

**Side Letter of Agreement
Between
City of Fresno and Fresno City Employees Association**

**Third Party Plan Check Review and Contracting of Plan Check Review and
Planning**

This Side Letter of Agreement (“Agreement”) is entered into by and between the City of Fresno (“City”) and the Fresno City Employees Association (“Association”), representing Unit 3, Non-Supervisory White Collar Employees, and sets forth the full and entire understanding of the parties regarding work of “Third Party Plan Check Review” and the contracting of “Plan Check Review and Planning” resulting from the passage of the Money Back Guarantee/Business Streamlining Act (City Council Ordinance No. 2019-003, effective 3/22/19)(“the Act”) for duties in the Development & Resource Management (“DARM”) Department.

1. Third Party Plan Check Review

A. The parties agree the passage of the Act creates additional workload issues that impact current staffing. In order to work towards resolution of the workload and timeline issues, the parties agree to the following:

(1) DARM will institute a Third Party Plan Check Review program that will allow an applicant to select a City-approved pre-qualified firm, negotiate fees and timelines directly with that firm, and return a completed set of plan documents to the City to issue building permits.

(2) The Third Party Plan Check Review program will not be utilized to privatize staff or work that could be done by employees within the requirements of the Act. The City agrees that no elimination, defunding, or freezing of Unit 3 positions in DARM existing as of the effective date of this Agreement related to the Third Party Plan Check Review program and Plan Check Review and Planning contracting will occur unless the Third Party Plan Check Review program has been discontinued for sixty (60) calendar days or more.

(3) Once discontinued, the Third Party Plan Review program will not be reinstated unless there is mutual agreement between the City and the Association.

2. Contracting of Plan Check Review and Planning

A. DARM may also contract out work on Plan Check Review and Planning under the same terms and conditions as provided for the Third Party Plan Check Review program above. The City agrees that no elimination, defunding, or freezing of Unit 3 positions in DARM existing as of the effective date of this Agreement related to contract work on the Third Party Plan Check Review program and Plan Check Review and Planning will occur unless the Plan Check Review and Planning contract work has been discontinued for sixty (60) days or more.

B. Once discontinued, Plan Check Review and Planning contracting will not be reinstated unless there is mutual agreement between the City and the Association.

3. When vacancies occur in Unit 3 positions in DARM related to the Third Party Plan Check Review program and/or contracting out work on Plan Check Review and Planning while they are occurring, the City agrees the positions will remain funded and every reasonable effort will be made to recruit new employees to fill them.

4. The City agrees to meet with the Association every six (6) months to discuss the Third Party Plan Check Review program and the contracting of Plan Check Review and Planning work.

This Agreement shall be effective on June 24, 2019, and shall become a part of the Memorandum of Understanding between the City and FCEA.

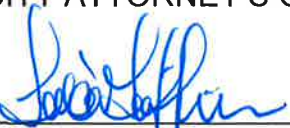
FOR THE FRESNO CITY
EMPLOYEES ASSOCIATION:

FOR THE CITY OF FRESNO:

SAMUEL FRANK
President

KENNETH G. PHILLIPS
Labor Relations Manager

Date: _____

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE
BY: 
Assistant City Attorney