

ORDINANCE NUMBER O- 15674 (New Series)

Adopted on MAR 9 1982

AN ORDINANCE OF THE CITY OF SAN DIEGO, CALIFORNIA, ORDERING, CALLING, PROVIDING FOR AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON JUNE 8, 1982 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO ORDINANCE NO. O-15554 (NEW SERIES) ENTITLED, "AN ORDINANCE AMENDING CHAPTER II, ARTICLE 4, DIVISION 10, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 24.0105 AND BY AMENDING CHAPTER II, ARTICLE 4, BY ADDING A NEW DIVISION 11, SECTIONS 24.1100 THROUGH 24.1114 THERETO, ALL RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," FOR THEIR APPROVAL OR REJECTION.

WHEREAS, the City Council on July 27, 1981 adopted Ordinance No. O-15554 (New Series) entitled, "AN ORDINANCE AMENDING CHAPTER II, ARTICLE 4, DIVISION 10, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 24.0105 AND BY AMENDING CHAPTER II, ARTICLE 4, BY ADDING A NEW DIVISION 11, SECTIONS 24.1100 THROUGH 24.1114 THERETO, ALL RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM"; and

WHEREAS, on August 24, 1981 a Referendary Petition requesting the City Council to repeal or rescind Ordinance No. O-15554 (New Series) or submit said ordinance to the registered voters of the City for their approval or rejection was filed in the Office of the City Clerk; and

WHEREAS, the City Clerk has found the Referendary Petition to contain the requisite number of valid signatures and to be in proper form and has so certified, and has presented the petition, with his certification attached, to the City Council on September 29, 1981; and

WHEREAS, on September 29, 1981 the City Council adopted Resolution No. R-255115 declaring its intent to submit said ordinance to the registered voters of the City for their approval or rejection; and

WHEREAS, at a meeting held on March 9, 1982 the City Council of The City of San Diego adopted Resolution No. R-255971 requesting the Board of Supervisors of the County of San Diego to order the consolidation of the special municipal election to be held on June 8, 1982 with the statewide primary election to be held on the same date; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, California, as follows:

Section 1. A special municipal election is hereby called and ordered to be held in the City of San Diego, California, on June 8, 1982, and pursuant to the provisions of the Charter of The City of San Diego and provisions of Section 3 and 5 of Article XI of the Constitution of the State of California, the Council of The City of San Diego hereby submits to the qualified voters of the City at such special municipal election the following proposition:

PROPOSITION \_\_\_\_\_

Approve Ordinance No. O-15554 (New Series) of the ordinances of The City of San Diego, which reads as follows:

ORDINANCE NUMBER O-15554 (New Series)

Adopted on July 27, 1981

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 4, DIVISION 10, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 24.0105 AND BY AMENDING CHAPTER II, ARTICLE 4, BY ADDING A NEW DIVISION 11, SECTIONS 24.1100 THROUGH 24.1114 THERETO, ALL RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

BE IT ORDAINED, by the Council of The City of San Diego as follows:

WHEREAS, the City Council recognizes the public obligation to provide retirement benefits for City employees with long public service; and

WHEREAS, the City Council has reviewed the current retirement system and is desirous of revising the system as it affects employees hired in the future; and

WHEREAS, the City has met its obligation to meet and confer with recognized employee organizations over the implementation of these revisions; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter II, Article 4, Division 1, of the San Diego Municipal Code, be and the same is hereby amended by amending Sections 24.0103 and 24.0105 to read as follows:

SEC. 24.0103 DEFINITIONS

a. "Retirement System" or "this system" means the City Employees Retirement System as created by this article, and the "1981 Pension System" means the Employees Retirement System as created by Division 11 of this article.

(No change to the remaining paragraphs in this section.)

SEC. 24.0105 MEMBERSHIP

(No change to the first four (4) paragraphs in this section.)

Irrespective of the foregoing, all employees hired on or before September 3, 1981, whether classified or unclassified, full or parttime, shall continue to have the right to join the City Employees Retirement System, as provided for in Divisions 1 through 10, no later than June 30, 1982. On or after July 1, 1982, such employees shall no longer be eligible to join said City Employees Retirement system.

All employees working at least one-half time hired on or after September 4, 1981, will be subject to the membership requirements of Section 24.1102.

Section 2. That Chapter II, Article 4, of the San Diego Municipal Code, be and it is hereby amended by the adding a new Division 11 to read as follows:

DIVISION 11

PENSION ACT OF 1981

SEC. 24.1100 THE 1981 PENSION SYSTEM

There is hereby established by Ordinance No. O-15554, the 1981 Pension System. The provisions of this division shall be the sole and exclusive retirement rights and benefits for those City employees hired on and after September 4, 1981; provided, however, that the provisions of this division shall not be applicable to those employees

of any other agencies or those legislative officers eligible for membership in the Legislative Officers Retirement Plan pursuant to Division 5-c. This Division may be cited as the Pension Act of 1981.

SEC. 24.1101 INCLUSION OF EXISTING PROVISIONS

The following sections and no others, of the San Diego Municipal Code are hereby adopted as part of the Pension Act of 1981: Sections 24.0103, 24.0105, 24.0105.1, 24.0107, 24.0204, 24.0207, 24.0208, 24.0305, 24.0309, 24.0310, 24.0711, 24.0712, 24.0713, 24.0714, 24.0901, 24.0901.1, 24.0902, 24.0903, 24.0904, 24.0905, 24.0906, 24.0908, 24.0909, 24.0910, 24.1005, 24.1007 and 24.1008. Each and all of the regulations, provisions, conditions and terms of said sections are hereby referred to, adopted and made a part hereof as if fully set out in this Division; provided, however, that any of the provisions of said sections as herein adopted which are in conflict with any of the provisions of this Division shall be superseded by the provisions of this Division.

SEC. 24.1102 MEMBERSHIP

(a) All salaried employees working at least one-half time in the Classified Service hired on and after September 4, 1981, shall become members of the 1981 Pension System, as a condition of employment, on the first day of the pay period following one (1) year of employment.

(b) All salaried employees working at least one-half time in the Unclassified Service hired on and after September 4, 1981, shall have the option to elect to become

members of the 1981 Pension System not sooner than the first day of the pay period following one (1) year of employment.

(c) Employees who were hired on or before September 3, 1981, may elect to become members of the 1981 Pension System by signing the appropriate election form, approved by the Board. Such election must be made prior to July 1, 1982. Upon making such election, membership in the 1981 Pension System shall be immediate providing the employee has one year of continuous service. Membership for those lacking one year's service shall be effective after the completion of such requirement. Such employees shall not receive creditable service under this System for services rendered prior to entry into this System. Upon such election, all contributions made to the City Employees Retirement System shall be immediately returned and such employee shall waive all rights to any and all benefits he or she may otherwise have been entitled to under the City Employees Retirement System.

SEC. 24.1103 MEMBER CONTRIBUTIONS

(a) General Members shall contribute 3.25% of earnable compensation.

(b) Safety Members not eligible for Social Security coverage shall contribute 6.50% of earnable compensation.

(c) Safety members eligible for Social Security coverage shall contribute 4.33% of earnable compensation.

(d) Member contributions shall be deducted by the

City Auditor and Comptroller from each payroll warrant-check and shall be transferred to the Retirement Fund for crediting to each individual member's account.

SEC. 24.1104 VESTING

(a) Members who terminate service other than by death or service retirement with less than ten (10) years of creditable service shall receive a refund of their accumulated contributions including any interest accrued thereon.

(b) Members who terminate service other than by death or service retirement with ten (10) or more years of creditable service may, in lieu of a refund of their accumulated contributions, elect to receive a service retirement allowance commencing when the age requirements have been met, based upon creditable service and final compensation at date of termination.

SEC. 24.1105 GENERAL MEMBER SERVICE RETIREMENT

1. ELIGIBILITY

a. General Members, upon written application, may retire for service on the first of any month following completion of twenty (20) or more years of creditable service and the attainment of age 55 or the attainment of age 62 with ten (10) or more years of creditable service, or the attainment of age 70.

b. General Members shall be compulsorily retired at the age of 70 years, except that the Manager, or other nonmanagerial department head, for the City's

benefit, may thereafter continue an employee who has reached such age limit in the City service from year to year.

2. SERVICE RETIREMENT PENSION

a. Upon normal retirement at age 65, General Members shall receive a monthly allowance equal to 1/90th of final compensation for each year of creditable service.

b. Upon retirement prior to age 65, General Members shall receive a monthly allowance equal to the normal retirement allowance computed as in (a) above reduced by 1/2 of 1% for each month that retirement occurs prior to age 65.

c. Upon retirement after age 65, General Members shall receive a monthly allowance equal to the normal retirement allowance computed as in (a) above increased by 1/2 of 1% for each month at retirement occurs after age 65.

SEC. 24.1106 SAFETY MEMBER SERVICE RETIREMENT

1. ELIGIBILITY

a. Safety Members may, upon written application, retire for service on the first of any month following completion of twenty (20) or more years of creditable service and the attainment of age 50 or the attainment of age 55 with ten (10) or more years of service or at age 65.



b. Safety Members shall be compulsorily retired at the age of 65 years, except that the Manager, or other department head, for the City's benefit, may thereafter continue an employee who has reached such age limit in the City service from year to year.

## 2. SERVICE RETIREMENT PENSION

a. Safety Members not eligible for Social Security coverage shall receive, upon normal retirement at age 55, a monthly allowance equal to 1/50th of final compensation for each year of creditable service.

b. Safety Members eligible for Social Security coverage shall receive, upon normal retirement at age 55, a monthly allowance equal to 1/75th of final compensation for each year of creditable service.

c. Upon retirement prior to age 55, Safety Members shall receive an allowance equal to the normal retirement allowance computed as in (a) or (b) above reduced by 1/2 of 1% for each month that retirement occurs prior to age 55.

d. Upon retirement after age 55, Safety Members shall receive an allowance equal to the normal retirement allowance computed as in (a) or (b) above increased by 1/2 of 1% for each month that retirement occurs after age 55.

## SEC. 24.1107 DEATH IN ACTIVE SERVICE

(a) Upon the death of a member while actively employed, the named beneficiary shall be paid the member's

accumulated contributions.

(b) If the named beneficiary is the member's spouse and if the member was eligible to retire for service at the date of his death, then the member's spouse may elect, in lieu of the payment in 1 above, to receive a monthly allowance equal to 50% of the amount the member would have received had he retired for service on the day preceding his death. In the event there is no spouse or if the spouse dies prior to the date that all children attain age 18, then the allowance payable to the spouse shall be paid to the children, collectively, until the youngest child attains the age of 18.

#### SEC. 24.1108 OPTIONAL SETTLEMENTS

(a) Until the first payment of any allowance is made, a member, in lieu of the allowance for his life alone, may elect to give the actuarial equivalent of his allowance as of the date of retirement applied to a lesser allowance payable through life in accordance with one of the optional settlements specified in this article.

(b) Optional Settlement 1 consists of the right to have an allowance paid him until his death, and if he dies before he receives in annuity payments the amount of his accumulated contributions at retirement, to have the balance at death paid to his beneficiary or estate.

(c) Optional Settlement 2 consists of the right to have an allowance paid him until his death, and thereafter to such person, having an insurable interest in his life, as he nominates by written designation duly executed and

filed with the Board at the time of his retirement.

(d) Optional Settlement 3 consists of the right to have an allowance paid him until death, and thereafter to have one-half of his allowance paid to such person, having an insurable interest in his life, as he nominates by written designation duly executed and filed with the Board at the time of his retirement.

(e) Optional Settlement 4 consists of the right to have an allowance paid him until his death and thereafter to have such other benefits as are approved by the Board, upon the advice of the actuary, continued throughout the life of and paid to such persons, having an insurable interest in his life, as he nominates by written designation duly executed and filed with the Board at the time of his retirement. Such designation shall not, in the opinion of the Board and the actuary, place any additional burden upon the retirement system.

(f) Upon receipt of evidence furnished by the member that said member will be entitled to Social Security benefits at age 65, the said member upon retirement may request and the Board shall grant a modified allowance which will be the actuarial equivalent of the unmodified allowance; such allowance shall be so modified as to provide a greater monthly payment before the first of the month in which the member attains the age of 65 and a lesser monthly payment commencing on such date; such greater monthly payment shall equal the sum of the lesser monthly payment plus the estimated individual's Old Age

Insurance Benefits which will be payable.

SEC. 24.1109 DEATH AFTER RETIREMENT

(a) Upon the death of any member receiving an allowance who did not elect Optional Settlements 1, 2 or 3 of Section 24.1108, his surviving spouse shall receive a monthly pension equal to 50% of the decedent's monthly allowance if,

(1) Such spouse is designated as beneficiary, and

(2) Such spouse was married to the deceased member at least one year prior to the date of his retirement, and

(3) The monthly allowance of the deceased member was not modified in accordance with Optional Settlement 1, 2, 3 or 4 provided by this system.

(b) Upon the death of any member receiving an allowance under Optional Settlements 1, 2, 3 or 4 of Section 24.1108, the surviving beneficiary shall receive the amounts provided under the Optional Settlement selected.

(c) Upon the death of a member receiving an allowance, there shall be paid a lump sum amount of \$5,000 to the designated beneficiary or estate of the retired member if there is no designated beneficiary.

SEC. 24.1110 POST RETIREMENT COST OF LIVING ADJUSTMENT

(a) The Board shall determine before each July 1 the change in the All Urban Consumer Price Index as published by the Bureau of Labor Statistics for the San Diego area--

all items. The change shall be determined by dividing the average Index for the preceding calendar year by the average Index for the next preceding calendar year.

(b) The Board, with the approval of the City Council, shall define the Index to be used in the event that the Index referred to herein is discontinued.

(c) The allowance of all persons shall be adjusted each July 1 following the third anniversary of the commencement of the allowance. The adjustment shall be equal to 50% of the change in the All Urban Consumer Price Index for the San Diego area--all items, except that such adjustment shall not exceed 10% annually. No adjustment shall reduce the allowance below the amount originally granted.

#### SEC. 24.1111 CITY CONTRIBUTIONS

The City shall contribute to the Retirement Fund a percentage of compensation earnable as determined by the System's Actuary pursuant to the annual actuarial evaluation. The required City contributions shall be determined separately by the Actuary for General Members and for Safety Members.

All deficiencies which may accrue must be amortized over a period of thirty years or less.

#### SEC. 24.1112 ADMINISTRATION

The Board shall account separately for the assets and liabilities of the 1981 Pension System and the City Employees Retirement System. The funds of both systems may be co-mingled for investment purposes.

SEC. 24.1113 RETIRED PERSONS

Notwithstanding any other provision of law, no person who has been retired from the service and employment of the City of San Diego pursuant to the provisions of this division shall thereafter be paid for any service rendered as an officer or employee of said City.

SEC. 24.1114 TRANSFER TO ADVANCE RESERVE ACCOUNT ALL REMAINING SURPLUS UNDISTRIBUTED EARNINGS

Notwithstanding Section 24.0907.1, at the beginning of each fiscal year the Board shall calculate those surplus undistributed earnings which accrue as a result of contributions placed in the system on behalf of members of the 1981 Pension Act provisions. Such funds shall be credited to an advance reserve account. Surplus Undistributed Earnings are those funds remaining after having first withheld sufficient sums to meet the pro-rata budgeted expenses and costs of operating the System, including all personnel and services for the fiscal year, and to maintain such reserves for contingencies as the Board deems appropriate on the advice of its investment counselor.

Sums transferred to the advance reserve account shall be used solely to reduce employer contributions to the Retirement Fund during the fiscal year.

Section 3. This ordinance shall take effect and be in force on September 4, 1981, which is more than thirty days from

and after its passage.

APPROVED: John W. Witt, City Attorney

By David H. Morris, Deputy City Attorney

DHM:lco:352  
6/23/81  
REVISED 7/10/81  
Or.Dept:Mgr.

Section 2. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 4 of this ordinance.

Section 3. The polls for this special municipal election shall be open at 7 a.m. (local time) on June 8, 1982, and remain open continuously until 8 p.m. (local time) on the same day at which time the polls shall be closed, except as provided in Section 14301 of the Elections Code of the State of California.

Section 4. Since this election is being consolidated with the statewide primary election and since the Board of Supervisors of the County of San Diego is hereby authorized to canvass returns of this election, and since only one form of ballot is authorized, the method of voting upon this proposition shall be as provided in the Elections Code of the State of California; and, on the ballots to be used at this special municipal election, in addition to any other matters required by law, there shall be printed substantially the following:

<p>PROPOSITION _____ APPROVAL OF ORDINANCE NO. O-15554 (NEW SERIES).</p>	<p>YES</p>	
<p>Shall Ordinance No. O-15554 (New Series), adopted by the Council of The City of San Diego, be approved so as to amend the City Employees' Retirement System by establishing the 1981 Pension System for all employees hired on and after September 4, 1981?</p>		<p>NO</p>

Section 5. An appropriate mark placed in the voting square after the word "YES," shall be counted in favor of the adoption of the proposition. An appropriate mark placed in the voting square after the word "NO," in the manner hereinbefore provided, shall be counted against the adoption of the proposition.

Section 6. The special municipal election called for June 8, 1982 in the City of San Diego is hereby ordered consolidated with the statewide primary election to be held on the same date. Within the City of San Diego the precincts, polling places and officers of the election for the special municipal election shall be the same as those provided for in the statewide primary election.

Section 7. The Board of Supervisors of the County of San Diego is hereby authorized to canvass the returns of the special municipal election and these elections shall be held in all respects as if there were only one election, and within the City only one form of ballot shall be used. The Board of Supervisors shall certify the results of the canvass of the returns of this special municipal election to the Council of The City of San Diego which shall then declare the results of the election.

Section 8. The proposition submitted by this ordinance



shall be designated on the ballot by a letter printed on the left margin of the square containing the description of the measure as provided in Section 10219 of the Elections Code of the State of California.

Section 9. Except as otherwise provided in this ordinance, the special municipal election shall be conducted as provided by law for other municipal elections of the City.

Section 10. The City Clerk shall cause this ordinance to be published once in the official newspaper. No other notice of the election need be given.

Section 11. Pursuant to Section 17 of the Charter, this ordinance relating to elections shall take effect on March 9, 1982, being the day of its introduction and passage.

APPROVED: John W. Witt, City Attorney

By Stuart H. Swett  
Stuart H. Swett  
Chief Deputy City Attorney

SHS:rc:930.47  
2/17/82 REV.3/2/82, REV.3/9/82  
Or.Dept:Clerk  
Form=r.none

Passed and adopted by the Council of The City of San Diego on MAR 9 1982,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
 Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

By Barbara Beridge, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on MAR 9 1982, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal)

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

By Barbara Beridge, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-15674</u>	Adopted <u>MAR 9 1982</u>

CERTIFICATE OF PUBLICATION

1982 MAR 24 AM 11:55

SAN DIEGO, CALIF.

Edin

SAN DIEGO, CITY OF  
202 C St., 12th Floor  
San Diego, CA 92101  
ATTN: BERRIDGE

IN THE MATTER OF

NO.

ORDENANZA NO. 0-15674 (Serie Nueva)

ORDENANZA NO. 0-15674

(Serie Nueva)

UNA ORDENANZA DE LA CIUDAD DE SAN DIEGO, CALIFORNIA, QUE ORDENA, CONVOCA, PROVEE Y NOTIFICA UNA ELECCION ESPECIAL A CELEBRARSE EN LA CIUDAD EL DIA 8 DE JUNIO DE 1982. PARA EL PROPOSITO DE SOMETER A LOS ELECTORES CALIFICADOS DE LA CIUDAD DE SAN DIEGO LA ORDENANZA NO. 0-15554 (SERIE NUEVA) TITULADA "UNA ORDENANZA QUE ENMIENDA EL CAPITULO II, ARTICULO 4, DIVISION 10, DEL CODIGO MUNICIPAL DE SAN DIEGO, ENMENDANDO LA SECCION 24.0105 Y ENMENDANDO EL CAPITULO 11, ARTICULO 4, ANADIENDO UNA NUEVA DIVISION 11, DE LAS SECCIONES 24.1100 HASTA 24.1114 INCLUSIVE, TODAS RELACIONADAS AL SISTEMA DE RETIRO DE LOS EMPLEADOS, PARA SU APROBACION O RECHAZO.

CONSIDERANDO que, el Consejo Municipal el día 27 de julio de 1981, adoptó la Ordenanza No. 0-15554 (Serie Nueva) titulada, "UNA ORDENANZA QUE ENMIENDA EL CAPITULO II, ARTICULO 4, DIVISION 10, DEL CODIGO MUNICIPAL DE SAN DIEGO, ENMENDANDO LA SECCION 24.0105 Y ENMENDANDO EL CAPITULO 11, ARTICULO 4, ANADIENDO UNA NUEVA DIVISION 11 DE LAS SECCIONES 24.1100 HASTA 24.1114 INCLUSIVE, TODAS RELACIONADAS AL SISTEMA DE RETIRO DE LOS EMPLEADOS; y

CONSIDERANDO que, el 24 de agosto de 1981, una Petición de Referendum que solicita al Concejo Municipal que revoque o anule la Ordenanza No. 0-15554 (Serie Nueva) o que someta dicha ordenanza a los electores inscritos de la ciudad, para su aprobación o rechazo, fue presentada a la Oficina del Secretario de la Ciudad; y

CONSIDERANDO que, el Secretario de la Ciudad ha encontrado que la Petición de Referendum contiene el número exigido de firmas válidas y que está en la forma apropiada, y que ha certificado de este modo y ha presentado la petición con su certificación adjunta, al Concejo Municipal, el 29 de Septiembre de 1981; y

CONSIDERANDO que, el 29 de septiembre de 1981, el Concejo Municipal adoptó la Resolución No. R-255115 que declara su intención de someter, dicha ordenanza a los electores inscritos de la ciudad para su aprobación o rechazo; y

CONSIDERANDO que, en una reunión celebrada el 9 de marzo de 1982, el Concejo Municipal de la Ciudad de San Diego adoptó la Resolución No. R-255871 que solicita a la Junta de Supervisores del Condado de San Diego que ordene la consolidación de la elección municipal especial a efectuarse el día 8 de Junio de 1982, con la elección primaria estatal a tomar lugar en la misma fecha; AHORA Y PORTANTO,

I, Charlene Lance, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above- entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14594; and the

ORDENANZA NO. 0-15674  
(Serie Nueva)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

March 22, 1982

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 22nd day of Mar, 19 82.

*CM Lance*

(Signature)

52 7/8" x 2 x 8.06 = 852.35

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00258

SEA ORDENANDO, por el Concejo de la Ciudad de San Diego, California lo siguiente:

Sección 1. Por este medio se convoca y ordena una elección municipal especial a efectuarse en la Ciudad de San Diego, California, el 8 de junio de 1982, y en conformidad a las disposiciones de la Carta de la Ciudad de San Diego y las disposiciones de las Secciones 3 y 5 del artículo XI de la Constitución del Estado de California, el Concejo de la Ciudad de San Diego, por este medio somete a los electores calificados de la Ciudad, en la referida elección municipal especial, la siguiente proposición:

**PROPOSICION**

Aprobación de la Ordenanza No. 0-15554 (Serie Nueva) de las ordenanzas de la Ciudad de San Diego, que reza como sigue:

**ORDENANZA NUMERO 0-15554**

(Serie Nueva)

Adoptada el 27 de julio de 1981

**ORDENANZA QUE MODIFICA EL CAPITULO II, ARTICULO 4, DIVISION 10, DEL CODIGO MUNICIPAL DE SAN DIEGO AL REFORMAR LAS SECCIONES 24.0103 Y 24.0105 Y EL CAPITULO II, ARTICULO 4, MEDIANTE LA ADICION DE UNA NUEVA DIVISION 11, SECCIONES 24.1100 A LA 24.1114 DE LA MISMA, TODO RELACIONADO CON EL SISTEMA DE JUBILACION PARA EMPLEADOS.**  
DECRETA el Concejo Municipal de la Ciudad de San Diego lo siguiente.

CONSIDERANDO que el Concejo Municipal reconoce la obligación pública de brindar prestaciones de jubilación a los empleados municipales que tienen muchos años de servicio público; y

CONSIDERANDO que el Concejo Municipal ha estudiado el sistema actual de jubilación y desea modificar el sistema en cuanto a los empleados que se contratan en el futuro; y

CONSIDERANDO que la Ciudad ha cumplido con su obligación de reunirse y consultar con las organizaciones laborales reconocidas, referente a la implementación de las presentes modificaciones;

ATENTO A LO CUAL, DECRETA el Concejo Municipal de la Ciudad de San Diego, lo siguiente:

Sección 1. Que el capítulo II, Artículo 4, División 1, del Código Municipal de San Diego quede modificado por reforma a las Secciones 24.0103 y 24.0105 de manera que digan lo siguiente:

**SECCION 24.0103 DEFINICIONES**

a. Con los términos "Sistema de Jubilación", "este sistema" o "Presente sistema" se refiere al Sistema de Jubilación para Empleados Municipales que se establece mediante el presente artículo, y con "Sistema de Pensiones de 1981" se refiere al Sistema de Jubilación para Empleados que se establece mediante la División 11 de este artículo.

(No se han hecho cambios a los demás párrafos de esta sección.)

**SECCION 24.0105 REQUISITOS PARA EL INGRESO**

(No se han hecho cambios a los primeros cuatro (4) párrafos de esta sección.)

No obstante lo anterior, todos los empleados contratados a más tardar el día 3 de septiembre de 1981, ya sean empleados clasificados o no, de tiempo completo o parcial, continuarán teniendo derecho a afiliarse al Sistema de Jubilación para Empleados Municipales, según lo dispuesto por la División I a la 10, hasta el 30 de junio de 1982. A partir del 1° de julio de 1982, dichos empleados ya no tendrán derecho a afiliarse a dicho Sistema de Jubilación para Empleados Municipales.

Todos los empleados que trabajen por lo menos medio tiempo y que sean contratados del 4 de septiembre de 1981 en adelante, quedarán sujetos a los requisitos de ingreso dispuestos en la Sección 24.1102

Sección 2. Que el Capítulo II, Artículo 4, Código Municipal de San Diego quede modificado mediante la adición de la siguiente División 11:

**DIVISION 11**

**DECRETO DE PENSIONES DE 1981**

**SECCION 24.1100 EL SISTEMA DE PENSIONES DE 1981**

Por medio del presente Decreto Número 0-15554, se establece el Sistema de Pensiones de 1981. Las disposiciones de esta división constituirán la totalidad de derechos y prestaciones de jubilación para aquellos empleados municipales contratados cuando antes el 4 de septiembre de 1981, con la salvedad de que las disposiciones de esta división no serán válidas para aquellos empleados de cualquier otra dependencia ni para los funcionarios legislativos que tengan derecho a afiliarse al Plan de Jubilación para Funcionarios Legislativos de acuerdo con la División 5-C. Se podrá denominar a la presente División como el Decreto de Pensiones de 1981.

**SECCION 24.1101 INCLUSION DE LAS DISPOSICIONES EXISTENTES**

Se adoptan las siguientes secciones del Código Municipal de San Diego, a exclusión de cualquier otra sección, como parte del Decreto de Pensiones de 1981: Secciones 24.0103, 24.0105, 24.0105.1, 24.0107, 24.0204, 24.0207, 24.0208, 24.0305, 24.0309, 24.0310, 24.0711, 24.0712, 24.0713, 24.0714, 24.0801, 24.0801.1, 24.0802, 24.0803, 24.0804, 24.0805, 24.0806, 24.0809, 24.0810, 24.1005, 24.1007 y 24.1008. Por medio del presente Decreto, se hace referencia a todos y cada uno de los reglamentos, disposiciones, condiciones y términos de dichas secciones y se adoptan e incorporan los mismos al presente documento como si se hubieran delineado por completo en esta división, con la salvedad de que en caso de que cualquiera de las disposiciones de dichas secciones que se adoptan por este medio esté en conflicto con cualquiera de las disposiciones de la presente división, regirán éstas.

**SECCION 24.1102 REQUISITOS PARA EL INGRESO**

(a) Todos los empleados asalariados que hayan trabajado por lo menos medio tiempo en el Servicio Clasificado y que hayan sido contratados cuando antes el 4 de septiembre de 1981, se afiliarán al Sistema de Pensiones de 1981, como condición de su contratación, a partir del primer día del período de pago después de cumplir un (1) año en el trabajo.

(b) Todos los empleados asalariados que hayan trabajado por lo menos medio tiempo en el Servicio No Clasificado y que hayan sido contratados cuando antes el 4 de septiembre de 1981, podrán optar, si así desean, por afiliarse al Sistema de Pensiones de 1981 cuando antes el primer día del período de pago después de cumplir un (1) año en el trabajo.

(c) Los empleados que hayan sido contratados a más tardar el 3 de septiembre de 1981, podrán optar por afiliarse al Sistema de Pensiones de 1981 al firmar la solicitud respectiva aprobada por la Mesa Directiva. Habrá que solicitar dicha afiliación antes del 1° de julio de 1982. Al solicitarse, entrará en vigor de inmediato la afiliación al Sistema de Pensiones de 1981, siempre y cuando el empleado haya prestado un año de servicio continuo. Aquellas personas que no tengan un año de servicio continuo quedarán afiliadas al sistema después de completar dicho plazo. No se les acreditará bajo este sistema a dichos empleados los servicios prestados antes de su ingreso a este sistema. Al ingresar a este sistema, se le devolverá de inmediato al empleado la totalidad de sus aportaciones al Sistema de Jubilación para Empleados Municipales y dicho empleado renunciará todos sus derechos a todas y cada una de las prestaciones al que hubiera sido acreedor bajo el Sistema de Jubilación para Empleados Municipales.

**SECCION 24.1103 APORTACIONES DE LOS DERECHOHABIENTES**

(a) Los Derechohabientes Generales aportarán el 3.25% de sus ingresos devengados.

(b) Los Derechohabientes de Seguridad que no tengan derecho al Seguro Social aportarán el 6.50% de sus ingresos devengados.

(c) Los Derechohabientes de Seguridad que sí tienen derecho al Seguro Social aportarán el 4.33% de sus ingresos devengados.

(d) El Auditor y Contralor Municipal descontará de cada cheque de nómina las aportaciones de los derechohabientes y remitirá al Fondo de Jubilación las aportaciones así descontadas, para que se abonen a la cuenta de cada Derechohabiente.

**SECCION 24.1104 RESTITUCION**

(a) Los Derechohabientes que dejen de prestar sus servicios por otra razón que no sea la muerte o la jubilación y que tengan menos de diez (10) años de servicio acreditable recibirán el reembolso de sus aportaciones acumuladas, así como de los intereses que hubieran devengado las mismas.

(b) Los Derechohabientes que dejen de prestar sus servicios por otra razón que no sea la muerte o la jubilación y que tengan más de diez (10) años de servicio acreditable, en lugar de recibir el reembolso de sus aportaciones acumuladas, podrán optar por recibir una pensión de jubilación, una vez cumplidos los requisitos de edad y de acuerdo con su servicio acreditable y su compensación final en la fecha de darse de baja en el trabajo.

**SECCION 24.1105 JUBILACION DE LOS DERECHOHABIENTES GENERALES**

**1. REQUISITOS**

a. Mediante solicitud por escrito, los Derechohabientes Generales podrán jubilarse del servicio del primer día de cualquier mes después de cumplir veinte (20) años o más de servicio acreditable y después de cumplir los 55 años de edad, o después de cumplir los 62 años de edad con diez (10) años o más de servicio acreditable, o después de cumplir los 70 años de edad.

b. Será forzosa la jubilación de los Derechohabientes Generales a los 70 años de edad, con la excepción de que el Gerente u otro jefe no administrativo de departamento, cuando así convenga a los intereses de la Ciudad, podrá seguir contratando de año en año para el servicio municipal a un empleado que haya cumplido los 70 años de edad.

**2. PENSION DE JUBILACION DEL SERVICIO**

a. Al jubilarse a la edad normal de 65 años, por cada año de servicio acreditable, los Derechohabientes Generales recibirán una pensión mensual equivalente a 1/90 de sus percepciones finales.

b. Al jubilarse antes de los 65 años de edad, los Derechohabientes Generales recibirán una pensión mensual equivalente a la pensión normal calculada de la forma dispuesta en el inciso a anterior, menos el 0.5% por cada mes de diferencia entre los 65 años y la edad al jubilarse.

c. Al jubilarse después de los 65 años de edad, los Derechohabientes Generales recibirán una pensión mensual equivalente a la pensión normal calculada de la forma dispuesta en el inciso a anterior, más el 0.5% por cada mes de diferencia entre los 65 años y la edad al jubilarse.

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**SECCION 24.1108 JUBILACION DE LOS DERECHOHABIENTES DE SEGURIDAD**

**1. REQUISITOS**

a. Mediante solicitud por escrito, los Derechohabientes de Seguridad podrán jubilarse del servicio el primer día de cualquier mes después de cumplir veinte (20) años o más de servicio acreditable y después de cumplir los 50 años de edad, o después de cumplir los 55 años de edad con diez (10) años o más de servicio, o a la edad de 65 años.

b. Será forzosa la jubilación de los Derechohabientes de Seguridad a la edad de 65 años, con la excepción de que el Gerente u otro jefe de departamento, cuando así convenga a los intereses de la Ciudad, podrá seguir contratando de año en año para el servicio público a un empleado que haya cumplido los 65 años de edad.

**2. PENSION DE JUBILACION DEL SERVICIO**

a. Al jubilarse a la edad normal de los 55 años, por cada año de servicio acreditable, los Derechohabientes de Seguridad que no tengan derecho al Seguro Social recibirán una pensión mensual equivalente a 1/50 de sus percepciones finales.

b. Al jubilarse a la edad normal de los 55 años, por cada año de servicio acreditable, los Derechohabientes de Seguridad que sí tienen derecho al Seguro Social recibirán una pensión mensual equivalente a 1/75 de sus percepciones finales.

c. Al jubilarse antes de los 55 años de edad, los Derechohabientes de Seguridad recibirán una pensión equivalente a la pensión normal calculada de la forma dispuesta en el inciso a o b anterior, menos el 0.5% por cada mes de diferencia entre los 55 años y la edad al jubilarse.

d. Al jubilarse después de los 55 años de edad, los Derechohabientes de Seguridad recibirán una pensión equivalente a la pensión normal calculada de la forma dispuesta en el inciso a o b anterior, más el 0.5% por cada mes de diferencia entre los 55 años y la edad al jubilarse.

**SECCION 24.1107 MUERTE DURANTE EL SERVICIO ACTIVO**

(a) Al morir un Derechohabiente que esté en el servicio activo, su beneficiario recibirá las aportaciones acumuladas a nombre del Derechohabiente.

(b) Si el beneficiario designado por el Derechohabiente es su cónyuge y al el Derechohabiente tenía derecho a jubilarse en la fecha de su muerte, entonces su cónyuge, en lugar del pago establecido en el inciso 1 anterior, podrá optar por recibir una pensión mensual equivalente al 50% de la cantidad a que hubiera tenido derecho el Derechohabiente si se hubiera jubilado el día anterior a su muerte. En caso de que no exista cónyuge, o si el cónyuge fallece antes de la fecha en que todos los hijos hayan cumplido los 18 años de edad, entonces la pensión que se hubiera pagado al cónyuge se pagará a los hijos, en forma colectiva, hasta que el menor de los hijos cumpla los 18 años de edad.

**SECCION 24.1108 METODOS ALTERNATIVOS DE LIQUIDACION**

(a) Hasta que se haya efectuado el primer pago a cuenta de cualquier pensión, el Derechohabiente, si lo desea, en lugar de una pensión durante su vida, podrá optar por aplicar el valor actuarial de su pensión en la fecha de su jubilación a una pensión menor pagadera durante su vida, de acuerdo con uno de los métodos alternativos de liquidación dispuestos a continuación.

(1) La alternativa 1 consiste en que el Derechohabiente reciba una pensión hasta que fallezca y, si fallece antes de recibir la cantidad total de las aportaciones que hizo antes de jubilarse, que el saldo se pague a su beneficiario o a su caudal hereditario.

(c) La alternativa 2 consiste en que el Derechohabiente reciba una pensión hasta que fallezca y que después se siga pagando a la persona que tenga un interés asegurable en la vida del Derechohabiente y que el Derechohabiente haya designado por escrito mediante documento debidamente celebrado y presentado a la Mesa Directiva en el momento de su jubilación.

(d) La alternativa 3 consiste en que el Derechohabiente reciba una pensión hasta que fallezca y que después se pague la mitad de la pensión a la persona que tenga un interés asegurable en la vida del Derechohabiente y que el Derechohabiente haya designado por escrito mediante documento debidamente celebrado y presentado a la Mesa Directiva en el momento de su jubilación.

(e) La alternativa 4 consiste en que el Derechohabiente reciba una pensión hasta que fallezca y que después los demás beneficios que sean aprobados por la Mesa Directiva, con el asesoramiento del Actuario, se sigan pagando durante la vida de las personas con un interés asegurable en la vida del Derechohabiente y que el Derechohabiente haya designado por escrito mediante documento debidamente celebrado y presentado a la Mesa Directiva en el momento de su jubilación. Dicha designación, en la opinión de la Mesa Directiva no podrá causar carga adicional para el sistema de jubilación.

(f) Al comprar el Derechohabiente que tenga derecho a recibir beneficios del Seguro Social al jubilarse podrá pedir una pensión modificada a la Mesa Directiva y ésta se la otorgará. Dicha pensión será el equivalente actuarial a la pensión normal y se modificará de tal forma que se aumenten los pagos mensuales antes del primer día del mes en que el Derechohabiente cumpla los 65 años de edad y que se reduzcan las mensualidades a partir de dicha fecha. El pago mensual así aumentado equivaldrá a la suma del pago mensual reducido y la mensualidad que recibirá el Derechohabiente por concepto de su Seguro de Vejez.

**SECCION 24.1109 MUERTE DESPUES DE LA JUBILACION**

(a) Al fallecer cualquier Derechohabiente que venga recibiendo una pensión sin haber optado por cualquiera de las alternativas 1, 2 o 3 de la Sección 24.1108, el o la cónyuge sobreviviente recibirá una pensión mensual equivalente al 50% de la pensión mensual que recibía el difunto, siempre y cuando:

(1) Dicho cónyuge haya sido designado como beneficiario, y

(2) Dicho cónyuge estuviera casado con el Derechohabiente fallecido por lo menos un año antes de la fecha de su jubilación, y

(3) La pensión mensual del Derechohabiente fallecido no se haya modificado de acuerdo con las alternativas 1, 2, 3 o 4 establecidas bajo este sistema.

(b) Al fallecer cualquier Derechohabiente que venga recibiendo una pensión de acuerdo con las alternativas 1, 2, 3 o 4 de la Sección 24.1108, el beneficiario sobreviviente recibirá las cantidades establecidas en la alternativa respectiva.

(c) Al fallecer un Derechohabiente que venga recibiendo una pensión, se liquidará al beneficiario designado o, si no hay beneficiario designado, al caudal hereditario del Derechohabiente la cantidad global de \$5,000.

**SECCION 24.1110 AJUSTES POR CAMBIOS EN EL COSTO DE LA VIDA DESPUES DE LA JUBILACION**

(a) Antes del 1° de julio de cada año, la mesa Directiva determinará el cambio habido en el Índice General Urbano de Precios de Todos los Bienes de Consumo en el área de San Diego, publicado por la Dirección Federal de Estadística Laboral. El cambio se determinará al dividir el índice promedio vigente durante el año natural pasado por el índice promedio vigente durante el año natural antepasado.

(b) La Mesa Directiva, con la aprobación del Concejo Municipal, definirá el índice a utilizarse en caso de que el índice al que se hace referencia en esta sección se deje de publicar.

(c) La pensión de cada Derechohabiente será ajustada el 1° de julio de cada año después del tercer aniversario del inicio de dicha pensión. El ajuste será del 50% del cambio habido en el Índice General Urbano de Precios de Todos los Bienes de Consumo en el área de San Diego, con la salvedad de que dicho ajuste no exceda del 10% anual. Ningún ajuste podrá resultar en una pensión menor a la cantidad inicial.

**SECCION 24.1111 APORTACIONES DEL MUNICIPIO**

La Ciudad aportará al Fondo de Jubilaciones un porcentaje de las percepciones devengadas, de acuerdo con las determinaciones del Actuario del Sistema a raíz de la evaluación actuarial anual. Determinará por separado el Actuario las aportaciones requeridas por parte de la Ciudad para Derechohabientes Generales y para Derechohabientes de Seguridad.

Toda deficiencia que pudiera presentarse habrá de ser amortizada en el plazo máximo de treinta años.

**SECCION 24.1112 ADMINISTRACION**

La Mesa Directiva llevará por separado la contabilidad del Sistema de Pensiones de 1981 y del Sistema de Pensiones para Empleados Municipales. Los fondos de ambos sistemas podrán mezclarse con el propósito de su inversión.

**SECCION 24.1113 PERSONAS JUBILADAS**

No obstante lo dispuesto por cualquier otra ley, a partir de la fecha de su jubilación, no podrá recibir remuneración alguna por concepto de servicios prestados como funcionario o empleado de la Ciudad de San Diego cualquier persona que se haya jubilado del servicio o empleo de dicha Ciudad conforme a lo dispuesto por esta división.

**SECCION 24.1114 TRANSFERENCIA A LA CUENTA DE RESERVA PREVIA DE LOS INGRESOS EXCEDENTES NO DISTRIBUIDOS**

No obstante la Sección 24.0907.1, al inicio de cada año fiscal, la Mesa Directiva calculará aquellos ingresos excedentes no distribuidos que pudieran haber resultado de las aportaciones al sistema a cuenta de los Derechohabientes de acuerdo con las disposiciones del Decreto de Pensiones de 1981. Dichos fondos se abonarán a una cuenta de reserva previa. Los ingresos excedentes no distribuidos son aquellos fondos que quedan después de haber retenido cantidades suficientes para sufragar los gastos y costos presupuestados prorata para el funcionamiento del sistema, incluyendo a todo el personal y servicios correspondientes al año fiscal y para mantener las reservas para imprevistos que la Mesa Directiva considere convenientes de acuerdo con las recomendaciones de su asesor de inversiones.

Las cantidades transferidas a la cuenta de reserva previa se dedicarán únicamente a la reducción de las aportaciones al Fondo de Jubilación por parte del Municipio.

Sección 3. Entrará en vigor la presente ordenanza a partir del día 4 de septiembre de 1981, fecha que es más de treinta días después de la en que fue aprobada.

Sección 2. La proposición deberá presentarse e imprimirse en la balota y someterse a los electores de la manera y forma estipuladas en la Sección 4 de esta ordenanza.

Sección 3. Los lugares de votación para esta elección municipal especial deberán abrirse a las 7 a.m. (hora local) del 8 de junio de 1981 y permanecerán abiertos en forma continua hasta las 8 p.m. (hora local) del mismo día, hora a la cual se cerrarán los lugares de votación excepto por lo que se dispone en la Sección 14301 del Código Electoral del Estado de California.

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Sección 4. Puesto que esta elección está siendo consolidada con la elección primaria estatal, y puesto que a la Junta de Supervisores del Condado de San Diego, por este medio se le autoriza para que escrute los resultados de esta elección, y puesto que está autorizada sólo una forma de balota, el método de votar sobre esta proposición deberá ser el que estipula el Código Electoral del Estado de California; y, en las balotas que se emplearán en esta elección municipal especial, además de cualesquier otros asuntos exigidos por la ley, se deberá imprimir substancialmente lo siguiente:

<p><b>PROPOSICION APROBACION DE LA ORDENANZA No. 0-15564 (SERIE NUEVA).</b>          Deberá aprobarse la Ordenanza No. 0-1554 (Serie Nueva), adoptada por el Concejo de la Ciudad de San Diego, que amienda el Sistema de Retiro de los Empleados de la Ciudad, estableciendo el Sistema de Pensiones de 1951 para todos los empleados contratados el día 4 de septiembre de 1951 o después?</p>	SI	
	NO	

Sección 5. Una marca apropiada colocada en el cuadro después de la palabra "SI", deberá contarse como a favor de la adopción de la proposición. Una marca apropiada colocada en el cuadro después de la palabra "NO", de la manera estipulada anteriormente, deberá contarse como en contra de la adopción de la proposición.

Sección 6. La elección municipal especial citada para el 8 de Junio de 1952 en la Ciudad de San Diego por este medio se ordena ser consolidada con la elección primaria estatal a efectuarse en la misma fecha. Dentro de la Ciudad de San Diego, los distritos electorales, los lugares de votación y los oficiales electorales para la elección municipal especial deberán ser los mismos que se proveen para la elección primaria estatal.

Sección 7. Por este medio se autoriza a la Junta de Supervisores del Condado de San Diego para que escrute los resultados de la elección municipal especial, y dichas elecciones deberán efectuarse en todos los particulares como si hubiera una sola elección y dentro de la Ciudad, deberá emplearse sólo una forma de balota. La Junta de Supervisores deberá certificar los resultados del escrutinio de los votos de esta elección municipal al Concejo de la Ciudad de San Diego, el cual luego deberá declarar los resultados de la elección.

Sección 8. La proposición sometida por medio de esta ordenanza deberá designarse en la balota por una letra impresa en el margen izquierdo del cuadro que contiene la descripción de la propuesta, en conformidad con lo dispuesto por la Sección 10218 del Código Electoral del Estado de California.

Sección 9. Con excepción de lo que se disponga de otra manera en la presente ordenanza, la elección municipal especial deberá conducirse de acuerdo a las disposiciones de la ley respecto de otras elecciones municipales de la Ciudad.

Sección 10. El Secretario Municipal deberá causar que la presente ordenanza sea publicada una vez en el diario oficial. No será necesaria ninguna otra notificación de la elección.

Sección 11. En conformidad con la Sección 17 de la Carta, la presente ordenanza relacionada con elecciones, deberá entrar en vigor el 10 de marzo de 1952, siendo este el día de su introducción y adopción.

