

HOUSING AUTHORITY OF  
THE CITY OF SAN DIEGO

RESOLUTION NUMBER HA- 1962

DATE OF FINAL PASSAGE October 11, 2022

A RESOLUTION OF THE HOUSING AUTHORITY OF THE  
CITY OF SAN DIEGO APPROVING A TENTATIVE  
AGREEMENT AND MEMORANDUM OF UNDERSTANDING  
BETWEEN THE SAN DIEGO HOUSING COMMISSION AND  
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL  
211 FOR FISCAL YEARS 2023 AND 2024 AND RELATED  
BUDGETARY ACTIONS.

WHEREAS, in accordance with San Diego Municipal Code section 98.0301(d)(9)(c), the approval of a memorandum of understanding (MOU) between the San Diego Housing Commission (Housing Commission) and its recognized employee organization, Service Employees International Union, Local 211 (SEIU), is referred to the Housing Authority of the City of San Diego (Housing Authority) for determination; and

WHEREAS, the approval of the Tentative Agreement and MOU is governed by the Meyers-Milias-Brown Act, which requires the legislative body to make final determinations on matters subject to bargaining, defined as wages, hours, and other terms and conditions of employment for represented employees; and

WHEREAS, collective bargaining between the Housing Commission and its represented employees is also governed by the Housing Commission's Employee Relations Policy, No. 103.000, revised March 19, 1982; and

WHEREAS, the current three-year MOU between the Housing Commission and SEIU expired on June 30, 2022; and

WHEREAS, on May 5, 2022, and May 17, 2022, the Housing Commission Board of Commissioners (Board or Housing Commission Board) and the Housing Authority, respectively, designated and identified individuals as the Housing Commission's representatives on the management team for negotiations with SEIU; and

WHEREAS, the designated management team representatives, as approved, were Jeff Davis, Interim President and Chief Executive Officer; Suket Dayal, Executive Vice President of Business Administration; Michael McKenna, Vice President of Human Resources; Tina Holmes, Director of Human Resources; Charles Christensen, General Counsel; and Joel Mason, General Counsel; and

WHEREAS, the Housing Commission met in closed session with its Board on May 5, 2022, and received direction, subject to Housing Authority approval, on parameters for proceeding with negotiations with SEIU; and

WHEREAS, the Housing Authority met in closed session with the Housing Commission's negotiators on May 24, 2022. At that time, the Housing Authority gave the Housing Commission management team direction for the ensuing negotiations with SEIU; and

WHEREAS, the Housing Commission negotiators began meeting regularly with the SEIU bargaining team on May 31, 2022, and concluded negotiations on September 2, 2022. Thirteen bargaining sessions were conducted during that period of time. A representative from the City of San Diego Independent Budget Analyst's Office was present at all negotiating sessions. The Parties have now reached a tentative agreement for a two-year MOU, which SEIU-represented employees ratified on September 13, 2022; and

WHEREAS, the approval of the tentative agreement and the MOU are now subject to Housing Commission Board and Housing Authority approval. Details of the proposed tentative agreement for the MOU are summarized below:

1. A two-year MOU, retroactive to July 1, 2022;
2. Cost of Living Adjustments (COLA) of five percent in Fiscal Year (FY) 2023 and four percent in FY 2024;
3. Increased Health Care Flex Benefits of three percent in each year of the agreement;
4. A two-year remote work pilot program; and
5. Two additional paid holidays, Juneteenth and a floating holiday; and

WHEREAS, the agreement also provides for revisions to other articles in the MOU, including Article 19 – Pay Plan; Article 21 – Bilingual Pay; Article 22 – Uniforms; Article 23 – Mileage Reimbursement; Article 34 – Bereavement Leave; and Article 36 – Educational Reimbursement; and

WHEREAS, the MOU is subject to the approval of the Housing Commission Board and Housing Authority and will not be effective unless and until so approved. It is not binding upon either the Housing Commission Board or the Housing Authority until approved by both; and

WHEREAS, in accordance with past Housing Commission practice, the compensation, including salary and benefits for unrepresented employees, is recommended to be increased in the same percentages and amounts as those being proposed for the represented employees; and

WHEREAS, the proposed funding sources and uses to be approved by this action will be presented to the Housing Commission Board on September 20, 2022. The FY 2023 budget substantially includes the funding for this proposed MOU. All employees will receive increased



health insurance benefits and a cost of living adjustment (COLA) effective July 1, 2022,  
provided the MOU is approved by the Housing Authority; and

WHEREAS, approving this action will further grant the President & CEO, or designee,  
the authority to substitute funding sources with other available funding sources to cover the FY  
2023 approved budget and the approved MOU; and

WHEREAS, the cost for implementing the increased health insurance flex credits and  
COLA per year, in each year of the proposed MOU is as follows:

<b>Cost of COLA &amp; Increase in Flex</b>		
	<b>FY 2023</b>	<b>FY 2024</b>
COLA	\$ 1,560,170	\$ 1,310,543
Flex	152,347	156,917
Other taxes and benefits*	313,904	268,985
<b>Fully Burdened Salary</b>	<b>\$ 2,026,421</b>	<b>\$ 1,736,445</b>

\*Medicare, workers compensation, pension, etc.

WHEREAS, the successor MOU also includes a limited reopener for Salary and  
Insurance in each year of the successor MOU. This reopener will allow both the Housing  
Commission and SEIU to react to changes in the financial climate. The Housing Commission is  
one of only 39 original public housing agencies, out of 3,200 nationwide, to receive a “Moving  
to Work” (MTW) designation from the U.S. Department of Housing and Urban Development  
(HUD), which provides the Housing Commission flexibility to create innovative, cost-effective  
approaches to provide housing assistance to low-income families. In addition, this MTW  
designation allows the Housing Commission to utilize the MTW funds for uses proposed within  
the Annual MTW Plan submitted to HUD. In December 2015, the U.S. Congress extended the  
contracts of MTW agencies, including the Housing Commission, through 2028. For that reason,  
the Housing Commission believes that there will be adequate funding for the negotiated changes

to the MOU. However, to the extent the situation changes, the Housing Commission can elect to exercise the reopener to renegotiate with SEIU over the change in circumstances. SEIU has the same right under reopener provision; and

WHEREAS, the Office of the City Attorney, acting as General Counsel for the Housing Authority, has drafted this Resolution based on the information provided by Housing Commission staff, with the understanding that this information is complete, true, and accurate; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSING AUTHORITY OF THE CITY OF SAN DIEGO, as follows:

1. The Housing Authority approves the proposed Tentative Agreement, attached to this Resolution as Document No. HA 1962-1, and the two-year MOU, attached to this Resolution as Document No. HA 1962-2, between the Housing Commission and SEIU, which is intended to be retroactive to July 1, 2022.
2. The Housing Authority authorizes the President & Chief Executive Officer (President & CEO), or designee, to implement the changes being proposed for represented employees and implement applicable changes for the unrepresented employees of the Housing Commission, retroactive to July 1, 2022.
3. The Housing Authority authorizes the President & CEO, or designee, to substitute the funding sources with other available funding sources on the conditions that the total program/project budget amount after substitution does not exceed the approved total budget; any substitution must be justified by operational need or facts showing it is to the benefit of the Housing Commission and its mission; and the President & CEO, or

designee, obtains Housing Authority approval before substitution, if legally required as determined by the General Counsel.

4. The Housing Authority authorizes the President & CEO, or designee, to execute all documents and instruments that are necessary to implement these approvals, in a form approved by the General Counsel, and to take such actions as are necessary to implement these approvals, provided that a copy of the documents, signed as to form by the General Counsel, are submitted to each Housing Commissioner.

APPROVED: MARA W. ELLIOTT, General Counsel

By /s/ Joan F. Dawson  
Joan F. Dawson  
Senior Deputy General Counsel

JFD:sc  
09/27/2022  
Or.Dept:SDHC  
Doc. No. 3100184

Passed and adopted by the Housing Authority of the City of San Diego on October 11, 2022, by the following vote:

	<b>Yeas</b>	<b>Nays</b>	<b>Excused</b>	<b>Not Present</b>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**AUTHENTICATED BY:**

**Jeff Davis**

Interim Executive Director of the Housing Authority  
of the City of San Diego, California

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of  
RESOLUTION NO. **1962** passed and adopted by the Housing Authority of the City of San Diego,  
California on October 11, 2022.

By:



**Scott Marshall**

Deputy Secretary of the Housing Authority  
of the City of San Diego, California