

March 22, 2010



Eric Cu  
Compliance Officer  
Public Employment Relations Board  
700 North Central Avenue, Suite 200  
Glendale, CA 91203

Re: Request for PERB's Action To Enforce Its Order In ULP Case No. LA-CE-352-M  
Following Respondent CITY OF SAN DIEGO's Willful Disobedience On Advice Of  
City Attorney

Dear Mr. Cu:

On behalf of the San Diego Municipal Employees' Association (SDMEA) and AFSCME Local 127 (Local 127), and pursuant to paragraph 4 of PERB's Order in Case No. LA-CE-352-M, we write to request PERB's immediate action to enforce its Order in Case No. LA-CE-352-M following Respondent City of San Diego's (City) willful disobedience on the advice of City Attorney Jan Goldsmith.

**1. PERB's Order Related To City's Implementation of Managed Competition**

Following a 7-day ULP hearing in Case No. LA-CE-352-M, Administrative Law Judge (ALJ) Thomas J. Allen issued a Proposed Decision and Order on August 22, 2008, finding, in pertinent part:

- (1) that City had violated the MMBA, Government Code sections 3503, 3505, 3505.4, and 3506, by adopting its Managed Competition Implementing Ordinance in violation of its own impasse procedures ; and
- (2) that City failed to meet and confer in good faith over its proposed "Managed Competition Guide" in violation of MMBA, Government Code sections 3503, 3505, and 3506 (in part due to regressive bargaining), such that its issuance of the Managed Competition Guide on September 7, 2007, was an unlawful unilateral change.

As PERB's file reflects, PERB's Order became final and binding on City under CCR, title 8, section 32305. PERB **ORDERED** that the **City, its Mayor, its City Council, and its representatives shall CEASE AND DESIST FROM** (1) failing to follow its own impasse procedures; and (2) failing to bargain in good faith; and shall **TAKE THE FOLLOWING AFFIRMATIVE ACTIONS** DESIGNED TO EFFECTUATE THE POLICIES OF THE ACT: (1) follow its own impasse procedures with regard to the implementing ordinances for Propositions B and C; and (2) rescind the Managed Competition Guide issued on September 7, 2007, and bargain in good faith with AFSCME and SDMEA about its contents and their effects.

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## 2. City's Initial Conduct In Compliance With PERB's Order: 9/3/08 Through 10/27/09

Following the issuance of ALJ Allen's Proposed Decision and Order, by letter dated September 3, 2008, City's Labor Relations Director Scott Chadwick informed SDMEA and Local 127 that City did not intend to appeal (file exceptions to) ALJ Allen's proposed decision, and "will abide by his decision." (Exhibit 1) On the same date, City's Chief Operating Officer Jay Goldstone signed the "Notice to Employees Posted By Order of the Public Employment Relations Board," and City's Labor Relations Director disseminated it to all managers with instructions to post from September 5, 2008, through October 20, 2008. (Exhibit 2)

With its letter to SDMEA and Local 127 dated 9/3/08, City transmitted "City Proposal #9: Last, Best and Final Proposal on Managed Competition Implementing Ordinance for Amendment of Section 117 of the City Charter," and requested a resumption of bargaining. (Exhibit 1) This proposal was described as an Ordinance amending the San Diego Municipal Code by adding a section titled "Managed Competition," relating to the City's use of a managed competition process to determine the most economic and efficient means of providing City services." In pertinent part, this proposal included the following language:

"WHEREAS, a ballot proposition was submitted to the qualified voters of the City of San Diego on November 7, 2006, as to a proposed amendment to the City Charter section 117, regarding the use of managed competition; . . .

### Purpose

Under Charter section 117(c), Managed Competition is the process for determining whether City services can be provided more economically and efficiently by an independent contractor than by persons employed in the Classified Service, while maintaining service quality and protecting the public interest."

As ORDERED, City withdrew the Managed Competition Guide, Version 6.3, issued on September 7, 2007, (Exhibit 3), and proposed a new and different Managed Competition Guide, Draft Version 1.0, dated October 1, 2008, which incorporated relevant sections of Charter section 117, as amended by vote of the electorate to authorize Managed Competition, as well as relevant provisions from the City's "Managed Competition" Implementing Ordinance. (Exhibit 4)

A total of thirty-three (33) negotiating sessions took place between City and SDMEA, and another forty (40) sessions took place between City and Local 127. City was represented at all times by outside counsel Steve Berliner of Leibert Cassidy Whitmore. In addition, a Deputy City Attorney also attended most, if not all, negotiating sessions related to the Managed Competition Guide throughout 2008-2009.

### a. SDMEA Bargaining:

On June 4, 2009, SDMEA and the City reached tentative agreement on the Managed Competition Guide (Exhibit 5), which established the policies and procedures related to City's Managed Competition Program, except for the Guide's Exhibit D, Cost Comparison Guide.

Meetings were held and proposals exchanged on the Cost Comparison Guide until September 15, 2009, when the City declared an impasse with respect to the remaining disputes over the Cost Comparison Guide. The City met with SDMEA on September 24, 2009, where it announced that it was breaking the impasse by providing a new last, best and final offer ("LBFO"). (Exhibit 6)

b. Local 127 Bargaining:

City's bargaining with Local 127 followed a substantially similar course with some differences in the areas still in dispute when both the City and Local 127 declared an impasse on September 23, 2009. City and Local 127 disagreed on six issues related to the "Cost Comparison Guide," but were likewise **in agreement** on all other issues in the Guide and in the Cost Comparison Guide.

c. City's Impasse Procedure Was Followed On The Disputed Issues Related To City's Managed Competition Cost Comparison Guide

City's Human Resources Director Scott Chadwick issued a "Declaration of Impasse Between The City and AFSCME Local 127 and the SDMEA," dated September 29, 2009, in order to notify the City Council that the City's Negotiating Team was initiating the impasse procedures because of six disputed issues between the City and Local 127 and three disputed issues between the City and MEA related to Exhibit D, "Cost Comparison Guide" of the Managed Competition Guide. (Exhibit 7)

A "Request for Council Action" in the form of an Impasse Hearing on the managed competition subject matter was originated by City's Human Resources Director on October 1, 2009, approved by City's Deputy Chief Operating Officer on October 2, 2010, and **approved by the City Attorney on October 13, 2010.** (Exhibit 8)

In accordance with City Council Policy 300-06, an impasse meeting was held between the City and Local 127 on October 6, 2009, and between the City and SDMEA on October 8, 2009: (1) to identify and specify in writing the issue or issues that remained in dispute; (2) to review the position of the parties in a final effort to resolve such disputed issues; and (3) to discuss arrangements for the utilization of City's impasse procedures.

In connection with this impasse meeting, the City presented its "Negotiations Summary" identifying three areas of disagreement based on the City's 9/24/09 LBFO as follows (1) whether or not an outside contractor would receive an advantage in any bid proposal by having a reduced level of employee healthcare coverage or no coverage at all; (2) what the Non-Personnel Expense (NPE) inflation rate would be; and (3) what the contract administration staffing levels would be. (Exhibit 9)

City's Negotiations Summary also noted that City, SDMEA and Local 127 were **in agreement** on all thirty-one (31) other issues in the 50-plus-page Guide, and also were **in agreement** on all other components of the Cost Comparison Guide -- except for these three issues with SDMEA and six issues with Local 127. (Exhibit 9)

An impasse hearing was held before the San Diego City Council on October 27, 2009. (Exhibit 10 is a DVD of this Impasse Hearing.)

The City's Chief Negotiator, Steven Berliner of Leibert Cassidy Whitmore, summarized the areas in which the parties were in agreement which, as noted above, included all other areas of the Guide and the "Cost Comparison Guide," with the exception of the above-mentioned three issues for MEA and six issues for Local 127. Mr. Berliner also informed the City Council that the Managed Competition Implementation Ordinance (which the Council adopted on January 17, 2007, without a proper impasse hearing as addressed in Case No. LA-CE-352-M) also remained to be negotiated. He explained that the City, SDMEA and Local 127 had agreed that the Managed Competition Guide would be resolved first because it was understood

that the Managed Competition Implementing Ordinance would reflect the agreements reached in connection with the Guide. SDMEA and Local 127 agreed that this accurately reflected the intentions of the parties.

