

**SIDE LETTER AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND SAN DIEGO CITY
FIREFIGHTERS, I.A.F.F., LOCAL 145 TO AMEND ARTICLE 45 OF THE MEMORANDUM OF
UNDERSTANDING REGARDING THE PARKING AND TRANSPORTATION PROGRAM**

Pursuant to the provisions of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06, this Side Letter Agreement (Agreement) is entered into between the City of San Diego (City) and the San Diego City Firefighters, I.A.F.F., Local 145 (Local 145) to amend the Memorandum of Understanding (MOU) between the City and Local 145 approved by San Diego Resolution R-314187 dated June 23, 2022. The City and Local 145 are collectively referred to as the "Parties."

As noted in the City's 2022 Climate Action Plan, vehicles are the single largest source of greenhouse gas (GHG) emissions in San Diego and more than two-thirds of smog-forming emissions in San Diego County are generated from mobile sources. In an effort to further the Climate Action Plan's goal to shift away from a car-centric transportation system, support a loading priority for our roadways, and reduce GHG emissions, the City will offer all of its employees with a free Universal Pass (U-Pass) through the San Diego Metropolitan Transit System (MTS). The U-Pass includes all MTS fixed-route services, including the Regional Rapid Express commuter services. The U-Pass is part of the City's Transportation Alternatives Program (TAP). TAP incentivizes and encourages employees to utilize mass transit and van pools as their primary mode of transportation to and from work.

Therefore, the Parties agree as follows:

1. The Parties have satisfied all obligations under the MMBA, Council Policy 300-06, and other applicable law and regulations to meet and confer in good faith on the subject of this Agreement.
2. The Parties agree to amend Article 45 of the MOU, as follows:

Parking and Transportation Program Incentives

A. Parking

Employees who use the Concourse Parkade, Civic Center Plaza, Horton Plaza, Central Library, Mission Hills Library, or any other facility as designated by the Mayor, and pay on a biweekly basis will be charged 25 percent of the prevailing general public monthly rate.

1. The City will provide reimbursement to employees who have a monthly parking pass and use the Concourse Parkade, Civic Center Plaza, Central Library, Mission Hills Library, Horton Plaza, or other facilities designated by the Mayor, and carpool with other City employees. The rate of reimbursement will be calculated so that an employee who carries three riders will receive free parking.

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2. The City may expand parking opportunities to other facilities designated by the Mayor. The City will engage Local 145 in any impact bargaining required under the MMBA, related to new parking opportunities.
3. Management agrees to make its best effort to negotiate with parking facility providers reduced rates comparable to those at the Concourse for employees assigned to City facilities.

~~B. As part of the Transportation Alternative Program (TAP), City will provide the following transportation subsidies up to a maximum \$100 per month per employee, to those employees who wish to purchase monthly transit passes. The City will provide an equivalent reimbursement, subject to the \$100 monthly cap, for the use of the San Diego Bay Ferry or a City approved vanpool program. Transit passes will be for the exclusive use of the employee/purchaser. Employees must use these subsidized transportation services to commute to and from work at least three days per week (for 40-hour employees) or 5 days per month (56-hour employees) to be eligible. To be eligible for subsidized passes or reimbursements, employees may not participate concurrently in the City's discounted monthly parking program. Only one transportation related benefit may be received in any one month. Enrollment in transit passes takes place through the SAP Portal no later than the 12th day of the current month for the next month's pass with associated fares and fees pre-paid monthly through automatic payroll deduction. Employees in violation of these provisions shall have their Transportation Incentives discontinued.~~

B. Transportation Program

As part of the Transportation Alternative Program (TAP), the City will provide transportation subsidies as outlined in section B.1 and a free transit pass as outlined in section B.2 below. Employees may also participate concurrently in the City's discounted monthly parking program as outlined in section A. Transportation subsidies and free transit passes can only be used by the City employee it is issued to. Employees in violation of these provisions will not be eligible to participate in TAP.

1. ~~The following transit passes are subsidized at 75% subject to the \$100 monthly subsidy cap and provided in accordance with the following terms:~~
 - a. ~~The monthly Adult 2-Zone Coaster Pass and Adult 3-Zone Coaster Pass~~
 - b. ~~The SDM Coaster pass (3-Zone Senior Coaster Pass)~~
 - c. ~~The All Trolley/Local Bus Route Pass (Adult Regional)~~
 - d. ~~The Senior/Disabled SDM Regional Pass~~
 - e. ~~The Youth Regional Pass~~

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~~f. The Adult Rapid Express/Premium Pass~~

~~g. The Senior/Disabled SDM Rapid Express/Premium Pass~~

1. Transportation Subsidies

Employees must use these subsidized transportation services to commute to and from work at least three days per week (for 40-hour employees) or five days per month (56-hour employees) to be eligible.

- a. A City-approved vanpool program is subsidized at 75%, subject to a \$100 monthly reimbursement cap.
- b. Use of the San Diego Bay Ferry is subsidized at 75%, subject to a \$100 monthly reimbursement cap.
- c. The monthly Adult 2-Zones Coaster Pass and Adult 3-Zones Coaster Pass is subsidized at 75%, subject to a \$100 monthly reimbursement cap.
- d. The SDM Coaster pass (3-Zones Senior/Disabled/Medicare Coaster Pass) is subsidized at 75%, subject to a \$100 monthly reimbursement cap.

~~2. The City will offer discounted All Trolley/Local Bus Route (Adult Regional) Passes and Adult Rapid Express/Premium Passes through a contractual agreement with San Diego Metropolitan Transit System's (MTS) ECO Program. Through this program, employees can pre-purchase the ECO pass at a 75% subsidy. Enrollment in ECO passes takes place through the SAP Portal and will occur each year in May through the term of the MOU. Restrictions issued by MTS for this ECO pass for the term of this MOU include:~~

~~a. No refunds~~

~~b. No opting out of months~~

~~c. Employees are responsible for registering and replacing a lost PRONTO Card~~

2. Free Transit Pass

The City will offer employees with a free Universal Pass (U-Pass) through the San Diego Metropolitan Transit System (MTS). Enrollment for the U-Pass will occur on a rolling basis. The following terms apply for the U-Pass for the term of this MOU:

- a. If an employee receives a U-Pass for the year, the employee can also participate in other TAP subsidies or reimbursements identified in this Article for that same year.

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- b. The U-Pass includes the following transit passes:
 - 1. The All Trolley/Local Bus Route Pass (Regional)
 - 2. The Rapid Express/Premium Pass
- ~~e. A City approved vanpool program is subsidized at 75%, subject to the \$100 monthly reimbursement cap.~~
- ~~f. Use of the San Diego Bay Ferry is subsidized at 75%, subject to the \$100 monthly reimbursement cap.~~
- ~~5. Employees participating in the Transportation Alternative Program (TAP) shall pay 50 percent of the public daily rate at the Concourse Parkade, Central Library, Civic Center Plaza, Mission Hills Library, Horton Plaza, or any other facility as designated by the Mayor, for up to 52 instances per year. Parking at City Facilities is limited and is available to employees on a first come, first serve basis.~~
- 3.6 If MTS discontinues or modifies the **free transit passes** or employer discount program during the term of this MOU, the City will meet and confer before it adjusts the costs of the program, but in no event will the reimbursement be less than 75%, subject to the \$100 monthly reimbursement cap.
- 3. Unless expressly covered in this Agreement, all wages, hours and other terms and conditions of employment presently enjoyed by Local 145-represented employees, whether stated in an MOU, Personnel Regulation, Administrative Regulation or in any other enforceable document, remain in full force and effect.
- 4. This Agreement is not binding on the Parties until it is approved by a two-thirds vote of the City Council, in accordance with San Diego Charter section 11.2.

This Agreement is executed by the following authorized representatives of each party:

For San Diego City Firefighters, I.A.F.F.
Local 145

By: 
Jim Cunningham
Lead Negotiator


Date: _____

For the City of San Diego

By: 
Timothy Davis
Lead Negotiator

Date: June 7, 2023

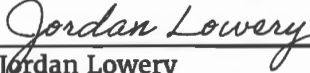
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By: 
Jesse Conner
President

Date: 5-17-23

By: 
Abby Jarl-Veltz
Assistant Director, Human Resources

Date: June 13, 2023

By: 
Jordan Lowery
Program Coordinator

Date: June 7, 2023

Approved as to form this 13th day of June, 2023.

MARA W. ELLIOTT, City Attorney

By: 
Miguel Merrell
Deputy City Attorney