

RESOLUTION NUMBER R- 306735

DATE OF FINAL PASSAGE APR 25 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AND RATIFYING AN AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO POLICE OFFICERS ASSOCIATION REGARDING TERMS AND CONDITIONS OF EMPLOYMENT FOR FISCAL YEARS 2010-2011 AND 2011-2012.

WHEREAS, from November 18, 2009, until April 6, 2010, the Management Team of the City of San Diego met and conferred with the San Diego Police Officers Association (SDPOA), regarding wages, hours, and other terms and conditions of employment for employees represented by SDPOA; and

WHEREAS, on April 6, 2010, the City's Management Team and representatives of SDPOA reached tentative agreement on terms and conditions of employment for a two-year Memorandum of Understanding (MOU), for a term to begin July 1, 2010; and

WHEREAS, the tentative agreement included a provision that Final Compensation for purposes of determining retirement calculations for Safety Members of the San Diego City Employees' Retirement System (Retirement System) represented by the SDPOA hired on or after January 1, 2012, will be calculated using the average of the member's three highest years of Base Compensation at any time during membership in the Retirement System, rather than the Base Compensation calculated by the highest one-year period during membership; and

WHEREAS, the tentative agreement reached between the City and SDPOA was presented to the San Diego City Council on July 12, 2010, and was approved by the City Council by San Diego Resolution R-305971; and

WHEREAS, the agreement approved by the City Council inadvertently omitted from Article 44, section 11, the provision regarding defining Final Compensation as the Base Compensation based on the average of the three highest years; and

WHEREAS, the City and SDPOA desire to have the approved MOU reflect the agreed-upon terms and now present an amended MOU to the City Council for approval and ratification; 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 SDPOA, which includes reduction in total compensation for SDPOA 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; and

WHEREAS, the City Council desires to approve and ratify the Amended MOU between the City and SDPOA; and NOW, THEREFORE,

BE IT RESOLVED that, pursuant to the authority of the Meyers-Miliias-Brown Act and City Council Policy 300-06, the Council of the City of San Diego hereby approves and ratifies the Amended Memorandum of Understanding between the City and SDPOA 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- 306735.

APPROVED: JAN I. GOLDSMITH, City Attorney

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

JFD:ccm
03/21/11
Or.Dept:LRO

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 11 2011.

ELIZABETH S. MALAND
City Clerk

By Mary Zermaya
Deputy City Clerk

Approved: 4-26-11
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor