

CHARTER OF THE CITY OF SAN DIEGO

Note: Charter sections 149-192, relative to Police Relief and Pension Fund and Fire Relief and Pension Fund, were combined in 1947 and replaced in 1955 by new Article X. In the 1931 Charter, Article X was comprised of sections 149-171; Article XI was comprised of sections 172-192.

Section 149

1. Original Charter section approved by voters April 7, 1931

Section 149. POLICE RELIEF AND PENSION FUND. In order to continue in force and make effectual pensions already existing in favor of the Police force of The City of San Diego, there is hereby created the Police Relief and Pension Fund in the City Treasury, into which shall be placed all moneys designated in this Charter to be paid into such fund. This fund shall constitute a trust fund for the benefit of the members of the San Diego Police Department and shall be used exclusively for the payment of pensions under the terms and provisions of this Charter. No expenditure shall be made from such fund except on order of the Board of Trustees of the Police Relief and Pension Fund.

The members of the Police Department within the meaning of this Charter who are entitled to the benefits of the Police Relief and Pension Fund shall consist of patrolmen, and all officers and policemen of every rank, including the Chief of Police and police matrons. Civilians and other employees serving the Police Department, but not included in the foregoing classification shall be entitled to all the benefits of the City Employees' Retirement Fund, as provided in Article IX of this Charter.

In the event of an appointment to the office of Chief of Police of one who at the date of his appointment was and is not a regular member of the Department, entitled to all the benefits of the Police Relief and Pension Fund, then and in that event such appointee shall not be entitled to any of the benefits of said Police Relief and Pension Fund as provided in Article X of this Charter. An appointee of this character, however, shall be entitled to all the benefits of the Employee's Retirement Fund, as outlined in Article IX of this Charter.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 149. POLICE AND FIRE RETIREMENT SYSTEM. There is hereby created a Police and Fire Retirement System for policemen and firemen of The City of San Diego who were regularly employed and members of their respective pension

systems on June 30, 1946, which, subject to the provisions of this Charter, shall be administered and controlled by a Board of Trustees. The Board of Trustees shall be composed of nine members selected as follows: three to be chosen by election by and from the members of the Fire Department of said City; three to be chosen by election by and from the members of the Police Department of said City; the City Treasurer; and two qualified registered electors of the City at large, selected by the City Manager. Only those policemen or firemen who have had seven years' experience in their respective departments and who were entitled to the benefits of their respective pension systems on June 30, 1946, shall be eligible for election to said Board.

Note: On 03-05-2005 (effective 04-24-2002), voters added a new Section 149 to Article IX of the Charter, which relates to contracting public agencies. See current Charter.

Section 150

1. Original Charter section approved by voters April 7, 1931

Section 150. BOARD OF TRUSTEES OF FUND. The Chief of Police of the San Diego Police Department, the City Treasurer of The City of San Diego, and one member of said Department who has had at least seven years of continuous service in said Department and who holds a position not lower than the rank of Lieutenant, to be elected as hereinafter provided, and their successors in office, shall be and they are hereby constituted and appointed as the Board of Trustees of the Police Relief and Pension Fund. The elective members of said Board shall be chosen by ballot at an election to be held on the first Thursday after the first Monday in April of 1932, and every two years thereafter at the same time, at which election all police officers in good standing in the San Diego Police Department shall be entitled to vote. Said election shall be by secret ballot at a place designated by the Board of Trustees and shall be conducted in accordance with such rules and regulations as may be prescribed by said Board of Trustees.

In the event of the death or resignation of any elective member of said Board, or in the event of said member becoming ineligible for any reason to act on said Board his successor shall be chosen at a special election, which shall be called by said Board within thirty (30) days from the time of the death or resignation of said member or of the date of his ineligibility. Said election shall be conducted in the same manner as provided for the regular election.

2. Amendment voted 03-13-1945; effective 04-09-1945

Section 150. BOARD OF TRUSTEES OF FUND. The Chief of Police of the San Diego Police Department, the City Treasurer of The City of San Diego, and two members of said Department who have had at least seven years of continuous service in said Department to be elected as hereinafter provided, and their successors in office, and one appointee of the Manager, who has been a resident of The City of San Diego at least five years, shall be and they are hereby constituted and appointed as the Board of Trustees of the Police Relief and Pension Fund. The elective members of said Board shall be chosen by ballot at an election to be held within thirty days after the date this amendment becomes effective, to hold office until the first Thursday after the first Monday in April, 1946, at which time an election shall be held on the first Thursday after the first Monday in April every two years thereafter, at which election all police officers in good standing in the San Diego Police Department shall be entitled to vote. Said election shall be by secret ballot at a place designated by the Board of Trustees and shall be conducted in accordance with such rules and regulations as may be prescribed by said Board of Trustees.

In the event of the death or resignation of any elective member of said Board, or in the event of said member becoming ineligible for any reason to act on said Board, his successor shall be chosen at a special election, which shall be called by said Board within thirty (30) days from the time of the death or resignation of said member or of the date of his ineligibility. Said election shall be conducted in the same manner as provided for the regular election.

3. Amendment voted 04-15-1947; effective 05-01-1947

Section 150. ELECTION OF BOARD OF TRUSTEES. Elections for the members of said Board of Trustees shall be by secret ballot held every two years on the third Monday in April. Members of the Police Department and members of the Fire Department shall each conduct their own election for members of said Board of Trustees under rules and regulations prescribed by the Board of Trustees. At the election for members of the Board of Trustees selected by the members of the Fire Department, all regular members of such department who were members of the Firemen's Relief and Pension Fund on June 30, 1946, and who are in good standing at the date of the election shall have the right to vote; and at the election held by the members of the Police Department for such trustees as are selected by the Police Department, all policemen who were members of the Police Relief and Pension Fund on June 30, 1946, shall have the right to vote. Trustees elected by members of the

Police and Fire Departments shall hold office for two years and until their successors are elected and qualified.

The trustees selected by vote of the policemen and firemen, however, shall be subject to recall as hereinafter provided. Upon receiving a petition signed by twenty-five per cent of the regular members of the Police Department eligible to vote for trustees as herein provided, asking the recall of any or all representatives of such Police Department on said Board of Trustees, the Board of Trustees shall, within ten days after determining the sufficiency of such petition, call an election within such Police Department for the recall of any or all of such trustees representing the Police Department. If a majority of the members of the Police Department voting upon the question of recall of such representative of the Police Department upon such Board of Trustees vote in favor of a recall, then such members or member, as the case may be removed from their or his office. The same procedure as herein specified for the recall of members representing the Police Department shall be followed in the event of the recall of the members of the Board of Trustees representing the Fire Department. In the event of death, retirement, resignation, failure or inability of any member of the Board of Trustees to act, if his position be elective, his successor shall be chosen at a special election which shall be called by the Board of Trustees within thirty days of the time the vacancy is declared and shall be conducted in the same manner as the regular election.

Section 151

1. Original Charter section approved by voters April 7, 1931

Section 151. TREASURER OF FUND. The Treasurer of said Police Relief and Pension Fund shall be placed under a bond of not less than ten thousand dollars (\$10,000.00), which may be increased at the will of the Board of Trustees, the premium of such bond to be paid from the Police Relief and Pension Fund.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 151. OFFICERS OF TRUSTEES. The Board of Trustees, upon selection and qualification as herein provided, shall organize themselves by selecting a Chairman, a Vice-Chairman and a Secretary. The Chairman shall be selected from either the representatives of the Police Department or the representatives of the Fire Department, in which case the Vice-Chairman shall be selected from representatives of the Department not securing the chairmanship. The Chairman and Vice-Chairman so selected shall hold office as Chairman and Vice-Chairman for one year, on the

expiration of which the Board of Trustees shall select a new Chairman and Vice-Chairman from members of the Trustees representing the Police and Fire Departments.

Section 152

1. Original Charter section approved by voters April 7, 1931

Section 152. INVESTMENT OF FUNDS. No money from said Police Relief and Pension Fund shall be invested in any securities other than approved United States Bonds, Bonds of the State of California, or local municipal or county bonds, provided that at no time shall more than one-half of the available funds be invested in any way whatsoever until there shall be in said fund at least one hundred thousand dollars (\$100,000.00) and at no time shall more than two-thirds of the total amount of said fund be invested.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 152. POLICE AND FIRE RETIREMENT SYSTEM FUND. There is hereby created in the City Treasurer a fund to be known as the Police and Fire Retirement System Fund, into which shall be placed all moneys designated by this Charter to be paid into said fund, including the moneys now in the Police Relief and Pension Fund and Firemen's Relief and Pension Fund, subject, however, to the provisions of Section 172 hereinafter contained. This fund shall constitute a trust fund for the benefit of the members of the San Diego Police and Fire Departments and shall be used exclusively for the payment of pensions under the terms and provisions of this Article, including pensions heretofore granted under the provisions of the Charter prior to this amendment. No expenditures shall be made from said fund except on order of the Board of Trustees.

Members of the Police and Fire Departments entitled to the benefits of this Article shall consist of the Chief of each Department and all officers and members of each Department who were appointed prior to July 1, 1946, and who were prior to said date entitled to the pension benefits of their respective Departments under the then existing Charter.

Section 153

1. Original Charter section approved by voters April 7, 1931

Section 153. BOARD TO ORDER PAYMENT. The Chief of Police shall be the ex-officio President of the Police Relief and Pension Fund, and the City Treasurer of The City of San Diego shall be the ex-officio Treasurer of the Police Relief and Pension Fund, and said Board shall order payments from said fund in accordance with the provisions of this Article. Said Board of Trustees shall report annually in the month of June to the Council of The City of San Diego, the condition of the Police Relief and Pension Fund, and the receipts and disbursements on account of the same, with a full list of beneficiaries of said fund and the amount paid them.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 153. INVESTMENT OF FUNDS. The Board of Trustees is hereby authorized to invest any moneys in the Police and Fire Retirement System Fund in approved United States Government, State of California, municipal or county bonds, which qualify and are eligible for the investment of public trust funds, recommended by the Funds Commission of The City of San Diego; provided, however, that sufficient money shall always be kept in such fund to meet the pension payments provided for in this Article.

3. Amendment voted 03-13-1951; effective 03-26-1951

Section 153. INVESTMENT OF FUNDS. The Board of Trustees is hereby authorized to invest any moneys in the Police and Fire Retirement System Fund, in approved United States Government, State of California, municipal or county bonds, or such bonds and securities as are authorized by General Law for investment for savings banks and are recommended by the Funds Commission of The City of San Diego; provided, however, that sufficient money shall always be kept in such fund to meet the pension payments provided for this Article.

Section 154

1. Original Charter section approved by voters April 7, 1931

Section 154. MEETINGS OF BOARD. Said Board shall provide for quarterly meetings on the second Monday in January, April, July and October of each year, upon the call of the President. The time and place of such meetings shall be posted on the bulletin board at the Police Headquarters at least seven (7) days prior to each meeting.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 154. MEETINGS OF BOARD. The Board of Trustees shall hold quarterly meetings on the third Monday of January, April, July and October of each year and upon the call of its Chairman. The time and place of such meetings shall be posted on bulletin boards at the Fire Department headquarters and at the Police Department headquarters and at the San Diego City and County Administration Building at least seven (7) days before each meeting. A majority of the members of the Board shall constitute a quorum and shall have power to conduct business.

No moneys shall be paid from the Police and Fire Retirement System Fund except upon order of the Board of Trustees, which order shall be signed by the Chairman and Secretary of said Board of Trustees and directed to the Auditor and Comptroller of said City, who shall issue warrants therefor. The time and method for approving and paying pension claims and the maintaining and keeping complete pension records shall be fixed by rules and regulations of said Board of Trustees. The Board of Trustees shall keep a record of all proceedings of such Board, which shall be a public record.

Section 155

1. Original Charter section approved by voters April 7, 1931

Section 155. WARRANTS OF BOARD. Said Board shall issue warrants signed by the President, Treasurer and Secretary, to all persons entitled thereto, for the amount of money due to said persons from said fund, which warrants shall state for what purpose such payment is to be made. Warrants shall be drawn quarterly and paid monthly as they become due. Said Board shall keep a record of all proceedings, which

record shall be a public document. A majority of all of the members provided for in this Article shall constitute a quorum and have power to transact business.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 155. TREASURER OF FUND. The Treasurer of The City of San Diego shall act as Treasurer and Custodian of said Fund, and the Treasurer's official bond shall also cover his duties as Treasurer of said fund.

Section 156

1. Original Charter section approved by voters April 7, 1931

Section 156. POWER OF BOARD. The Board herein provided for shall in addition to other powers granted hereby, have power, first, to compel witnesses to attend and testify before it on all matters affecting the Police Relief and Pension Fund, in the same manner as is or may be provided for by law for the taking of testimony before Notaries Public; second, to appoint a secretary and provide for the payment from said fund of all of its necessary expenses, including the Secretary's hire and printing; provided, that no compensation shall be paid to any member of said Board for any duty required or performed under this section; third, to make all needful regulations and rules for its guidance not in conflict with the provisions of this article.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 156. POWERS OF BOARD. The Board of Trustees herein provided for shall, in addition to other powers granted hereby, have power, first: to compel witnesses to attend and testify before it on all matters connected with the operation of this system in the same manner as is or may be provided for by the law for taking of testimony before notaries public; second: to make all needful regulations and rules for its guidance in conformity with the provisions of this Charter.

Section 157

1. Original Charter section approved by voters April 7, 1931

Section 157. CONTRIBUTIONS TO FUND BY POLICE. The Auditor and Comptroller of The City of San Diego shall retain from the pay of each regular member

or employee of the Police Department a sum equal to two per cent (2%) of the salary paid to said member or employee, and all fines imposed upon members of the Police Department in keeping with the rules and regulations of said Department, to be forthwith paid into said Police Relief and Pension Fund, and no other or further retention or reduction shall be made from such pay of any member or employee of the Police Department to said fund.

2. Amendment voted 04-23-1935; effective 05-17-1935

Section 157. Contributions To Fund By Police. The Auditor and Comptroller of The City of San Diego shall retain from the pay of each regular member or employee of the Police Department a sum equal to four per cent (4%) of the salary paid to said member or employee, and all fines imposed upon members of the Police Department in keeping with the rules and regulations of said Department, to be forthwith paid into said Police Relief and Pension Fund, and no other or further retention or reduction shall be made from such pay of any member or employee of the Police Department to said fund.

3. Amendment voted 04-20-1943; effective 05-03-1943

Section 157. CONTRIBUTIONS TO FUND BY POLICE. The Auditor and Comptroller of The City of San Diego shall retain from the pay of each regular member or employee of the Police Department a sum equal to six per cent (6%) of the salary paid to said member or employee, and all fines imposed upon members of the Police Department in keeping with the rules and regulations of said Department, to be forthwith paid into said Police Relief and Pension Fund, and no other or further retention or reduction shall be made from such pay of any member or employee of the Police Department to said fund.

4. Amendment voted 04-15-1947; effective 05-01-1947

Section 157. CONTRIBUTIONS TO FUND BY MEMBERS. Commencing on the first day of the month next succeeding the effective date of this amendment, the Auditor and Comptroller of The City of San Diego shall retain from the pay of each person who is eligible to the benefits of the Police and Fire Retirement System a sum equal to eight per cent (8%) of the amount paid said person, which sum shall be paid into the said Police and Fire Retirement System Fund; and no other or further retention or reduction shall be made from such pay for any retirement or pension purposes. Provided, however, that all contributions to be made by any member of the Police or Fire Departments of The City of San Diego to the Police and Fire Retirement System Fund shall cease when said member has become eligible to retire or has retired.

Section 158

1. Original Charter section approved by voters April 7, 1931

Section 158. CONTRIBUTIONS TO FUND BY COUNCIL. The Council shall, for the purposes of said Police Relief and Pension Fund herein provided for, except as hereinafter provided, direct the payment annually, from the General Fund of The City of San Diego, into the Police Relief and Pension Fund, of the following moneys:

(a) One-third (1-3) of all rewards given or paid to members of the Police Department because of or in recognition of the performance of official duty.

(b) One-third (1-3) of all fines collected in the City Police Court of The City of San Diego for a violation of any law, except such fines as may be otherwise provided for under the laws of the State of California.

(c) Five per cent (5%) of all revenues derived from licenses granted by The City of San Diego where said licenses are directly under the supervision of the Police Department.

(d) For the payment of a sum equal to all revenue paid into the Police Relief and Pension Fund by members or employees of the Police Department as provided for in Section 157 of this Article, said sum to be equal to the amount retained by the Auditor and Comptroller of The City of San Diego during the next preceding year; and such further sum or sums as shall be required for maintenance of said Police Relief and Pension Fund.

Provided, however, that whenever said Police Relief and Pension Fund contains a sum of money amounting to one thousand dollars (\$1,000.00) for each and every member of the Police Department, then and in that event all payments into said Police Relief and Pension Fund provided for in this section shall cease, and shall only be resumed in the event that said Fund shall be decreased below the amount herein specified.

2. Amendment voted 04-20-1943; effective 05-03-1943

Section 158. CONTRIBUTIONS TO FUND BY COUNCIL. The Council shall, for the purposes of said Police Relief and Pension Fund herein provided for, except as hereinafter provided, direct the payment annually, from the General Fund of The City of San Diego, into the Police Relief and Pension Fund, of the following moneys:

(a) One-third (1/3) of all rewards given or paid to members of the Police Department because of or in recognition of the performance of official duty.

(b) One-third (1/3) of all fines collected in the Municipal Court of The City of San Diego for a violation of any law, except such fines as may be otherwise provided for under the laws of the State of California.

(c) Five per cent (5%) of all revenues derived from licenses granted by The City of San Diego where said licenses are directly under the supervision of the Police Department.

(d) For the payment of a sum equal to all revenue paid into the Police Relief and Pension Fund by members or employees of the Police Department as provided for in Section 157 of this Article, said sum to be equal to the amount retained by the Auditor and Comptroller of The City of San Diego during the next preceding year; and all such further sum or sums as shall be required for maintenance of said Police Relief and Pension Fund.

3. Amendment voted 04-15-1947; effective 05-01-1947

Section 158. CONTRIBUTIONS TO FUND BY COUNCIL. (1) The Council shall appropriate in the annual appropriation ordinance to the credit of the Police and Fire Retirement System Fund, for the purposes of this Article, the following moneys:

(a) A sum equal to the amount to be paid into the Police and Fire Retirement System Fund by the members thereof each year, as required under Section 157 of this Charter.

(b) Such additional sum of money as shall be sufficient to meet all current and future liabilities of the fund within thirty (30) years from the effective date of this provision and to maintain said fund in an actuarially solvent condition thereafter. Said Board of Trustees, in computing said sum, shall avail themselves of the services of the actuary to be employed by the City Manager as provided in Section 161.

(2) The Council shall also appropriate in the annual appropriation ordinance, to the credit of a fund to be known as the Police and Fire Retirement System Expense Fund, sufficient money from which shall be paid the expenses necessary in connection with the administration and operation of this system. Annually the Board of Trustees shall estimate the amount of money necessary to be paid into said expense fund for the ensuing year, and such estimate shall be submitted to the City Manager in accordance with Section 69 of Article VII of this Charter.

Section 159

1. Original Charter section approved by voters April 7, 1931

Section 159. REPORT TO COUNCIL. On the last day of June of each year, or as soon thereafter as practicable, the Board of Trustees shall make a report to the Council of all moneys paid out on account of said Police Relief and Pension Fund during the current year, and of the amount then to the credit of said Fund.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 159. PENSIONS TO REMAINED FIXED. No pension granted or authorized hereunder shall be increased or decreased after the amount has been fixed lawfully by order of the Board of Trustees, except as provided in Section 163 hereof.

Section 160

1. Original Charter section approved by voters April 7, 1931

Section 160. PAYMENTS MONTHLY. All payments provided for in this Article shall be made monthly and upon proper vouchers.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 160. RETIREMENT FOR SERVICE. Each member of the Police or Fire Departments of the City who is entitled to the benefits of this system shall be entitled to retire from active service of said City and receive retirement pay thereafter from said City pursuant to and in accordance with the provisions and subject to the qualifications of this section, as follows:

(a) Whenever any policeman shall have served for twenty years or more in the aggregate as a member or employee in any rank or capacity in the Police Department of The City of San Diego; provided, however, that members of said Police Department who entered the service of the Department subsequent to the 8th day of May, 1941, shall not be retired before they reach the age of fifty years and before twenty-five years of service in the aggregate.

(b) Whenever any fireman shall have served for twenty years or more in the aggregate as a member in any rank or capacity of the regularly constituted force of the San Diego Fire Department, or in any department of said force; provided, however, that members of the San Diego Fire Department who entered the service of the said Fire Department subsequent to January 1, 1936, shall not be retired before they reach the age of fifty years and before twenty-five years of service in the aggregate.

(c) The Board of Trustees shall, upon the request of such or any member, or without such request and with the approval and consent of the City Manager, if it deem it for the good of the service, retire such member from further service in the Police or Fire Department; and from the date of such order of retirement the service of such person shall cease.

(d) At the time of retirement the person so retired shall have the option to elect one of the following types or kinds of pension plans:

Plan No.1. A yearly pension(for the life of such member) equal to one-half of the amount of the average yearly salary of said person for the five years immediately preceding the date of his retirement, payable to him in monthly installments; provided that the amount of salary paid such retiring person during said five years in excess of four hundred dollars (\$400.00) per month shall not be used in such computation, and provided further that when one who is eligible to the benefits of this system has elected the type of pension he shall receive, the amount of such pension shall not increase or decrease. The amount of pension to which a retiring member is entitled under this plan shall never exceed two hundred dollars (\$200.00) per month, and no deduction or retention authorized by Section 157 of this Charter shall be made or taken from that portion of salary paid to any member of either department in excess of four hundred dollars (\$400.00) per month.

Plan No. 2. Such other form of benefit as shall be certified by the actuary to be of equivalent actuarial value to a straight pension for life hereinbefore provided for in Plan No. 1; provided that the Board of Trustees shall determine that the granting of such optional allowance is consistent with the purpose of the Police and Fire Retirement System and shall be necessary or desirable from the point of view of the member. The power of the Board of Trustees to determine the amounts to be paid the beneficiaries under Plan No. 2 above named shall be limited as follows:

In the event the plan selected provides for the payment of a pension to minor children of the retiring person, then the Board shall have no power to provide for

pension payments to such minor children after they have attained the age of eighteen years.

(e) If a member in the service of either the Police or Fire Department dies or is adjudged to be incompetent without having exercised his option as above provided, and at the time of his death or the date of adjudication of such incompetency was eligible to receive a pension from this system, and leaves surviving him a spouse or minor children, the Board of Trustees shall pay to the surviving widow, if any, and to surviving minor children, if any, a pension under Plan No. 2.

(f) In computing the time of service required for retirement, the amount of time served by a member or either the Police or Fire Department, in the United States Army, Navy, Marine Corps, or any division thereof, in time of War, while on leave of absence from said City employment, shall be counted as a part of the aggregate service required for a retirement pension, and this time shall be counted even though the right to retire shall have occurred during the time such person is on such leave of absence in the service of the United States in time of War.

Section 161

1. Original Charter section approved by voters April 7, 1931

Section 161. PENSIONS INCREASE WITH SALARIES. All pensioners shall have their pensions increased or decreased to meet the prevailing scale of salary in the Police Department from time to time.

Repeal voted 04-22-1941; effective 05-08-1941.

2. Addition voted 04-15-1947; effective 05-01-1947

Section 161. EMPLOYMENT AND DUTIES OF ACTUARY. The City Manager shall employ an actuary, who shall be the technical adviser of the Board of Trustees on matters relating to the operation of the Police and Fire Retirement System and who shall perform such other duties as may be required of him by said Board of Trustees in connection therewith.

The Board of Trustees, upon the recommendation of the actuary, shall adopt such mortality and other tables and rates as may be necessary.

An actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the Police and Fire Retirement System and an actuarial valuation of the assets and liabilities and the funds of the system shall be made at intervals of not to exceed five (5) years.

Taking into account the result of such investigation and values, the Board of Trustees may:

(a) Adopt for the said system such mortality, service and other tables as shall be deemed necessary.

(b) Recommend the rate or amount of contribution payable by The City of San Diego under the provisions of this Charter.

Section 162

1. Original Charter section approved by voters April 7, 1931

Section 162. RETIREMENT FOR SERVICE. (a) Whenever any person who shall heretofore have qualified as hereinafter provided, shall have been duly appointed, selected and sworn, and have served for twenty (20) years or more, in the aggregate, as a member or employee in any rank or capacity, in the Police Department of The City of San Diego, the Board of Trustees shall, upon the written request of such or any member or without such request if it deem it for the good of the service, retire such member from further service in the Police Department and from the date of such order of retirement the service of such person shall cease and he shall thereafter, during his lifetime, be paid from the Police Relief and Pension Fund a yearly pension equal to one-half ($\frac{1}{2}$) the amount attached to the rank or employment held by said person for one year or more previous to the time of his retirement, payable to him in monthly installments.

In computing the time of service required for retirement, the amount of time served in the United States Army, Navy, Marine Corps or any division thereof in time of war by any member of the City Police Force, who shall have left said force for the purpose of and entered such service of the United States Army, Navy, Marine Corps or any division thereof immediately thereafter, and who shall have returned to said Police Department within three months after having been honorably discharged from said military service, shall have such time counted as part of the aggregate service required for retirement pension.

(b) Upon the death of said pensioner, one-third (1-3) of the amount of his annual salary shall be paid to his widow, until she remarries, but in no case shall such pension exceed seventy-five dollars (\$75.00) per month; and if there be no widow, each child under eighteen (18) years of age, if unmarried, shall receive twenty dollars (\$20.00) per month, but in no case shall such pension exceed the sum of seventy-five dollars (\$75.00) per month for one family; and if no widow or children, one-third (1-3) of his annual salary, not to exceed fifty dollars (\$50.00) per month, shall be paid to his mother or father, if either of them were dependent upon him during his lifetime; and if no mother or father, then to any sister or brother under the age of eighteen (18) years and unmarried who was dependent upon him during his lifetime, so long as said sister or brother are under the age of eighteen (18) years and dependent.

Provided, however, if such pensioner was pensioned for service for twenty years or more the widow shall not be entitled to any pension unless she was married to said pensioner at least three years previous to the time of his retirement. If the widow of a pensioner, entitled to a pension, shall refuse to provide for a dependent child or children or other dependent provided for in this Section, the Board of Trustees, upon satisfactory proof thereof, shall have the power to provide for said dependent child or children or other dependent, and to deduct such amount from the pension of said pensioner as may in the judgment of the Board be proper and necessary.

2. Amendment voted 04-22-1941; effective 05-08-1941

Section 162. RETIREMENT FOR SERVICE.

(a) Whenever any person who shall heretofore have qualified as hereinafter provided, shall have been duly appointed, selected and sworn, and have served for twenty (20) years or more, in the aggregate, as a member or employee in any rank or capacity, in the Police Department of The City of San Diego, the Board of Trustees shall, upon the written request of such or any member or without such request if it deem it for the good of the service, retire such member from further service in the Police Department and from the date of such order of retirement the service of such person shall cease and he shall thereafter, during his lifetime, be paid from the Police Relief and Pension Fund a yearly pension equal to one-half ($\frac{1}{2}$) the amount of the average yearly salary of said person for five (5) years immediately preceding the date of his retirement, payable to him in monthly installments; provided, however, that members of the Police Department of The City of San Diego who enter the service of the Department subsequent to the date of ratification of this amendment by the State Legislature shall not be so retired before they reach the age of fifty (50) years, and before twenty-five (25) years of service in the aggregate.

In computing the time of service required for retirement, the amount of time served in the United States Army, Navy, Marine Corps or any division thereof in time of

war by any member of the City Police Force, who shall have left said force for the purpose of and entered such service of the United States Army, Navy, Marine Corps or any division thereof immediately thereafter, and who shall have returned to said Police Department within three months after having been honorably discharged from said military service, shall have such time counted as part of the aggregate service required for retirement pension.

(b) Upon the death of said pensioner, one-third ($\frac{1}{3}$) of the amount of his annual salary shall be paid to his widow, until she remarries, but in no case shall pension exceed seventy-five dollars (\$75.00) per month; and if there be no widow, each child under eighteen (18) years of age, if unmarried, shall receive twenty dollars (\$20.00) per month, but in no case shall such pension exceed the sum of seventy-five dollars (\$75.00) per month for one family; and if no widow or children, one-third ($\frac{1}{3}$) of his annual salary, not to exceed fifty dollars (\$50.00) per month, shall be paid to his mother or father, if either of them were dependent upon him during his lifetime; and if no mother or father, then to any sister or brother under the age of eighteen (18) years and unmarried who was dependent upon him during his lifetime, so long as said sister or brother are under the age of eighteen (18) years and dependent.

Provided, however, if such pensioner was pensioned for service for twenty years or more the widow shall not be entitled to any pension unless she was married to said pensioner at least three years previous to the time of his retirement. If the widow of a pensioner, entitled to a pension, shall refuse to provide for a dependent child or children or other dependent provided for in this Section, the Board of Trustees, upon satisfactory proof thereof, shall have the power to provide for said dependent child or children or other dependent, and to deduct such amount from the pension of said pensioner as may in the judgment of the Board be proper and necessary.

3. Amendment voted 03-13-1945; effective 04-09-1945

Section 162. RETIREMENT FOR SERVICE.

(a) Whenever any person shall heretofore have qualified as hereinafter provided, shall have been duly appointed, selected and sworn, and have served for twenty (20) years or more, in the aggregate, as a member or employee in any rank or capacity, in the Police Department of The City of San Diego, the Board of Trustees shall, upon the written request of such or any member or without such request and with the approval and consent of the City Manager, if it deem it for the good of the service, retire such member from further service in the Police Department and from the date of such order of retirement the service of such person shall cease and he shall thereafter, during his lifetime, be paid from the Police Relief and Pension Fund a yearly pension equal to one-half ($\frac{1}{2}$) the amount of the average yearly salary of said person for the five (5) years immediately preceding the date of his retirement, payable to him in monthly

installments; provided however, that members of the Police Department of The City of San Diego who enter the service of the Department subsequent to the 8th day of May, 1941, shall not be so retired before they reach the age of fifty (50) years, and before twenty-five (25) years of service in the aggregate.

In computing the time of service required for retirement, the amount of time served in the United States Army, Navy, Marine Corps or any division thereof in time of war by any member of the City Police Force, who shall have left said force for the purpose of and entered such service of the United States Army, Navy, Marine Corps or any division thereof immediately thereafter, and who shall have returned to said Police Department within three months after having been honorably discharged from said military service, shall have such time counted as part of the aggregate service required for retirement pension.

(b) Upon the death of said pensioner, one-third (1/3) of the amount of his annual salary shall be paid to his widow, until she remarries, but in no case shall such pension exceed seventy-five (\$75.00) per month; and if there be no widow, each child under eighteen (18) years of age, if unmarried, shall receive twenty dollars (\$20.00) per month, but in no case shall such pension exceed the sum of seventy-five dollars (\$75.00) per month for one family; and if no widow or children, one-third (1/3) of his annual salary, not to exceed fifty dollars (\$50.00) per month, shall be paid to his mother or father, if either of them were dependent upon him during his lifetime; and if no mother or father, then to any sister or brother under the age of eighteen (18) years and unmarried who was dependent upon him during his lifetime, so long as said sister or brother are under the age of eighteen (18) years and dependent.

Provided, however, if such pensioner was pensioned for service for twenty years or more the widow shall not be entitled to any pension unless she was married to said pensioner at least three years previous to the time of his retirement. If the widow of a pensioner, entitled to a pension, shall refuse to provide for a dependent child or children or other dependent provided for in this Section, the Board of Trustees, upon satisfactory proof thereof, shall have the power to provide for said dependent child or children or other dependent, and to deduct such amount from the pension of said pensioner as may in the judgment of the Board be proper and necessary.

4. Amendment voted 04-15-1947; effective 05-01-1947

Section 162. PAYMENTS FOR DEATH IN SERVICE. Whenever any member who is entitled to the benefits of this system, but is not yet eligible to retire, shall lose his life in the performance of duty, or shall die from heart trouble or pneumonia or any other

sickness incurred in the course of duty as a policeman or fireman, or shall die as a direct result of any injury received during the performance of his duty, or shall die from sickness contracted by reason of the performance of his duty, then upon satisfactory proof of such fact or facts, said Board of Trustees shall order paid an amount equal to one-third of his annual salary at the time of his death to his widow until she remarries, but in no case shall such pension exceed the sum of seventy-five dollars (\$75.00) per month. If there be no widow, said Board of Trustees shall order paid to each child under the age of eighteen years, if unmarried, the sum of twenty dollars (\$20.00) per month, but in no case shall such payments exceed the sum of seventy-five dollars(\$75.00) per month for one family. If there be no widow or children, said Board of Trustees shall order paid one-third of his annual salary, not to exceed fifty dollars (\$50.00) per month, to his surviving mother or father, if any, if either of them was dependent upon him at the time of his death, and if there be no surviving mother or father, then in equal shares to any sisters or brothers under the age of eighteen years and unmarried who were dependent upon him at the time of his death, so long as said sisters or brothers are under the age of eighteen years and unmarried.

Section 163

1. Original Charter section approved by voters April 7, 1931

Section 163. PAYMENTS POR ACCIDENTAL DEATH. Whenever any member of the said Police Department shall lose his life while in the performance of his duty, or shall die as a direct result of any injury received during the performance of his duty, or shall die from sickness contracted by reason of the proper performance of his duty, then, upon satisfactory proof of such fact or facts, said Board of Trustees shall order paid and pay an amount equal to one-third (1-3) of his annual salary to his widow until she remarries, but in no case shall such pension exceed the sum of seventy-five dollars (\$75.00) per month, and if there be no widow, each child under the age of eighteen (18) years, if unmarried, shall receive twenty dollars (\$20.00) per month, but in no case shall such pension exceed the sum of seventy-five dollars (\$75.00) per month for one family; and if no widow or children, one-third (1-3) of his annual salary, not to exceed fifty dollars (\$50.00) per month, shall be paid to his mother or father if either of them were dependent upon him during his lifetime; and if no mother or father, then to any sister or brother under the age of eighteen (18) years and unmarried, who was dependent upon him during his lifetime, so long as said sister or brother are under the age of eighteen (18) years and dependent.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 163. PAYMENTS FOR DISABILITY. Whenever any member entitled to the benefits of this system shall become physically or mentally disabled by reason of

bodily injuries received in or by reason of sickness caused by the discharge of duty or as a result thereof to such an extent as to render necessary his retirement from active service, said Board of Trustees, upon determining such necessity for retirement, shall retire such member or employee and cause to be paid to him a pension equal to one-half of his salary attached to the rank held by him for one year or more previous to the time the disability was incurred; and said pension shall increase and decrease in proportion to the salary attached to said rank; provided that such pension shall at no time exceed the sum of two hundred dollars (\$200.00). If such disability shall cease he shall, upon the recommendation of the Chief of the Department, be restored to such active duty as he is able to perform, with the rank or rating and salary he held at the time of his retirement, and such pension shall terminate. In the event of the death of such pensioner, the pension shall be paid to his dependents in accordance with the provisions of Section 162. Any pension or relief payment provided for herein shall cease immediately upon the death of the person receiving the same. Any payment made hereunder to dependents of a member shall cease upon the death or marriage of such dependents or upon the attainment of the age of eighteen years by such dependent other than the widow or father or mother.

3. Amendment voted 03-13-1951; effective 03-26-1951

Section 163. PAYMENTS FOR DISABILITY. Whenever any member entitled to the benefits of this system shall become physically or mentally disabled by reason of bodily injuries received in or by reason of sickness caused by the discharge of duty or as a result thereof to such an extent as to render necessary his retirement from active service, said Board of Trustees, upon determining such necessity for retirement, shall retire such member or employee and cause to be paid to him a pension equal to one-half of the salary attached to the rank held by him for one year or more previous to the time the disability was incurred; and said pension shall increase and decrease in proportion to the salary attached to said rank; provided that such pension shall at no time exceed the sum of two hundred dollars (\$200.00); and, provided further, that the Council of said City may provide by Ordinance that for a time not to exceed one year of such disability, such member shall be entitled to receive in lieu of the benefits herein provided his full salary, payable to him out of the salary funds of the City, minus, however, such Workmen's Compensation Benefits as said member shall have received for such period of time as he is paid his salary. If such disability shall cease he shall, upon the recommendation of the Chief of the Department, be restored to such active duty as he is able to perform, with the rank or rating and salary he held at the time of his retirement, and such pension shall terminate. In the event of the death of such pensioner, the pension shall be paid to his dependents in accordance with the provisions of Section 162. Any pension or relief payment provided for herein shall cease immediately upon the death of the person receiving the same. Any payment

made hereunder to dependents of a member shall cease upon the death or marriage of such dependents or upon the attainment of the age of eighteen years by such dependent other than the widow or father or mother.

Section 164

1. Original Charter section approved by voters April 7, 1931

Section 164. PAYMENTS FOR DISABILITY. Whenever any regular member or employee of the Police Department shall become physically or mentally disabled by reason of bodily injuries received in, or by reason of sickness caused by the discharge of duty or as a result thereof, to such an extent as to render necessary his retirement from active service, said Board of Trustees, upon determining such necessity for retirement, shall retire such member or employee and cause to be paid to him a pension equal to one-half ($\frac{1}{2}$) of the salary paid to him at the time the disability was incurred. If such disability shall cease, he shall, upon recommendation of the Chief of Police, be restored to such active duty as he is able to perform, and such pension shall terminate. In the event of the death of such pensioner the pension shall be paid to his dependents in accordance with the provisions of Section 163 thereof.

Any pension or relief payment provided for herein shall cease immediately upon the death of the person receiving the same. Any payment made hereunder to dependents of a member shall cease upon the death or marriage of such dependents, or upon the attainment of the age of eighteen (18) years by such dependent other than the widow or father or mother.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 164. FIFTEEN YEARS' SERVICE. No member of this System eligible to receive benefits hereunder shall be removed from City service so as to deny him the benefits of this System provided that he has served the City in either department for fifteen (15) years in the aggregate; provided, however, that such member may be removed from either department for habitual drunkenness, conviction of a felony or gross insubordination.

Section 165

1. Original Charter section approved by voters April 7, 1931

Section 165. DISABILITY OR SICKNESS OUTSIDE SCOPE OF DUTY. Whenever any member of the Police Department shall, after the years of service stated below, become totally disabled or die from any sickness not the result of the performance of duty, he or his widow, and if no widow, his dependent child or children, under the age of eighteen (18) years and unmarried, and if no children, his dependent mother or father or sister or brother under eighteen (18) years of age and unmarried, shall be paid from the Pension Fund the following amount:

For five years but not exceeding six years' service, \$100.00.

For six years but not exceeding seven years' service, \$200.00

For seven years but not exceeding eight years' service, \$300.00

For eight years but not exceeding nine years' service, \$400.00

For nine years but not exceeding ten years' service, \$500.00

For ten years' service, \$1,000.00

After twenty years' service a pension under the provisions of Section 162 of this Article.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 165. PENSIONERS SUBJECT TO RE-EXAMINATION. Any person retired for disability under this Article may be summoned before the Board of Trustees herein provided for at any time and shall submit himself to examination as to fitness for duty and abide by the decision of and the order of said Board with reference thereto; and all members of the Police and Fire Departments who shall be retired under the provisions of this Article, or, in case of their death, their beneficiaries, shall report to the Board of Trustees, either in person or in writing, on the third Monday in January, April, July and October of each year, and in case of great public emergency the retired members who have been retired for disability may be assigned to and perform such duty as the Chief of such department shall direct, save and except that no pensioner of the Police Department and no pensioner of the Fire Department shall be compelled to work in any other department than the department from which he was retired.

Section 166

1. Original Charter section approved by voters April 7, 1931

Section 166. CERTIFICATES OF DISABILITY. No person shall be retired as provided in the preceding sections, or shall receive any benefit from said Fund, unless there shall have been filed with the Board of Trustees, prior to the granting of any such pension, certificates of disability, which certificates shall be subscribed and sworn to by such person, and by three regularly licensed practicing physicians of said City, one of whom shall be the Director of Public Health, one to be selected by said Board of Trustees, and one by the person applying for such pension. All costs incurred in obtaining any such certificate or for the making of any examination of any applicant for any such pension by any physician other than a physician employed by The City of San Diego, shall be paid by said applicant. Said Board of Trustees may require other evidence of disability before granting any such pension as aforesaid.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 166. CERTIFICATES OF DISABILITY. No person shall be retired for disability under the provisions of this Article, or receive any benefit therefrom, unless there shall be filed with the Board of Trustees certificates of disability which shall be verified by physicians regularly employed by the Department from which such person was retired and two other regularly licensed physicians of the City of San Diego, and the person whose retirement is contemplated shall have the right to select one of such physicians if he chooses to do so. Said Board may require other evidence of disability before ordering such retirement, but, upon satisfactory evidence of such disability, the Board must retire such person.

Section 167

1. Original Charter section approved by voters April 7, 1931

Section 167. BOARD CONTROL OVER PENSIONERS. Any member of the Police Department receiving a pension from such fund, who shall be convicted of a felony, or shall become dissipated, or an habitual drunkard, or shall become a non-resident of this State, except by written permission of the Board of Trustees, shall forfeit all rights to such pension. Any person retired for disability as herein provided, except those retired after twenty (20) years' service, may be summoned before the Board

provided for herein, at any time thereafter and shall submit himself thereto for examination as to his fitness for duty, and shall abide by the decision and order of such Board of Trustees with reference thereto; and all members of the Police Department who may be retired under the provisions of this Article, except those retired after twenty (20) years of service, shall report to the Chief of Police of said City, either in person or in writing, on the first Mondays of January, April, July, and October of each year; and in cases of great public emergency may be assigned to and shall perform such duty as said Chief of Police may direct; and such person shall have no claim for payment against the City for such duty performed.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 167. POWER OF BOARD TO DETERMINE PENSIONS. Whenever any person who shall be retired under this Article for disability shall wilfully fail to report himself as required in this Article after having received written notice of such failure to report, or who, after reporting, shall wilfully disobey any order of the Board of Trustees under this Article, said Board of Trustees shall have the power to order that the pension allowance of such person shall immediately cease and, from and after the date of such order, such person shall receive no further benefit, allowance or pension under this Article, unless and until the Board of Trustees shall reinstate him.

Section 168

1. Original Charter section approved by voters April 7, 1931

Section 168. PENSION TO CEASE IN CERTAIN CASES. Whenever any person who shall have received any benefit from said Fund shall be convicted of a felony, or shall become an habitual drunkard, or shall fail to report himself for examination for duty as required herein, unless excused by the Board of Trustees, or shall disobey the requirements of said Board, in respect to said examination or duty, then such Board shall order that such pension allowances as may have been granted to such person shall immediately cease and such person shall receive no further pension, allowance or benefit unless such person be reinstated by said Board for good cause shown therefor.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 168. FORMER PENSIONERS ENTITLED TO BENEFITS OF THIS SYSTEM. All persons who are entitled to receive pensions under the provisions of the

Charter of The City of San Diego who at the date of the taking effect of this System were receiving pensions pursuant to Article X and Article XI from The City of San Diego, as said Articles existed prior to the adoption of this System, shall be paid from the Police and Fire Retirement System Fund.

Section 169

1. Original Charter section approved by voters April 7, 1931

Section 169. FORMER PENSIONERS ENTITLED TO BENEFITS OF THIS ARTICLE. All persons, including civilian employees, who were receiving pensions prior to the adoption of this Charter shall be entitled to all the provisions of this Article, and all civilian employees who at the date of the adoption of this Charter have contributed moneys to the Police Relief and Pension Fund may at their option continue to contribute said moneys, and all of such employees who so continue shall be entitled to all the benefits conferred by this Article.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 169. RETURN OF CONTRIBUTIONS. In the event of the death of any person eligible to the benefits of this System for causes not covered by Section 162 prior to the date that such member would have been entitled to retire and receive a pension under this System, or in the event of a separation of such member from either Department for any reason whatsoever, such member, or his estate, as the case may be, shall be entitled to receive the full amount deducted from the pay of such member and paid into the Police and Fire Retirement System Fund, without interest; provided that this provision shall not be construed to be retroactive, but shall be construed to apply only to persons who are in the actual service of either the Police or Fire Department at the time this amendment becomes effective. In the event no records exist from which it may be determined what amount was contributed by a member, the Board of Trustees shall determine what contributions were made by said member and said determination by said Board of Trustees shall be final.

Section 170

1. Original Charter section approved by voters April 7, 1931

Section 170. PENSIONERS ENTITLED TO HOLD OFFICE. Any member pensioned under Section 162 of this Article shall in no way be deprived from holding public office, either appointive or elective.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 170. TERMINATION OF SYSTEM. When there are fewer than twenty (20) men in either the Police or the Fire Department who are eligible to receive the benefits of this System, the administration and control of the Police and Fire Retirement System shall be transferred to the City Employees' Retirement Board of Administration, and upon the happening of said event, said Board of Administration shall be and become vested with all of the powers and duties reposed by this Article in the Board of Trustees of the Police and Fire Retirement System; and the Police and Fire Retirement System shall cease and determine when the last obligation of the said System has been met or paid, and at said time any moneys remaining in said Police and Fire Retirement System Fund shall be transferred to the General Fund of The City of San Diego to be used for general municipal purposes.

Section 171

1. Original Charter section approved by voters April 7, 1931

Section 171. DECLARATION OF INTENT. It is the intent and purpose of this Article, where not in conflict with the terms of the present Police Relief and Pension Fund, to continue said system in force and effect as existing at the time this Charter is adopted.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 171. POLICEMEN AND FIREMEN TO BECOME MEMBERS OF CITY EMPLOYEES' RETIREMENT SYSTEM. All members of the Police Department and Fire Department who were employed after June 30, 1946, and are, therefore, ineligible to receive benefits under this System, shall be entitled to all of the benefits of the City Employees' Retirement System heretofore established and now existing under Article IX

of this Charter, and each such person shall, from the date of his employment, be a member of such City Employees' Retirement System.

Section 172

1. Original Charter section approved by voters April 7, 1931

Section 172. FIREMEN'S RELIEF AND PENSION FUND. In order to continue in force and make effective pensions already existing in favor of the fire force of The City of San Diego, there is hereby created the Firemen's Relief and Pension Fund in the City Treasury, into which shall be placed all moneys designated by this Charter to be paid into said fund. This fund shall constitute a trust fund for the benefit of the members of the San Diego Fire Department, and shall be used exclusively for the payment of pensions under the terms and provisions of this Charter. No expenditures shall be made from said fund except on order of the Board of Trustees of the Firemen's Relief and Pension Fund. Members of the Fire Department entitled to the benefits of this Article shall consist of the Chief of the Fire Department, and all officers and members thereof, provided, however, that in the event of an appointment to the office of Chief of one who at the date of his appointment was and is not a regular member, entitled to all the benefits of this Article, then and in that event such appointee shall not become a member within the meaning of the foregoing classification, but shall be entitled to the benefits derived from the City Employees' Retirement Fund, as provided in Article IX of this Charter.

2. Amendment voted 04-15-1947; effective 05-01-1947

Section 172. TRANSFER OF FUNDS TO CITY EMPLOYEES' RETIREMENT SYSTEM. The Board of Trustees of the Police and Fire Retirement System shall, upon the effective date of this System, pay to the City Employees' Retirement Fund all contributions made by members of either Department who are not eligible to the benefits of this System since June 30, 1946, together with all contributions made by the City Council for the purpose of matching said members' contributions to said funds or either of them.

Section 173

1. Original Charter section approved by voters April 7, 1931

Section 173. BOARD OF TRUSTEES OF FUND. The Chief of the San Diego Fire Department, the City Treasurer, and one other member of said Department with at least seven years' service in the Department, and not below the rank or rating of Lieutenant, and their successors in office, shall be and are hereby constituted and appointed as a Board of Trustees of the Firemen's Relief and Pension Fund. The elective member of this Board shall be chosen by ballot at an election to be held on the third Monday in April, 1932, and every two years thereafter, at which election all Firemen in good standing in the San Diego Fire Department shall be entitled to vote. The election provided for in this Section shall be under the secret ballot system, and held on the third Monday in April, at such place or places as the Board of Trustees shall direct and under such rules and regulations as they shall prescribe. In the event of death, resignation, failure or inability of any member of said Board to act, if his position be elective, his successor shall be chosen at a special election, which shall be called by said Board within thirty (30) days of the time the vacancy is declared, and shall be conducted in the same manner as the regular election. The elective member of this Board may be recalled by a majority vote of all members of the Fire Department, and upon petition of twenty-five per cent of the members of the Department, the Board of Trustees shall call an election to recall such person, and if said officer is removed from office, said Board shall call an election within ten days to fill such vacancy, and such election shall be conducted as herein provided for.

2. Amendment voted 03-13-1945; effective 04-09-1945

Section 173. BOARD OF TRUSTEES OF FUND. The Chief of the San Diego Fire Department, the City Treasurer, two members of said Department with at least seven years' service in the Department, and their successors in office, and one appointee of the Manager, who has been a resident of The City of San Diego at least five years, shall be and are hereby constituted and appointed as a Board of Trustees of the Firemen's Relief and Pension Fund. The elective members of this Board shall be chosen by ballot at an election to be held within thirty days after the date this amendment becomes effective, to hold office until the third Monday in April, 1946, at which time an election shall be held to choose their successors, and such an election shall be held on the third Monday of April every two years thereafter, at which election all Firemen in good standing in the San Diego Fire Department shall be entitled to vote. The election provided for in this Section shall be under the secret ballot system, and

held on the third Monday in April, at such a place or places as the Board of Trustees shall direct, and under such rules and regulations as they shall prescribe. In the event of death, resignation, failure or inability of any member of said Board to act, if his position be elective, his successor shall be chosen at a special election, which shall be called by said Board within thirty (30) days of the time the vacancy is declared, and shall be conducted in the same manner as the regular election. The elective members of this Board or either or any of them, may be recalled by a majority vote of all members of the Fire Department, and upon petition of twenty-five per cent of the members of the Department, the Board of Trustees shall call an election to recall such person or persons, and if said officer or officers are removed from office, said Board shall call an election within ten days to fill such vacancy, and such election shall be conducted as herein provided for.

3. Amendment voted 04-15-1947; effective 05-01-1947

Section 173. POLICEMEN AND FIREMEN ENTERING SERVICE SUBSEQUENT TO EFFECTIVE DATE OF THIS ARTICLE. All persons who enter the service of the Police or Fire Departments of The City of San Diego subsequent to the effective date of this Article, shall be and become members of the City Employees' Retirement System, subject to all of the provisions of Article IX of this Charter, and said employees shall be subject to all of the rules and regulations of the City Employees' Retirement System.

Section 174

1. Original Charter section approved by voters April 7, 1931

Section 174. BOND OF TREASURER. The Treasurer of said Firemen's Relief and Pension Fund shall be placed under a bond of not less than ten thousand dollars (\$10,000.00), which can be increased if the Board of Trustees sees fit, and all expense incidental thereto shall be met from said fund.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 175

1. Original Charter section approved by voters April 7, 1931

Section 175. INVESTMENT OF FUNDS. The Board of Trustees of the Firemen's Relief and Pension Fund is hereby authorized to invest said fund in approved United States Government, State of California, local municipal or county bonds; provided, however, that at no time shall more than half of the available funds be invested, until said funds shall reach one hundred thousand dollars (\$100,000.00), and at no time shall more than two-thirds of the total amount of said fund be so invested; and in any event enough money shall always be kept in said fund sufficient to meet the pension payments provided for in this Charter.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 176

1. Original Charter section approved by voters April 7, 1931

Section 176. OFFICERS OF TRUSTEES. The Chief of the Fire Department shall be the ex-officio President of the Firemen's Relief and Pension Fund, and the City Treasurer of The City of San Diego shall be ex-officio Treasurer of the Firemen's Relief and Pension Fund, and said Board shall order payments therefrom in accordance with the provisions of this Article. Said Board of Trustees shall report annually in the month of June, to the Council, the condition of the Firemen's Relief and Pension Fund, and the receipts and disbursements on account of same, with a full list of beneficiaries of said fund, and the amounts paid them.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 177

1. Original Charter section approved by voters April 7, 1931

Section 177. MEETINGS OF BOARD. The Board herein provided for shall hold quarterly meetings on the third Monday of January, April, July and October of each year, and upon the call of its President. The time and place of such meetings shall be

posted on the Bulletin Board at the Fire Department Headquarters at least seven days before each meeting. It shall issue warrants signed by the President, Treasurer and Secretary, to the persons entitled thereto, of the amount of money ordered paid to such persons from said Fund by said Board, which warrants shall be drawn quarterly and paid monthly as they become due. The Board shall keep a record of all proceedings, which record shall be a public record. A majority of all the members provided for in this Section shall constitute a quorum, and have power to conduct business.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 178

1. Original Charter section approved by voters April 7, 1931

Section 178. POWERS OF BOARD. The Board herein provided for shall, in addition to other powers granted hereby, have power, first to compel witnesses to attend and testify before it upon all matters connected with the operation of this Article in the same manner as is or may be provided for by law for taking of testimony before Notaries Public. Second, to appoint a Secretary and provide for the payment from said funds of all its necessary expenses, including the employment of a Secretary, and for necessary clerical work; provided, that no compensation shall be paid to any member of said Board for any duty required or performed under this Article. Third, to make all needful regulations and rules for its guidance in conformity with the provisions of this Article.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 179

1. Original Charter section approved by voters April 7, 1931

Section 179. CONTRIBUTIONS TO FUND BY FIREMEN. The Auditor and Comptroller of The City of San Diego shall retain from the pay of each regular member or employee, except temporary laborers or employees, of the Fire Department a sum equal to two per cent (2%) of the amount paid the said member or employee, and all fines imposed upon members of the Fire Department in keeping with the rules and regulations of said Department to be forthwith paid into said Firemen's Relief and

Pension Fund, and no other or further retention or reduction shall be made from such pay for any other fund.

2. Amendment voted 04-23-1935; effective 05-17-1935

Section 179. Contributions To Fund By Firemen. The Auditor and Comptroller of The City of San Diego shall retain from the pay of each regular member or employee, except temporary laborers or employees, of the Fire Department a sum equal to four per cent (4%) of the amount paid the said member or employee, and all fines imposed upon members of the Fire Department in keeping with the rules and regulations of said Department to be forthwith paid into said Firemen's Relief and Pension Fund, and no other or further retention or reduction shall be made from such pay for any other fund.

3. Amendment voted 03-13-1945; effective 04-09-1945

Section 179. CONTRIBUTIONS TO FUND BY FIREMEN. The Auditor and Comptroller of The City of San Diego shall retain from the pay of each regular member or employee, except temporary laborers or employees, of the Fire Department a sum equal to six per cent (6%) of the amount paid the said member or employee, and all fines imposed upon members of the Fire Department in keeping with the rules and regulations of said Department to be forthwith paid into said Firemen's Relief and Pension Fund, and no other or further retention or reduction shall be made from such pay for any other fund.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 180

1. Original Charter section approved by voters April 7, 1931

Section 180. CONTRIBUTIONS TO FUND BY COUNCIL. The Council shall, except as hereinafter provided, direct the payment annually from the General Fund of the City into the Firemen's Relief and Pension Fund for the purposes of this Article, the following moneys:

(a) All rewards given or paid to members of the Fire Department force while in the discharge of Fire Department duties.

(b) One third (1-3) of all fines collected in the City Police Court in The City of San Diego for the violation of any law, except such fines as may be otherwise directed by the General Law of the State of California.

(c) Five per cent (5%) of all revenues derived from licenses granted by The City of San Diego, where such licenses are directly under the supervision of the Police Department.

(d) A sum equal to the amount paid into the Firemen's Relief and Pension Fund by the members of the Fire Department each year, as required under Section 179 of this Article during the next preceding year, and such further sum each year as may be required for the maintenance of said Firemen's Relief and Pension Fund; provided, however, that when said Firemen's Relief and Pension Fund contains a sum of money amounting to \$1000.00 for each and every member of the Fire Department, then and in that event all payments under the said Firemen's Relief and Pension Fund, as provided for in this Section, shall cease, and only be resumed in the event that said fund shall be decreased below the amount herein specified.

2. Amendment voted 03-13-1945; effective 04-09-1945

Section 180. CONTRIBUTIONS TO FUND BY COUNCIL. The Council shall, except as hereinafter provided, direct the payment annually from the General Fund of the City into the Firemen's Relief and Pension Fund for the purposes of this Article, the following moneys:

- (a) All rewards given or paid to members of the Fire Department force while in the discharge of Fire Department duties.
- (b) One third (1/3) of all fines collected in the City Police Court in The City of San Diego for the violation of any law, except such fines as may be otherwise directed by the General Law of the State of California.
- (c) Five per cent (5%) of all revenues derived from licenses granted by The City of San Diego, where such licenses are directly under the supervision of the Police Department.
- (d) A sum equal to the amount paid into the Firemen's Relief and Pension Fund by the members of the Fire Department each year, as required under Section 179 of this Article during the next preceding year, and such further sum each year as may be required for the maintenance of said Firemen's Relief and Pension Fund.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 181

1. Original Charter section approved by voters April 7, 1931

Section 181. REPORTS TO COUNCIL. In the last month of the fiscal year, or as soon thereafter as practicable, the Board of Trustees shall make a report to the Council of all moneys paid out on account of said Firemen's Relief and Pension Fund during the fiscal year, and of the amount then to the credit of the said fund.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 182

1. Original Charter section approved by voters April 7, 1931

Section 182. PAYMENTS MONTHLY. All payments provided for in this Article shall be made monthly and upon proper vouchers.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 183

1. Original Charter section approved by voters April 7, 1931

Section 183. PENSIONS INCREASED. All pensioners shall have their pensions increased or decreased to meet the prevailing scale of salary in the Fire Department from time to time.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 184

1. Original Charter section approved by voters April 7, 1931

Section 184. RETIREMENT FOR SERVICE.

(a) Whenever any person who shall have been duly appointed, selected or sworn, and shall have served for twenty years or more in the aggregate as a member in any rank or capacity of the regular constituted force, or any department of said force provided for by this Article, the Board of Trustees shall upon the written request of any person, or his guardian, or without such request if it deem it for the good of the service, retire such person from further service in the Fire Department; and from the date of making such order, the service of such person shall cease, and the person so retired shall thereafter during his lifetime be paid from the regular funds of the Firemen's Relief and Pension Fund a yearly pension equal to one-half the amount attached to the rank held by him for one year or more previous to the time of his retirement.

In computing the time of service required for retirement, the amount of time served in the United States Army, Navy, Marine Corps or any division thereof in time of war by any member of the Fire Department who shall have left said Department for the purpose of and entered such service of the United States Army, Navy, Marine Corps or any division thereof immediately thereafter, and who shall have returned to said Fire Department within three months, after having been honorably discharged from said military service, or any member having served as substitute in the San Diego Fire Department, shall have such time counted as part of the aggregate service required for a retirement pension.

(b) Upon the death of said pensioner, one-third of the amount of his annual salary shall be paid to his widow, until she remarries and in no case shall such pension exceed seventy-five dollars (\$75.00) per month, and if no widow, each child under eighteen years of age, if they are not married, shall receive twenty dollars (\$20.00) per month, but in no case shall pensions exceed the sum of seventy-five dollars (\$75.00) per month for one family; and if no children, one-third of his annual salary, not to exceed fifty dollars (\$50.00) per month, shall be paid to a dependent mother or father; and any dependent orphaned sister or brother under eighteen years of age, and unmarried, shall receive twenty dollars (\$20.00) per month but in no case to exceed fifty dollars (\$50.00) per month for the family; provided, however, if such pensioner was pensioned under subdivision (a) of this Section or Section 186 of this Article, the widow shall not be entitled to any pension unless she was married to said pensioner three years previous to the time of such retirement. In the event of the widow receiving a pension, and refusing to provide for dependent child or children, or other dependents provided for in this section, the Board of Trustees, upon satisfactory proof, shall have the power to

divide the pension as it may deem proper. In the event that a member of the San Diego Fire Department who has been pensioned for disability shall marry after being placed on the pension list, upon the death of such member his widow shall not be entitled to any pension under the terms of this Article.

2. Amendment voted 04-23-1935; effective 05-17-1935

Section 184. Retirement For Service.

(a) Whenever any person who shall have been duly appointed, selected or sworn, and shall have served for twenty years or more in the aggregate as a member in any rank or capacity of the regular constituted force, or in any department of said force provided for by this Article, the Board of Trustees shall upon the written request of any person, or his guardian, or without such request if it deem it for the good of the service, retire such person from further service in the Fire Department; and from the date of making such order, the service of such person shall cease, and the person so retired shall thereafter during his lifetime be paid from the regular funds of the Firemen's Relief and Pension Fund a yearly pension equal to one-half the amount attached to the rank held by him for one year or more previous to the time of his retirement; provided, however, that members of the San Diego Fire Department who enter the service of the Department subsequent to January 1, 1936, shall not be so retired before they reach the age of fifty years, and before twenty-five (25) years of service in the aggregate.

In computing the time of service required for retirement, the amount of time served in the United States Army, Navy, Marine Corps or any division thereof in time of war by any member of the Fire Department who shall have left said Department for the purpose of and entered such service of the United States Army, Navy, Marine Corps or any division thereof immediately thereafter, and who shall have returned to said Fire Department within three months, after having been honorably discharged from said military service, or any member having served as substitute in the San Diego Fire Department, shall have such time counted as part of the aggregate service required for a retirement pension.

(b) Upon the death of said pensioner, one-third of the amount of his annual salary shall be paid to his widow until she remarries and in no case shall such pension exceed seventy-five dollars (\$75.00) per month, and if no widow, each child under eighteen years of age, if they are not married, shall receive twenty dollars (\$20.00) per month, but in no case shall pensions exceed the sum of seventy-five dollars (\$75.00) per month for one family; and if no children, one-third of his annual salary, not to exceed fifty dollars (\$50.00) per month, shall be paid to a dependent mother or father; and any dependent orphaned sister or brother under eighteen years of age, and unmarried, shall receive twenty dollars (\$20.00) per month but in no case to exceed fifty dollars (\$50.00)

per month for the family; provided, however, if such pensioner was pensioned under subdivision (a) of this Section or Section 186 of this Article, the widow shall not be entitled to any pension unless she was married to said pensioner three years previous to the time of such retirement. In the event of the widow receiving a pension, and refusing to provide for dependent child or children, or other dependents provided for in this section, the Board of Trustees, upon satisfactory proof, shall have the power to divide the pension as it may deem proper. In the event that a member of the San Diego Fire Department who has been pensioned for disability shall marry after being placed on the pension list, upon the death of such member his widow shall not be entitled to any pension under the terms of this Article.

3. Amendment voted 03-13-1945; effective 04-09-1945

Section 184. RETIREMENT FOR SERVICE.

(a) Whenever any person who shall have been duly appointed, selected or sworn, and shall have served for twenty years or more in the aggregate as a member in any rank or capacity of the regular constituted force, or in any department of said force provided for by this Article, the Board of Trustees shall upon the written request of any person, or his guardian, or without such request and with the approval and consent of the City Manager, if it deem it for the good of the service, retire such person from further service in the Fire Department; and from the date of making such order, the service of such person shall cease, and the person so retired shall thereafter during his lifetime be paid from the regular funds of the Firemen's Relief and Pension Fund a yearly pension equal to one-half the amount attached to the rank held by him for one year or more previous to the time of his retirement; provided, however, that members of the San Diego Fire Department who enter the service of the Department subsequent to January 1, 1936, shall not be so retired before they reach the age of fifty years, and before twenty-five (25) years of service in the aggregate.

In computing the time of service required for retirement, the amount of time served in the United States Army, Navy, Marine Corps or any division thereof in time of war by any member of the Fire Department who shall have left said Department for the purpose of and entered such service of the United States Army, Navy, Marine Corps or any division thereof immediately thereafter, and who shall have returned to said Fire Department within three months, after having been honorably discharged from said military service, or any member having served as substitute in the San Diego Fire Department, shall have such time counted as part of the aggregate service required for a retirement pension.

(b) Upon the death of said pensioner, one-third of the amount of his annual salary shall be paid to his widow until she remarries and in no case shall such pension exceed seventy-five dollars (\$75.00) per month, and if no widow, each child under eighteen

years of age, if they are not married, shall receive twenty dollars (\$20.00) per month, but in no case shall pensions exceed the sum of seventy-five dollars (\$75.00) per month for one family; if no children, one-third of his annual salary, not to exceed fifty dollars (\$50.00) per month, shall be paid to a dependent mother or father; and any dependent orphaned sister or brother under eighteen years of age, and unmarried, shall receive twenty dollars (\$20.00) per month but in no case to exceed fifty dollars (\$50.00) per month for the family; provided, however, if such pensioner was pensioned under subdivision (a) of this Section or Section 186 of this Article, the widow shall not be entitled to any pension unless she was married to said pensioner three years previous to the time of such retirement. In the event of the widow receiving a pension, and refusing to provide for dependent child or children, or other dependents provided for in this section, the Board of Trustees, upon satisfactory proof, shall have the power to divide the pension as it may deem proper. In the event that a member of the San Diego Fire Department who has been pensioned for disability shall marry after being placed on the pension list, upon the death of such member his widow shall not be entitled to any pension under the terms of this Article.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 185

1. Original Charter section approved by voters April 7, 1931

Section 185. PAYMENTS FOR DEATH OR DISABILITY.

(a) Whenever any member of the Fire Department Force shall lose his life in the performance of duty, or shall die from heart trouble or pneumonia, or any other sickness peculiar to the work of a Fireman, his dependents shall receive a pension as provided for in Section 184 of this Article.

(b) Whenever any member of the Fire Department shall after the length of service stated below become totally disabled or die from any sickness or accident not the result of the performance of duty, he or his widow, and if no widow, his dependent child or children under eighteen years of age and unmarried, and if no children, his dependent mother or father, or unmarried dependent sister or brother, under eighteen years of age, shall be paid from the pension fund as follows:

After five years but not exceeding six years' service, \$100.00.

After six years but not exceeding seven years' service, \$200.00.

After seven years but not exceeding eight years' service, \$300.00.

After eight years but not exceeding nine years' service, \$400.00.

After nine years but not exceeding ten years' service \$500.00.

After ten years' service, but not exceeding twenty years, \$1000.00.

After twenty years' service, a pension under the provisions of Section 184 of this Article

(c) Whenever any regular employee of the Fire Department shall become disabled in the line of duty, the Board of Trustees shall retire such person in accordance with the provisions of Section 184 of this Article, provided, however, that if such disability shall cease, he shall, upon the recommendation of the Chief of the Fire Department be restored to active duty, with the rank or rating or salary equal to that held at the time of retirement.

(d) Any member who has served for twenty-five years continuously as a Call Man may be retired at his own request and receive during his lifetime, a sum equal to one-half the monthly pay received by him one year previous to the time of his retirement.

(e) Every member of the regular Fire Department who previously served as a Call Man may be credited on his service for one year for every two years' service as a Call Man.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 186

1. Original Charter section approved by voters April 7, 1931

Section 186. FIFTEEN YEAR SERVICE. Any member having fifteen years in the San Diego Fire Department shall be entitled to all the provisions of Section 184 of this Article, except in case of being removed from the Fire Department for habitual drunkenness, conviction of a felony or gross insubordination.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 187

1. Original Charter section approved by voters April 7, 1931

Section 187. PENSIONERS SUBJECT TO RE-EXAMINATION. Any person retired for disability under this Article may be summoned before the Board herein provided for at any time, and shall submit himself for examination as to fitness for duty, and abide by the decision of, and order of said Board with reference thereto; and all

members of the Fire Department who shall be retired under the provisions of this Article, or their beneficiaries, shall report to the Chief of the Fire Department, either in person, or in writing, on the third Monday in January, April, July, and October of each year, and in case of great public emergency may be assigned to and perform such duties as the Chief of the Fire Department shall direct, except members pensioned under Section 184, subdivision (a), and Section 186. No pensioner of the Fire Department shall be compelled to work in any other department of The City of San Diego.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 188

1. Original Charter section approved by voters April 7, 1931

Section 188. CERTIFICATES OF DISABILITY. No person shall be retired for disability under the provisions of this Article, or receive any benefit therefrom, unless there shall be filed with the Board certificates of disability which shall be sworn to by the Fire Department physician, and two other regularly licensed physicians of The City of San Diego, and the person whose retirement is contemplated shall have the right to select one of the physicians if he chooses to so do. Said Board may require other evidence of disability before ordering such retirement, but upon satisfactory evidence of disability, said Board shall retire such person.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 189

1. Original Charter section approved by voters April 7, 1931

Section 189. POWER OF BOARD TO DETERMINE PENSIONS. Whenever any person who shall receive any benefit from the Firemen's Relief and Pension Fund, as provided herein, shall fail to report himself as required in this Article, after having received written notice of such failure to report, and upon satisfactory proof that said person received said notice, or shall disobey the requirements of said Board under this Article with the intention of being insubordinate, then said Board shall order that the pension allowance of such person shall immediately cease and such person shall receive no further benefit, allowance, or pension under this Charter; provided, however,

that no part of this Section shall apply to members pensioned under Section 184, subdivision (a) and Section 186 of this Article.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 190

1. Original Charter section approved by voters April 7, 1931

Section 190. FORMER PENSIONERS ENTITLED TO BENEFITS OF THIS ARTICLE. All persons who were receiving pensions prior to the adoption of this Charter shall be entitled to all of the privileges of this Article.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 191

1. Original Charter section approved by voters April 7, 1931

Section 191. PENSIONERS MAY HOLD PUBLIC OFFICE. Any member pensioned under Section 184 of this Article shall in no way be deprived from holding public office, either appointive or elective.

Repeal voted 04-15-1947; effective 05-01-1947.

Section 192

1. Original Charter section approved by voters April 7, 1931

Section 192. DECLARATION OF INTENT. It is the intent and purpose of this Article, where not in conflict with the terms of the present Firemen's Relief and Pension Fund, to continue said system in force and effect as existing at the time this Charter is adopted.

Repeal voted 04-15-1947; effective 05-01-1947.

Article X

Note: Charter sections 149-192, relative to Police Relief and Pension Fund and Fire Relief and Pension Fund, were combined in 1947 and replaced in 1955 by new Article X. The language below relates to the new Article X.

1. Amendment voted 04-19-1955; effective 05-05-1955

ARTICLE X.

Section I. Notwithstanding any language in Article IX of this Charter to the contrary the City Council shall, upon the taking effect of this amendment, by ordinance provide for the transfer into the City Employees' Retirement System of all members of the Police and Fire Departments of The City of San Diego who were regularly employed and members of their respective Pension systems on June 30, 1946; provided, however, that in any such ordinance said Council shall provide as follows:

(1) A minimum retirement allowance of \$200.00 per month when a member has completed the required number of years of service as provided in this Charter, and who at the effective date of the ordinance is receiving a monthly salary of at least \$400.00.

(2) For retirement of members of the Police Department who entered the service of the department on or prior to the 8th day of May, 1941, and who have served for 20 years or more in the aggregate as a member or employee in any rank or capacity in said department, regardless of age, and for the retirement of members of the Police Department who entered the service of the department subsequent to the 8th day of May, 1941, after completion of 25 years of service in the aggregate.

(3) For retirement of members of the Fire Department who entered the service of the Department on or prior to January 1, 1936, and who have served for 20 years or more in the aggregate as a member or employee in any rank or capacity in said department, regardless of age, and for the retirement of members of the Fire Department who entered the service of the department subsequent to the 1st day of January, 1936, after completion of 25 years of service in the aggregate.

(4) Each member of either the Fire or Police Department who is entitled to retire after 20 years of aggregate service with the City shall receive a pension credit of 2-¹/₂% of his final compensation for each year completed at the effective date of said

ordinance, but in no case shall such credit exceed 50% of such final compensation. For each year completed after the effective date of said ordinance the member shall be credited with 1/60th of his final compensation. The pension credits specified above will not be allowable until after such member shall have reached the age of 50 years. No member of either department who is entitled to retire after 20 years as above and who has had 20 years of service in the aggregate shall receive less than the following: \$200.00 per month as retirement allowance, together with such additional amount per month as will represent the actuarial equivalent of that portion of the contributions of such member contributed after his 20th year of service but before his attainment of age 50.

(5) Members of the Fire and Police Departments who are not eligible for retirement until the completion of 25 years of service in the aggregate shall receive a pension credit of 2% of their final compensation for each year completed at the effective date of said ordinance, provided that such credit shall not exceed 50% of such final compensation, and in addition thereto shall be entitled to credits of 1/60th of their final compensation for each year completed after the effective date of the ordinance. The pension credits specified in this paragraph will not be allowable until after such member shall have reached the age of 55 and has completed 20 years of aggregate service in the department, provided, however, that such member may be permitted to retire at the age of 50 years after 20 years of aggregate service in the department with a reduced allowance, as provided in Article IX and the ordinance passed pursuant thereto.

Except as to those members who are forced to retire because of disability or who die, 'Final Compensation' within the meaning of paragraphs 4 and 5 hereof shall be the highest average compensation received during any five consecutive years of service, limited, however, to the following monthly maximums for members who retire: During the first year after the ordinance is adopted, \$400.00; during the second year, \$500.00; during the third year \$600.00; during the fourth year, \$700.00; during the fifth year, \$800.00; and after the end of fifth year there shall be no ceiling considered in determining the amount of the final compensation.

As to those members who are compelled to retire because of disability or who die after the ordinance becomes effective 'Final Compensation' shall be defined as above, but with the following monthly maximums: For death or disability occurring during the first year, after the ordinance is adopted, \$500.00; during the second year, \$600.00; during the third year, \$700.00; during the fourth year, \$800.00; during the fifth year, \$900.00; and after the end of the fifth year no ceiling shall be considered in determining the amount of the final compensation.

(6) No member of either the Fire or Police Departments transferred pursuant to the provisions of this Article of the Charter shall be required to contribute in excess of 8% of his total salary; and each member so transferred shall be classed as a safety member of a special class and shall be entitled to all of the service credit earned by such member in the Police and Fire Retirement System up to the date of transfer without further contributions from said member because of absences prior thereto while serving in the armed forces of the United States.

(7) The membership of the Board of Administration created by Article IX of the Charter, upon the taking effect of this amendment, shall be increased to the extent of one additional member to represent the Police Department and one additional member to represent the Fire Department, such members to be chosen by the members of the respective departments.

Immediately upon the taking effect of the ordinance making the transfer of members into the City Employees' Retirement System, all of the provisions of Article IX not inconsistent with the hereinabove provided, together with any ordinance passed pursuant thereto, shall be applicable to such transferred members, and the Police and Fire Retirement System heretofore created in 1947 is abolished, and except as prescribed by this amendment all benefits therein authorized are cancelled.

All moneys in the Police and Fire Retirement Fund at the date of the taking effect of the ordinance transferring said members are hereby transferred to the City Employees' Retirement Fund.

Nothing herein contained shall be construed in any way so as to affect the vested rights of members of the Police and Fire Departments who have been heretofore retired by virtue of any retirement or pension system of The City of San Diego.

2. Amendment voted 11-02-2004; effective 01-21-2005

See current Charter.