

Council Meeting of  
February 24, 2009

Honorable Mayor and Members  
of the City Council  
City Hall  
Torrance, California

**Members of the Council:**

**SUBJECT: City Manager - Adopt supplemental Resolution to the Torrance Professional & Supervisory Association (TPSA) Memorandum of Understanding. Expenditure: \$8,908.00.**

**RECOMMENDATION**

Recommendation of the City Manager that City Council adopt a Resolution pursuant to Memorandum of Understanding amending Resolution No. 2007-56 setting forth hours, wages and working conditions for employees represented by the Torrance Professional & Supervisory Association, modifying Section 3.2(D)13, Premium Pay, to add Park Services Supervisor to the Qualified Applicator Certification pay.

Funding

Funding is available in the FY 2008/09 Wage Reserve.

**BACKGROUND/ANALYSIS**

The current TPSA MOU contains a provision under Section 3.2(D)13 which provides Public Works Supervisors who possess a valid Qualified Applicator Certificate with a 2.5% premium. The certificate is required for incumbents who supervise the application of pesticides. This premium is only available as long as the State requires the Qualified Applicator Certificate for pesticides which are restricted either by the State of California or the federal government.

The Qualified Applicator Certificate premium was not available to the Park Services Supervisor since he was not responsible for supervising the spraying of such restricted pesticides prior to the retirement of the Pest Control Applicator, who possessed the certificate. The language which was negotiated between TPSA and the City did not include the Park Services Supervisor. Since the retirement of the Pest Control Applicator, the duties to supervise the application of restricted materials has been assigned to the Park Services Supervisor. The Park Services Division currently applies

two federally restricted pesticides: Trimec for Broadleaf weed control at the Sea Air Golf Course and Fumitoxin for control of gophers at various City parks.

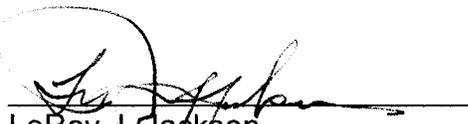
The State of California requires the individual holding the Qualified Applicator Certificate to renew the certificate every two years. The premium is intended to compensate employees for duties above and beyond their original scope. Staff recommends adoption of the attached supplemental Resolution which will allow the City to modify the premium Section 3.2(D)13 of the TPSA MOU to include the Park Services Supervisor in the Qualified Applicator Certification premium. This action will ensure compliance with State requirements and allow the City to spray restricted materials

Respectfully submitted,

LeROY J. JACKSON  
CITY MANAGER

By   
Aram Chaparyan  
Assistant to the City Manager

CONCUR:

  
LeRoy J. Jackson  
City Manager

Attachment: TPSA Supplemental #7

**MEMORANDUM OF UNDERSTANDING**  
**TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION**  
**(TPSA)**

**2007 – 2010**

**SUPPLEMENTAL #7**

A SUPPLEMENTAL MEMORANDUM OF UNDERSTANDING SETTING FORTH THE HOURS, WAGES AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION (TPSA)

An agreement of the undersigned representatives of the Torrance Professional and Supervisory Association (TPSA) and the representatives of the City of Torrance (City) that:

The attached Resolution is recommended to the City Council for adoption in its entirety. It covers wages, hours and working conditions for the period of February 15, 2009, to March 31, 2010, and was reached through agreement of the undersigned parties.

Signed this \_\_\_\_ day of February, 2009.

Management

TPSA

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*Bill Byron*  
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**RESOLUTION NO. 2009-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
AMENDING RESOLUTION NO. 2007-56 SETTING FORTH CHANGES  
REGARDING HOURS, WAGES AND WORKING CONDITIONS FOR  
EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL AND  
SUPERVISORY ASSOCIATION (TPSA)**

The City Council of the City of Torrance does hereby resolve as follows:

**SECTION I**

That Resolution No. 2007-56 is hereby amended.

**SECTION II**

The following agreement between representatives of Management and the representatives of the Torrance Professional and Supervisory Association (TPSA) is hereby amended as follows:

***Effective February 15, 2009***

**ARTICLE 13 – AMENDMENTS**

**SECTION 13.8 AMENDMENT TO SECTION 3.2 – PREMIUM PAY**

**ARTICLE 3 – COMPENSATION**

**SECTION 3.2 PREMIUM PAY**

D. Designated Assignments:

13. The Public Works Supervisor and Park Services Supervisor who possesses a valid Qualified Applicator Certification which is required for incumbents who supervise the application of pesticides shall receive a 2.5% premium. This will only be utilized so long as the State program is in effect.

**SECTION III SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of the Resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Introduced, approved and adopted this \_\_\_\_\_ day of January, 2009.

\_\_\_\_\_  
Mayor of the City of Torrance

APPROVED AS TO FORM:  
JOHN FELLOWS III, City Attorney

ATTEST:

By \_\_\_\_\_  
Ronald T. Pohl, Assistant City Attorney

\_\_\_\_\_  
Sue Herbers  
City Clerk