



SAN DIEGO
HOUSING
COMMISSION

REPORT TO THE HOUSING AUTHORITY OF THE CITY OF SAN DIEGO

DATE ISSUED: February 20, 2019

REPORT NO: HAR19-006

ATTENTION: Chair and Members of the Housing Authority of the City of San Diego
For the Agenda of March 11, 2019

SUBJECT: Housing Authority Designation and Identification of the San Diego Housing
Commission's Agency Representatives for Labor Negotiations

COUNCIL DISTRICT: Citywide

REQUESTED ACTION

Adopt a resolution designating and identifying the San Diego Housing Commission's Agency
Representatives for Labor Negotiations.

STAFF RECOMMENDATION

That the Housing Authority of the City of San Diego (Housing Authority) take the following actions:

- 1) Pursuant to California Government Code sections 3505 and 54957.6(a) and other applicable state and local laws and regulations, the Housing Authority designates and identifies the following individuals as the San Diego Housing Commission's (Housing Commission) labor representatives on the Management Team for negotiations with the Housing Commission's recognized employee organization and authorizes these representatives to attend closed session meetings for the purpose of providing information to the Housing Authority related to meet and confer and receiving instruction from the Housing Authority, so that the Housing Commission's labor representatives may participate in meet and confer on behalf of the Housing Commission, taking Housing Authority-approved bargaining positions:

Richard C. Gentry, President & Chief Executive Officer of the San Diego Housing
Commission

Jeff Davis, Executive Vice President and Chief of Staff, San Diego Housing Commission

Michael McKenna, Vice President Human Resources, San Diego Housing Commission

Charles B. Christensen, General Counsel, San Diego Housing Commission

Joel Mason, General Counsel, San Diego Housing Commission

- 2) In accordance with California Government Code section 54954.5(f), the Housing Authority consents to the participation of an agent or designee for a specified designated representative if circumstances necessitate the absence of the specified designated representative; however, the

name of the agent or designee must be announced at an open session meeting of the Housing Authority held prior to the closed session.

- 3) The Housing Authority authorizes the following Housing Commission labor representatives to execute tentative agreements and memoranda of understanding reached in meet and confer, and to present all tentative agreements and memoranda of understanding reached in meet and confer to the Housing Authority for final determination and approval by the Housing Authority as to policy and the Housing Authority General Counsel as to form or correctness:

Richard C. Gentry, President & Chief Executive Officer of the San Diego Housing Commission

Jeff Davis, Executive Vice President and Chief of Staff, San Diego Housing Commission

Michael McKenna, Vice President Human Resources, San Diego Housing Commission

Charles B. Christensen, General Counsel, San Diego Housing Commission

Joel Mason, General Counsel, San Diego Housing Commission

- 4) The Housing Authority designates the following individuals from the Office of the Independent Budget Analyst as representatives within the meaning of California Government Code section 54957.6(a) to attend closed session meetings of the Housing Authority and to serve in the capacity as observers at "meet and confer" sessions, but they are not designated as labor negotiators for the Housing Authority of the City of San Diego:

Andrea Tevlin, Independent Budget Analyst

Lisa Byrne, Fiscal and Policy Analyst, Office of the Independent Budget Analyst

- 5) The Housing Authority designates the following individuals from the Office of the General Counsel of the Housing Authority of the City of San Diego as representatives within the meaning of California Government Code section 54957.6(a) to attend closed session meetings of the Housing Authority; to perform legal work, as required by applicable law, and to serve in the capacity as observers at "meet and confer" sessions, but they are not designated as members of the Housing Commission's labor representatives:

Mara W. Elliott, City Attorney, City Attorney's Office, and General Counsel, Housing Authority

Sanna Singer, Assistant City Attorney, City Attorney's Office, and Assistant General Counsel, Housing Authority

Jim McNeill, Assistant City Attorney, City Attorney's Office, and Assistant General Counsel, Housing Authority

Kevin Reisch, Assistant City Attorney, City Attorney's Office, and Assistant General Counsel, Housing Authority

February 20, 2019

Housing Authority Designation and Identification of the San Diego Housing Commission's Agency
Representatives for Labor Negotiations

Page 3

Miguel Merrell, Deputy City Attorney, City Attorney's Office, and Deputy General
Counsel, Housing Authority

Kate Malcolm, Deputy City Attorney, City Attorney's Office, and Deputy General
Counsel, Housing Authority

Respectfully submitted,



Jeff Davis
Executive Vice President & Chief of Staff
San Diego Housing Commission

Approved by,



Richard C. Gentry
President & Chief Executive Officer
San Diego Housing Commission

Hard copies are available for review during business hours at the security information desk in the main lobby of the San Diego Housing Commission offices at 1122 Broadway, San Diego, CA 92101 and at the Office of the San Diego City Clerk, 202 C Street, San Diego, CA 92101. You may also review complete docket materials in the "Governance & Legislative Affairs" section of the San Diego Housing Commission website at www.sdhc.org.

HOUSING AUTHORITY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER HA-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF SAN DIEGO DESIGNATING AND IDENTIFYING THE SAN DIEGO HOUSING COMMISSION'S AGENCY REPRESENTATIVES FOR LABOR NEGOTIATIONS WITH SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 221, AFL-CIO.

WHEREAS, under the Meyers-Milias-Brown Act (MMBA), at California Government Code sections 3500-3511, the San Diego Housing Commission (Housing Commission) must engage in meet and confer with its recognized employee organization, Service Employees International Union Local 221, AFL-CIO (SEIU), regarding any modifications to terms and conditions of employment; and

WHEREAS, pursuant to the MMBA, specifically at California Government Code section 3505, the Housing Authority of the City of San Diego (Housing Authority), as the governing body of the Housing Commission, may designate representatives to engage in meet and confer with the Housing Commission's recognized employee organization, SEIU; these representatives have the obligation personally to meet and confer promptly upon request by the employee organization and continue for a reasonable period of time, to exchange information and proposals, and to endeavor to reach agreement on matters within the scope of representation, which agreement is subject to approval by the Housing Authority; and

WHEREAS, under the MMBA and California case law interpreting it, the Housing Commission's designated and identified representatives must approach negotiations in good faith

and must take bargaining positions only with the approval of the Housing Authority as to policy and the General Counsel of the Housing Authority (General Counsel) as to legality; and

WHEREAS, under the MMBA, if agreement is reached by the representatives of the Housing Commission and its recognized employee organization, they shall jointly prepare a written memorandum of understanding, which shall not be binding on the Housing Commission unless and until it is approved by the Housing Authority as to policy and by the General Counsel as to legality; and

WHEREAS, the Ralph M. Brown Act, specifically at California Government Code section 54957.6(a), provides that prior to holding a closed session meeting with its designated representatives who are involved in meet and confer, the Housing Authority must hold an open, public session in which it identifies the Housing Commission's designated representatives; and

WHEREAS, under the MMBA and the Ralph M. Brown Act, the Housing Authority desires to designate and identify the Housing Commission's representatives for any labor negotiations required during Fiscal Year 2019 and into Fiscal Year 2020, if needed, with the Housing Commission's recognized employee organization and to authorize these representatives to execute tentative agreements and memoranda of understanding following the process described above; and

WHEREAS, the Housing Authority desires to designate and identify the Housing Commission's labor representatives to engage in meet and confer; however, this designation and identification in no way delegates or relinquishes the Housing Authority's authority to approve tentative agreements and memoranda of understanding reached through negotiations nor does it delegate or relinquish the General Counsel's authority to approve as to form or correctness under applicable law; and

WHEREAS, the designation of Housing Commission labor representatives listed in this Resolution supersedes any prior designations, and is necessary to reflect changes in staffing assignments; NOW, THEREFORE,

BE IT RESOLVED, by the Housing Authority of the City of San Diego, as follows:

1. Pursuant to California Government Code sections 3505 and 54957.6(a), and other applicable state and local laws and regulations, the Housing Authority designates and identifies the following individuals as the Housing Commission's labor representatives for negotiations with the Housing Commission's recognized employee organization and authorizes these representatives to attend closed session meetings for the purpose of providing information to the Housing Authority related to meet and confer and receiving instruction from the Housing Authority, so that the Housing Commission's labor representatives may participate in meet and confer on behalf of the Housing Commission, taking Housing Authority-approved bargaining positions:

Richard C. Gentry, President and Chief Executive Officer, San Diego Housing
Commission

Jeff Davis, Executive Vice President and Chief of Staff, San Diego Housing Commission

Michael McKenna, Vice President Human Resources, San Diego Housing Commission

Charles B. Christensen, General Counsel, San Diego Housing Commission

Joel Mason, General Counsel, San Diego Housing Commission

2. In accordance with California Government Code section 54954.5(f), the Housing Authority consents to the participation of an agent or designee for a specified designated representative if circumstances necessitate the absence of the specified designated representative; however, the name of the agent or designee must be announced at an open session meeting of the Housing Authority held prior to the closed session; and

3. The Housing Authority authorizes the following Housing Commission labor representatives to execute tentative agreements and memoranda of understanding reached in meet and confer, and to present all tentative agreements and memoranda of understanding reached in meet and confer to the Housing Authority for final determination and approval by the Housing Authority as to policy and the General Counsel as to form or correctness:

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Jeff Davis, Executive Vice President and Chief of Staff, San Diego Housing Commission

Michael McKenna, Vice President Human Resources, San Diego Housing Commission

Charles B. Christensen, General Counsel, San Diego Housing Commission

Joel Mason, General Counsel, San Diego Housing Commission

4. The Housing Authority designates the following individuals from the Office of the Independent Budget Analyst as representatives within the meaning of California Government Code section 54957.6(a) to attend closed session meetings of the Housing Authority and to serve in the capacity as observers at “meet and confer” sessions, but they are not designated as labor negotiators for the Housing Authority of the City of San Diego:

Andrea Tevlin, Independent Budget Analyst

Lisa Byrne, Fiscal and Policy Analyst, Office of the Independent Budget Analyst

5. Housing Authority designates the following individuals from the Office of General Counsel of the Housing Authority of the City of San Diego as representatives within the meaning of California Government Code section 54957.6(a) to attend closed session meetings of the Housing Authority; to perform legal work, as required by applicable law, and to serve in the capacity as observers at “meet and confer” sessions, but they are not designated as members of the Housing Commission’s labor representatives:

Mara W. Elliott, City Attorney, City Attorney’s Office and General Counsel, Housing Authority

Sanna Singer, Assistant City Attorney, City Attorney’s Office and Assistant General Counsel, Housing Authority

Jim McNeill, Assistant City Attorney, City Attorney’s Office and Assistant General Counsel, Housing Authority

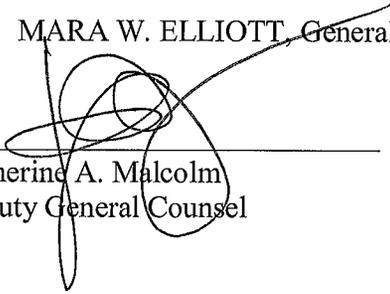
Kevin Reisch, Senior Chief Deputy City Attorney, City Attorney’s Office and Senior Chief Deputy General Counsel, Housing Authority

Miguel Merrell, Deputy City Attorney, City Attorney’s Office and Deputy General Counsel, Housing Authority

Kate Malcolm, Deputy City Attorney, City Attorney’s Office and Deputy General Counsel, Housing Authority

APPROVED: MARA W. ELLIOTT, General Counsel

By



Katherine A. Malcolm
Deputy General Counsel

KAM:als
02/25/2019
Or.Dept:SDHC
Doc. No. 1939462



The City of San Diego
Item Approvals

Item Subject: Housing Authority Designation and Identification of the San Diego Housing Commission's Agency Representatives for Labor Negotiations

Contributing Department	Approval Date
DOCKET OFFICE	02/22/2019

Approving Authority	Approver	Approval Date
HOUSING COMMISSION FINAL DEPARTMENT APPROVER	DAVIS, JEFF	02/20/2019
DEPUTY CHIEF OPERATING OFFICER	CALDWELL, ERIK	02/25/2019
CITY ATTORNEY	MALCOLM, KATE	02/26/2019