RESOLUTION NUMBER R- 307058

DATE OF FINAL PASSAGE ___ OCT 2 5 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 DEPUTY CITY
ATTORNEYS ASSOCIATION OF SAN DIEGO 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 Deputy City Attorneys Association (DCAA); and

WHEREAS, the MMBA requires the City to engage in collective bargaining with its

recognized employee organizations, including DCAA, 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, on December 8, 2009, by San Diego Resolution R-305499, the City Council approved an MOU between the City and DCAA, for the term of July 1, 2009, through June 30, 2011; and

WHEREAS, from February 8, 2011, until April 6, 2011, the City's Management Team met and conferred with DCAA regarding wages, hours, and other terms and conditions of employment for employees represented by DCAA in the Unclassified Service; and

WHEREAS, on April 6, 2011, the City's Management Team and representatives of DCAA 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 tentative agreement is subject to ratification by the members of DCAA, which was completed on April 25, 2011; and

WHEREAS, on April 11, 2011, by San Diego Resolution R-306740, the City Council approved the tentative agreement, and directed the City's Management Team to jointly prepare the written Addendum and present it to the City Council at a later date for final determination; and

WHEREAS, the Addendum incorporates by reference and is to be read with the MOU between the City and DCAA entered into on July 1, 2009, and unless otherwise amended 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 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
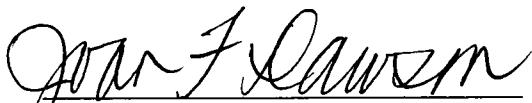
WHEREAS, the Addendum is now being submitted to the City Council for determination; and

WHEREAS, the Addendum signed by the City's Management Team and DCAA 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, through June 30, 2012, by and between the City and DCAA regarding terms and conditions of employment for Fiscal Year 2012, on file in the office of the City Clerk as Document No. __307058__ .

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Joan F. Dawson
Deputy City Attorney

JFD:ccm
9/29/2011
Or.Dept:LRO
Doc. #255251

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ___OCT 1 7 2011

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: ___10·25·11___
        (date)

_____
JERRY SANDERS, Mayor

Vetoed: _____
        (date)

_____
JERRY SANDERS, Mayor