREAS, documentation used in determining the appropriations limit has been made available to the public for a period of not less than fifteen (15) days prior to City Council consideration of this Resolution.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The appropriations limit for fiscal year 2010-2011 shall be \$66,571,940, as set forth herein.
3. Pursuant to Government Code Section 7910, no judicial action or proceeding to attack, review, set aside, void, or annul the action of the City Council in establishing the appropriations limit for fiscal year 2010-2011 shall be brought unless such action or proceeding shall have been commenced within forty-five (45) days of the date of adoption of this Resolution.

PASSED AND ADOPTED this ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

Attachment No. 1

FY 2010-2011 APPROPRIATIONS LIMIT

Per Capita Change	0.97460
* Population Change	1.01260
Calculation Factor FY 10-11 0.9746×1.0126	0.98688
FY 09-10 limit $\$67,456,978 \times 0.98688$	66,571,940
Appropriations Subject to Limit	<u>42,102,860</u>
Appropriations under Limit	<u><u>24,469,080</u></u>

* On June 5, 1990, the California electorate passed Proposition 111 which modified the method of adjusting the annual appropriations limit. Beginning with the 1990-91 appropriations limit, the City may choose from the following indices when determining the adjustment factor:

The annual growth in the City's population OR the annual growth in the County's population as provided by the State Department of Finance.

AND

The annual growth in the California Per Capita Personal Income OR the growth in the non-residential assessed valuation due to new construction within the City.

In computing the 2010-2011 appropriations limit, the population growth of the County and the California Per Capita Personal Income change were used.

RESOLUTION NO. ____

A JOINT RESOLUTION OF THE CITY COUNCIL AND REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS APPROVING THE FINAL BUDGET FOR THE CITY OF MILPITAS FOR THE FISCAL YEAR 2010-2011

WHEREAS, the City Manager/Executive Director submitted a 2010-2011 Proposed Budget and Financial Plan; and

WHEREAS, public hearings were held on the Proposed Plan where all interested persons were heard; and

WHEREAS, the City Council and the Redevelopment Agency reviewed the City Manager/Executive Director's 2010-2011 Proposed Budget and Financial Plan; and

WHEREAS, on May 11, 2010, the City Council and the Redevelopment Agency approved the 2010-2011 Financial Plan and the 2010-2011 Capital Budget.

NOW, THEREFORE, the City Council and the Board of the Redevelopment Agency of the City of Milpitas hereby find, determine, and resolve as follows:

1. The City Council and the Board have considered the full record before them, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to them. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The annual budget for the City of Milpitas for fiscal 2010-2011 is hereby reaffirmed and adopted totaling \$130,167,985 for all appropriated funds.
3. Appropriations and estimated fund balances are hereby made for the various purposes designated in the 2010-2011 Final Budget.
4. The budgets for all departments for the period July 1, 2010 through June 30, 2011, inclusively contained in this 2010-2011 Final Budget Resolution, are approved as the operating budget for those departments for fiscal 2010-2011.
5. Any unused non-salary and benefits-related appropriations, subject to the approval of the City Manager/Executive Director, at the end of fiscal 2009-2010 may be reappropriated for continued use in fiscal 2010-2011.
6. No office, department, or agency shall expend any amount or incur any liability or enter into any contract, which by its terms involves expenditures of money for any purpose in excess of the amounts appropriated for the particular departments, accounts, and funds set forth herein.
7. The City Manager/Executive Director may authorize, when in his or her judgment such action is consistent with the purposes and intent of the Budget as adopted, budget revisions subject to the following conditions:
 - a. Prior Council/Agency Approval Not Required. Prior approval of the City Council and/or Redevelopment Agency is not required under the following circumstances:
 - i. When revisions, which involve transfers from appropriated contingency reserves, are less than the aggregate amount of 1% of General Fund appropriations, or \$657,000 during fiscal 2010-2011, provided that the Council/Agency is notified in writing of the revision, giving the reason, the amount of the revision and the year-to-date total amount of revisions.
 - ii. When revisions involve transfers within various departments or projects within the same fund, provided that the amount of transfer in any single instance does not exceed \$20,000.

- iii. For Police goods and services to be purchased from Asset Seizure funds, the City Manager/Executive Director or his/her designee, has the authority to purchase such goods or services if the expenditures of such goods and services do not exceed the amount designated from Asset Seizure funds as approved by the City Council/Redevelopment Agency during the fiscal 2010-2011 Budget hearing.
- b. Prior Council/Agency Approval Required. Prior approval of the City Council and/or Redevelopment Agency is required if any of the following are involved:
 - i. Changes providing for increases in permanent personnel or changes in classification for personnel from the number of classes or personnel approved in the adopted Budget.
 - ii. Contract change orders in excess of \$20,000.
 - iii. Changes when in his or her judgment such action would be inconsistent with the purposes and intent of the Budget as adopted.
 - iv. Transfers from contingent reserves, which would cause the aggregate amount of 1% of General Fund appropriations, or \$657,000 during fiscal 2010-2011, to be exceeded.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk/Agency Secretary

Robert Livengood, Mayor/Chair

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney/Agency Counsel

RESOLUTION NO. _____

A JOINT RESOLUTION OF THE REDEVELOPMENT AGENCY AND THE CITY COUNCIL OF THE CITY OF MILPITAS MAKING FINDINGS FOLLOWING A PUBLIC HEARING FOR USE OF REDEVELOPMENT FUNDS

WHEREAS, the Milpitas Redevelopment Agency and the City Council of the City of Milpitas seek to acquire, construct, and improve certain public facilities of benefit to the Redevelopment Area and to the community; and

WHEREAS, the 2010-2015 Capital Improvement Program enumerates the capital projects that the Agency and the City of Milpitas wish to undertake, setting forth the desired timing and financing resources for the projects that are available to undertake said projects; and

WHEREAS, notice was given of a joint public hearing before the Milpitas Redevelopment Agency and the City Council of the City of Milpitas at 6:00 p.m. on May 11, 2010 at the Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, California; and

WHEREAS, prior to said hearing the 2010-2015 Capital Improvement Program was prepared and made available for public inspection and copying, and the 2010-2011 Capital Budget of the 2010-2015 Capital Improvement Program is hereby referred to and made a part hereof as though fully set forth herein; and

WHEREAS, a joint hearing was held at said time and place. Opportunity was given to any member of the public to comment and to inquire. The hearing was closed, and following the closure thereof the 2010-2015 Capital Budget was approved; and

WHEREAS, evidence was offered by the Agency/City staff in support of the findings hereafter made.

NOW, THEREFORE, the Board of the Redevelopment Agency and the City Council of the City of Milpitas hereby find, determine, and resolve as follows:

1. The Board and the City Council have considered the full record before them, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to them. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The evidence offered by the Agency/City staff and contained in the 2010-2015 Capital Improvement Program sets forth the facts supporting the determinations required to be made pursuant to Section 33445 of the Health and Safety Code and sets forth the redevelopment purpose for which redevelopment funds are being used to pay for the acquisition, construction, and improvements of publicly-owned facilities.
3. The land and facilities to be acquired, constructed, and improvements that are to be made thereon are within the Project Area of the Agency or adjacent to the Project Area.
4. The acquisition of land, facilities, buildings, structures, and other improvements to be acquired or constructed as set forth in the 2010-2015 Capital Improvement Program are of benefit to the Project Area and will assist in eliminating blighting conditions within the Project Area or provide housing for low- or moderate-income persons, and are consistent

with the latest Five Year Redevelopment Implementation Plan adopted by the Agency pursuant to Health & Safety Code Section 33490.

5. No other reasonable means of financing such buildings, land, facilities, structures or other improvements are available to the community.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk/Agency Secretary

Robert Livengood, Mayor/Chair

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney/Agency Counsel

RESOLUTION NO. _____

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS AUTHORIZING PAYMENTS TO THE CITY OF MILPITAS PURSUANT TO THE SECOND AMENDED AND RESTATED PUBLIC WORKS AGREEMENT

WHEREAS, on September 21, 1976, by Ordinance No. 192, the City Council of the City of Milpitas (“City”) adopted the redevelopment plan (“Redevelopment Plan”) for the Milpitas Redevelopment Project No. 1, (“the “Project”); and

WHEREAS, pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) and its general city powers, the City desires to assist the Milpitas Redevelopment Agency (“Agency”) in the implementation of the Project; and

WHEREAS, on June 3, 2003, the City and the Agency entered into a Second Amended and Restated Public Works Agreement (“Agreement”) for the construction of Public Improvements; and

WHEREAS, under the Agreement, the City is required to cause the acquisition and construction of certain public improvements and the performance of certain programs and activities as identified in the Redevelopment Agency Financing pages of the Five Year Capital Improvement Program, attached hereto as Attachment No. 1 (the “Public Improvements”) to serve and benefit the Project; and

WHEREAS, the Agency and the City have determined that the Public Improvements are of benefit to the Project, and that no other reasonable means of financing such Public Improvements are available to the community.

NOW, THEREFORE the Board of the Redevelopment Agency of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The Redevelopment Agency Board has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. In return for the City’s obligation to acquire, construct and perform such Public Improvements, the Redevelopment Agency shall pay to the City the full cost of the Public Improvements as set forth in Attachment No. 1, or any portion thereof as demanded by the City.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, Agency Secretary

Robert Livengood, Chair

APPROVED AS TO FORM:

Michael J. Ogaz, Agency Counsel

**PUBLIC IMPROVEMENTS
2010-15 CAPITAL IMPROVEMENT PROGRAM
REDEVELOPMENT AGENCY FINANCING**

FINANCE SOURCES

RDA Tax Increment	2010-11	2011-12	2012-13	2013-14	2014-15	TOTAL
Community Improvement	674,000	500,000	680,000	180,000	500,000	2,534,000
Park Improvement	0	0	0	0	0	0
Sewer Improvement	0	0	0	0	0	0
Storm Drain Improvement	35,000	362,000	550,000	0	400,000	1,347,000
Streets	0	550,000	0	550,000	0	1,100,000
Water	0	0	0	0	0	0
RDA Tax Increment Totals	709,000	1,412,000	1,230,000	730,000	900,000	4,981,000
RDA Bond (1997, 2000, and 2003)	2010-11	2011-12	2012-13	2013-14	2014-15	TOTAL
Community Improvement	0	0	0	0	0	0
Sewer Improvement	0	0	0	0	0	0
Streets	0	0	0	0	0	0
RDA Bond Totals	0	0	0	0	0	0
TOTAL FINANCE SOURCES	709,000	1,412,000	1,230,000	730,000	900,000	4,981,000

PROJECT EXPENSES

Community Improvement	2010-11	2011-12	2012-13	2013-14	2014-15	TOTAL
8182 City Building Improvements	500,000	0	500,000	0	500,000	1,500,000
8198 Department of Energy Grant Program	74,000	0	0	0	0	74,000
8200 Climate Action Plan	100,000	0	0	0	0	100,000
8201 MSC Pool Resurfacing	0	350,000	0	0	0	350,000
New Fire Apparatus Recycle Water Wash System	0	0	180,000	180,000	0	360,000
New MSC Master Plan Update	0	150,000	0	0	0	150,000
Total	674,000	500,000	680,000	180,000	500,000	2,534,000
Streets	2010-11	2011-12	2012-13	2013-14	2014-15	TOTAL
4254 Sidewalk Replacement 2011	0	50,000	0	0	0	50,000
8196 Soundwall Renovation	0	300,000	0	0	0	300,000
New Street Light Improvements	0	200,000	0	200,000	0	400,000
New Traffic Signal Installation	0	0	0	350,000	0	350,000
Total	0	550,000	0	550,000	0	1,100,000
Storm Drain Improvement	2010-11	2011-12	2012-13	2013-14	2014-15	TOTAL
3704 Fuel Tank Improvements	35,000	112,000	0	0	0	147,000
8188 Storm Pump Station Improvements	0	0	400,000	0	400,000	800,000
New Berryessa Pump Replacement 2013	0	0	150,000	0	0	150,000
New California Circle Pump Station	0	250,000	0	0	0	250,000
Total	35,000	362,000	550,000	0	400,000	1,347,000
TOTAL PROJECT EXPENSES	709,000	1,412,000	1,230,000	730,000	900,000	4,981,000

RESOLUTION NO. _____

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS DETERMINING THAT THE PLANNING AND ADMINISTRATION EXPENSES TO BE FUNDED IN FISCAL YEAR 2010-2011 BY THE HOUSING RESERVE FUND ARE NECESSARY FOR THE PRODUCTION, IMPROVEMENT, AND/OR PRESERVATION OF AFFORDABLE HOUSING FOR THE LOW AND MODERATE INCOME HOUSEHOLDS

WHEREAS, on September 21, 1976, by Ordinance No. 192, the City Council of the City of Milpitas adopted the redevelopment plan (“Redevelopment Plan”) for the Milpitas Redevelopment Project Area No. 1 (“Original Project Area”); and

WHEREAS, pursuant to Section 33334.2(a) of the California Community Redevelopment Law (Health and Safety Code Section 33000, *et seq.*) not less than 20% of all taxes which are allocated to the Milpitas Redevelopment Agency (“Agency”) shall be set aside by the Agency in a Housing Reserve Fund and used by the Agency for the purpose of increasing, improving and preserving the community’s supply of low- and moderate-income housing available at affordable housing costs to people and families of low and moderate income; and

WHEREAS, pursuant to Section 33334.3(d) of the California Community Redevelopment Law (Health and Safety Code Section 33000, *et seq.*) it is the intent of the California State Legislature that the amount of money spent for planning and general administration from the Housing Reserve Fund not be disproportionate to the amount actually spent for the cost of production.

NOW, THEREFORE the Board of the Redevelopment Agency of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The Redevelopment Agency Board has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The Redevelopment Agency Board hereby determines that it is necessary to allocate \$1,444,921 of the estimated \$8,929,598 Housing Reserve Fund Budget for the planning and administrative expenses necessary for the production, improvement, and/or preservation of low- and moderate-income housing during the 2010-2011 fiscal year.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, Agency Secretary

Robert Livengood, Chair

APPROVED AS TO FORM:

Michael J. Ogaz, Agency Counsel

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING
RESOLUTION NO. 1626, THE CLASSIFICATION PLAN**

WHEREAS, the City of Milpitas has a Classification Plan adopted as Resolution No. 1626 on December 17, 1968, which has been from time to time previously amended, and which is in accordance with the Personnel Rules and Regulations of the City of Milpitas (Resolution No. 792, as amended); and

WHEREAS, amendments to the Classification Plan are necessary to account for changes within the organization, transfer of duties, new job responsibilities, and adjustments to salary ranges.

NOW THEREFORE, the City Council of the City of Milpitas hereby finds, determines and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. Resolution No. 1626, as amended, is hereby amended effective July 1, 2010, as follows:
 - A. The classification of "Administrative Analyst" is no longer applicable within the Human Resources Department and is re-titled and changed to "Human Resources Analyst."
 - B. One Administrative Analyst position and one Human Resources Technician position within the Human Resources Department are deleted and a Senior Human Resources Analyst classification is added.
 - C. The titles and job descriptions for Human Resources Analyst and Senior Human Resources Analyst, copies of which are attached hereto, are approved.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

CITY OF MILPITAS
Established: July 1, 2010
EEOC: Professional
FLSA: Exempt
Unit: Unclassified
Physical: 6

Human Resources Analyst I/II

DEFINITION

Under the general supervision of the Human Resources Director or Designee, performs professional human resources administrative and analytical assignments in a variety of program areas including; recruitment and selection; classification; benefits and training; labor relations; human relations; and special programs; delivery of Human Resources services to internal and external customers including management functions, practices and in the implementation of program objectives; and to provide staff support in the administration and implementation of City programs, and policies as assigned.

Positions in this class perform a wide variety of management analysis activities and policies and procedures administration. Typical human resources related assignment areas include, but are not limited to budgeting, management and organization, workflow and staffing, systems development, program management and evaluation, policy and procedure development, management information analysis, classification, recruitment and examination, employee relations, and training. Incumbents may be assigned to either a specific analysis activity or to a generalist assignment with responsibility for dealing with a wide array of analytical staff assignments. Incumbents are expected to be capable of performing a variety of Human Resources related management analysis techniques and procedures.

DISTINGUISHING CHARACTERISTICS

Human Resources Analyst I: This is the entry-level class in the Human Resources Analyst Series. This class is distinguished from the Human Resources Analyst II class by the performance of less than the full range of duties as assigned to the journey level class in this series. This class is typically used as a training class in which incumbents have a four-year degree and limited work-related experience. Incumbents work under immediate supervision of a Human Resources Analyst II or Senior Human Resources Analyst while learning job tasks.

Human Resources Analyst II: This is the full journey level class in the Human Resources Analyst series: This class is distinguished from the Human Resources Analyst I class in that incumbents are able to perform the full range of duties, as assigned, independently with only occasional instruction or assistance as new or unusual situations arise. Positions in this class are flexibly staffed and are normally filled by advancement from the I level.

SUPERVISION RECEIVED AND EXERCISED

Human Resources Analyst I: Receives direct supervision from the immediate supervisor and may receive indirect supervision from a higher-level Analyst. Exercises no supervision.

Human Resources Analyst II: Receives general supervision from the immediate supervisor. May exercise supervision over assigned clerical or technical personnel.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Provides advice, interpretation and counsel to managers, supervisors and employees on Human Resources policies and procedures, and assures compliance with governing board policies and MOUs.

Conduct surveys and perform research and statistical analyses as requested; prepare summary reports. Conduct routine position classification studies, prepare and revise job specifications.

Prepare recruitment plans, job announcements and advertising strategies. Review and evaluate applications and determine applicant eligibility. Provide information to applicants and the general public concerning employment opportunities and examination procedures. Supervise and participate in the administration of examination, scoring and the establishment of eligibility lists. Certify eligibility lists to departments.

Assist in formulating program policy, goals and procedures; collect and compile relevant data supporting recommendations including development of new program elements and program modifications as necessary to meet stated goals and objectives of assigned program responsibilities.

Assists in the management of employee benefit programs, monitor compliance and may make recommendations based on cost effectiveness and benefit optimizations.

Monitor and coordinate the daily operation of assigned program area; perform administrative detail work and maintain appropriate records and statistics; monitor progress and evaluate work measurement data of various City programs.

Develop and analyze quantitative data for management evaluation purposes. Make verbal presentations of study findings/recommendations to department and City management and commissions, as the assignment requires.

Perform audits and analysis in areas such as: programs, contracts, budgets and internal processing.

Participate in special projects as assigned.

QUALIFICATIONS

Knowledge of:

- Principles of local government organization and administration.
- Statistical concepts and methods.
- Communications techniques required for gathering, evaluating, and transmitting information.
- Human Resources management, principles, procedures, practices.

Ability to:

- Learn applicable procedures, rules, laws, and policies.
- Communicate effectively, orally and in writing.
- Gather, analyze, evaluate, interpret and present a variety of data and information.
- Prepare reports supporting recommendations.
- Establish and maintain effective working relationships.
- Interact with personnel at all organizational levels and function in stressful and/or confrontational situations.
- Initiate, plan, and complete work assignments with a minimum amount of supervision.
- Collect, compile, and analyze information and data.
- Work with sensitive and confidential matters with discretion.
- Multi-task, remain flexible to priority changes.

Administrative Analyst II: In addition to the qualifications required for the Administrative Analyst I:

Knowledge of:

- Applicable federal and state laws and regulations.
- Fundamental principles and practices of public administration.
- Principles and practices of budgetary analysis.
- Report writing techniques and spreadsheet development and analysis techniques.
- Principles and practices of public human resources administration, including recruitment, selection, employee benefits, worker's compensation, labor relations.

Ability to:

- Apply and interpret procedures, rules, laws, and policies.
- Analyze complex data and make sound, well-structured recommendations.
- Use and manage automated information systems, including the personal computer applications such as word processing and spreadsheets.

EDUCATION AND EXPERIENCE

Administrative Analyst I/II: Bachelor's degree from an accredited college or university with major coursework in human resources administration, public administration, political science, business administration or a closely related field.

Administrative Analyst II: Two years of technical or professional level human resources experience and lead or supervisory experience.

LICENSE OR CERTIFICATE

Possession and maintenance of a valid California Driver's License may be required.

SPECIAL REQUIREMENTS:

Essential duties require the following physical abilities and work environment.

Ability to work in a standard office environment; able to travel to various locations within and outside the City of Milpitas.

Approved by:

City Manager

Date

Human Resources Director

Date

CITY OF MILPITAS
Established: DRAFT
EEOC: Professional
FLSA: Exempt
Unit: Mid/Management
Confidential
Physical: 1

SENIOR HUMAN RESOURCES ANALYST

DEFINITION: Plans, coordinates, supervises and performs professional-level personnel work of a difficult and complex nature in the areas of recruitment & selection; position classification & compensation; employee benefits; workers' compensation; employee relations; training; conducts analytical studies involving all aspects of the human resources profession and perform related work as required.

SUPERVISION RECEIVED AND EXERCISED: Exercises general supervision over assigned professional, technical and administrative staff. This position will report directly to the Human Resources Director.

EXAMPLES OF DUTIES: The essential functions of this classification may include, but are not limited to, the functions below and are to subject to changes in operational necessity.

Supervises and assigns work to Human Resources department staff;

Participates in labor negotiations as required;

Attends City Council meetings related to areas of responsibility as needed;

Manages, plans, develops, conducts and monitors employee development programs including (but not limited to) workers' compensation; Occupational and Safety and Health Administration (OSHA) and other regulatory compliance; staff development, and benefits administration.

Conducts or arranges for staff training as appropriate; ensures compliance with safety regulations in accordance with the Injury and Illness Prevention Program (IIPP), corrects and reports safety concerns to Director, may serve as departments safety coordinator;

Performs required duties under the City's disaster response plan;

Conducts organizational development needs assessments and follow-up studies to determine the effectiveness of the associated training program;

Develops and distributes RFP's; solicits and evaluates proposals from consultants and City Management staff for specific training and organizational development programs;

Approves and monitors employee leaves of absence in accordance with City policy and state and federal laws; meets with employees to explain leave laws and policies;

Develops recruitment plans and participates in the preparation of written; oral; performance and other testing instruments in accordance with the City's procedures and applicable state and federal guidelines;

Assists in the development of job specifications and classification studies;

Reviews departmental policies and procedures and makes recommendations to improve effectiveness.

Provides guidance and advice to operating departments on a variety of personnel-related issues including the interpretation and application of the Personnel Rules, MOU's, policies and procedures, and other related federal employment-related laws.

Assists in the development of the department's annual budget;

Recommends and writes personnel policies and procedures; prepares staff reports and confidential findings;

Indirectly manages the workers' compensation program, the Injury Illness & Prevention Program, the City's medical benefits program and training.

Support to the Veterans Commission

QUALIFICATIONS

Knowledge of:

- Principles and practices of modern public sector Human Resource Management including recruitment & selection, classification & compensation, benefits program, workers' compensation administration, FMLA, CFRA, PDL, HIPPA, COBRA and labor relations.
- Basic research statistics as used in personnel assessment and compensation;
- Principles of supervision and performance evaluation;
- Principles of budget planning, preparation and monitoring;
- Applicable state, federal, and local employment laws, regulations and related procedures;
- Principles and practices of group and voluntary employee benefit programs including medical, dental, employee assistance programs, short and long term disability and life;
- Principles and practices of employee development programs.

Ability to:

- Develop, interpret and recommend policies and procedures related to assigned responsibilities;
- Evaluate the effectiveness of personnel systems and procedures;
- Analyze and evaluate departmental information systems including associated software and work processes;
- Evaluate problems and determine effective solutions;
- Identify and make recommendations for improvements to increase departmental effectiveness;
- Conduct studies and develop training programs bases upon needs assessment;
- Establish and maintain effective working relationships with elected officials, department managers, employees and the general public;
- Plan, organize and supervise the work of assigned staff;
- Communicate clearly and concisely, both orally and in writing; and
- Use of computers including Excel, Word, Outlook.

EDUCATION: Bachelor’s degree from an accredited college or university with major course work in human resources administration, public administration, political science, business administration or a closely related field.

EXPERIENCE: Three years of recent substantial and progressively responsible human resource experience in areas closely related to the assigned functions. Management or supervisory experience in areas listed above is highly desired.

LICENSE AND OTHER REQUIREMENTS: Must be willing to work such hours as are necessary to accomplish the job requirements; travel to attend meetings, seminars and conferences. Possession and maintenance of valid California Driver’s License is required.

SPECIAL REQUIREMENTS:

Essential duties require the following physical abilities and work environment.

Ability to work in a standard office environment including use of a computer and the ability to work alone or with other individuals.

