

RESOLUTION NUMBER R- 308476  
DATE OF FINAL PASSAGE OCT 15 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE SAN DIEGO POLICE OFFICERS ASSOCIATION REGARDING TERMS AND CONDITIONS OF EMPLOYMENT FOR FISCAL YEARS 2014 THROUGH 2018.

WHEREAS, from February 8, 2013, until May 28, 2013, the Management Team of the City of San Diego (City) met and conferred with the San Diego Police Officers Association (POA), regarding wages, hours, and other terms and conditions of employment for employees represented by the POA, and made detailed recommendations to the San Diego City Council (City Council) in relation thereto; and

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 and its represented employees in the City's recognized employee organizations, including the POA; and

WHEREAS, the MMBA requires the City to participate in collective bargaining with its recognized employee organizations, including the POA, 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 agreement, which shall not be binding until approved by the City Council, and shall present the agreement to the City Council, as the governing body, for determination; and

WHEREAS, 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 agreement signed by the Management Team and representatives of the exclusively recognized employee organization; and

WHEREAS, section VIII of Council Policy 300-06 further provides that the Memorandum of Understanding (MOU) shall be submitted to the City Council for determination; and

WHEREAS, the City's Management Team and representatives of the POA have reached tentative agreement on terms and conditions of employment for a five-year MOU, for a term to begin July 1, 2013; and POA members have ratified the agreement; and

WHEREAS, on June 10, 2013, the City Council approved and ratified a tentative agreement between the City and the POA and directed the City's Management Team to jointly prepare with representatives of the POA the written MOU and present it to the City Council at a later date for final determination; and

WHEREAS, San Diego Charter section 11.2 requires that a multiple-year agreement with any recognized employee organization concerning wages, hours, and other terms and conditions of employment requires a determination by the City Council that it is in the best interests of the City to enter into a multiple-year agreement and a two-thirds vote of the City Council approving the agreement; and

WHEREAS, the City Council now determines it is in the best interests of the City to enter into a multiple-year agreement for the City's financial stability and future potential long-term savings related to City Retirement System costs; and

WHEREAS, the City Council desires to approve and ratify the MOU between the City and the POA;

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 approves and ratifies the MOU between the City and the POA regarding terms and conditions of employment for Fiscal Years 2014, 2015, 2016, 2017, and 2018, on file in the office of the City Clerk as Document No. RR-308476

APPROVED: JAN I. GOLDSMITH, City Attorney

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

JFD:cm  
06/05/2014 REV.  
05/31/2013  
Or.Dept: Human Resources  
572305\_2

I certify that this Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 01 2013.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

*See attached memo and signature page.*

**Office of  
The City Attorney  
City of San Diego**

**MEMORANDUM  
MS 59**

**(619) 236-6220**

**DATE:** June 5, 2014  
**TO:** City Clerk  
**FROM:** City Attorney  
**SUBJECT:** Corrections to the Resolution approving the MOU between the City and POA (San Diego Resolution R-308476 (Oct. 15, 2013); City Att’y R-2013-746 REV.)

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This Memorandum is presented, pursuant to San Diego Charter (Charter) section 275(a), to notify the Office of the City Clerk that this Office has made a correction to the resolution approving the Memorandum of Understanding between the City of San Diego and the San Diego Police Officers Association regarding terms and conditions of employment for Fiscal Years 2014 through 2018. This Office approves of the requested corrections, as permitted under the provisions of Charter section 275(a).<sup>1</sup> See 1986 City Att’y MOL 619 (86-116; Sept. 29, 1986).

The following correction has been made to the above-described resolution that was presented to the City Council on October 1, 2013, Item #330:

<u>Section No.</u>	<u>Correction</u>
Title, last line	Delete “YEAR 2014” and replace with “YEARS 2014 THROUGH 2018”  <i>(This corrects a clerical error.)</i>

JFD:ccm  
Attachment  
cc: Honorable Mayor and City Councilmembers  
Independent Budget Analyst

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<sup>1</sup> Charter section 275 addresses modifications to ordinances after first reading, as follows:

An alteration necessary only to correct a typographical or clerical error or omission may be performed by the City Clerk with the written approval and concurrence of the City Attorney, so long as the alteration does not materially or substantially alter the contents, requirements, rights, responsibilities, conditions, or prescriptions contained in the original text of the ordinance. A typographical or clerical error shall include, but is not limited to, incorrect spelling, grammar, numbering, punctuation, transposed words or numbers, and duplicate words or numbers.

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 approves and ratifies the MOU between the City and the POA regarding terms and conditions of employment for Fiscal Years 2014, 2015, 2016, 2017, and 2018, on file in the office of the City Clerk as Document No. HL 308476.

APPROVED: JAN I. GOLDSMITH, City Attorney

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

JFD:ccm  
05/31/2013  
Or.Dept: Human Resources  
572305.doc

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 01 2013.

ELIZABETH S. MALAND  
City Clerk

By Elizabeth S. Maland  
Deputy City Clerk

Approved pursuant to Charter section 265(i):

\_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Council President

Passed by the Council of The City of San Diego on OCT 01 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 15 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 , Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 308476