

RESOLUTION NUMBER R- 305269

DATE OF FINAL PASSAGE OCT 1 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AN AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND BURKE, WILLIAMS & SORENSEN, LLP, IN AN AMOUNT NOT TO EXCEED \$390,880 FOR EXPERT LEGAL CONSULTANT SERVICES RELATED TO FY2011 LABOR NEGOTIATIONS, AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENT, AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXPEND FUNDS FOR THE AGREEMENT.

WHEREAS, under San Diego City Charter section 40, the City Council has the authority to employ outside competent technical legal attorneys, to serve the City in addition to the City Attorney, when the assistance or advice of outside legal counsel is necessary in connection with the work of a City department; and

WHEREAS, prior to the start of Fiscal Year 2011, the City is mandated, under the Meyers-Milias-Brown Act, to negotiate with three of the City's recognized employee organizations on mandatory subjects of bargaining, including wages, hours, and other terms and conditions of employment; and

WHEREAS, the City is also presently negotiating with all of its recognized employee organizations regarding potential changes to the retiree health program for employees; and

WHEREAS, labor negotiations between the City and its recognized employee organizations can be time-consuming and must be completed within a limited period of time; and

WHEREAS, the City Attorney has determined that the assistance and advice of outside expert legal counsel, in the area of labor relations and labor negotiations, is appropriate for the

FY2011 negotiations because there is presently inadequate personnel in the Office of the City Attorney to handle the labor negotiations; and

WHEREAS, it is the desire of the City Council and the Mayor, as the Chief Executive Officer over the Department of Human Resources, Office of Labor Relations, to employ the law firm of Burke, Williams & Sorensen, LLP, to provide expert legal consultant services for the FY2011 labor negotiations, including retiree health program negotiations, under the terms and conditions set forth in the Agreement on file in the Office of the City Clerk, as Document No. RR 305269; and

WHEREAS, the Mayor, by and through his designee, has certified in writing in accordance with San Diego Municipal Code sections 22.3037 and 22.3212 the sole source status of the consultant; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that this Council approves an Agreement between the City of San Diego and the law firm of Burke, Williams & Sorensen, LLP, in an amount not to exceed \$390,880, under the terms and conditions set forth in the Agreement on file in the Office of the City Clerk as Document No. RR 305269, for expert legal consultant services related to FY2011 labor negotiations with three of the City of San Diego's recognized employee organizations: American Federation of State, County and Municipal Employees, Local 127; California Teamsters, Local 911; and the San Diego Police Officers Association; and for negotiations with all of the City's recognized employee organizations regarding the retiree health program for employees.

BE IT FURTHER RESOLVED, that the Mayor or designee is authorized to execute the Agreement.

BE IT FURTHER RESOLVED, that the Chief Financial Officer or designee is authorized to expend an amount not to exceed \$390,880 from FY2010 Citywide FTE Allocated Accounting Schedule for the services set forth in the Agreement between the City of San Diego and Burke, Williams & Sorensen, LLP.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Joan F. Dawson
Joan F. Dawson
Deputy City Attorney

JFD:cfq
09/10/09
Or.Dept:Labor Relations
R-1010-164
MMS#10385

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 22 2009.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 10-1-09
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor