

RESOLUTION NUMBER R- 310648

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 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE SAN DIEGO POLICE OFFICERS ASSOCIATION FOR FISCAL YEARS 2015 THROUGH 2018.

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 (Mar. 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, since the adoption of R-310268, the SDPOA has asked the City to initiate a San Diego Charter section 143.1 vote of the electorate for the June 2018 election; and

WHEREAS, the City and the SDPOA have met and conferred 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 is to 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 June 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; 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. RR-310648.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  \_\_\_\_\_  
Roxanne Story Parks  
Deputy City Attorney

RSP:ccm  
July 19, 2016  
Or.Dept: HumanResources  
Doc. No. 1325396

I certify that this Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 02 2016.

ELIZABETH S. MALAND  
City Clerk

By Mary Hernandez  
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 02 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input 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 *Mary Fernandez*, Deputy

Office of the City Clerk, San Diego, California

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