

RESOLUTION NO. 24-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE,
CALIFORNIA RATIFYING AND RETROACTIVELY APPROVING
BENEFITS PROVIDED TO POLICE DEPARTMENT EMPLOYEES AND
CITY EMPLOYEES**

WHEREAS, in the middle of 2022, the three City employee unions – the Meniffee City Employees' Association General Unit, Special Unit, and Mid-Management Unit – negotiated new Memorandums of Understanding ("MCEA MOUs") which provided for the full week off between Christmas 2022 and New Years Day 2023 (which time off would also apply in future years covered by the MCEA MOUs); and

WHEREAS, the holiday closures in the MCEA MOUs generally mirrored additional days off that were provided on a one-time basis, without MOU amendments, between Christmas 2021 and New Years Day 2022; and

WHEREAS, the additional holiday closures were provided and negotiated during the COVID and post-COVID periods, when stress on City staff members was very high, employee morale was suffering, and the City was experiencing and anticipating more employee retention problems; and given the low community demand for services during the final week of the year, the City Manager's Office believed, and the City Council agreed, that this morale-boosting benefit could be provided with minimal impact to the City's services to the community; and

WHEREAS, to partially offset the additional holidays at the end of the year, the City employee unions agreed in the MCEA MOUs to forego Columbus Day as a holiday; and

WHEREAS, the MCEA MOUs also provided for a one-time payment of \$2,500 per employee as a stipend, which was provided in lieu of an ongoing salary increase, and in recognition of the significant cost of living and Consumer Price Index increases during that period; and

WHEREAS, when the additional holiday and stipend benefits were provided to MCEA employees, it was understood and expected that similar benefits would be provided to Meniffee Police Department employees; and

WHEREAS, because the Police Department employees were in the middle of their existing Memorandum of Understanding ("MOU") terms (which run from 2021-2024), additional holiday time off and a \$2,500 stipend for those employees should have been the subject a formal meet and confer process followed by approval of the arrangement in open session of the City Council. That process was not followed because the City Manager's Office, at the time, authorized the additional time off and stipends for Police Department employees under the good faith and honest, but incorrect, belief that it had the authority to provide those benefits; and

WHEREAS, had the proper procedures been followed, the Police Department employees would have accepted the additional benefits, and the City Council would have approved the additional benefits. However, the formal procedural steps “fell through the cracks” and the benefits were provided without obtaining the necessary approvals. This is partially demonstrated by the City Council’s open session action on December 6, 2023, to extend the holiday closure benefit to the Menifee Miscellaneous Police Employee Association.

WHEREAS, in addition to receiving the week between Christmas 2022 and New Years Day 2023 off, the City Manager’s Office, at the time, also authorized December 23, 2022 (the Friday before Christmas) as a holiday for City (non-police) employees; and

WHEREAS, when a holiday such as Christmas Eve falls on a Saturday, the City typically “recognizes that holiday” on the preceding Friday. But, overlooked by the City Manager’s Office, at the time, the MCEA MOUs provided that the Christmas Eve holiday was “rolled forward” into the subsequent week in order to facilitate the full week off between Christmas 2022 and New Years Day 2023. The City Manager’s Office at the time overlooked that factor and mistakenly gave December 23, 2022 as a holiday for City (non-police) employees; and

WHEREAS, individual members of the City Council were aware that City Hall would be closed on December 23, 2022, and that City (non-police) employees would receive paid time off for that day; and

WHEREAS, members of the City Council would have approved modifications to the MCEA MOUs to memorialize that benefit, if that modification had been presented to the City Council for open session approval. Unfortunately, as a result of good faith errors, the documentation was not prepared and presented to the City Council for open session approval; and

WHEREAS, each of these errors – additional holidays between Christmas and New Years Day in 2021-2022 and 2022-2023; stipends to Police Department employees; and City Hall closure/holiday status for December 23, 2022 (the “Past Actions”) – was made in good faith; the City Manager’s Office believed the City Manager had the authorization(s) necessary to provide the benefits, and that its actions were fully consistent with City Council expectations. Nevertheless, the items should have been brought forward for formal City Council approval; and

WHEREAS, this Resolution and the actions memorialized herein are an appropriate legal action that takes practical and reasonable steps to address the expenditures associated with the Past Actions.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Menifee, State of California, as follows:

1. The foregoing recitals are true and correct.

2. The City Council finds and determines that, while erroneous, each of the Past Actions was the product of reasonable good faith mistakes regarding the scope of the City Manager's existing authority and good faith errors in judgment.
3. The City Council finds and determines that it would have approved each of the Past Actions had they been properly presented to the City Council in open session.
4. The City Council finds and determines that the Past Actions did not result in expenditures that the City Council would not have authorized had they been properly presented to the City Council in open session.
5. The City Council ratifies and retroactively approves each of the Past Actions.

PASSED AND ADOPTED by the City Council of the City of Menifee, State of California this 15th day of May 2024.

Bill Zimmerman, Mayor

Attest:

Stephanie Roseen, Acting City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney