

RESOLUTION NUMBER R- 314944

DATE OF FINAL PASSAGE JUN 12 2023

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 SAN DIEGO CITY FIREFIGHTERS, I.A.F.F., LOCAL 145
RELATED TO PAYMENT OF INTEREST TO THE SAN DIEGO
CITY EMPLOYEES' RETIREMENT SYSTEM

WHEREAS, on April 13, 2016, the San Diego City Council (Council) adopted San Diego Ordinance O-20636 approving a Side Letter Agreement between the City of San Diego (City) and the San Diego Municipal Employees Association (MEA) related to the payment of interest to the San Diego City Employee's Retirement System (SDCERS or Retirement System); and

WHEREAS, the terms of the Side Letter Agreement provide the City will indemnify eligible employees for interest charges associated with the underpayment of contributions and overpayment of benefits resulting from errors by SDCERS or the City; and

WHEREAS, during Fiscal Year successor MOU negotiations, the City reached tentative agreements with Local 127, American Federation of State, County, and Municipal Employees, AFL-CIO (Local 127) and the Deputy City Attorneys Association of San Diego (DCAA) to amend Articles 69 and 46 of their MOUs, respectively, to indemnify eligible employees for interest charges associated with the underpayment of contributions and overpayment of benefits resulting from an error by SDCERS or the City; and

WHEREAS, the Local 127 and DCAA tentative agreements will be brought for Council approval at its June 6, 2023 meeting; and

WHEREAS, the City Council now desires to approve the Side Letter Agreement between the City and the San Diego Firefighters, I.A.F.F, Local 145 (Local 145) related to payment of

interest to SDCERS associated with underpayment of contributions or overpayment of benefits resulting from errors by SDCERS of the City; and

WHEREAS, the Council, in approving this Side Letter Agreement, finds that it is in the best interests of the City to indemnify Local 145-represented employees for interest payments related to errors by SDCERS and the City, when these employees, detrimentally impacted by the errors of SDCERS or the City, are not at fault; and

WHEREAS, the Side Letter Agreement has been negotiated pursuant to the MMBA and City Council Policy 300-06 and is subject to City Council approval to take effect; and

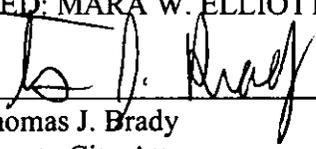
WHEREAS, the negotiated Side Letter Agreement must be approved by a two-thirds majority vote of this Council in accordance with San Diego Charter sections 11.2; and

WHEREAS, the Office of the City Attorney has drafted this resolution 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 RESOLVED, by the City Council of the City of San Diego, that, pursuant to the authority of the MMBA and Council Policy 300-06, the Council approves the Side Letter Agreement between the City and Local 145, which is on file in the Office of the City Clerk as Document No. RR- **314944** .

APPROVED: MARA W. ELLIOTT, City Attorney

By



Thomas J. Brady
Deputy City Attorney

TJB:jvg
May 22, 2023
Or.Dept: Human Resources
CC No. N/A
Doc. No. 3313258

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 06 2023.

DIANA J.S. FUENTES
City Clerk

By Carrie Patterson
Deputy City Clerk

Approved: 6/12/23
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 0 6 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 12 2023

(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:

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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 314944