Approved by:

City Manager

Date

Human Resources Director

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE RESPECTIVE EMPLOYEE ASSOCIATIONS SIDE LETTER AGREEMENTS AND OTHER AGREEMENTS WITH THE MILPITAS EMPLOYEES ASSOCIATION, THE MILPITAS MID-MANAGEMENT AND CONFIDENTIAL UNIT, THE MILPITAS SUPERVISORS ASSOCIATION, THE MILPITAS PROFESSIONAL AND TECHNICAL GROUP, THE MILPITAS POLICE OFFICERS ASSOCIATION, THE UNREPRESENTED EMPLOYEES OF MILPITAS, AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 1699, FOR A MANDATORY UNPAID FURLOUGH PROGRAM AND/OR OTHER BUDGET REDUCTION MEASURES FOR THE 2010-11 FISCAL YEAR (JULY 1, 2010-JUNE 30, 2011)

WHEREAS, the local and state economy has suffered unprecedented economic turbulence that has led to a marked decrease in government revenues; and

WHEREAS, the City’s projected 2010-11 Fiscal Year General Fund budget faced an estimated initial budget gap of approximately of \$10.6 million due to sharp declines in projected revenues, particularly in the area of local sales taxes, transient occupancy taxes, property taxes, and revenues from the State of California; and

WHEREAS, in the face of such present and future budgetary shortfalls, the City has already instituted cost-saving measures such as staff layoffs, reductions in operating budgets, the use of federal stimulus funding, and the implementation of cost-saving programs and contracts; and

WHEREAS, in order to address the shortfalls in the City’s Fiscal Year 2010-11 General Fund Budget, it was necessary to obtain the concurrence of employee associations and unrepresented employees to certain concessions. Representatives of the City and the employee associations have met and conferred in good faith and have come to agreements, which are memorialized in the documents attached hereto as Exhibits A through G and are ready for determination by the City Council; and

WHEREAS, the agreed upon unpaid mandatory furlough program and the other budget-reduction measures set forth in the side letter agreements and other agreements attached hereto are the best methods for achieving budgetary reductions in the upcoming fiscal year while still preserving vital City services.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby approves the side letter agreements and other agreements attached hereto as Exhibits A through F with the following employee groups and associations:
 - a. The Milpitas Employees Association
 - b. The Mid-Management and Confidential Unit
 - c. Milpitas Supervisors Association
 - d. Milpitas Professional and Technical Group
 - e. Milpitas Police Officers Association
 - f. Unrepresented Employees
 - g. The International Association of Firefighters, Local 1699

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

SIDE LETTER AGREEMENT BETWEEN CITY OF MILPITAS AND MILPITAS EMPLOYEES ASSOCIATION

It is hereby agreed and stipulated by and between the City of Milpitas (City) and Milpitas Employees Association (MEA) that due to the severe budget constraints faced by the City for the fiscal year 2010/2011, the following concessions are agreed to by the City and MEA and by its membership employees which MEA hereby represents did approve by majority vote:

1. MEA covered employees shall accept a furlough program that will reduce payroll costs in an approximate amount of 7% and will constitute 145.5 hours of unpaid furlough time per 40 hour employee and 136.5 hours of unpaid furlough time per 37.5 hour employee for the fiscal year 2010/2011. Employees working less hours will receive a proportionate amount of furlough hours depending upon their work week. Employee paychecks shall reflect even distribution of furlough time throughout the fiscal year.
2. The parties understand from information provided by PERS that the furlough program at this rate will not affect MEA employees' PERS service credit or their rate of compensation used to determine highest and best year.
3. Furlough days shall be distributed evenly throughout the fiscal year. Schedules shall be set by each of the Department Heads for their supervised employees, although Department Heads shall consider substitution days based upon employee requests and the needs of the Department.
4. The City Manager agrees to make best efforts to avoid layoffs for employees in bargaining units that are participating in the furlough program in recognition of their efforts to assist the City with balancing the budget.
5. If layoffs are planned to be implemented within the UPEC represented or affiliated units within the fiscal year 2010/2011, then the parties agree to discuss amendments to this side letter.
6. The current MOU, now set to expire on June 30, 2010, is hereby extended until December 31, 2010, with all provisions in full force and effect except as otherwise dictated by this Side Letter.
7. In order that the furlough program has the effect of assisting in reducing and therefore balancing the City budget for fiscal year 2010/2011, all ability to sell back vacation time under section 23.09 of the current MOU is hereby suspended. Notwithstanding this provision, exceptions may be made for hardship on a case-by-case basis by the City Manager. The City Manager's decision shall be final on these matters and not subject to grievance or other review.

8. All of the provisions of this Side Letter shall take effect on July 1, 2010 and expire on June 30, 2011.

This Side Letter shall constitute a change in conditions from those set forth in the current MOU governing MEA and the City. To the extent this Side Letter is inconsistent with the current MOU, this Side Letter shall constitute the intent of and govern the rights of the parties.

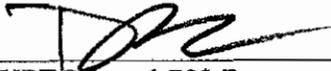
By execution of this Side Letter, all parties agree that this matter has been fully discussed amongst the parties and that all meet and confer obligations of the law, including the Meyers Milias Brown Act, have been fully complied with.

Upon execution, this Agreement shall be a valid contract amongst the parties. Implementation of the terms of this Agreement is specifically conditioned upon City Council approval.

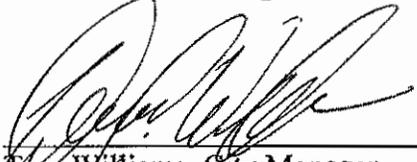
4-7-10
Dated


Paul Mullet, MEA President

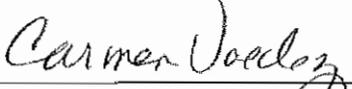
4/7/2010
Dated


UPEC Local 792 Representative

4/7/10
Dated


Tom Williams, City Manager

4/7/10
Dated


Carmen Valdez, HR Director

Approved as to Form:

4-7-10
Dated


Michael Ogaz, City Attorney

EXHIBIT B

**SIDE LETTER AGREEMENT BETWEEN CITY OF MILPITAS AND
MID-MANAGEMENT AND CONFIDENTIAL UNIT (represented by
UPEC LOCAL 792, AFL-CIO)**

It is hereby agreed and stipulated by and between the City of Milpitas (City) and Milpitas Mid-Management and Confidential Unit represented by UPEC Local 792 AFL-CIO (MIDCON) that due to the severe budget constraints faced by the City for the fiscal year 2010/2011, the following concessions are agreed to by the City and MIDCON and by its membership employees which MIDCON hereby represents did approve by majority vote:

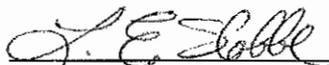
1. MIDCON covered employees shall accept a furlough program that will reduce payroll costs in an approximate amount of 7% and will constitute 145.5 hours of unpaid furlough time per 40 hour employee for the fiscal year 2010/2011. Employees working less hours will receive a proportionate amount of furlough hours depending upon their work week. Employee paychecks shall reflect even distribution of furlough time throughout the year.
2. The parties understand from information provided by PERS that the furlough program at this rate will not affect MIDCON employees' PERS service credit or their rate of compensation used to determine highest and best year.
3. Furlough days shall be distributed evenly throughout the fiscal year. Schedules shall be set by each of the Department Heads for their supervised employees, although Department Heads shall consider substitution days based upon employee requests and the needs of the Department.
4. The City Manager agrees to make best efforts to avoid layoffs for employees in bargaining units that are participating in the furlough program in recognition of their efforts to assist the City with balancing the budget.
5. If layoffs are planned to be implemented within the UPEC represented or affiliated units within the fiscal year 2010/2011, then the parties agree to discuss amendments to this side letter.
6. The current MOU, set to expire on December 31, 2011, shall remain in full force and effect except as otherwise dictated by this Side Letter.
7. In order that the furlough program has the effect of assisting in reducing and therefore balancing the City budget for fiscal year 2010/2011, all ability to sell back vacation time under section 8.08 of the current MOU is hereby suspended. Notwithstanding this provision, exceptions may be made for hardship on a case-by-case basis by the City Manager. The City Manager's decision shall be final on these matters and not subject to grievance or other review.
8. All of the provisions of this Side Letter shall take effect on July 1, 2010 and expire on June 30, 2011.

This Side Letter shall constitute a change in conditions from those set forth in the current MOU governing MIDCON and the City. To the extent this Side Letter is inconsistent with the current MOU, this Side Letter shall constitute the intent of and govern the rights of the parties.

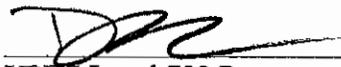
By execution of this Side Letter, all parties agree that this matter has been fully discussed amongst the parties and that all meet and confer obligations of the law, including the Meyers Milias Brown Act, have been fully complied with.

Upon execution, this Agreement shall be a valid contract amongst the parties. Implementation of the terms of this Agreement is specifically conditioned upon City Council approval.

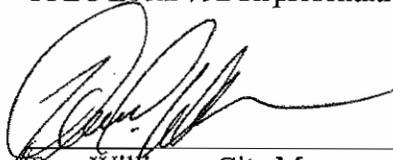
4/07/10
Dated


Leslie Stobbe,
MIDCON authorized representative

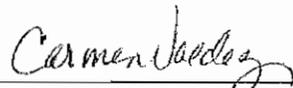
4/7/2010
Dated


UPEC Local 792 Representative

4/7/10
Dated

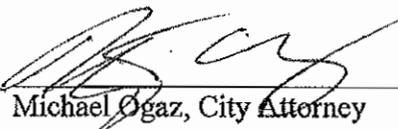

Tom Williams, City Manager

4/7/10
Dated


Carmen Valdez, HR Director

Approved as to Form:

4-7-10
Dated


Michael Ogaz, City Attorney

This Side Letter shall constitute a change in conditions from those set forth in the current MOU governing MIDCON and the City. To the extent this Side Letter is inconsistent with the current MOU, this Side Letter shall constitute the intent of and govern the rights of the parties.

By execution of this Side Letter, all parties agree that this matter has been fully discussed amongst the parties and that all meet and confer obligations of the law, including the Meyers Milias Brown Act, have been fully complied with.

Upon execution, this Agreement shall be a valid contract amongst the parties. Implementation of the terms of this Agreement is specifically conditioned upon City Council approval.

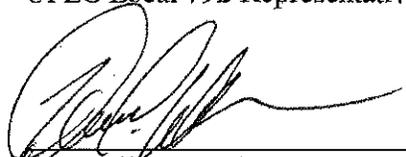
4/07/10
Dated


Leslie Stobbe,
MIDCON authorized representative

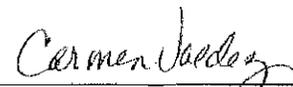
4/7/2010
Dated


UPEC Local 792 Representative

4/7/10
Dated

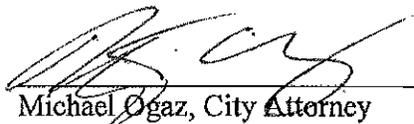

Tom Williams, City Manager

4/7/10
Dated


Carmen Valdez, HR Director

Approved as to Form:

4-7-10
Dated


Michael Ogaz, City Attorney

SIDE LETTER AGREEMENT BETWEEN CITY OF MILPITAS AND MILPITAS SUPERVISORS ASSOCIATION

It is hereby agreed and stipulated by and between the City of Milpitas (City) and Milpitas Supervisors Association (MSA) that due to the severe budget constraints faced by the City for the fiscal year 2010/2011, the following concessions are agreed to by the City and MSA and by its membership employees which MSA hereby represents did approve by majority vote:

1. MSA covered employees shall accept a furlough program that will reduce payroll costs in an approximate amount of 7% and will constitute 145.5 hours of unpaid furlough time per 40 hour employee and 136.5 hours of unpaid furlough time per 37.5 hour employee for the fiscal year 2010/2011. Employees working less hours will receive a proportionate amount of furlough hours depending upon their work week. Employee paychecks shall reflect even distribution of furlough time throughout the fiscal year.
2. The parties understand from information provided by PERS that the furlough program at this rate will not affect MSA employees' PERS service credit or their rate of compensation used to determine highest and best year.
3. Furlough days shall be distributed evenly throughout the fiscal year. Schedules shall be set by each of the Department Heads for their supervised employees, although Department Heads shall consider substitution days based upon employee requests and the needs of the Department.
4. The City Manager agrees to make best efforts to avoid layoffs for employees in bargaining units that are participating in the furlough program in recognition of their efforts to assist the City with balancing the budget.
5. If layoffs are planned to be implemented within the UPEC represented or affiliated units within the fiscal year 2010/2011, then the parties agree to discuss amendments to this side letter.
6. The current MOU, set to expire on December 31, 2010, shall remain in full force and effect except as otherwise dictated by this Side Letter.
7. In order that the furlough program has the effect of assisting in reducing and therefore balancing the City budget for fiscal year 2010/2011, all ability to sell back vacation time under section 24.09 of the current MOU is hereby suspended. Notwithstanding this provision, exceptions may be made for hardship on a case-by-case basis by the City Manager. The City Manager's decision shall be final on these matters and not subject to grievance or other review.
8. All of the provisions of this Side Letter shall take effect on July 1, 2010 and expire on June 30, 2011.

This Side Letter shall constitute a change in conditions from those set forth in the current MOU governing MSA and the City. To the extent this Side Letter is inconsistent with the current MOU, this Side Letter shall constitute the intent of and govern the rights of the parties.

By execution of this Side Letter, all parties agree that this matter has been fully discussed amongst the parties and that all meet and confer obligations of the law, including the Meyers Milias Brown Act, have been fully complied with.

Upon execution, this Agreement shall be a valid contract amongst the parties. Implementation of the terms of this Agreement is specifically conditioned upon City Council approval.

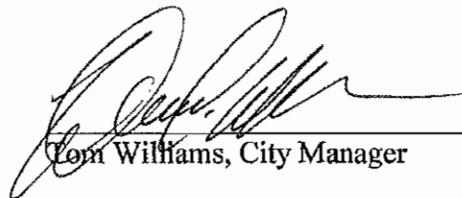
4/7/10
Dated


Stephan Smith, MSA President

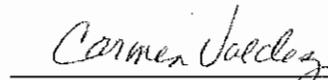
4/7/2010
Dated


UPEC Local 792 Representative

4/7/10
Dated


Tom Williams, City Manager

4/7/10
Dated


Carmen Valdez, HR Director

Approved as to Form:

4-7-10
Dated

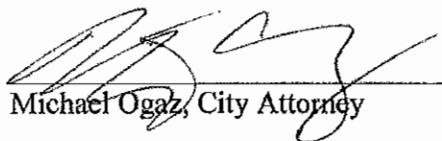

Michael Ogaz, City Attorney

EXHIBIT D

**SIDE LETTER AGREEMENT BETWEEN CITY OF MILPITAS
AND MILPITAS PROFESSIONAL AND TECHNICAL GROUP**

It is hereby agreed and stipulated by and between the City of Milpitas (City) and Milpitas Professional and Technical Group (PROTECH) that due to the severe budget constraints faced by the City for the fiscal year 2010/2011, the following concessions are agreed to by the City and PROTECH and by its membership employees which PROTECH hereby represents did approve by majority vote:

1. PROTECH covered employees shall accept a furlough program that will reduce payroll costs in an approximate amount of 7% and will constitute 145.5 hours of unpaid furlough time per 40 hour employee for the fiscal year 2010/2011. Employees working less hours will receive a proportionate amount of furlough hours depending upon their work week. Employee paychecks shall reflect even distribution of furlough time throughout the fiscal year.
2. The parties understand from information provided by PERS that the furlough program at this rate will not affect PROTECH employees' PERS service credit or their rate of compensation used to determine highest and best year.
3. Furlough days shall be distributed evenly throughout the fiscal year. Schedules shall be set by each of the Department Heads for their supervised employees, although Department Heads shall consider substitution days based upon employee requests and the needs of the Department.
4. The City Manager agrees to make best efforts to avoid layoffs for employees in bargaining units that are participating in the furlough program in recognition of their efforts to assist the City with balancing the budget.
5. If layoffs are planned to be implemented within the UPEC represented or affiliated units within the fiscal year 2010/2011, then the parties agree to discuss amendments to this side letter.
6. The current MOU, set to expire on June 30, 2011, shall remain in full force and effect except as otherwise dictated by this Side Letter.
7. In order that the furlough program has the effect of assisting in reducing and therefore balancing the City budget for fiscal year 2010/2011, all ability to sell back vacation time under section 9.09 of the current MOU is hereby suspended. Notwithstanding this provision, exceptions may be made for hardship on a case-by-case basis by the City Manager. The City Manager's decision shall be final on these matters and not subject to grievance or other review.

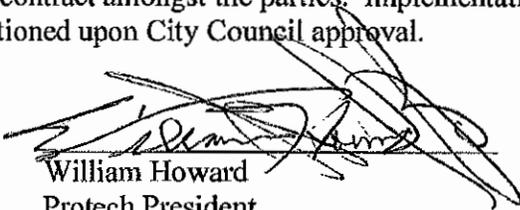
8. All of the provisions of this Side Letter shall take effect on July 1, 2010 and expire on June 30, 2011.

This Side Letter shall constitute a change in conditions from those set forth in the current MOU governing PROTECH and the City. To the extent this Side Letter is inconsistent with the current MOU, this Side Letter shall constitute the intent of and govern the rights of the parties.

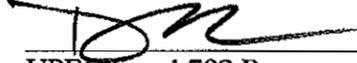
By execution of this Side Letter, all parties agree that this matter has been fully discussed amongst the parties and that all meet and confer obligations of the law, including the Meyers Milius Brown Act, have been fully complied with.

Upon execution, this Agreement shall be a valid contract amongst the parties. Implementation of the terms of this Agreement is specifically conditioned upon City Council approval.

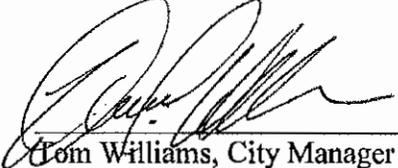
4/7/10
Dated


William Howard
Protech President

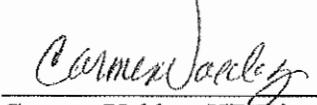
4/7/2010
Dated


UPEC Local 792 Representative

4/7/10
Dated


Tom Williams, City Manager

4/7/10
Dated


Carmen Valdez, HR Director

Approved as to Form:

4-7-10
Dated

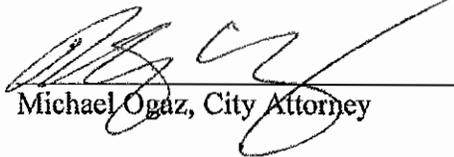

Michael Ogaz, City Attorney

EXHIBIT E

POLICE OFFICERS ASSOCIATION AGREEMENT TO FOLLOW

LETTER OF COMMITMENT TO BUDGET REDUCTION MEASURES BY UNREPRESENTED EMPLOYEES

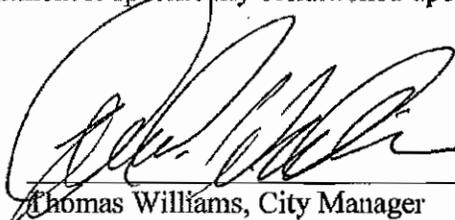
It is hereby agreed by the undersigned unrepresented employees that due to the severe budget constraints faced by the City for the fiscal year 2010/2011, the following concessions are agreed to as a result of a majority vote of the unrepresented employees:

1. Unrepresented employees shall accept a furlough program or a PERS payback program or a combination of the two that will reduce payroll costs in an approximate amount of 7%. Employees working different or less hours will receive a proportionate amount of furlough/payback depending upon their work week. Employee paychecks shall reflect even distribution of furlough time or PERS payback throughout the fiscal year.
2. The parties understand from information provided by PERS that the furlough program at this rate will not affect employees' PERS service credit or their rate of compensation used to determine highest and best year.
3. If applicable, furlough days shall be distributed evenly throughout the fiscal year. Schedules shall be set by each of the Department Heads for their supervised employees, although Department Heads shall consider substitution days based upon employee requests and the needs of the Department.
4. It is acknowledged that the City Manager agrees to make best efforts to avoid layoffs for unrepresented employees that are participating in the furlough program in recognition of their efforts to assist the City with balancing the budget.
5. In order that the furlough/payback program has the effect of assisting in reducing and therefore balancing the City budget for fiscal year 2010/2011, all ability to sell back vacation time is hereby suspended. Notwithstanding this provision, exceptions may be made for hardship on a case-by-case basis by the City Manager. The City Manager's decision shall be final on these matters and not subject to grievance or other review.
6. All of the provisions of this Letter of Commitment shall take effect on July 1, 2010 and expire on June 30, 2011.

Implementation of the terms of this Commitment is specifically conditioned upon City Council approval.

CITY MANAGER

4/12/10
Dated


Thomas Williams, City Manager

CITY ATTORNEY

4-12-10
Dated


Michael Ogaz, City Attorney

DEPARTMENT HEADS

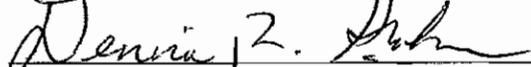
4/12/10
Dated


Greg Armendariz, City Engineer/Public Works Director

4/12/10
Dated


Diana Barnhart, Economic Development Manager

4-12-10
Dated


Dennis Graham, Chief of Police

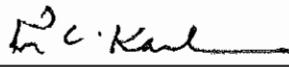
4-12-10
Dated


Bonnie Greiner, Parks & Recreation Services Director

4-12-10
Dated


Keyvan Irannejad, Chief Building Official

4/12/10
Dated


Emma Karlen, Finance Director

4/12/2010
Dated


Mary Lavelle, City Clerk

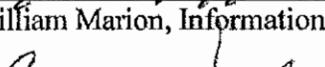
4/12/2010
Dated


James Lindsay, Planning & Neighborhood Services Director

4/12/2010
Dated


William Marion, Information Services Director

4/12/2010
Dated


Carmen Valdez - Human Resources Director

POLICE COMMANDERS

4/12/10
Dated


Armando Corpuz, Commander

4-12-10
Dated


Charlotte Pang, Commander

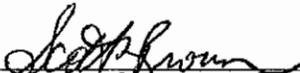
4-12-10
Dated


Steven Pangelman, Commander

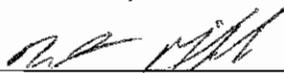
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FIRE BATTALION CHIEFS

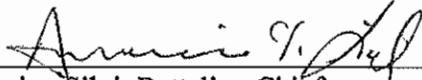
4/12/10
Dated


Scott Brown, Battalion Chief

4-12-10
Dated


Robert Mihovich, Battalion Chief

4/12/10
Dated


Americo Silvi, Battalion Chief

MISCELLANEOUS

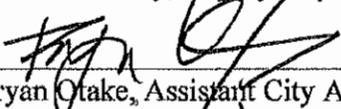
4-12-10
Dated


Steve Erickson, CIP Manager

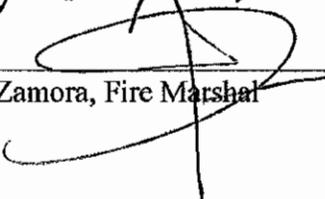
4/12-10
Dated


Bronwen Lacey, Deputy City Attorney

4-12-10
Dated


Bryan Otake, Assistant City Attorney

4/12/10
Dated


Albert Zamora, Fire Marshal

**LETTER OF UNDERSTANDING BETWEEN THE CITY OF MILPITAS AND
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 1699**

The City of Milpitas, hereby referred to as "City," and the International Association of Firefighters, Local 1699, hereby referred to as "Union," execute this Letter of Understanding ("LOU") regarding the extension of the existing Memorandum of Understanding ("MOU") by and between the City and the Union which is in effect until December 31, 2011.

The City and the Union agree:

1. Except as modified herein, all terms of the MOU shall be extended from December 31, 2011 to December 31, 2012.
2. The three percent (3%) salary increase scheduled to be effective as of January 2011 shall be deferred for one calendar year until January 2012.
3. For fiscal year 2010-2011, the City shall maintain four (4) additional vacancy positions for a maximum total of twelve (12) vacancies below the staffing required for the three (3) shifts pursuant to Section 21.01. The City shall with all deliberate speed prepare an eligibility list for the appointment to the classification of firefighter for fiscal year 2010-2011.
4. Any dispute concerning the interpretation or application of this LOU shall constitute a "grievance" as defined by Section 8.01.1 of the MOU.
5. The City and the Union anticipate that the provisions of this MOU shall result in an approximate seven percent (7%) reduction in bargaining unit costs for fiscal year 2010-2011.
6. In order that the cost-cutting measures have an effect of assisting in reducing and therefore balancing the City's budget for fiscal year 2010/2011, all ability to sell back vacation time under section 10.07 of the current MOU is hereby suspended. Notwithstanding this provision, exceptions may be made for hardship on a case-by-case basis by the City Manager. The City Manager's decision shall be final on these matters and not subject to grievance or other review.
7. The provisions of this LOU shall expire effective December 30, 2012, unless otherwise amended.

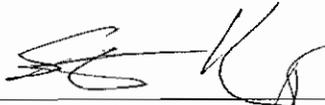
This LOU shall become effective upon ratification by the affected membership of the Union and by the Milpitas City Council.

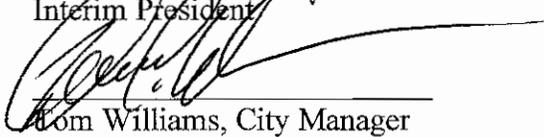
5/20/2010
Dated

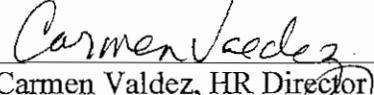
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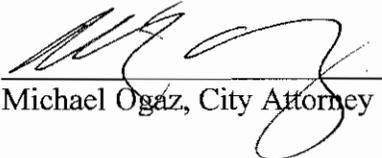
5/20/2010
Dated

Approved as to Form:
5-20-2010
Dated


Steven King, IAFF Local 1699
Interim President


Tom Williams, City Manager


Carmen Valdez, HR Director


Michael Ogaz, City Attorney