

RESOLUTION NUMBER R- 310644

DATE OF FINAL PASSAGE AUG 10 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING AND RATIFYING A SIDE LETTER  
AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND  
THE DEPUTY CITY ATTORNEYS ASSOCIATION  
AUTHORIZING PLACEMENT OF A PROPOSED  
AMENDMENT TO SAN DIEGO CITY CHARTER SECTION 40  
ON THE NOVEMBER 8, 2016 BALLOT.

WHEREAS, on June 13, 2016, by San Diego Resolution R-310511 (June 13, 2016), the San Diego City Council (Council) approved and ratified a Memorandum of Understanding (MOU) between the City of San Diego (City) and the Deputy City Attorneys Association (DCAA), setting forth the terms and conditions of employment for DCAA-related employees for Fiscal Years 2017 through 2019; and

WHEREAS, by San Diego Ordinance O-20671, introduced and adopted on July 11, 2016, the Council has called a Municipal Special Election to be consolidated with the California State General Election to be held November 8, 2016, for the purpose of submitting to the qualified voters of the City one or more ballot measures; and

WHEREAS, also on July 11, 2016, the Council requested that the City's labor negotiators meet and confer with the DCAA over placement of a proposed amendment to San Diego City Charter (Charter) section 40 on the November 8, 2016 ballot; and

WHEREAS, Charter section 40 establishes the office and duties of the elected City Attorney, provides for the appointment of deputy city attorneys, and provides, in the fifth paragraph, that a deputy city attorney who has served in the Office of the City Attorney for two years or more shall not be terminated or suspended without good cause, except that any deputy city attorney may be subject to layoff due to lack of work or insufficient appropriation to meet the salary requirements necessary to maintain existing personnel; and

WHEREAS, the language of Charter section 40 establishing protection for deputy city attorneys from certain terminations or suspensions without good cause was approved by City voters on November 2, 2010; and

WHEREAS, the language providing good cause protection was added to create stability and reduce employee turnover in the Office of the City Attorney; and

WHEREAS, in accordance with California Constitution, article XI, section 3(b), California Elections Code (Elections Code) section 9255(a)(2), and Charter section 223, the San Diego City Council (Council) has authority to place Charter amendments on the ballot to be considered at a Municipal Election; however, all proposed amendments to the Charter must be approved by City voters to take effect; and

WHEREAS, the Council is proposing an amendment to Charter section 40 to change from two years to one year the time period of service required before good cause protection extends to a deputy city attorney subject to termination or suspension, except that that any deputy city attorney may be subject to layoff due to lack of work or insufficient appropriation to meet the salary requirements necessary to maintain existing personnel; and

WHEREAS, the City has met and conferred with the DCAA, the recognized employee organization representing deputy city attorneys, in compliance with the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06, and the DCAA agrees that this change is appropriate and should be placed before the voters; and

WHEREAS, the Council wishes to approve a Side Letter Agreement to the MOU, acknowledging that the City has satisfied its duty under the MMBA to meet and confer over the proposed amendment to Charter section 40 and authorizing the Council to place the proposed Charter amendment before City voters; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of San Diego, that pursuant to the MMBA and City Council Policy 300-06, the Council approves and ratifies the Side Letter Agreement between the City and DCAA, authorizing the placement of a proposed amendment to Charter section 40 on the November 8, 2016 ballot; the approved Side Letter Agreement is on file in the Office of the City Clerk as Document No. R-310644.

APPROVED: JAN I. GOLDSMITH, City Attorney

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

JFD:ccm  
July 27, 2016  
Or.Dept: Human Resources  
Doc. No.: 1329207

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 01 2016.

ELIZABETH S. MALAND  
City Clerk

By Elizabeth S. Maland  
Deputy City Clerk

Approved: 8/8/16  
(date)

Kevin L. Faulconer  
KEVIN L. FAULCONER, Mayor

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

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

Passed by the Council of The City of San Diego on AUG 01 2016, by the following vote:

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

Date of final passage AUG 10 2016.

**(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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