

RESOLUTION NUMBER R- 305499
DATE OF FINAL PASSAGE DEC 17 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AND RATIFYING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE SAN DIEGO DEPUTY CITY ATTORNEYS ASSOCIATION REGARDING TERMS AND CONDITIONS OF EMPLOYMENT FOR FISCAL YEARS 2009-2010 AND 2010-2011

WHEREAS, from January 2009 until April 2009, the Management Team of the City of San Diego [City] met and conferred with the San Diego Deputy City Attorneys Association [DCAA], regarding wages, hours, and other terms and conditions of employment for employees represented by DCAA, 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 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 shall present the MOU to the City Council, as the governing body, for determination; and

WHEREAS, San Diego City Council Policy 300-06, the City's Employee-Employer Relations Policy, at Section VIII, provides that when the meet and confer process is concluded between the City and an exclusively recognized employee organization, all agreed upon matters shall be incorporated into a written MOU signed by the Management Team and representatives of the exclusively recognized employee organization; and

WHEREAS, Section VIII of City Council Policy 300-06 further provides that the MOU shall be submitted to the City Council 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 Management Team 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; and

WHEREAS, by Resolution Number R-304828, on April 21, 2009, the City Council approved the terms and conditions set forth in the tentative agreement and directed the Management Team to bring the MOU before the City Council at a later date for final determination; and


WHEREAS, San Diego City Charter section 11.2 requires that approval of a 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 and ratify the MOU between the City and DCAA; 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 and ratifies the Memorandum of Understanding between the City and DCAA, for Fiscal Years 2009-2010 and 2010-2011, on file in the office of the City Clerk as Document No. RR 305499.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Joan F. Dawson
Deputy City Attorney

JFD:jfd
11/20/09
Or.Dept:Human Resources/Labor Relations
R-2010-398

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 8 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12.17.09
(date)



JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor