

RESOLUTION NUMBER R- 304804

DATE OF FINAL PASSAGE APR 21 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO RESOLVING IMPASSE BETWEEN THE CITY AND THE SAN DIEGO POLICE OFFICERS ASSOCIATION BY UNILATERALLY IMPLEMENTING THE TERMS AND CONDITIONS OF EMPLOYMENT SET FORTH IN THE CITY'S LAST, BEST, AND FINAL OFFER.

WHEREAS, from January 14, 2009 until April 7, 2009, the Management Team of the City of San Diego [City] met and conferred with the San Diego Police Officers Association [POA], regarding wages, hours, and other terms and conditions of employment for employees represented by POA in the Classified Service of the City, and made detailed recommendations to the City Council in relation thereto; and

WHEREAS, the City has been unable to reach agreement with POA regarding wages, hours, and other terms and conditions of employment for Fiscal Year 2009-2010, beginning July 1, 2009; and

WHEREAS, the Meyers-Milias-Brown Act [MMBA], at California Government Code section 3500 *et seq.*, is the state law that governs labor relations between the City of San Diego and its employees; and

WHEREAS, the MMBA, and specifically California Government Code section 3505.4, authorizes the City to unilaterally implement the City's last, best, and final offer so long as all impasse procedures, where applicable, have been exhausted; and

WHEREAS, impasse procedures in the City of San Diego are governed by City Council Policy 300-06; and

WHEREAS, on April 7, 2009, the City declared impasse with POA, and filed with the City Council a written request for an impasse meeting together with a statement of the City's position on all disputed issues; and on April 8, 2009, the City and POA held an impasse meeting pursuant to Council Policy 300-06; and

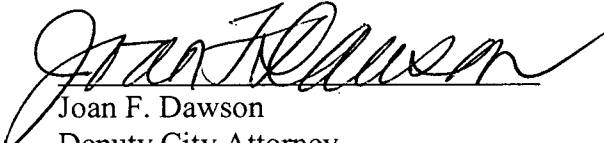
WHEREAS, no agreement was reached at the impasse meeting; therefore, pursuant to City Council Policy 300-06, the City Council shall and, today, has conducted an impasse hearing on the merits of the dispute and resolves the impasse;

WHEREAS, the City's last, best, and final offer to POA, dated April 8, 2009, 4:30 p.m., is set forth in the term sheet attached as Exhibit A to this Resolution and is incorporated herein by reference;

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the authority of the MMBA and City Council Policy 300-06, the Council of the City of San Diego hereby unilaterally implements and adopts the City's last, best, and final offer, as set forth in the term sheet attached as Exhibit A to this Resolution, as terms and conditions of employment for all employee members POA, beginning July 1, 2009, with the following exception: Article 19 shall read: Effective July 1, 2009, Terminal Leave shall be eliminated and leave balances for terminating employees shall be cashed-out at the time of termination or retirement, contingent upon review

and recommendation by the Civil Service Commission; the Civil Service Commission is requested to provide said review and recommendation to the City Council as soon as practicable.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Joan F. Dawson
Deputy City Attorney

JFG:cfq
04/14/09
Or.Dept: C.A
R-2009-1063

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 14 2009

ELIZABETH S. MALAND
City Clerk

By *Jana Richardson*
Deputy City Clerk

Approved: 4-21-09
(date)

JS
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor