

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
ADOPTING THE FIRST AMENDMENT TO LETTER OF UNDERSTANDING WITH THE
ASSOCIATION OF MILPITAS BATTALION CHIEFS**

WHEREAS, the Association of Milpitas Battalion Chiefs (“AMBC”), a recently formed employee group, entered into a Letter of Understanding (“LOU”) with the City of Milpitas (“City”) which was adopted by City Council on August 6, 2013 by Resolution No. 8282; and

WHEREAS, said LOU was entered into as an interim agreement regarding AMBC compensation for a limited duration prior to the parties’ completion of meet and confer negotiations over the terms of an initial Memorandum of Understanding (“MOU”) to be entered into between them; and

WHEREAS, the parties have not yet completed the meet and confer negotiations over the terms of the initial MOU for AMBC, and therefore wish to now extend the terms of the LOU to be in effect for a further limited duration as set forth in the First Amendment to LOU attached hereto as Exhibit A.

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 First Amendment to Letter of Understanding between the City and AMBC is hereby adopted, conditioned upon ratification by the affected membership of AMBC.

PASSED AND ADOPTED this ____ day of _____, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

EXHIBIT A

**FIRST AMENDMENT TO LETTER OF UNDERSTANDING BETWEEN
THE CITY OF MILPITAS
AND
THE ASSOCIATION OF
MILPITAS BATTALION CHIEFS**

The City of Milpitas and the Association of Milpitas Battalion Chiefs (AMBC) execute this First Amendment to that Letter of Understanding regarding the coverage of additional duty chief work periods originally adopted by City Council Resolution No. 8282 on August 6, 2013.

WHEREAS, the parties have not yet completed the meet and confer negotiations over the terms of the initial Memorandum of Understanding (MOU) for AMBC, but wish to now extend the Letter of Understanding (LOU) regarding AMBC compensation to be in effect for limited duration as set forth below before a complete MOU is negotiated and approved and, therefore:

The City of Milpitas and the Association of Milpitas Battalion Chiefs agree:

1. The terms and provisions of the LOU are hereby extended through and including June 30, 2014, or until such earlier time as the LOU and any amendments thereto are replaced by a fully ratified and executed MOU.
2. This First Amendment to the LOU shall be retroactive to the date of expiration of the LOU, i.e., October 8, 2013, such that there shall be no lapse in continuity.
3. All other terms of the original LOU shall be in full force an effect concurrent with the term of this First Amendment to the LOU.

Dated: October ____, 2013

CITY OF MILPITAS

By: _____
Thomas C. Williams, City Manager

Dated: October ____, 2013

ASSOCIATION OF MILPITAS BATTALION
CHIEFS

By: _____
Robert Mihovich, President