

RESOLUTION NO. 2023-143

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA,
AUTHORIZING THE CITY MANAGER TO EXECUTE SIDE
LETTER AGREEMENTS WITH THE CITY'S
BARGAINING GROUPS FOR PREMIUM PAY**

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 that 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.

WHEREAS, After discussion on July 19, 2023, City Council agreed upon a lump sum payment for all full-time employees of \$5,000 and \$2,500 for part-time employees.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL 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 City Council hereby establishes and approves a one-time lump sum premium payment for all City and Water Department full-time employees of \$5,000 and \$2,500 for part-time employees. 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. The premium

payment shall be considered a one-time non-pensionable compensation, subject to tax withholdings. Employees can select to allocate their premium payment into their 457 (b) deferred compensation plan.

SECTION 3. The City Manager is authorized to execute a Side Letter Agreement with each of the City's employee unions/associations relating to the issuance of the premium payment as defined in Section 2 to all eligible represented City employees. The premium payment shall be paid on the second pay date following adoption of this Resolution.

SECTION 4. Premium payment as defined in Section 2 is hereby approved and authorized for those eligible unrepresented City employees and part-time employees and shall be paid on the second pay date following adoption of this Resolution.

SECTION 5. The Agency Director of Administrative Services, or designee, is hereby authorized to amend the adopted FY 2022/23-2023/24 Biennial Budget by \$3,662,500 for City employees and **\$XX** for Water Department employees.

SECTION 6. The Mayor and City Council 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 6. 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 7. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 6th day of September 2023.

Helen Tran, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

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

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2023-____, adopted at a regular meeting held on the ____ day of _____ 2023 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this ____ day of _____ 2023.

Genoveva Rocha, CMC, City Clerk