

ORDINANCE NUMBER O- 20170 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 26 2012

AN ORDINANCE OF THE CITY OF SAN DIEGO  
APPROVING AN AMENDMENT TO THE MEMORANDUM  
OF UNDERSTANDING BETWEEN THE CITY OF  
SAN DIEGO AND LOCAL 127, AMERICAN FEDERATION  
OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES  
REGARDING POST-EMPLOYMENT HEALTH BENEFITS  
FOR ELIGIBLE EMPLOYEES WHO RETIRE AFTER  
MARCH 31, 2012.

WHEREAS, on February 7, 2012, the San Diego City Council (Council) adopted Ordinance O-20130, which approved and ratified the Memorandum of Understanding between the City of San Diego (City) and Local 127, American Federation of State, County, and Municipal Employees (Local 127) for the term of April 1, 2012, through March 31, 2027, regarding the Post-Employment Health Benefits for eligible employees who retire after March 31, 2012 (MOU); and

WHEREAS, under the terms of the MOU, employees who elect Option A or B under the Post-Employment Health Benefits Plan are required to make mandatory employee contributions; and

WHEREAS, the MOU provided that the employee contributions would be pre-tax, subject to applicable federal tax laws; and

WHEREAS, after the MOU was approved by Council, the City was advised by its outside tax counsel that employee contributions would have to be made post-tax to comply with applicable federal tax laws; and

WHEREAS, this advice required further negotiations between the City and Local 127 under the Meyers-Milias-Brown Act (MMBA); and

WHEREAS, on May 1, 2012, the City's labor negotiators met and conferred with Local 127 and reached agreement with Local 127 to amend the 15-year MOU and modify the employee contributions to comply with federal tax laws; and

WHEREAS, the Council desires to approve the agreed upon modifications to the Option A and B mandatory employee contributions, as reflected in the Amendment to Memorandum of Understanding Regarding Post-Employment Health Benefits between the City and Local 127; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That pursuant to the Meyers-Milias-Brown Act and City Council Policy 300-06, the Council approves the Amendment to Memorandum of Understanding Regarding Post-Employment Health Benefits between the City and Local 127 for the term of April 1, 2012 through March 31, 2027, on file in the Office of the City Clerk as Document No. 00- 20170.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED AS TO FORM AND LEGALITY:

By:   
TIMOTHY L. DAVIS, ESQ.  
Burke, Williams & Sorensen, LLP

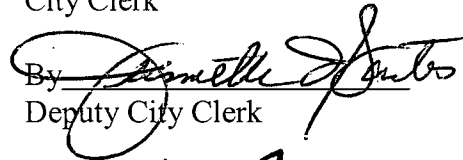
APPROVED AS TO FORM:

By:   
JAN I. GOLDSMITH, City Attorney

5/4/2012  
Or.Dept:Human Resources  
Doc. No. 363958\_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 12 2012.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 6.26.12  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor