

RESOLUTION NUMBER R- 906776

DATE OF FINAL PASSAGE MAY 11 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING AND RATIFYING AN
ADDENDUM TO MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY AND THE SAN DIEGO MUNICIPAL
EMPLOYEES' ASSOCIATION REGARDING TERMS AND
CONDITIONS OF EMPLOYMENT FOR FISCAL YEAR 2012.

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 of San Diego (City) and its represented employees in the City's recognized employee organizations, including the San Diego Municipal Employees' Association (MEA); and

WHEREAS, the MMBA requires the City to engage in collective bargaining with its recognized employee organizations, including MEA, 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, then 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, consistent with the MMBA, Article VIII of City Council Policy 300-06 provides, in pertinent part, that when the meet and confer process between the City and a recognized employee organization is completed, all agreed-upon matters shall be incorporated in a written MOU signed by the City's Management Team and representatives of the recognized employee organization and presented to the City Council for final approval; and

WHEREAS, by San Diego Resolution R-304827, the City Council approved an MOU between the City and MEA, for the term of July 1, 2009, through June 30, 2011; and

WHEREAS, from February 3, 2011, until February 16, 2011, the City's Management Team met and conferred with MEA regarding wages, hours, and other terms and conditions of employment for employees represented by MEA in the Classified Service; and

WHEREAS, on February 16, 2011, the City's Management Team and representatives of MEA reached tentative agreement on terms and conditions of employment for a one-year Addendum to the MOU (Addendum), for a term to begin July 1, 2011; and

WHEREAS, the Addendum incorporates by reference and is to be read with the MOU between the City and MEA entered into on July 1, 2009, and unless otherwise noted in the Addendum, all terms of the MOU, which took effect on July 1, 2009, will remain in effect until June 30, 2012, upon approval by the City Council; and

WHEREAS, the Addendum is subject to ratification by the members of MEA, which was completed on March 22, 2011; and

WHEREAS, the Addendum is also subject to the approval of the City Council, as provided by the MMBA, specifically California Government Code section 3505.1, and Council Policy 300-06; and

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

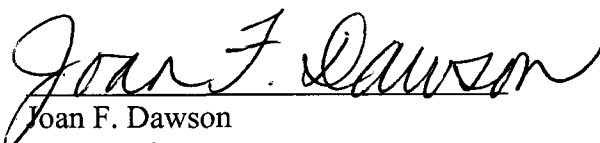
WHEREAS, the City Council acknowledges that negotiations between the City and MEA regarding proposed changes to the retiree health benefit for employees, who have not yet retired, are ongoing; and

WHEREAS, approval of the Addendum by the City Council is not intended to affect the parties' rights to agree to modify the retiree health benefit or the City's right to impose its last, best, and final offer to modify the retiree health benefit; and

WHEREAS, the Addendum signed by the City's Management Team and MEA representatives shall not be binding upon the City Council, until or unless ratified by the City Council; NOW, THEREFORE,

BE IT RESOLVED that, pursuant to the authority of the MMBA and Council Policy 300-06, the Council of the City of San Diego hereby approves and ratifies the Addendum to Memorandum of Understanding for Term of July 1, 2011-June 30, 2012, by and between the City and MEA regarding terms and conditions of employment for Fiscal Year 2012, on file in the office of the City Clerk as Document No. 300776.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Joan F. Dawson
Deputy City Attorney

JFD:ccm
3/24/2011
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 25 2011**

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5.11.11
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor