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11/29

RESOLUTION NUMBER R- 306359
DATE OF FINAL PASSAGE DEC 09 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AND RATIFYING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND LOCAL 127, AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO, REGARDING TERMS AND CONDITIONS OF EMPLOYMENT FOR FISCAL YEARS 2010-2011 AND 2011-2012.

WHEREAS, from November 19, 2009, until April 13, 2010, the Management Team of the City of San Diego met and conferred with Local 127, American Federation of State, County, and Municipal Employees, AFL-CIO (Local 127) regarding wages, hours, and other terms and conditions of employment for employees represented by Local 127 in the Classified Service of the City, and made detailed recommendations to the San Diego City Council (City Council) in relation thereto; and

WHEREAS, the Meyers-Milias-Brown Act (MMBA), at California Government Code sections 3500 through 3511, is the state law that governs labor relations between the City and its represented employees in the City's recognized employee organizations, including Local 127; and

WHEREAS, the MMBA requires the City to participate in collective bargaining with its recognized employee organizations, including Local 127, 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 13, 2010, the City's designated representatives and representatives of Local 127 reached tentative agreement on terms and conditions of employment for a two-year MOU, for a term to begin July 1, 2010; such tentative agreement is subject to ratification and approval by the City Council and the members of Local 127, which was completed on April 23, 2010, 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 Charter section 11.2; and

WHEREAS, on June 21, 2010, the City Council, by San Diego Resolution R-305918, approved the tentative agreement reached between the City and Local 127, and directed that the MOU be brought before the City Council at a later date for final determination; and

WHEREAS, from April 14, 2010, until October 26, 2010, the City's Management Team and representatives of Local 127 met and conferred over a successor MOU, and all agreed-upon matters have been incorporated into a written MOU signed by the City's Management Team and representatives of Local 127; and

WHEREAS, the MOU is now being submitted to the City Council for determination; and

WHEREAS, no MOU signed by the City's Management Team shall be binding upon the City Council, until or unless ratified by the City Council; and

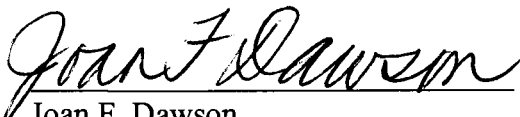
WHEREAS, Charter section 11.2 requires that any multiple-year MOU with any recognized employee organization concerning wages, hours, and other terms and conditions of employment is within the exercise of legislative discretion of the City Council so long as the City

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 City 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 Local 127, which includes reduction in total compensation for Local 127 members, because the MOU, in part, reduces the City's projected budget deficit for Fiscal Years 2010-2011 and 2011-2012, and creates two years of stability of employee compensation; NOW, THEREFORE,

BE IT RESOLVED that, pursuant to the authority of the MMBA, Charter section 11.2, 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 Local 127 regarding terms and conditions of employment for Fiscal Years 2010-2011 and 2011-2012, on file in the office of the City Clerk as Document No. RR 306359.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Joan F. Dawson
Deputy City Attorney

JFG:cm
10/6/2010
Or.Dept: CA
R-2011-438

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 29 2010

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12-9-10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor