

RESOLUTION NUMBER R- 315582

DATE OF FINAL PASSAGE JUN 1 1 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ACCEPTING AND APPROVING THE TENTATIVE AGREEMENT AND THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE SAN DIEGO POLICE OFFICERS ASSOCIATION REGARDING TERMS AND CONDITIONS OF EMPLOYMENT FOR FISCAL YEARS 2025 AND 2026.

WHEREAS, by San Diego Resolution R-314185 (June 23, 2022), the San Diego City Council (Council or City Council) approved a Memorandum of Understanding (MOU) between the City of San Diego (City) and the San Diego Police Officers Association (POA) regarding terms and conditions of employment for employees represented by POA for Fiscal Years 2023 and 2024; and

WHEREAS, Article 5 of the MOU provides a reopener to negotiate proposals for a successor MOU, in accordance with the Meyers-Milias-Brown Act (MMBA), California’s collective bargaining law binding on the City, and Council Policy 300-06, the City’s employee-employer relations policy; and

WHEREAS, from December 2023 to April 2024, the City’s Management Team for labor relations and representatives of the POA met and conferred in accordance with the reopener provision and reached a tentative agreement, referred to as the Total Package Tentative Agreement (TPTA), setting forth the terms and conditions of employment for a two-year MOU, covering Fiscal Years 2025 and 2026, and POA members have ratified the TPTA; and

WHEREAS, the MMBA, and more specifically California Government Code section 3505.1 provides: “If a tentative agreement is reached by the authorized representatives of the public agency and a recognized employee organization or recognized employee organizations,

the governing body shall vote to accept or reject the tentative agreement within 30 days of the date it is first considered at a duly noticed public meeting. A decision by the governing body to reject the tentative agreement shall not bar the filing of a charge of unfair practice for failure to meet and confer in good faith. If the governing body adopts the tentative agreement, the parties shall jointly prepare a written memorandum of understanding.”; and

WHEREAS, Council Policy 300-06, section VIII.A., provides: “When the City and an Exclusively Recognized Employee Organization conclude the Meet and Confer process with agreement reached on matters within the Scope of Representation, all agreed upon matters must be incorporated into a written agreement and submitted to the City Council for a determination. The City Council must vote to accept or reject a tentative agreement reached in the Meet and Confer process within 30 days of the date the City Council first considers the agreement at a noticed public meeting. If the City Council adopts the tentative agreement, the Parties must jointly prepare a written MOU for presentation to and determination by the City Council.”; and

WHEREAS, San Diego City Charter (Charter) section 11.2 requires the Council to approve “a multiple year memorandum of understanding with any recognized employee organization concerning wages, hours and other terms and conditions of employment if, in the prudent exercise of legislative discretion as provided in this Charter, the Council determines it is in the best interests of the City to do so; and further provided that said exercise of legislative discretion is expressed affirmatively by a two-thirds vote of the entire Council.”; and

WHEREAS, under the Charter, the MMBA, and Council Policy 300-06, it is within the discretion of the Council to accept and approve the TPTA and to approve the MOU; no tentative agreement or MOU signed by the Management Team is binding upon the City unless and until the Council accepts and approves it; and

WHEREAS, the City's Management Team has prepared and presented the TPTA and the MOU to the Council for final determination; and

WHEREAS, the Mayor is recommending that the Council accept and approve the negotiated terms set forth in the TPTA and the MOU; and

WHEREAS, the Council wishes to accept and approve the TPTA and the MOU; and

WHEREAS, the Council finds that it is in the best interests of the City to enter into a multi-year agreement with the POA that includes measurable compensation increases in an effort to maintain labor stability with the employees represented by the POA; and

WHEREAS, the TPTA and the MOU must be approved by a two-thirds vote of the Council, in accordance with Charter section 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, as follows:

1. Under the authority of the Charter, the MMBA, and Council Policy 300-06, the Council accepts and approves the TPTA between the City and the POA for Fiscal Years 2025 and 2026, on file with the Office of the City Clerk as Document No. RR-315582-1.

2. Under the authority of the Charter, the MMBA, and Council Policy 300-06, the Council approves the MOU between the City and the POA for Fiscal Years 2025 and 2026, on file with the Office of the City Clerk as Document No. RR-315582-2.

APPROVED: MARA W. ELLIOTT, City Attorney

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

JFD:cm
May 1, 2024
Or.Dept: Human Resources
Doc. No. 3638982

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 04 2024.

DIANA J.S. FUENTES
City Clerk

By Krystell Medina
Deputy City Clerk

Approved: 6/11/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

JUN 0 4 2024

Passed by the Council of The City of San Diego on _____, 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"/>
Henry L. Foster III	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 1 1 2024.

(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 Krystell Medina, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Resolution Number R- <u>315582</u></p>
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