In turn, SDMEA and Local 127 presented their position on the remaining issues in dispute related to the Guide's Exhibit D, Cost Comparison Guide.

The City Council Meeting Minutes for October 27, 2009, reflect that, by a vote of 6 to 2, the Council "rejected the Mayor's last, best and final offer with direction for more negotiations and Council to meet in Closed Session." (Exhibit 11)

On November 4, 2009, SDMEA sent an e-mail to the Mayor and all Council Members following the impasse hearing to emphasize that SDMEA and the City's Negotiating Team had "reached agreement on every word of the 57-page draft (Managed Competition) Guide, except for the three issues discussed at the impasse hearing on October 27<sup>th</sup> (healthcare, NPE inflation, and contract oversight)," and that SDMEA was not proposing nor willing to accept the *County of San Diego's* Managed Competition Guide as some City officials had suggested after the Impasse Hearing. (Exhibit 12) SDMEA explained:

"MEA did offer up the *County* Guide TWO years ago as a negotiating position. We did that not because we thought it was perfect, but because we thought it was adequate and we knew that its adoption would save us from years of costly negotiations that would probably result in about the same caliber of product. But as we all know the City rejected that offer, and now we have spent a substantial amount of time, energy and resources negotiating a Managed Competition Guide that is more comprehensive and provides greater protections to taxpayers than the *County* Guide. MEA's position is that the Mayor and Council should resolve the few remaining issues at impasse, then implement the Guide that MEA and the City have already 99% agreed to in good faith. (MEA's) point in bringing up (its) previous offer of the *County* Guide at Tuesday's impasse hearing was simply to respond to those City officials and certain media outlets trying to portray MEA as stonewalling "the will of the voters" as it relates to Managed Competition for the last several years. That is demonstrably false in many ways, but we think the most compelling fact debunking that rhetoric is our previous offer to essentially end this process with the *County* Guide two years ago, only to be rebuffed by the City."

**3. After Five Months of Silence, On March 16, 2010, City Willfully Disobeyed PERB's Order By Returning To The Bargaining Table Following The Impasse Hearing With A New Proposed Implementing Ordinance (Repealing Existing Law) And A New Managed Competition Guide Which Together (1) Retracted Core Provisions Previously Agreed-Upon And (2) Denied Any Obligation To Use Managed Competition Before Contracting Out Bargaining Unit Work**

**a. City Was Non-Responsive For Five Months**

Following the Impasse Hearing on October 27, 2009, and despite frequent inquiries by representatives of SDMEA and Local 127, nearly five (5) months passed with no communication from the City regarding its position on the remaining disputed issues related to the Cost Comparison Guide.

On March 3, 2010, Local 127 sent a letter to City's Human Resources Director to express frustration over the extraordinary delay -- especially in light of the Mayor's "continued and excessive accusation that the Unions are stalling this process." (Exhibit 13)

b. City Broke Its Silence With A Regressive Bargaining Position In Flagrant Disobedience Of PERB's Order

On March 3, 2010, the City finally contacted MEA and Local 127 to request meetings with each on March 16<sup>th</sup> and 17<sup>th</sup> respectively.

i. Pre-Meeting Transmittals

At 6:10 p.m. on March 15, 2010, City's Human Resources Director Scott Chadwick sent an e-mail to representatives of SDMEA and Local 127 "in preparation for our meetings this week." (Exhibit 14) He attached a "Strikeout Managed Competition Guidebook" (showing changes to Managed Competition Guide, Version 3.0, which incorporated all tentative agreements through October 27, 2009) and a clean "Managed Competition Guidebook Proposed March 15, 2010." (Exhibit 15) He also attached a "Proposed Strikeout Ordinance" and a clean version of this Proposed Ordinance. (Exhibit 16)

ii. At the Bargaining Table

During the bargaining sessions with SDMEA and Local 127 which followed, as scheduled, on March 16<sup>th</sup> and 17<sup>th</sup>, City presented an additional 2-page document entitled "San Diego City Council Proposal to MEA and AFSCME Local 127, Managed Competition Program, Tuesday, March 16, 2010." (Exhibit 17) City's Chief Negotiator Steven Berliner of Leibert Cassidy Whitmore was not in attendance and, according to City Attorney Jan Goldsmith, his professional services have been terminated.

