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RESOLUTION NUMBER R- 307512

DATE OF FINAL PASSAGE _ JUN 26 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AND RATIFYING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE DEPUTY CITY ATTORNEYS ASSOCIATION REGARDING TERMS AND CONDITIONS OF EMPLOYMENT FOR FISCAL YEAR 2012-2013.

WHEREAS, from February 27, 2012, until April 18, 2012, the Management Team of the City of San Diego [City] met and conferred with the Deputy City Attorneys Association [DCAA], regarding wages, hours, and other terms and conditions of employment for employees represented by DCAA, and made detailed recommendations to the City Council in relation thereto; and

WHEREAS, the Meyers-Milias-Brown Act [MMBA], at California Government Code Section 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 DCAA; and

WHEREAS, the MMBA requires the City to participate 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, 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 shall present the MOU to the City Council, as the governing body, for determination; and

WHEREAS, San Diego City Council Policy 300-06, the City's Employee-Employer Relations Policy, at Section VIII, provides that when the meet and confer process is concluded between the City and an exclusively recognized employee organization, all agreed upon matters shall be incorporated into a written MOU signed by the Management Team and representatives of the exclusively recognized employee organization; and

WHEREAS, Section VIII of City Council Policy 300-06 further provides that the MOU shall be submitted to the City Council for determination; and

WHEREAS, the City's Management Team and representatives of DCAA reached tentative agreement on terms and conditions of employment for a one-year MOU, for a term to begin July 1, 2012; and

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

BE IT RESOLVED that, pursuant to the authority of the MMBA 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 DCAA regarding terms and conditions of employment for Fiscal Year 2012-2013, on file in the office of the City Clerk as Document No. 307512

APPROVED AS TO FORM AND LEGALITY:

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

APPROVED: JAN I. GOLDSMITH, City Attorney

By: _____
Deputy City Attorney