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RESOLUTION NUMBER 303607

DATE OF FINAL PASSAGE APR 24 2008

A RESOLUTION APPROVING AND RATIFYING FISCAL YEAR 2009 MEMORANDUM OF UNDERSTANDING AS A TERM SHEET FOR THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 145 AND AUTHORIZING THE MAYOR, IN CONJUNCTION WITH THE CITY ATTORNEY, TO INITIATE LITIGATION.

WHEREAS, the Management Team of the City of San Diego has met and conferred with the International Association of Firefighters Local 145 [Local 145]; and

WHEREAS, the Management Team of the City of San Diego reached a tentative agreement with Local 145 on a fiscal year 2009 Memorandum of Understanding regarding wages, hours, and other terms and conditions of employment; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that pursuant to these negotiations, the Management Team and Local 145 have tentatively agreed to the provisions contained in the respective Memorandum of Understanding as a term sheet subject to the final Memorandum of Understanding returning to the City Council on a future date for ratification.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, the Mayor is authorized, in cooperation with the City Attorney, to initiate litigation, as soon as practicable, consistent with the language in Article 23 Section 13 of the FY 2009 145 Memorandum of Understanding to determine the vested status of DROP and Purchase of Service Credits as follows:

1. Is the Deferred Retirement Option Plan [DROP] and/or any and all MOU/Code provisions allowing for the purchase of service credit for retirement benefit calculation purposes, "vested" benefits;
2. Can the purchased service credits be utilized to determine vesting into the retirement system;

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3. Are these benefits subject to modification pursuant to any and all provisions of the City Charter or other applicable rules and regulations;
4. And/or what, if any, conditions precedent exist to the implementation of City-initiated steps by which to modify and/or eliminate DROP and/or service credits.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

[submitted unsigned- see accompanying memorandum]

By

Michael J. Aguirre
City Attorney

MJA:amt
04/15/2008
Or.Dept:Mayor
R-2008-914

(R-2008-927)

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 21 2008.

ELIZABETH S. MALAND
City Clerk

By *M. A. Richards*
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

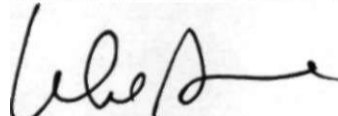
(619) 236-6220

DATE: April 18, 2008
TO: Elizabeth Maland, City Clerk
FROM: City Attorney
SUBJECT: Resolution R-2008-927 Approving A FY 2009 MOU Term Sheet for the International Association of Firefighters Local 145

The attached Resolution R-2008-927 is provided by the City Attorney in accordance with San Diego Charter section 40 that requires that resolutions be prepared in writing and to facilitate the processing and publishing of the resolution by the City Clerk. However, the fact that we are providing the resolution should not be construed as a judgment of the legality of these actions. The resolution, which is unsigned, was drafted at the request of the City Clerk.

If you have any questions regarding this matter, please feel free to contact us.

MICHAEL J. AGUIRRE



City Attorney

MJA:amt

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