The City stated that it was "breaking impasse and back at the bargaining table" after receiving new direction from the City Council. When asked if the City felt it had the right to "start over" by making a new proposal that was regressive in nature and that ignored the past four years of bargaining on the subject of Managed Competition, the City defended its right to start over with "new proposals," even if they were far afield from the discrete issues at impasse.

The reason for this *complete change in direction* is clear. Although he had taken office in December 2008, and had been represented at all prior bargaining sessions by a Deputy City Attorney, City Attorney Jan Goldsmith personally attended his first bargaining session with SDMEA on March 16, 2010, and with Local 127 on March 17, 2010. At both sessions, Mr. Goldsmith announced that his legal interpretation of Charter section 117(c) is at odds **with the parties' past four years of bargaining and with the agreements they have reached to date**. In his view, City is *not* required to use Managed Competition before outsourcing bargaining unit work, and, accordingly, he has advised the Mayor and City Council to **abandon the agreements previously reached**, to present the regressive proposals transmitted to SDMEA and Local 127 on March 15, 2010, and to take the new position being announced in the bargaining sessions on March 16<sup>th</sup> and 17<sup>th</sup>.

By following the City Attorney's advice and retreating from the fundamental agreements which had informed the entire bargaining process from February 2006 through October 2009, City has now denounced the concept on which all parties had previously agreed: that City's Civil Service employees would have a *right* to compete on a level playing field against any outside contractor who might be considered to replace them, and that, in furtherance of this *right*, City would be obligated to provide employees with the resources, time, and means to prepare their bid.

c. City Now Disavows The Fundamental Concept of Managed Competition On Which All Negotiations Since February 2006 Were Premised

After **four** years of negotiations and untold resources expended by all parties – including City’s staggering expenditures for three high-powered outside labor attorneys (Rod Betts of Paul Plevin; Steven Berliner of Leibert Cassidy Whitmore; and Mark S. Pulliam of Latham & Watkins) – City’s *new* proposals presented on March 15, 2010, **contradict** all previous representations, discussions, offers, and tentative agreements which have occurred since the Managed Competition ballot initiative negotiations began in 2006 pursuant to City’s obligations under *People of the State of California ex rel. Seal Beach Police Officers Assn. v. City of Seal Beach* (1984) 36 Cal.3d 591. (See sampling of City’s Ballot Measure proposals, Exhibits 18 through 21; as well as the Initiative Measure To Be Submitted Directly To The Voters “Relating to Use of Managed Competition,” Exhibit 22, which City used to keep the pressure on SDMEA and Local 127 to reach agreement over the proposed Charter amendment ballot measure.)

Indeed, City’s Mayor Jerry Sanders campaigned in support of the proposed amendment to City Charter section 117 – Proposition C – also by labeling the effort a “Managed Competition Initiative” just as the signature-gathering activists had done. (Exhibit 23)

Thus, having *bargained* with SDMEA and Local 127 over a ballot measure to amend Charter section 117 to authorize **Managed Competition**, City’s current “bait and switch” position makes a mockery of its obligations under *Seal Beach*.

A comparison of the *new version* of the Managed Competition Guidebook, (Exhibit 15), with the version on which tentative agreements had been reached as of the Impasse Hearing on October 27, 2009, (See Exhibit 15 *before* the strikeouts), shows that City has retracted key provisions on which agreement had been reached during bargaining from September 2008 through October 2009. Worse yet, a comparison of Exhibit 15 to City’s proposed version on which bargaining had been renewed in September 2008 in obedience to PERB’s ORDER, (Exhibit 4), shows that City’s position is *substantially worse* than it was in September 2008 when City stated that it “would abide by (ALJ Allen’s) decision.” (Exhibit 1)

City’s position has also *substantially worsened* with regard to the Managed Competition Implementing Ordinance as shown by a comparison between City’s *new proposed* Managed Competition Implementing Ordinance transmitted on March 15, 2010, (Exhibit 16), and “City Proposal #9: Last, Best and Final Proposal on Managed Competition Implementing Ordinance,” (Exhibit 1), which City transmitted on September 3, 2008, when asking SDMEA and Local 127 to resume bargaining in compliance with PERB’s ORDER. This proposal included the following language which has now been stricken from City’s *new* March 15, 2010 proposal:

**Purpose**

Under Charter section 117(c), Managed Competition is the process for determining whether City services can be provided more economically and efficiently by an independent contractor than by persons employed in the Classified Service, while maintaining service quality and protecting the public interest.”

Moreover, with regard to this Implementing Ordinance, City’s (former) Chief Negotiator Steven Berliner had accurately informed the City Council at the Impasse Hearing on October 27, 2009, that City, SDMEA and Local 127 were in agreement that the Managed Competition Guide would be resolved first and the Implementing Ordinance then conformed to those agreements.

City's current proposal retracts key provisions of the Implementing Ordinance on which the parties had agreed *even before* the Impasse Hearing conducted on December 5, 2006, which became the subject of the underlying ULP proceeding and led to PERB's CEASE AND DESIST ORDER. In fact, City's *new proposed* Implementing Ordinance actually **repeals key provisions of City's current law related to Managed Competition** codified in the San Diego Municipal Code, Chapter 2, Article 2, Division 37, "Managed Competition," (Exhibit 24), because SDMEA and Local 127 did not ask ALJ Allen to order the repeal of City's Implementing Ordinance on Managed Competition despite City's failure to follow its own impasse procedure with regard to it. (See PERB Decision, page 39) At the time of the Impasse Hearing over this Implementing Ordinance on December 5, 2006, Mayor Sanders himself and his Chief Policy Advisor and City Negotiator Lisa Briggs presented the agreements and disagreements with regard to City's "voter-approved managed competition program." (See transcript of proceedings, Exhibit 25)

When Mayor Jerry Sanders issued the Managed Competition Guide on September 7, 2007, which ALJ Allen ORDERED City to rescind as an unlawful unilateral change, he issued both a Press Release in the form of a "Fact Sheet," (Exhibit 26), and a PowerPoint Presentation. (Exhibit 27) Mayor Sanders' "Fact Sheet" opens with a headline: "Sanders Announces Progress And Next Steps For Voter Approved Managed Competition Process." In the body of his "Fact Sheet," Mayor Sanders noted that a Managed Competition Ordinance had been established, a Managed Competition Guide developed, and recommendations solicited for appointments to the Managed Competition Review Board. Mayor Sanders emphasized that "The City's managed competition program includes some far-reaching protections that will create a level playing field for both employees and independent contractors interested in providing City services. . . . In order for an independent contractor to win, the firm must be able to provide the service at a savings of 10% or more than the bid made by employees; . . . Employee teams will be provided with support to develop a competitive response." (City's *new* 3-15-10 proposal reduces the savings margin to only 7%.)

Mayor Sanders' PowerPoint dated September 7, 2007, is entitled: "Mayor's Announcement of the Managed Competition Process." (Exhibit 27) Mayor Sanders asks: "What Is Managed Competition And Why Are We Doing It?" He answers: "**Managed Competition is not the same as outsourcing.**" He continues: "Managed Competition is a structured, transparent process that allows an open and fair comparison of public sector employees and independent contractors in their ability to deliver services to our citizens; a strategy that recognizes the high quality and potential of public sector employees and seeks to tap their creativity, experience and resourcefulness by giving them the opportunity to structure organizations and processes in ways similar to best practices in competitive businesses; . . ." Mayor Sanders asks: "Why Are We Engaging in Managed Competition?" He answers: "**In November 2006, San Diego voters approved an amendment to the (Charter) that allows for the implementation of a managed competition program to determine the most economic and efficient means of providing City services.**" He continues with a description of what Departments and their employees *will* do. Mayor Sanders explains the "Communications Strategy" as involving "communications to employees at every stage of the effort – no employees "blind-sided" by having their jobs 'outsourced' from under them because: 1) **First and foremost, this is not outsourcing, . . .**" Mayor Sanders then offers a "Process Overview" which includes various steps now stricken from City's *new* proposals presented on March 15, 2010. (*Compare* Exhibit 27 with Exhibits 15 & 16)

In a nutshell, City's new proposals issued on March 15, 2010 – after its five months of silence following the Impasse Hearing on October 27, 2009 -- eliminate or change language in the Managed Competition Guide which was *not* in dispute, and add language which completely changes the explicit intent of the Guide as previously agreed-upon; City's *new* Proposed Implementing Ordinance eliminates virtually the entire document as it was adopted in January 2007 – and as it was when presented to SDMEA

and Local 127 on September 3, 2008, to comply with PERB's ORDER -- and replaced it with a few paragraphs which drastically change the substance and meaning of the Ordinance.

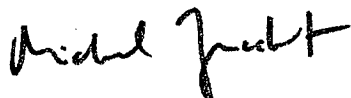
#### 4. The Magnitude Of City's Contempt For PERB's ORDER Requires Immediate Enforcement Action

Having been *one small step away* from a complete agreement with City over the Managed Competition Program – after **four** years of effort, expenditures and setbacks – SDMEA and Local 127 find themselves confronted with City's shameless "bait and switch" related to Managed Competition. This extraordinary bad faith regression in City's position is not simply measured by reference to where the parties stood as of September 2008 when City agreed to comply with PERB's ORDER – bad as this would be. **City's new regressive position changes everything that has happened since February 2006 when City initiated negotiations under Seal Beach over a Managed Competition Charter amendment.**

At no time during the hearing before PERB in 2007 did the City take the position that Proposition C (amending Charter Section 117) was an authorization to outsource and *not* a Managed Competition program. On the contrary, all testimony given and evidence submitted confirms that all parties agreed that Proposition C was synonymous with, commonly referred to as, and intended to be "Managed Competition." Nor did any City representative, including the Deputy City Attorney representative in attendance during the bargaining, ever disagree with the underlying premise of the process that the Charter section 117 amendment was intended to authorize a Managed Competition program in the City of San Diego; nor did the parties ever disagree about the meaning or definition of "Managed Competition." Finally, not once from 2006 through March 15, 2010, did a City representative, including the Deputy City Attorney representative in attendance **as the City Attorney's delegatee** during the bargaining, ever indicate that the agreements which had been reached on both the Managed Competition Guide and the Implementing Ordinance violated the Proposition C ballot initiative or the Charter amendment approved by the voters.

City, its Mayor and its City Council – to whom PERB's ORDER was expressly directed – have now denounced their former position and agreements in favor of City Attorney Jan Goldsmith's *newly* crafted interpretation of the voter-approved Charter Amendment. Because the Mayor and City Council are apparently acting on the advice of the City Attorney, there is no hope for a resolution of this matter in the absence of PERB's immediate action to enforce its ORDER. Otherwise, City will remain in contempt of that ORDER and the salutary purposes of the Meyers-Milias-Brown Act which PERB intended to enforce by issuing its ORDER -- and which City assured SDMEA, Local 127, and represented employees that it would obey when it posted that ORDER – will be entirely thwarted and employees' confidence in this important law and in PERB as its enforcer will be irreparably undermined.

