

# 5400  
9/16/13

(R-2014-136)

RESOLUTION NUMBER R- 308436

DATE OF FINAL PASSAGE SEP 30 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND BURKE, WILLIAMS & SORENSEN, LLP, TO PROVIDE NEGOTIATION SERVICES TO THE CITY IN FISCAL YEAR 2014, DIRECTING THE COUNCIL PRESIDENT TO EXECUTE THE AGREEMENT, AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXPEND SPECIFIED AMOUNTS UNDER THE FIRST AMENDMENT TO THE AGREEMENT.

WHEREAS, on January 14, 2013, the San Diego City Council (Council) on behalf of the City of San Diego (City), a municipal corporation, approved an agreement between the City and Burke, Williams & Sorensen, LLP (Consultant) for the Consultant to provide negotiation services to the City (Agreement); and

WHEREAS, under the Agreement, the Consultant will provide expert as-needed negotiation services related to labor negotiations for Fiscal Year 2014 with the City's six recognized employee organizations: California Teamsters, Local 911; Deputy City Attorneys Association of San Diego; Local 127, American Federation of State, County, and Municipal Employees; San Diego City Firefighters, International Association of Firefighters, Local 145; San Diego Municipal Employees' Association; and San Diego Police Officers Association; and

WHEREAS, the scope of services covers all work related to labor negotiations under the Meyers-Milias-Brown Act (MMBA) and San Diego City Council Policy 300-06, as directed or required by City officers; and

WHEREAS, the City has agreed with each of its recognized employee organizations to discuss health care benefits for current employees during Fiscal Year 2014; and

WHEREAS, the purpose of these proposed negotiations will be to determine if modifications to the current Flexible Benefit Plan can result in lower out-of-pocket expenses for current employees; and

WHEREAS, the City has also agreed to discuss with its recognized employee organizations the City's Employee-Employer Relations Policy, set forth as Council Policy 300-06, during Fiscal Year 2014, to ensure compliance with recent amendments to the MMBA; and

WHEREAS, the negotiations between the City and its recognized employee organizations on employee health care benefits and Council Policy 300-06 are ongoing; and

WHEREAS, the Agreement, as stated in Article II, will remain in effect until the Scope of Services is completed or September 30, 2013, whichever is earlier; and

WHEREAS, the Council wants to extend the Agreement through December 31, 2013, so that the Consultant may continue to provide negotiation services to the City related to employee health care and Council Policy 300-06; and

WHEREAS, the Agreement, as stated in Article I, is to be administered by Vince Hall, who is no longer Chief of Staff in the Office of the Mayor; and

WHEREAS, the Agreement also states, at Article III, that invoices are to be mailed to Vince Hall, Chief of Staff; and

WHEREAS, the Agreement, at Article XIII, also states that notice to the City must be addressed to Vince Hall, Chief of Staff; and

WHEREAS, the Council wants to amend the Agreement to reflect the change in personnel in the Office of the Mayor, and designate Walt Ekard, Interim Chief Operating Officer, or his designee to administer the Agreement; and

WHEREAS, the Agreement, at Article III and in Exhibit B, states that the City will pay the Consultant for performing the negotiation services an amount not to exceed \$400,000; and

WHEREAS, the Council wants to increase the compensation under the Agreement to an amount not to exceed \$475,000; and

WHEREAS, the additional \$75,000 was previously appropriated by the Council, with their approval of the City's Fiscal Year 2014 budget; and

WHEREAS, funding for this First Amendment has been allocated via the Fiscal Year 2014 Annual Budget according to the Fiscal Year 2014 FTE Allocation Schedule to support these activities; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council approves the First Amendment to the Agreement between the City and Burke, Williams & Sorensen, LLP, which is on file in the Office of the City Clerk as Document No. RR- 308436, which extends the previously approved Agreement for negotiation services through December 31, 2013, increases the compensation under the Agreement to an amount not to exceed \$475,000, and changes the City's designated administrator of the Agreement.

BE IT FURTHER RESOLVED that the Council authorizes and directs the Council President, in his capacity under San Diego Charter section 265(i) and on behalf of the City, to execute the First Amendment to the Agreement, which is on file in the Office of the City Clerk as Document No. RR- 308436

BE IT FURTHER RESOLVED that the actions authorized here are contingent upon the City Comptroller first furnishing one or more certificates stating that funds necessary for the authorized expenditures are, or will be, on deposit with the City Treasurer.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Joan F. Dawson  
Joan F. Dawson  
Deputy City Attorney

JFD:ccm  
9/10/2013  
Or.Dept:LRO  
Doc. No. 631692.doc

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 9/16/13.

ELIZABETH S. MALAND  
City Clerk

By Mary Zemaya  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
Mayor

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

\_\_\_\_\_  
Mayor

Approved pursuant to Charter Section 263(i).

Passed by the Council of The City of San Diego on SEP 16 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherrri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 30 2013.

**(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT  
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By *Mary Zuma*, Deputy

Office of the City Clerk, San Diego, California

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