

RESOLUTION NUMBER R- 313797

DATE OF FINAL PASSAGE NOV 29 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO TO IMPLEMENT THE CITY'S LAST, BEST,  
AND FINAL OFFER TO THE SAN DIEGO POLICE OFFICERS  
ASSOCIATION REGARDING THE MANDATORY COVID-19  
VACCINATION POLICY.

WHEREAS, on July 30, 2021, the City of San Diego (City) provided written notice to the San Diego Police Officers Association (POA) of the proposal to implement a Mandatory COVID-19 Vaccination Policy; and

WHEREAS, on August 12, 2021, the City and POA commenced negotiations regarding the Mandatory COVID-19 Vaccination Policy; and

WHEREAS, on August 19, 2021, the City provided written clarification to POA that per *Regents of the University of California* (2021) PERB Dec. No. 2783-H [46 PERC ¶ 38], an employer's decision to adopt a mandatory vaccination policy is outside the scope of representation, and therefore, not subject to decision bargaining under the Meyers-Milias-Brown Act (MMBA). Accordingly, as communicated, the City is offering POA the opportunity to meet and confer only over any impacts that POA may identify, within the scope of representation, in accordance with the MMBA; and

WHEREAS, on October 15, 2021, the City verbally declared and notified POA that the parties' negotiations had reached impasse, as defined in Council Policy 300-06; and

WHEREAS, on October 22, 2021, the City provided written declaration and notice to POA that the parties reached impasse, a copy of which was provided to the Mayor and the Council President, in accordance with Council Policy 300-06; and

WHEREAS, on November 9, 2021, the parties conducted an impasse meeting in accordance with Council Policy 300-06, but did not resolve the impasse issues; and

WHEREAS, on November 15, 2021, the City issued to POA the City's last, best, and final offer, a copy of which is attached to this Resolution as Exhibit A; and

WHEREAS, the City Council is authorized under California Government Code section 3505.7 to implement the City's last, best, and final offer after holding a public hearing regarding the impasse; NOW, THEREFORE,

BE IT RESOLVED, that pursuant to the MMBA and Council Policy 300-06, the City Council approves and implements the City's last, best, and final offer to the POA regarding the Mandatory COVID-19 Vaccination Policy, as set forth in Exhibit A to this Resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Miguel Merrell  
Miguel Merrell  
Deputy City Attorney

MM:jvg  
11/15/21  
Or.Dept: Human Resources  
CC No. N/A  
Doc. No.: 2814352

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 29 2021

ELIZABETH S. MALAND  
City Clerk  
By [Signature]  
Deputy City Clerk

Approved: 11/29/21  
(date)

[Signature]  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 29 2021, by the following vote:

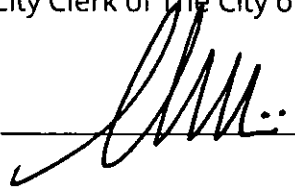
Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen 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"/>
Chris Cate	<input type="checkbox"/>	<input checked="" 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 NOV 29 2021.

**(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) ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 313797