

307970

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE JAN 28 2013

RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DESIGNATING THE CITY'S MANAGEMENT
TEAM FOR FISCAL YEAR 2014 NEGOTIATIONS WITH THE
CITY'S RECOGNIZED EMPLOYEE ORGANIZATIONS.

WHEREAS, under the San Diego Charter (Charter) and applicable state law, the authority of the City of San Diego (City), as a public agency employer, to enter into memoranda of understanding with its recognized employee organizations establishing wages, hours, and other terms and conditions of employment rests with the San Diego City Council (Council); and

WHEREAS, under the Meyers-Milias-Brown Act (MMBA), at California Government Code sections 3500-3511, the City must engage in meet and confer with its six recognized employee organizations regarding terms and conditions of employment for Fiscal Year 2014, which begins July 1, 2013; and

WHEREAS, the MMBA, specifically at California Government Code section 3505, provides that the Council, as the governing body of the City, may designate representatives to engage in meet and confer with the City's employee organizations; these representatives have the obligation personally to meet and confer promptly upon request by any employee organization and continue for a reasonable period of time, to exchange information and proposals and endeavor to reach agreement on matters within the scope of representation prior to the adoption of the City's final budget for Fiscal Year 2014; all agreements reached are subject to approval by the Council and by the City Attorney under Charter section 40, before they are binding on the City; and

WHEREAS, under the MMBA and California case law interpreting it, as well as the Charter, the City's designated representatives must approach negotiations in good faith and must take bargaining positions only with the approval of the Council as to policy and the City Attorney as to legality; and

WHEREAS, under the Charter, the MMBA, and City Council Policy 300-06, if agreement is reached by the representatives of the City and a recognized employee organization, they shall jointly prepare a written memorandum of understanding, which shall not be binding on the City unless and until it is approved by the Council as to policy and by the City Attorney as to legality; and

WHEREAS, the Ralph M. Brown Act, specifically at California Government Code section 54957.6(a), provides that prior to holding a closed session meeting with its designated representatives who are involved in meet and confer, the Council must hold an open and public session in which it identifies its designated representatives; and

WHEREAS, under the MMBA, Ralph M. Brown Act, and City Council Policy 300-06, the Council desires to designate its representatives on the Management Team for Fiscal Year 2014 negotiations with the City's recognized employee organizations and to authorize these representatives to execute tentative agreements and memoranda of understanding following the process described above; and

WHEREAS, the Council desires to designate the Mayor and his staff members as the Management Team to engage in meet and confer; however, this designation in no way delegates or relinquishes the Council's authority to approve tentative agreements and memoranda of understanding reached through negotiations nor does it delegate or relinquish the City Attorney's authority to approve as to legality; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that pursuant to California Government Code sections 3505 and 54957.6(a), City Council Policy 300-06, and other applicable state and local laws and regulations, the Council designates the representatives on the Management Team for Fiscal Year 2014 negotiations with the City's recognized employee organizations, and authorizes these representatives to participate in meet and confer, taking Council-approved bargaining positions, to execute any tentative agreements and memoranda of understanding reached in meet and confer, and to present all tentative agreements and memoranda of understanding reached in meet and confer to the Council for final determination and approval by the Council as to policy and the City Attorney as to legality, as follows:

Bob Filner, Mayor – Chief Negotiator

Timothy Davis, Burke, Williams, & Sorensen LLP

Francisco Estrada, Director of Council Affairs, Office of the Mayor

Scott Chadwick, Human Resources Director

Judy von Kalinowski, Human Resources Deputy Director

Karen DeCrescenzo, Human Resources Officer

Joy Freeman, Human Resources Officer

Rimah Khouri, Human Resources Officer

John O'Neill, Human Resources Officer

Greg Bych, Risk Management Director

Valerie VanDeweghe, Risk Management Deputy Director

Michelle Villa, Payroll Principal Accountant, City Comptroller Department

Javier Mainar, Fire Chief, Fire-Rescue Department

Ken Barnes, Assistant Fire Chief, Fire-Rescue Department

Brian Fennessy, Assistant Fire Chief, Fire-Rescue Department

Rick Wurts, Lifeguard Chief, Fire-Rescue Department

William Lansdowne, Police Chief

Shelly Zimmerman, Assistant Police Chief

Tanya Tomlinson, Deputy Director, Office of the City Attorney (solely, for negotiations with the Deputy City Attorneys Association).

BE IT FURTHER RESOLVED, that the Council designates the following individuals from the Office of the Independent Budget Analyst as representatives within the meaning of California Government Code section 54957.6(a) to attend closed session meetings of the Council, and to serve in the capacity as observers at “meet and confer” sessions, but they are not designated as members of the Management Team as defined by City Council Policy 300-06:

Andrea Tevlin, Independent Budget Analyst

Jeff Sturak, Deputy Director, Office of the Independent Budget Analyst

Lisa Byrne, Fiscal and Budget Analyst, Office of the Independent Budget Analyst.

BE IT FURTHER RESOLVED, that the Council designates the following individuals from the Office of the City Attorney as representatives within the meaning of California Government Code section 54957.6(a) to attend closed session meetings of the Council, and to serve in the capacity as observers at “meet and confer” sessions, but they are not designated as members of the Management Team as defined by City Council Policy 300-06, and, as provided in Charter section 40, to perform legal work:

Jan Goldsmith, City Attorney

Joan Dawson, Deputy City Attorney

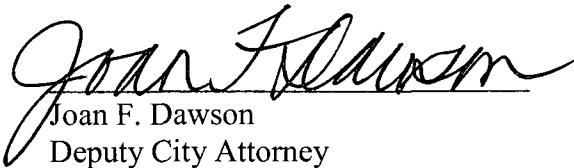
Paul Cooper, Deputy City Attorney

Bill Gersten, Deputy City Attorney

Roxanne Story Parks, Deputy City Attorney

Lori Thacker, Deputy City Attorney.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Joan F. Dawson
Deputy City Attorney

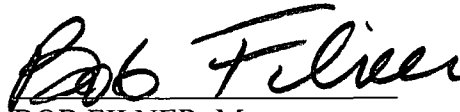
JFD:ccm
01/14/2013 REV.
01/02/2013
Or.Dept:CityAtty
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I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 14 2013.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 1/27/13
(date)


BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor