

(B)

4/21

RESOLUTION NUMBER R- 304828

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 DEPUTY CITY ATTORNEY ASSOCIATION REGARDING TERMS AND CONDITIONS OF EMPLOYMENT FOR FISCAL YEARS 2009-2010 AND 2010-2011.

WHEREAS, from January 29, 2009 until April 3, 2009, the Management Team of the City of San Diego [City] met and conferred with the Deputy City Attorney Association [DCAA], regarding wages, hours, and other terms and conditions of employment for employees represented by DCAA in the 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 DCAA; and

WHEREAS, the MMBA requires the City to participate in collective bargaining with its recognized employee organizations, including DCAA, 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 DCAA 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 DCAA, 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 DCAA, which includes reduction in total compensation for DCAA members, because the MOU,


in 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 DCAA members and further contingent upon and subject to the City and DCAA 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 DCAA, 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 DCAA members; and

BE IT FURTHER RESOLVED that the City Council directs the City's designated representatives to jointly prepare with representatives of DCAA 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

JFD:cfq
04/14/09
Or.Dept:C.A
R-2009-1060

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 *Mary Zumbaya*
Deputy City Clerk

Approved: 5-1-09
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

EXHIBIT A
Tentative Agreement Term Sheet

Between the City of San Diego and the DCAA
(Tentative Agreement reached on April 14, 2009)

DCAA's "Fair Share" Target (\$701,000)

ISSUE	SAVINGS (per year)
Term - 2 years	Bargaining Costs
Two-year general salary freeze	Savings to be determined by the SDCERS actuarial valuation
Elimination of City paying the SDCERS Employee Pickup/Offset in the amount of 3.2%	\$416,000
Four (4) days of Mandatory Furlough per fiscal year	\$215,860
DROP <ul style="list-style-type: none"> - Effective July 1, 2009, interest will be credited to the Member's DROP account at a rate determined by SDCERS board - Acknowledge that DCAA 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
Retiree Medical Plan <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
Reduction of Management Benefits by \$780	\$102,180
Freeze flexible benefits at FY09 level as follows: Waiver - \$1,000 Employee -- \$4,701	\$0

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Employee & Children - \$7,126 Employee & Spouse/DP - \$8,212 Employee & Family - \$8,579	
Establish a structured salary schedule for Deputy City I's and II's, every 6 months, effective 7/1/09 and Deputy City Attorney III's effective 7/1/10	Cost to City (\$32,975)
Elimination of Hyatt Legal Plan	N/A
Elimination of AFLAC from Flex Options	N/A
Reopen meet and confer when the City proposes a modified LTD plan	N/A
Require that proof of death be provided in order to receive Bereavement Leave	N/A
Clarify language applicable to employees employed by the City Attorney's Office as a Deputy City Attorney in Article 26.	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
Total	\$701,065
DCAA Fair Share	\$701,000

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