

RESOLUTION NUMBER R- 305502

DATE OF FINAL PASSAGE DEC 10 2009

RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AMENDING THE FISCAL YEAR 2010 BUDGET

WHEREAS, the Council of the City of San Diego approved an annual budget for Fiscal Year 2010 on June 17, 2009, as Resolution No. R-304958; and

WHEREAS, the Council of the City of San Diego adopted Ordinance No. O-19887 entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2010 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year"; and

WHEREAS, the 2011-2015 Five-Year Financial Outlook for the City of San Diego, dated October 1, 2009, shows a projected Fiscal Year 2011 deficit of \$179.1 million; and

WHEREAS, immediate reductions in the Fiscal Year 2010 budget and the savings associated therein will mitigate projected Fiscal Year 2011 deficit; and

WHEREAS, the Mayor's Report No. 09-167, *Fiscal Year 2010 Budget Amendment Report and Fiscal Year 2011 Proposed General Fund Budget*, dated November 24, 2009 and as modified in *Addendum to Fiscal Year 2010 Budget Amendment Report and Fiscal Year 2011 Proposed General Fund Budget, #09-167, Corrections and Revisions* [collectively, "Mayor's Report"], outlines the savings associated with reductions in the Fiscal Year 2010 budget and presents the Mayor's proposals for the Fiscal Year 2011 Proposed General Fund Budget; and

WHEREAS, the Mayor's Report contemplates that the Chief Financial Officer shall carry forward appropriations in the Mission Bay Improvements Fund, Library System Improvements

Fund, Antenna Lease Revenue Fund, and the Fiscal Year 2011 General Fund Reserve Fund into Fiscal Year 2011 for the purpose of transferring fund balances to the General Fund in Fiscal Year 2011, in accordance with the adopted Fiscal Year 2011 General Fund Budget; and

WHEREAS, on December 4, 2009, the Independent Budget Analyst [IBA] issued an analysis of the Mayor's FY 2010 and FY 2011 Budget Solutions; and

WHEREAS, the City Council at their Special Meeting on December 2, 2009, and their Special Meeting on December 9, 2009, considered all of the comments and recommendations regarding amendments to the annual budget for Fiscal Year 2010; and

WHEREAS, at the special meeting of the City Council on December 9, 2009, the Mayor proposed and Council approved modifications to the requested actions presented in Exhibit A to Report to City Council No. 09-173 to reinstate the horticulturist position in the General Services Department and the Clerical Assistant II position in the Office of the City Clerk; and

WHEREAS, the City is a public agency employer under the Meyers-Milias-Brown Act and must comply with its provisions related to the City's employees who are represented by one of the City's recognized employee organizations; and

WHEREAS, the Meyers-Milias-Brown Act, specifically California Government Code sections 3504, 3505, and other applicable provisions, provides that the governing body of a public agency shall meet and confer in good faith on matters within the scope of bargaining, also known as mandatory subjects of bargaining, which are defined as all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment, prior to arriving at a determination of policy or course of action; and

WHEREAS, the Meyers-Milias-Brown Act, specifically California Government Code section 3504, provides that the scope of representation for recognized employee organizations shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order; NOW, THEREFORE;

BE IT RESOLVED, by the Council of the City of San Diego that the amendments to the Fiscal Year 2010 Budget as detailed in Exhibit A to Report to City Council No. 09-173 are hereby approved with the following modifications:

- a. Reinstatement of the horticulturalist position (1.00 FTE) in the General Services Department (Fund 100000, Dept 2113) with \$22,811 of revenue from grants or reimbursable work on CIP projects, and
- b. Reinstatement of the Clerical Assistant II position (1.00 FTE) in the Office of the City Clerk (Fund 100000, Dept 1152) with \$19,198 of revenue from the Council District 6 Infrastructure Improvement Fund.

BE IT FURTHER RESOLVED, that this action is subject to and conditioned upon completion of the City's obligations under the provisions of the Meyers-Milias-Brown Act [MMBA], and where this action involves mandatory subjects of bargaining, this action shall not constitute a final decision within the meaning of the MMBA or in any manner become effective until the City has complied with its legal obligations under the MMBA and any applicable procedural requirements as set forth by City Council Policy 300-06.

BE IT FURTHER RESOLVED, that the Independent Budget Analyst's recommendation 2 through 24 provided in IBA Report No. 09-90 dated December 4, 2009 are hereby adopted.

BE IT FURTHER RESOLVED, that the Mayor, Independent Budget Analyst and City Council are to implement a strategic plan designed to eliminate the City of San Diego's structural deficit within 18 months.

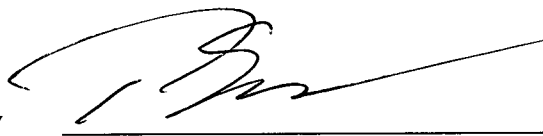
BE IT FURTHER RESOLVED, that the strategic plan is to include implementation of feasible recommendations from the Mayor, City Council, unions, and citizens of San Diego through San Diego Speaks and Citizens' Commissions.

BE IT FURTHER RESOLVED, that the development of an action on the strategic plan are to begin immediately in January 2010, at a meeting of the Budget and Finance Committee.

BE IT FURTHER RESOLVED, that the City Attorney is directed to work with Financial Management to prepare an amendment to the Fiscal Year 2010 Appropriation Ordinance.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Paul F. Prather  
Deputy City Attorney

PFP:lkj  
12/03/09  
12/07/09 COR.COPY  
12/09/09 COR.COPY2  
12/09/09 COR COPY3  
12/10/09 REV.  
Or. Dept: FM  
R-2010-419

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 09 2009

ELIZABETH S. MALAND  
City Clerk

By *Sarah Richardson*  
Deputy City Clerk

Approved: 12-10-09  
(date)

*Jerry Sanders*  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor