

RESOLUTION NUMBER R- 314968

DATE OF FINAL PASSAGE JUN 12 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ACCEPTING AND APPROVING THE TOTAL PACKAGE TENTATIVE AGREEMENT AND APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE DEPUTY CITY ATTORNEYS ASSOCIATION OF SAN DIEGO REGARDING TERMS AND CONDITIONS OF EMPLOYMENT FOR FISCAL YEARS 2024, THROUGH 2026.

WHEREAS, by San Diego Resolution R-313569 (June 11, 2021), the San Diego City Council (Council) approved a Memorandum of Understanding (MOU) between the City of San Diego (City) and the Deputy City Attorneys Association of San Diego (DCAA) regarding terms and conditions of employment for employees represented by DCAA for fiscal years 2022 and 2023; and

WHEREAS, Article 4 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 November 2022 to May 2023, the City's Management Team and representatives of DCAA 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 three-year MOU, covering fiscal years 2024 through 2026. DCAA members ratified the TPTA; and

WHEREAS, the MMBA at 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, under the San Diego City Charter (Charter), the MMBA, and Council Policy 300-06, it is within the discretion of the Council to approve the TPTA and the MOU; and

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

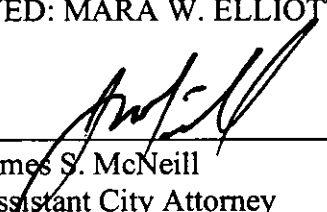
WHEREAS, the TPTA and the MOU must be approved by a two-thirds majority vote of the Council, in accordance with Charter section 11.2; and

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, under the authority of the Charter, MMBA, and Council Policy 300-06, the Council accepts and approves the TPTA between the City and DCAA for fiscal years 2024 through 2026, on file with the Office of the City Clerk as Document No. RR- 314968!

BE IT FURTHER RESOLVED, under the authority of the Charter, MMBA, and Council Policy 300-06, the Council approves the MOU between the City and DCAA for fiscal years 2024 through 2026, on file with the Office of the City Clerk as Document No. RR- 314968.2

APPROVED: MARA W. ELLIOTT, City Attorney

By 
James S. McNeill
Assistant City Attorney

JSM:jvg
April 12, 2023
Or.Dept: Human Resources
CC No. N/A
Doc. No. 3275991_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 06 2023.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 6/12/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 06 2023, 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"/>
Kent Lee	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 12 2023

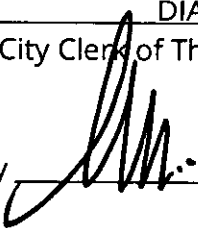
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA I.S. FUENTES
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 314968