

**SIDE LETTER AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND SAN DIEGO POLICE OFFICERS ASSOCIATION TO AMEND ARTICLE 49 OF THE MEMORANDUM OF UNDERSTANDING REGARDING THE PARKING AND TRANSPORTATION PROGRAM**

Pursuant to the provisions of the Meyers-Milius-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 Police Officers Association (POA) to amend the Memorandum of Understanding (MOU) between the City and POA approved by San Diego Resolution R-314185 dated June 23, 2022. The City and POA 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 49 of the MOU, as follows:

**Parking and Transportation Program Incentives**

~~City intends to make modifications to the Transportation Alternative Program (TAP) during the term of this MOU. City agrees to meet and confer, as required by law, over any changes which have a significant or adverse impact to wages, hours, and other terms and conditions of employment. The specific changes are being drafted and will be presented to POA as soon as is practicable. Pending review of the changes, the following provisions will continue to apply:~~

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

**SIDE LETTER AGREEMENT BETWEEN THE CITY AND POA TO AMEND ARTICLE 49 OF THE MOU REGARDING THE PARKING AND TRANSPORTATION PROGRAM**

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.

2. The City may expand parking opportunities to other facilities designated by the Mayor. The City will engage POA 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), the City will provide the following transportation subsidies, up to a maximum of \$100.00 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 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 will 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)~~

**SIDE LETTER AGREEMENT BETWEEN THE CITY AND POA TO AMEND ARTICLE 49 OF THE MOU REGARDING THE PARKING AND TRANSPORTATION PROGRAM**

- e. ~~————~~ The Senior/Disabled SDM Regional Pass
- d. ~~————~~ The Youth Regional Pass
- e. ~~————~~ The Adult Rapid Express/Premium Pass
- f. ~~————~~ 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 to be eligible.**

1. **A City-approved vanpool program is subsidized at 75%, subject to a \$100 monthly reimbursement cap.**
  2. **Use of the San Diego Bay Ferry is subsidized at 75%, subject to a \$100 monthly reimbursement cap.**
  3. **The monthly Adult 2-Zones Coaster Pass and Adult 3-Zones Coaster Pass is subsidized at 75%, subject to a \$100 monthly reimbursement cap.**
  4. **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:**

**SIDE LETTER AGREEMENT BETWEEN THE CITY AND POA TO AMEND ARTICLE 49 OF THE MOU REGARDING THE PARKING AND TRANSPORTATION PROGRAM**

- 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.
- b. The U-Pass includes the following transit passes:
  1. The All Trolley/Local Bus Route Pass (Regional)
  2. The Rapid Express/Premium Pass
- ~~5. A City approved vanpool program is subsidized at 75%, subject to the \$100 monthly reimbursement cap.~~
- ~~6. Use of the San Diego Bay Ferry is subsidized at 75%, subject to the \$100 monthly reimbursement cap.~~
- ~~7. Employees participating in 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 POA-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 Police Officers Association**

By: 

Bradley M. Fields  
President

**For the City of San Diego**

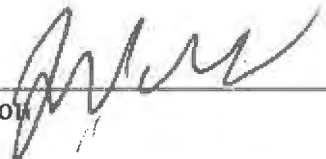
By: 

Timothy Davis  
Lead Negotiator

Date: 4/25/2023

Date: June 7, 2023


**SIDE LETTER AGREEMENT BETWEEN THE CITY AND POA TO AMEND ARTICLE 49 OF THE MOU REGARDING THE PARKING AND TRANSPORTATION PROGRAM**

By:   
Jared Wilson  
President

Date: 4/25/2023

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