

RESOLUTION NUMBER R- 308790

DATE OF FINAL PASSAGE MAR 20 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A TENTATIVE AGREEMENT AND A SIDE LETTER AGREEMENT, AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO AND THE DEPUTY CITY ATTORNEYS ASSOCIATION REGARDING TERMS AND CONDITIONS OF EMPLOYMENT FOR FISCAL YEARS 2014 THROUGH 2018.

WHEREAS, on October 1, 2013, the San Diego City Council (Council) approved a five-year Memorandum of Understanding (MOU) between the City of San Diego (City) and the Deputy City Attorneys Association (DCAA), regarding wages, hours, and other terms and conditions of employment for employees represented by the DCAA for Fiscal Years 2014 through 2018; and

WHEREAS, the MOU, at Article 15, paragraph C.2, states that the City and the DCAA will continue to negotiate a layoff procedure in accordance with San Diego Charter sections 30 and 40; and

WHEREAS, pursuant to the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06, from February 8, 2011 through February 5, 2014, the City's management team and the DCAA met and conferred in good faith regarding a layoff procedure; and

WHEREAS, on February 5, 2014, the City's management team and the DCAA reached a tentative agreement on the layoff procedure and fully executed the tentative agreement on February 18, 2014; and

WHEREAS, DCAA members have ratified the tentative agreement; and

WHEREAS, in accordance with the MMBA, and specifically California Government Code section 3505.1, and Council Policy 300-06, the City's management team and the DCAA

are now presenting the tentative agreement, which describes the negotiated layoff procedure, to the Council for final determination; and

WHEREAS, the City's management team and the DCAA contemplate that the layoff procedure will be memorialized by amendment to Article 15, paragraph C of the MOU, as described in the proposed Side Letter Agreement, now before the Council for final determination; and

WHEREAS, the Side Letter Agreement is intended to be read in conjunction with the MOU, as expressly stated in the Side Letter Agreement; and

WHEREAS, the Side Letter Agreement is amending the five-year MOU, and therefore, under San Diego Charter section 11.2, the Side Letter Agreement 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 with the DCAA on a layoff procedure for a term that is consistent with the current five-year MOU to ensure stability in the work force represented by the DCAA and to resolve a negotiable matter under the MMBA; and

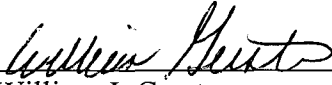
BE IT RESOLVED that, pursuant to the authority of the MMBA and Council Policy 300-06, the Council of the City of San Diego approves the tentative agreement between the City and the DCAA regarding a layoff policy, on file in the office of the City Clerk as Document No. RR-308790-1; and

BE IT FURTHER RESOLVED that, pursuant to the authority of the MMBA and Council Policy 300-06, the Council of the City of San Diego approves the Side Letter Agreement between the City and the DCAA, on file in the office of the City Clerk as Document No.

02-308790-2, which amends the MOU for Fiscal Years 2014 through 2018, by amending

Article 15, paragraph C of the MOU.

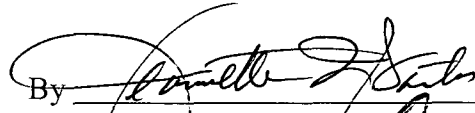
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
William J. Gersten  
Deputy City Attorney


WJG:hm  
02/18/2014  
02/28/2014 COR.COPY  
Or.Dept:Human Resources  
Doc. No. 736811

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 04 2014.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 3/20/2014  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

Passed by the Council of The City of San Diego on MAR 04 2014, 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"/>
District 2 (Vacant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR: 20 2014

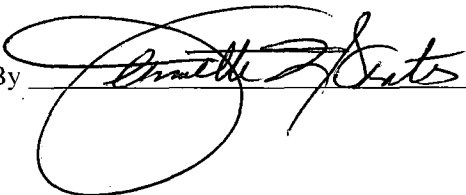
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
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- <u>308790</u>