Sincerely,



Michael Zucchet  
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MIKE ZUCCHET FOR

Damian Tryon  
Business Agent, AFSCME Local 127  
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Index of Exhibits

- (1) City's 9/3/08 letter re PERB's Proposed Decision and Order, with City Proposal #9: LBFO on Managed Competition Implementation Ordinance
- (2) City's instructions re posting PERB's NOTICE
- (3) City's Managed Competition Guide, Version 6.3, issued 9/7/07 and rescinded per PERB ORDER.
- (4) City's Managed Competition Guide, Draft Version 1.0, dated 10/1/08
- (5) Managed Competition Guide, Tentative Agreement, 6/4/09
- (6) City's LBFO re Cost Comparison Guide, 9/24/09
- (7) City's Declaration of Impasse
- (8) City's Request for Council Action
- (9) City's Negotiations Summary dated 9/24/09
- (10) DVD of Impasse Hearing before City Council, 10/27/09
- (11) City Council Meeting Minutes, 10/27/09
- (12) SDMEA/Zucchet E-mail to Mayor and City Council dated 11/4/09 re Impasse Hearing
- (13) Local 127's letter to City dated 3/3/10 re Impasse Hearing
- (14) City's 3/15/10 E-mail to SDMEA and Local 127 re negotiations
- (15) City's 3/15/10 "Strikeout Managed Competition Guidebook" with clean version
- (16) City's 3/15/10 "Proposed Strikeout Ordinance" with clean version
- (17) City's 2-page "Proposal to MEA and Local 127, Managed Competition Program, Tuesday, 3/16/10"
- (18) Ballot Measure: Version A re Use of Managed Competition – Referred by Rules Committee
- (19) Ballot Measure: Version C re Managed Competition – City Council Changes
- (20) Ballot Measure: Version D re Use of Managed Competition – Mayor's Proposal
- (21) Ballot Measure: Version G on Managed Competition – Mayor's Proposal
- (22) Initiative Measure Relating to Use of Managed Competition
- (23) Mayor's Campaign re Proposition C, the "Managed Competition Initiative"
- (24) SDMC, Article 2, Division 37, "Managed Competition"
- (25) 12/5/06 Transcript of Mayor Sanders' Oral Report to City Council re Impasse Hearing Over Managed Competition Implemental Ordinance, with Presentation of Mayor's Policy Advisor and Negotiator Lisa Briggs
- (26) Mayor Sanders' Press Release/Fact Sheet re Managed Competition dated 9/7/07
- (27) Mayor Sanders' PowerPoint re Managed Competition dated 9/7/07

**PROOF OF SERVICE**

I declare that I am a resident of or employed in the County of San Diego,  
State of California. I am over the age of 18 years and not a party to the within entitled  
cause. The name and address of my residence or business is Cathleen Higgins,  
9620 Chesapeake Drive, Suite 203, San Diego, CA 92123.

On March 22, 2010, I served the Request for PERB's Action To Enforce Its  
(Date) (describe document(s))

Order in ULP Case No. LA-CE-352-M, plus 27 attachments

on the parties listed below (include name, address and, where applicable, fax number) by (check  
the applicable method or methods):

placing a true copy thereof enclosed in a sealed envelope for collection and delivery  
by the United States Postal Service or private delivery service following ordinary business  
practices with postage or other costs prepaid;

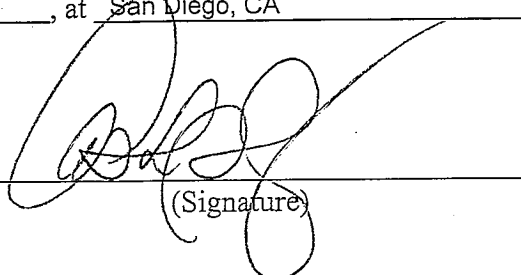
personal delivery;

facsimile transmission in accordance with the requirements of PERB Regulations  
32090 and 32135(d).

Scott Chadwick  
Human Resources Director  
City of San Diego  
1200 Third Avenue, Suite 1316  
San Diego, CA 92101  
619.236.5587

I declare under penalty of perjury that the foregoing is true and correct and that this  
declaration was executed on March 22, 2010, at San Diego, CA.

Cathleen Higgins  
(Type or print name)

  
(Signature)