

Item #43-D
8/7/14

(R-2015-65)

RESOLUTION NUMBER R- 309191

DATE OF FINAL PASSAGE AUG 08 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AND RATIFYING A SIDE LETTER AGREEMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE SAN DIEGO CITY FIREFIGHTERS, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 145 REGARDING TERMS AND CONDITIONS OF EMPLOYMENT FOR FISCAL YEARS 2014 THROUGH 2018 TO IMPLEMENT THE SAN DIEGO WORKS INITIATIVE.

WHEREAS, on October 1, 2013, by San Diego Resolution R-308478 (Oct. 15, 2013), the San Diego City Council (Council) approved a Memorandum of Understanding (MOU) between the City of San Diego (City) and the San Diego City Firefighters, International Association of Fire Fighters Local 145 (Local 145) regarding terms and conditions of employment for Fiscal Years 2014 through 2018; and

WHEREAS, on June 11, 2014, Mayor Kevin Faulconer announced a new initiative called "San Diego Works," to challenge City employees, the City's recognized employee organizations, and City management to collaborate and submit cost-saving and operational streamlining ideas for the Fiscal Year 2016 budget; and

WHEREAS, "San Diego Works" is intended to complement competitive bidding for City services under San Diego Charter section 117(c); and

WHEREAS, "San Diego Works" will offer eligible employee teams cash awards for approved budgetary proposals; and

WHEREAS, the specific terms of "San Diego Works" are set forth in a proposed Administrative Regulation 95.93, which the City's management team has negotiated with the

City's impacted employee organizations, including Local 145, under the Meyers-Milias-Brown Act (MMBA); and

WHEREAS, under the MMBA, and specifically California Government Code (Government Code) section 3504, the terms of paying cash awards are a mandatory subject of bargaining; and

WHEREAS, under the MMBA, and specifically 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, from July 14, 2014 until July 28, 2014, the City and its impacted employee organizations, including Local 145, met and conferred and reached agreement on the terms of "San Diego Works"; and

WHEREAS, under the MMBA and Council Policy 300-06, it is within the discretion of the Council to approve and ratify the negotiated agreement; and

WHEREAS, the Council desires to approve and ratify the Side Letter Agreement, which amends the MOU between the City and Local 145, to allow the Mayor to implement "San Diego Works"; and

WHEREAS, in the Fiscal Year 2015 Salary Ordinance, approved by the Council on April 25, 2014 (San Diego Council Ordinance O-20365), the Council stated that during Fiscal Year 2015, the Council may, upon the Mayor's recommendation, establish additional benefit programs for represented and unrepresented officers and employees by separate and specific City Council action. The Salary Ordinance further provided that, for represented employees, these additional benefit programs must be based on ratified and executed Memoranda of Understanding with recognized employee organizations, or otherwise in compliance with the MMBA and City

Council Policy 300-06. For unrepresented officers or employees, these programs must be based on other conditions of qualification that are established by the City Council in its sole discretion; and

WHEREAS, "San Diego Works" is a benefit program that will provide eligible employees with the opportunity to earn cash awards for submission and acceptance of cost-saving and operational efficiency programs; and

WHEREAS, the Council now desires to authorize the "San Diego Works" initiative on the terms set forth in the Administrative Regulation; 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 Side Letter Agreement to the MOU between the City and Local 145, which amends the MOU to allow the Mayor to implement "San Diego Works," as specified in the Side Letter Agreement, on file in the Office of the City Clerk as Document No. RR- 309191 .

BE IT FURTHER RESOLVED, that the Council authorizes the Mayor or his designee to provide cash payments to eligible employees under the terms set forth in Administrative Regulation 95.93 in Fiscal Year 2015.

BE IT FURTHER RESOLVED, that the Council delegates authority to the Mayor to negotiate any modifications to the Side Letter Agreement, which incorporates Administrative Regulation 95.93, if necessary to resolve any administrative matters that arise in implementing "San Diego Works" so long as the modifications do not have any impact on the City's approved budget, without further Council consideration, and subject to the City's compliance with the MMBA; and

BE IT FURTHER RESOLVED, that the Council directs the City Attorney to add appropriate language to the Salary Ordinance for Fiscal Year 2016 to authorize cash payments to eligible employees under the terms of Administrative Regulation 95.93 in Fiscal Year 2016.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Gregory J. Halsey
Deputy City Attorney

GJH:sc
07/29/14
Or.Dept: Human Resources
Doc. No.: 831455

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 8/7/14


ELIZABETH S. MALAND
City Clerk

By 

Deputy City Clerk

Approved: 8/8/14

(date)



KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on AUG 07 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 type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| Marti Emerald | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Date of final passage AUG 08 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

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