

RESOLUTION NUMBER R- 305503  
DATE OF FINAL PASSAGE DEC 10 2009

RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO ADOPTING THE PROPOSED FISCAL  
YEAR 2011 BUDGET OF GENERAL FUND OPERATIONS,  
INCLUDING APPROVING THE MAYOR'S FISCAL  
YEAR 2011 PROPOSED BUDGET FOR GENERAL FUND  
OPERATIONS

WHEREAS, the Mayor and Council have considered the extraordinary economic situation facing the City of San Diego, the State of California and the nation; and

WHEREAS, the Mayor and Council anticipate the City will face a significantly reduced budget for General Fund operations extending through Fiscal Year 2011; and

WHEREAS, the Mayor and Council have determined it would benefit the City to address the anticipated shortfall in the budget for General Fund operations at an earlier time than usual; and

WHEREAS, to accomplish this goal, the Mayor has elected to present a Fiscal Year 2011 proposed budget for General Fund operations at this time, the Council has agreed to consider it; and

WHEREAS, the Mayor and Council have agreed to use the process set forth in section 290(b) of Article XV of the City Charter to approve the Mayor's Fiscal Year 2011 proposed budget for General Fund operations; and

WHEREAS, the Council shall hold a minimum of two public hearings to consider the Mayor's Fiscal Year 2011 proposed budget for General Fund operations, and thereafter pass a resolution that either approves the proposed budget as submitted by the Mayor or modifies it in whole or part; and

WHEREAS, the Mayor and Council intend the approved Mayor's Fiscal Year 2011 proposed budget for General Fund operations to serve as a flexible framework for part of the full annual Budget to be submitted by the Mayor no later than April 15, 2010, as required by section 265(b)(14) of Article XV of the City Charter; 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"], and the analysis of the Mayor's FY 2010 and FY 2011 Budget Reductions by the Independent Budget Analyst [IBA] was presented to the Council on December 9, 2009; 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 horticulturalist position in the General Services Department and the Clerical Assistant II position in the Office of the City Clerk; and

WHEREAS, the Council made no other modifications to the recommendations contained in the Mayor's Report; and

WHEREAS, the Fiscal Year 2011 Appropriation Ordinance will include any waivers to Municipal Code provisions and Council Policies as necessary to implement the Mayor's Fiscal Year 2011 proposed budget for General Fund operations, including but not limited to, the waiver of Municipal Code section 22.0228 regarding the minimum funding amounts for the San Diego Public Library System, Municipal Code section 35.0128(a) restricting the use of transient occupancy tax revenues, and Council Policy 600-43 regarding the use of revenues from the lease of City-owned property for wireless communication facilities; and

WHEREAS, the Mayor intends to bring forward for Council consideration a revision to the City Reserve Policy to reflect the Fiscal Year 2011 reserves "holiday" as included in the Mayor's Fiscal Year 2011 proposed budget for General Fund operations and discussed in Mayor's Report; 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, that the Council of the City of San Diego hereby approves the Mayor's Fiscal Year 2011 proposed budget, as modified, for General Fund operations.

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.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
\_\_\_\_\_  
Paul F. Prather  
Deputy City Attorney

PFP:lkj  
12/03/09  
12/09/09 COR.COPY  
12/10/09 REV.  
Or.Dept:IBA  
R-2010-420

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)

\_\_\_\_\_  
JERRY SANDERS, Mayor