

# SIDE LETTER OF AGREEMENT

BETWEEN

THE CITY OF LAGUNA BEACH

AND

THE LAGUNA BEACH FIREFIGHTERS ASSOCIATION, LOCAL 3684

This Side Letter of Agreement (“Agreement”) between the City of Laguna Beach (“City”) and the Laguna Beach Firefighters Association (“LBFA”) is entered into with respect to the following:

**WHEREAS**, the parties are currently parties to a Memorandum of Understanding (MOU) with a term of July 1, 2024 through June 30, 2027; and

**WHEREAS**, the City has informed the LBFA that it will no longer have a Personnel Board to hear disciplinary appeals; and

**WHEREAS**, the City and the LBFA desire to modify their MOU to reflect that the Personnel Board will no longer hear disciplinary appeals and that an administrative law judge will hear such appeals; and

**WHEREAS**, the following sets forth the parties’ Agreement:

1. The City and the LBFA agree that effective July 22, 2025 Appendix A of their MOU is modified as can be seen by the track changes below:

## Appendix A – Disciplinary Appeal Process

### Appeal Process

The following appeals procedures are adopted by the parties pursuant to Government Code § 3254.5 of the Firefighters Procedural Bill of Rights Act.

- 1) Definitions
  - a. The term “firefighter” means an employee who is considered a firefighter under Government Code § 3251(a) as well as any firefighter who is a peace officer pursuant to Penal Code § 830.37. This includes all employees who are in this Unit.
  - b. The term “punitive action” means any action defined by Government Code § 3251(c), i.e., “any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.”
- 2) Appeals Procedures - For Punitive Action Causing a Loss of Pay Not Covered by the Informal Hearing Process

A firefighter shall be entitled to an appeal hearing before an administrative law judge assigned from the Office of Administrative Hearings who will preside at the hearing. The hearing shall be conducted in accordance with Chapter 5 (commencing with § 11500) of Part 1 of Division 3 of Title 2 of the California Government Code.


- a. Notice of Discipline as Accusation - The final notice of discipline which may be issued at the conclusion of the pre-disciplinary procedures shall serve as the Accusation as described in Government Code §§ 11500, *et seq.*
  - i. Pursuant to Government Code § 3254(f), the discipline shall not be effective sooner than 48 hours of issuance of the final notice of discipline.
  - ii. The notice shall be prepared and served in conformity with the requirements of Government Code §§11500, *et seq.* A copy of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the California Government Code shall be provided to the firefighter concurrently with the notice of discipline.
- b. Pursuant to Government Code § 11512, the appeal will be heard alone by an administrative law judge from the Office of Administrative Hearings.
- c. Time and Place of Hearing - Pursuant to Government Code § 11508, unless otherwise decided by the administrative law judge, a hearing shall be conducted at City Hall or in another City facility at a time to be determined by the administrative law judge with the input of the representatives of both the City and employee.
- d. Notice of the Hearing - A notice of the hearing shall be provided to the parties pursuant to Government Code § 11509.
- e. The burdens of proof and production of evidence shall be borne by the City. The standard of proof shall be by a preponderance of the evidence.
- f. The administrative law judge shall issue a recommended decision to the City Manager. The City Manager will then issue their written decision which shall be served on the parties in accordance with Code of Civil Procedure § 1094.6/Government Code § 11518 and the decision shall be subject to judicial review pursuant to Code of Civil Procedure § 1094.5/Government Code § 11523.

### 3) Appeals Procedures Informal Process

The Informal Hearing Procedure, as opposed to the formal procedures, shall be used for disciplinary action imposed on an employee that does not involve termination from employment, demotion, suspension without pay

for more than three (3) working days or where the practical financial effect of the discipline equates to three (3) working days or less. Such appeals shall be processed through the grievance procedure.


**FOR THE CITY OF LAGUNA BEACH**

**Signature:**   
Dave Kiff (Jul 29, 2025 08:09:54 PDT)  
**Email:** dkiff@lagunabeachcity.net  
City Manager

07/29/2025  
Date

**Signature:**   
**Email:** anesh@lagunabeachcity.net  
Director of Human Resources &  
Risk Management

07/30/2025  
Date

**Signature:**   
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Senior Management Analyst

07/28/2025  
Date

**Signature:**   
Peter Brown (Jul 28, 2025 19:39:02 PDT)  
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Labor Negotiator

07/28/2025  
Date

**FOR THE LAGUNA BEACH FIREFIGHTERS ASSOCIATION**

**Signature:**   
Thomas Padden (Aug 6, 2025 08:21:02 PDT)  
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President

08/06/2025  
Date

**Signature:**   
Mike McGill (Jul 30, 2025 08:47:49 PDT)  
**Email:** mmcgill@lagunabeachcity.net  
Labor Negotiator

07/30/2025  
Date











# Side Letter of Agreement with the LBFA re disciplinary appeal process

Final Audit Report

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