

S403
6/16/2014

(R-2014-817 REV.)
COR. COPY

RESOLUTION NUMBER R- 309039

DATE OF FINAL PASSAGE JUL 02 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, OF ITS INTENT TO PLACE A PROPOSITION ON THE NOVEMBER 2014 BALLOT, OR IN THE ALTERNATIVE TO ADOPT AN ORDINANCE, RELATED TO EARNED SICK LEAVE AND MINIMUM WAGE FOR EMPLOYEES WORKING IN SAN DIEGO, SUBJECT TO COMPLIANCE WITH ALL PROCEDURAL REQUIREMENTS SET FORTH IN STATE LAW AND THE SAN DIEGO CHARTER AND OTHER LOCAL LAW, AND WITH DIRECTION TO RETURN TO CITY COUNCIL FOR FINAL DETERMINATION.

WHEREAS, on March 24, 2014, San Diego City Council (Council) President Todd Gloria presented a proposal to the Economic Development and Intergovernmental Relations Committee (ED & IR Committee) of the Council of the City of San Diego (City), related to improving wages and working conditions for employees in the City; and

WHEREAS, on March 24, 2014, April 30, 2014, and June 11, 2014, the ED & IR Committee heard public testimony related to a proposed ordinance (Proposed Ordinance), which would provide employees in the City with up to five days of earned sick leave, based on hours worked, and a local minimum wage; and

WHEREAS, on June 11, 2014, the ED & IR Committee voted to forward the Proposed Ordinance as presented to the ED & IR Committee, which is on file in the Office of the City Clerk as File No. RR- 309039 , to the full Council for consideration; and

WHEREAS, the ED & IR Committee also requested that the Council consider two options for adoption of the Proposed Ordinance: a ballot proposition to be placed on the November 2014 ballot and an ordinance adopted by the Council; and

WHEREAS, the June 11, 2014 action of the ED & IR Committee included a request of staff to take all necessary steps to comply with the City's obligations as a public agency employer related to the Proposed Ordinance, including compliance with the Meyers-Miliias-Brown Act (MMBA) and San Diego Charter section 70.2; and

WHEREAS, the Proposed Ordinance is intended to apply to eligible employees, who in a calendar week perform at least two hours of work within the geographic boundaries of the City; and

WHEREAS, the Proposed Ordinance would apply to certain employees who work for the City in that their base compensation is presently lower than the proposed local minimum wage or they receive no earned sick leave as defined in the Proposed Ordinance; and

WHEREAS, under the MMBA, and specifically California Government section 3504, wages and compensated leave are mandatory subjects of bargaining; and

WHEREAS, under the MMBA, and specifically California Government Code section 3505, the City, as a public agency employer, must meet and confer in good faith on proposed modifications to mandatory subjects of bargaining before a final decision on a proposed modification is made; and

WHEREAS, San Diego Charter (Charter) section 70.2, which was added by City voter approval of Proposition B on June 5, 2012, requires, from July 20, 2012 until June 30, 2018, before the Council takes any action that establishes an initial bargaining position for meet and confer with the City's recognized employee organizations, which includes increases to salaries and benefits for any City officer or employee, that the City Employees' Retirement System (SDCERS) actuary prepare and submit to the Mayor and Council an actuarial study; and

WHEREAS, under Charter section 70.2, the required actuarial study must identify and disclose the impact on the City's Defined Benefit Plan of any increases in proposed compensation or benefits contained in an initial Council proposal for collective bargaining; and

WHEREAS, under Charter section 70.2, the actuarial study must also certify whether the proposed action increases the average or mean Base Compensation, for any job classification; and

WHEREAS, the actuary for SDCERS has prepared the required study pursuant to Charter section 70.2, related to the Proposed Ordinance; and

WHEREAS, the Council has considered the required actuarial study and now desires to initiate the meet and confer process with the City's recognized employee organizations impacted by the Proposed Ordinance; and

WHEREAS, the Council also requests that the City Attorney's Office prepare all necessary legal documents related to adoption of the Proposed Ordinance, by ballot proposition or by Council ordinance, as directed by Council action; and

WHEREAS, the Council also requests that the City Attorney's Office prepare the legal documents necessary for Council consideration of earned sick leave and local minimum wage in two separate ordinances; and

WHEREAS, the Council directs that the Proposed Ordinance, as considered by the Council on June 16, 2014, be returned to the Council for final determination after completion of the procedural steps required and after completion of the legal work; NOW, THEREFORE,

BE IT RESOLVED, that the Council intends to place the Proposed Ordinance related to earned sick leave and minimum wage for employees working in San Diego, on the November 2014 ballot, or in the alternative to consider Council adoption of the Proposed Ordinance, subject to compliance with the City's obligations as a public agency employer related to the Proposed Ordinance, including compliance with the Meyers-Milias-Brown Act and San Diego Charter section 70.2.

BE IT FURTHER RESOLVED, that the Council modifies the Proposed Ordinance, which was heard on June 11, 2014, by the ED & IR Committee and is on file in the Office of the City Clerk as File No. RR- 309039, and directs the City Attorney's Office to make the approved modifications, to set San Diego's minimum wage at \$11.50, implemented over three years every January 1, as follows:

\$9.75 in January 2015,

\$10.50 in January 2016,

\$11.50 in January 2017, and

Indexed to CPI starting January 1, 2019

BE IT FURTHER RESOLVED, that the Council directs staff to take all of the necessary steps to comply with the City's obligations as a public agency employer related to the Proposed Ordinance, including compliance with the Meyers-Milias-Brown Act and San Diego Charter Section 70.2.

BE IT FURTHER RESOLVED, that the Council directs the City Attorney's Office to prepare all necessary legal documents related to adoption of the Proposed Ordinance, by ballot proposition or by Council ordinance.

BE IT FURTHER RESOLVED, that the Council directs the City's labor negotiators to engage in meet and confer related to the Proposed Ordinance.

BE IT FURTHER RESOLVED, that the Proposed Ordinance be returned to the Council for final determination at a later date, with options to place the Proposed Ordinance on the November 2014 ballot or adopt it as a single ordinance or split the Proposed Ordinance into two ordinances, one related to earned sick leave and the other related to minimum wage, upon completion of the required procedural steps.

APPROVED: JAN I. GOLDSMITH, City Attorney

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

JFD:ccm
06/17/2014 REV.
06/16/2014 COR. COPY
06/12/2014
Or.Dept: Council District 3
Doc. No.: 807369

I certify that this Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 16 2014.

NOTE: This resolution was returned unsigned by the Mayor's Office to the City Clerk on July 2, 2014. Pursuant to San Diego City Charter Section 295(a)(2), this resolution is deemed approved on July 2, 2014.

ELIZABETH S. MALAND
City Clerk

By Karen Aush
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUN 16 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"/>
Ed Harris	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" 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 JUL 02 2014.

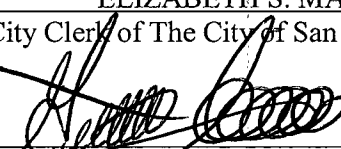
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 309039