

ORDINANCE NUMBER O- 21661 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 26 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO AND THE DEPUTY CITY ATTORNEYS ASSOCIATION OF SAN DIEGO REGARDING POST-EMPLOYMENT HEALTH BENEFITS FOR ELIGIBLE EMPLOYEES WHO WERE HIRED BEFORE JULY 1, 2005, AND RETIRE AFTER MARCH 31, 2012, STRIKING ARTICLE 9 AND EXTENDING THE TERM BY 15 YEARS.

WHEREAS, on February 17, 2012, the San Diego City Council (Council) adopted Ordinance O-20133, which approved and ratified the Memorandum of Understanding between the City of San Diego (City) and the Deputy City Attorneys Association of San Diego (DCAA) for the term of April 1, 2012 through March 31, 2027, regarding Post-Employment Health Benefits for eligible employees who were hired before July 1, 2005, and retire after March 31, 2012 (MOU); and

WHEREAS, on June 26, 2012, Council adopted Ordinance O-20174, which amended the MOU to provide that mandatory employee contributions to the Post-Employment Health Benefits Plan would be made on a post-tax basis to comply with applicable federal tax laws; and

WHEREAS, Article 5 of the of the MOU requires a six (6) vote approval of Council to reopen the meet and confer process, if either the City or DCAA desires to modify the MOU on or after July 1, 2014; and

WHEREAS, in accordance with the requirements of Article 5 of the MOU, on February 1, 2023, Council approved Resolution R-314586, which authorized reopening of the meet and confer process to modify the MOU by striking the "Me-Too" Clause set forth in Article 9; and

WHEREAS, the City has met and conferred with DCAA and reached agreement to strike the “Me-Too” clause set forth in Article 9 and to extend the term of the MOU for an additional 15 years; and

WHEREAS, Council now desires to approve the agreement with DCAA to modify the MOU by striking the “Me-Too” Clause set forth in Article 9 and extending the term of the MOU for an additional 15 years; and

WHEREAS, this ordinance must be approved by a two-thirds majority vote of the Council, in accordance with San Diego Charter section 11.2; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

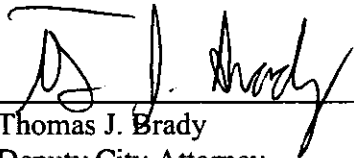
BE IT ORDAINED, by the City Council of the City of San Diego, as follows:

Section 1. That pursuant to the Meyers-Milias-Brown Act and City Council Policy 300-06, the City Council approves the amending of the MOU by striking the “Me-Too” Clause set forth in Article 9 and extension of the term of the MOU for an additional 15 years.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage, in accordance with Charter section 99.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Thomas J. Brady
Deputy City Attorney

TJB:jvg
May 22, 2023
Or.Dept: Human Resources
Doc. No.: 3313245

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 20 2023.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 6/26/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 20 2023 by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 26 2023

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.
By Cornie Patterson, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on JUN 06 2023, and on JUN 26 2023.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.
By Cornie Patterson, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21661