

RESOLUTION NUMBER R- 311759

DATE OF FINAL PASSAGE MAY 22 2018

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 POLICE OFFICERS ASSOCIATION FOR FISCAL YEARS 2016 THROUGH 2020; AND REQUESTS WAIVING COUNCIL POLICY 000-21 FOR CONSIDERATION OF A RELATED BALLOT MEASURE.

WHEREAS, Article 44, section G.3., of the Memorandum of Understanding between the City and the San Diego Police Officers Association (SDPOA) for Fiscal Years 2016 through 2020 (MOU) states that the City of San Diego agrees to take steps to reinstate the industrial disability retirement benefit for police officers who suffer a permanent mental or nervous disorder as a result of a violent attack that causes great bodily harm to the officer; and

WHEREAS, reinstatement of this benefit requires a vote of the City electors under San Diego Charter section 143.1, because it “increases the benefits of any employee, legislative officer, or elected official under [the] Retirement System”; and

WHEREAS, on February 23, 2016, the Council approved San Diego Resolution R-310268 (March 2, 2016), in which the City agreed to initiate a San Diego Charter section 143.1 vote of the electorate for the June 2016 election; and

WHEREAS, the Council subsequently approved San Diego Resolution R-310648 (August 10, 2016), which moved the San Diego Charter section 143.1 vote of the electorate to the June 2018 election; and

WHEREAS, the City and the SDPOA have continued to meet and confer in good faith in accordance with the Meyers-Milias-Brown Act (MMBA), the state law related to collective

bargaining between the City and its represented employees, concerning the terms and conditions of a side letter to amend Article 44, section G.3. of the MOU; and

WHEREAS, this Council action will approve a Side Letter Agreement to the MOU, memorializing the agreement between the City and SDPOA amending Article 44, section G.3. of the MOU to state that the City agrees to initiate a Charter section 143.1 vote of the electorate for the November 2018 election; and

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

WHEREAS, the Council desires to approve and ratify the Side Letter Agreement, which amends Article 44, section G.3. of the MOU; and

WHEREAS, the City is also requesting a waiver of Council Policy 000-21 to allow direct docketing at Council of consideration of a ballot measure proposal by the City to amend the San Diego Municipal Code to reinstate the industrial disability benefit for police officers who suffer a permanent mental or nervous disorder as a result of a violent attack that causes great bodily harm to the officer; and

WHEREAS, this request is being made because this is a contractually obligated ballot measure per the terms of the MOU; and

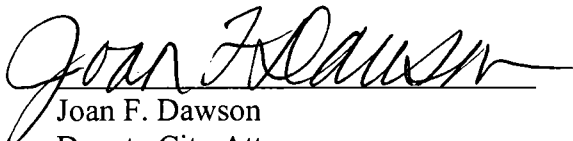
WHEREAS, it is within the Council's discretion to waive Council Policy 000-21 in these circumstances; and

WHEREAS, the Council desires to waive Council Policy 000-21 to allow direct docketing at Council of consideration of the ballot measure after the November 2018 election has been called; NOW, THEREFORE,

BE IT RESOLVED that, under 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 SDPOA, which amends Article 44, section G.3. of the MOU related to the reinstatement of the industrial disability retirement benefit for police officers who suffer a permanent mental or nervous disorder as a result of a violent attack that causes great bodily harm to the officer, as specified in the Side Letter Agreement on file in the Office of the City Clerk as Document No. RR311759;

BE IT FURTHER RESOLVED that the Council of the City of San Diego waives Council Policy 000-21 to allow direct docketing of consideration of a ballot proposal by the City to amend the San Diego Municipal Code to reinstate the industrial disability benefit for police officers who suffer a permanent mental or nervous disorder as a result of a violent attack that causes great bodily harm to the officer, for potential placement on the November 2018 ballot.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Joan F. Dawson
Deputy City Attorney

JFD:jvg
May 1, 2018
05/15/18 COR. COPY
Or.Dept:Human Resources
Doc. No.: 1741551_3

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 15 2018.

ELIZABETH S. MALAND
City Clerk

By Linda Bruin
Deputy City Clerk

Approved: 5/21/18
(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 MAY 15 2018, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|-----------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Barbara Bry | <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"/> |
| Chris Ward | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Myrtle Cole | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mark Kersey | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Chris Cate | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Scott Sherman | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| David Alvarez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Georgette Gomez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage MAY 22 2018

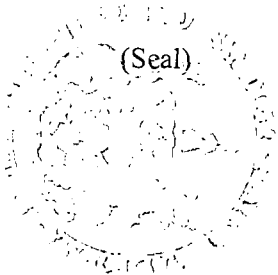
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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.

By Linda Bruen, Deputy



Office of the City Clerk, San Diego, California
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