

RESOLUTION NUMBER R- 304827
DATE OF FINAL PASSAGE MAY 01 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A TENTATIVE AGREEMENT BETWEEN THE CITY AND THE SAN DIEGO MUNICIPAL EMPLOYEES' ASSOCIATION REGARDING TERMS AND CONDITIONS OF EMPLOYMENT FOR FISCAL YEARS 2009-2010 AND 2010-2011.

WHEREAS, from January 22, 2009 until April 7, 2009, the Management Team of the City of San Diego [City] met and conferred with the San Diego Municipal Employees' Association [MEA], regarding wages, hours, and other terms and conditions of employment for employees represented by MEA in the Classified Service of the City, and made detailed recommendations to the City Council in relation thereto; 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 represented employees in the City's recognized employee organizations, including MEA; and

WHEREAS, the MMBA requires the City to participate in collective bargaining with its recognized employee organizations, including MEA, in an effort to reach agreement on terms and conditions of employment within the scope of representation prior to the adoption of the City's final budget for the ensuing fiscal year; and

WHEREAS, California Government Code section 3505.1 provides if agreement is reached by the designated representatives of the City, as defined by the MMBA and local rules, and a recognized employee organization, the City's designated representatives and the

recognized employee organization shall jointly prepare a written memorandum of understanding [MOU], which shall not be binding, until approved by the City Council, and present it to the City Council, as the governing body, for determination; and

WHEREAS, on April 14, 2009, following initiation of the City's impasse procedures, as set forth in City Council Policy 300-06, the City's designated representatives and representatives of MEA reached tentative agreement on terms and conditions of employment for a two-year MOU, for a term to begin July 1, 2009; such tentative agreement is subject to ratification and approval by the City Council and the members of MEA, and further subject to the approval of the MOU by the City Council, as provided by the MMBA, specifically California Government Code section 3505.1, and San Diego City Charter section 11.2; and

WHEREAS, it is the desire of the City Council that the terms set forth in the tentative agreement, referenced herein, and attached hereto as Exhibit A and fully incorporated herein, be documented in an MOU and brought before the City Council at a later date for final determination; and

WHEREAS, San Diego City Charter section 11.2 requires that any multiple year MOU with any recognized employee organization concerning wages, hours, and other terms and conditions of employment is within the exercise of legislative discretion of the City Council so long as the City Council determines it is in the best interests of the City to enter into a multiple year MOU and approves the MOU by a two-thirds vote of the entire Council; and

WHEREAS, it is the City Council's determination that given the current fiscal issues facing the City, it is in the best interests of the City to enter into a multiple year MOU with MEA, which includes reduction in total compensation for MEA members, because the MOU, in

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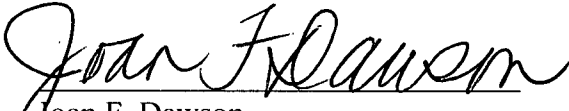
part, reduces the City's projected budget deficit for fiscal years 2009-2010 and 2010-2011 and creates two years of stability of employee compensation; and

WHEREAS, the City Council desires to approve the terms set forth in the tentative agreement, attached to this Resolution as Exhibit A, so long as this approval is contingent upon and subject to ratification and approval of the tentative agreement and MOU by a simple majority of MEA members and further contingent upon and subject to the City and MEA jointly bringing forward an MOU at a later date for final determination by the City Council.

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 approves the tentative agreement between the City and MEA, attached as Exhibit A and fully incorporated herein by reference; such approval being contingent upon and subject to ratification and approval of a simple majority of MEA members; and

BE IT FURTHER RESOLVED that the City Council directs the City's designated representatives to jointly prepare with representatives of MEA the written MOU and present it to the City Council at a later date for final determination.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Joan F. Dawson
Deputy City Attorney

JFG:cfq
04/17/09
04/30/09 COR. COPY
Or.Dept: C.A.
R-2009-1062

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 21 2009.

ELIZABETH S. MALAND
City Clerk

By *May Jimenez*
Deputy City Clerk

Approved: 5-1-09
(date)

J.S.
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

5500
4/21

EXHIBIT A

Tentative Agreement Term Sheet

Between the City of San Diego and MEA

(Tentative Agreement reached on April 14, 2009)

MEA's General Fund "Fair Share" Target is \$8.9 Million

ISSUE	SAVINGS (per year)
Term-2 years	Bargaining Costs
Two-year general salary freeze	Savings to be determined by the SDCERS actuarial valuation
Waiver of Supplemental Pension Savings Plan (SPSP) Mandatory 3.0% Match or 3% Pay Deduction	\$5.07M General Fund \$3.22M Non-General Fund
52 Hours (6.5 days) of Mandatory Furlough to be taken by all employees (except hourly-paid) based on agreed individual scheduling	\$3.84M General Fund \$2.36M Non-General Fund
<p>DROP</p> <ul style="list-style-type: none"> - Acknowledge that MEA reserves the right to meet and confer and/or challenge any proposed change resulting from the City's definition of DROP's "cost neutrality" - The parties agree to reopen meet and confer if any aspect of DROP is found by a court of competent jurisdiction or PERB determines to be a mandatory subject of meet and confer under the MMBA 	N/A
<p>Retiree Medical Plan</p> <ul style="list-style-type: none"> - Suspension of Automatic Benefit Escalator Provision for 2-year period - Joint Study of Retiree Medical Benefit (FY10) - Reopening of meet and confer on Retiree Medical Benefit (FY11) - Eligibility change from 5 to 10 years of creditable service for 50% benefit and 10 to 20 years for 100% benefit, with 5% graduated eligibility increases for each year of creditable service beyond 10 years 	Savings from Suspension of Automatic Benefit Escalator Provision and eligibility change to be determined by actuarial valuation on a representation group basis.
Freeze flexible benefits at FY08 level of \$6,075 for two years	\$0
Elimination of Hyatt Legal Plan	\$0
Reopen meet and confer when the City proposes a modified LTD plan	N/A
Add \$500 annual uniform allowance effective July 1,	(\$1500) Non-General Fund

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2009, for ESD Safety Representatives I and II, Safety Officer and Safety & Training Manager	
Require that proof of death be provided in order to receive Bereavement Leave	N/A
Elimination of Presidential Leave Program	N/A
Revision to Article 87, Performance Management Program, to reflect current practices	N/A
Use of City email for union and employer-employee relationship purposes	N/A
Prohibition on the consumption of alcohol during work hours, including lunch and breaks	N/A
Inclusion of new pension plan for employees hired on or after July 1, 2009, to be included in the MOU as agreed to on July 25, 2008	Savings to be determined by the SDCERS actuarial valuation
Sub-Total	\$8.91M General Fund \$5.58M Non-General Fund
Total	\$14.49M General Fund + Non-General Fund
MEA General Fund Fair Share	\$8.9M

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Passed by the Council of The City of San Diego on APR 21 2009, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

MAY 01 2009

Date of final passage _____

AUTHENTICATED BY:

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By Jana Richardson, Deputy

Office of the City Clerk, San Diego, California

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