



Item Number: 5

City Council / Board of Directors

Written Communications

Meeting of: October 4, 2022

Submitted By:

Keith C. Metzler, City Manager
Sophie Smith, Deputy City Manager

Subject:

Side Letter of Agreement between the City of Victorville and the Victorville Professional Firefighters

Recommendation:

- (1) That the Honorable City Council adopt Resolution No. 22-105 Approving a Side Letter of Agreement between the City of Victorville and the Victorville Professional Firefighters and authorize the City Manager to execute said Side Letter; and
- (2) That the Honorable City Council approve a change to the FY 22-23 Table of Organization.

Fiscal Impact:

The fiscal impact associated with the Side Letter of Agreement is approximately \$20,000 for FY 22-23. No additional appropriation is necessary as there are sufficient funds within the existing Fire department budget to absorb the related specialty pay and training costs. In addition, there will be a budget savings from the downgrade of the Fire Inspector II position to a Fire Inspector I position which will help to offset the costs associated with the Arson Shift Investigator pay.

Background:

On January 16, 2018, the Victorville City Council took action to re-establish a City operated Fire Department and directed staff to begin formation. On March 30, 2019, the City officially transitioned its fire service from the San Bernardino County Fire Protection District to its own City Fire Department. On November 5, 2019, the City Council adopted Ordinance No. 2296, which established the parameters for Employer-Employee Relations and established related policies and procedures. Ordinance No. 2296 was subsequently codified as Victorville Municipal Code, Chapter 2.40.

On April 14, 2020, the Victorville Professional Firefighters (“VPF”) submitted a petition for recognition in accordance with Victorville Municipal Code Section 2.40.050. On April 17, 2020, and in accordance with VMC 2.40.060 and 2.40.070, the City gave written notice of its receipt of the request for recognition, thereby starting the 30-day challenge period required in code. Subsequently, on May 18, 2020, the City formally recognized the VPF as the exclusive employee organization for Fire Captains, Fire Engineers, and Firefighter/Paramedics of the department.

Once the union was formally recognized, the City commenced negotiations with the VPF with the intent to enter into its first Memorandum of Understanding (MOU). The City’s negotiating team met and conferred with the VPF representatives on numerous occasions beginning in September 2020, throughout 2021 and into 2022 to discuss terms and conditions of employment and the structure of the MOU. At the May 17, 2022, Regular City Council meeting, the Memorandum of Understanding between the City of Victorville and the Victorville Professional Firefighters was approved effective May 17, 2022, through May 16, 2027.

Discussion:

The Battalion Chief/Deputy Fire Marshal serves as the Fire department’s lead Fire/Arson investigator. However, it has become necessary to have Fire shift personnel assist the fire/arson investigation efforts with initial fire origin and cause determinations, as well as numerous specific duties related to the fire scene, evidence, interviews, etc. The development of an Arson Shift Investigator program requires a team that possesses specialized training relative to Fire Investigation. The need for such team was not fully vetted at the time the MOU was drafted and approved in May 2022. As such, a Side Letter of Agreement has recently been developed to capture the specialty pay associated with the program.

A Side Letter of Agreement in its most basic form, is a commonly used written agreement that modifies the Memorandum of Understanding. The Side Letter of Agreement presented for approval by the City Council shall modify the existing Memorandum of Understanding with two (2) new Articles. The requested amendments are reflected below.

- A new Article 15.12 shall be created which shall provide as follows:
 - 15.12 Arson Investigator Pay
 - Personnel possessing the current state required course certifications, Fire Investigator 1A, 1B, and 1C, will receive Arson Investigator Pay of \$100 per month for maintaining that specialty.
- A new Article 15.13 shall be created, which shall provide as follows:
 - 15.13 Arson Shift Investigator Team Member
 - Personnel who possess the current state required course certificates, Fire Investigator 1A, 1B, and 1C, and who are assigned as an arson shift investigator, will be entitled to an additional \$375 per month while maintaining placement on the Team and specialty. There shall be three (3)

arson shift investigator team members. Additional training required by the department for the Arson Shift Investigator team membership, or refresher courses outside of the initial requirements for appointment, will be covered by the City. For any sponsored training, the member will be placed on training status with pay and backfill provided.

The modifications set forth in the Side Letter of Agreement shall become effective with the start of the first pay period beginning after approval by the City Council.

Finally, along with the approval of the Side Letter of Agreement, staff is requesting Council's approval of a change to the Table of Organization. Such change will downgrade the Fire Inspector II position that was approved for FY 22-23, to a Fire Inspector I position as the shift investigator program will replace the need for the higher-level position. The budget savings from the downgraded position will help to offset the costs associated with the Arson Shift Investigator related pay.

Because the new program and related modifications to the MOU set forth in the Side Letter enhance the City's arson investigation abilities, staff recommends approval and remains available for any comments or questions.

Attachments: A. Resolution No. 22-105