Aprobada y adoptada por el Concejo Municipal de la Ciudad de San Diego el día 9 de marzo de 1952, por la siguiente votación:

VOTOS AFIRMATIVOS: Mitchell, Golding, Williams, Strickland, Cash, Murphy, Killee, Wilson.

VOTOS NEGATIVOS: None.

AUSENTE(S): Cieslor.

AUTENTICADA POR:

PETE WILSON Alcalde de La Ciudad

de San Diego, California

CHARLES G. ABDELNOUR Secretario Municipal

de La Ciudad de San Diego, California

(SELLO)

Por BARBARA BENDISSE, Asistente

Public March 22, 1952 60-3465

CERTIFICATE OF PUBLICATION

RECEIVED  
1982 MAR 24 AM 11:56  
SAN DIEGO, CALIF.  
jdr

SAN DIEGO, CITY OF  
202 C St., 12th Floor  
San Diego, CA 92101  
  
ATTN: BERRIDGE

IN THE MATTER OF

NO.

ORDINANCE NO. 0-15674 (New Series)

ORDINANCE NO. 0-15674  
(New Series)

AN ORDINANCE OF THE CITY OF SAN DIEGO, CALIFORNIA, ORDERING, CALLING PROVIDING FOR AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON JUNE 8, 1982 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO ORDINANCE NO. 0-15554 (NEW SERIES) ENTITLED, "AN ORDINANCE AMENDING CHAPTER II, ARTICLE 4, DIVISION 10, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 24.0105 AND BY AMENDING CHAPTER II, ARTICLE 4, BY ADDING A NEW DIVISION 11, SECTIONS 24.1100 THROUGH 24.1114 THERETO, ALL RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM." FOR THEIR APPROVAL OR REJECTION.

WHEREAS, the City Council on July 27, 1981 adopted Ordinance No. 0-15554 (New Series) entitled, "AN ORDINANCE AMENDING CHAPTER II, ARTICLE 4, DIVISION 10, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 24.0105 AND BY AMENDING CHAPTER II, ARTICLE 4, BY ADDING A NEW DIVISION 11, SECTIONS 24.1100 THROUGH 24.1114 THERETO, ALL RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM"; and

WHEREAS, on August 24, 1981 a Referendary Petition requesting the City Council to repeal or rescind Ordinance No. 0-15554 (New Series) or submit said ordinance to the registered voters of the City for their approval or rejection was filed in the Office of the City Clerk; and

WHEREAS, the City Clerk has found the Referendary Petition to contain the requisite number of valid signatures and to be in proper form and has so certified, and has presented the petition, with his certification attached, to the City Council on September 29, 1981; and

WHEREAS, on September 29, 1981 the City Council adopted Resolution No. R-255115 declaring its intent to submit said ordinance to the registered voters of the City for their approval or rejection; and

WHEREAS, at a meeting held on March 9, 1982 the City Council of The City of San Diego adopted Resolution No. R-255071 requesting the Board of Supervisors of the County of San Diego to order the consolidation of the special municipal election to be held on June 8, 1982 with the statewide primary election to be held on the same date, NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, California, as follows:

Section 1. A special municipal election is hereby called and ordered to be held in the City of San Diego, California, on June 8, 1982, and pursuant to the provisions of the Charter of The City of San Diego and provisions of Section 3 and 5 of Article XI of the Constitution of the State of California, the Council of The City of San Diego hereby submits to the qualified voters of the City at such special municipal election the following proposition:

PROPOSITION

Approve Ordinance No. 0-15554 (New Series) of the ordinances of The City of San Diego, which reads as follows:

I, Charlene Lance, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 0-15674  
(New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

March 22, 1982

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 22nd day of Mar, 1982.

*Charlene Lance*

(Signature)

00262

39 1/8" x 2 x 8.06 = \$6.30.70 ps!

**ORDINANCE NO. 6-1984 (New Series)**

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 4, DIVISION 11 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 24.0103 AND 24.0105 AND BY AMENDING CHAPTER 4, ARTICLE 4, BY ADDING A NEW DIVISION 11, SECTIONS 24.1101 THROUGH 24.1114 THERE TO, ALL RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

BE IT ORDAINED, by the Council of the City of San Diego as follows:

WHEREAS, the City Council recognizes the public obligation to provide retirement benefits for City employees with long public service; and

WHEREAS, the City Council has reviewed the current retirement system and is desirous of revising the system as it affects employees hired in the future; and

WHEREAS, the City has met its obligation to meet and confer with recognized employee organizations over the implementation of these revisions; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 4, Article 4, Division 1, of the San Diego Municipal Code, be and the same is hereby amended by amending Sections 24.0103 and 24.0105 to read as follows:

**SEC. 24.0103 DEFINITIONS**

a. "Retirement System" or "this system" means the City Employees Retirement System as created by this article, and the "1981 Pension System" means the Employees Retirement System as created by Division 11 of this article.

(No change to the remaining paragraphs in this section.)

**SEC. 24.0105 MEMBERSHIP**

(No change to the first four (4) paragraphs in this section.)  
Inoperative of the foregoing, all employees hired on or before September 3, 1981, whether classified or unclassified, full or part-time, shall continue to have the right to join the City Employees Retirement System, as provided for in Divisions 1 through 10, no later than June 30, 1982. On or after July 1, 1982, such employees shall no longer be eligible to join said City Employees Retirement system.

All employees working at least one-half time hired on or after September 4, 1981, will be subject to the membership requirements of Section 24.1102.

Section 2. That Chapter 4, Article 4, of the San Diego Municipal Code, by and it is hereby amended by the adding a new Division 11 to read as follows:

**DIVISION 11**

**PENSION ACT OF 1981**

**SEC. 24.1101 THE 1981 PENSION SYSTEM**

There is hereby established by Ordinance No. 6-1984, the 1981 Pension System. The provisions of this division shall be the sole and exclusive retirement rights and benefits for those City employees hired on and after September 4, 1981; provided, however, that the provisions of this division shall not be applicable to those employees of any other agencies or those executive officers eligible for membership in the Legislative Officers Retirement Plan pursuant to Division 5-c. This Division may be cited as the Pension Act of 1981.

**SEC. 24.1101 INCLUSION OF EXISTING PROVISIONS**

The following sections and no others, of the San Diego Municipal Code are hereby adopted as part of the Pension Act of 1981: Sections 24.0103, 24.0105, 24.0105.1, 24.0107, 24.0109, 24.0111, 24.0113, 24.0115, 24.0117, 24.0119, 24.0121, 24.0123, 24.0125, 24.0127, 24.0129, 24.0131, 24.0133, 24.0135, 24.0137, 24.0139, 24.0141, 24.0143, 24.0145, 24.0147, 24.0149, 24.0151, 24.0153, 24.0155, 24.0157, 24.0159, 24.0161, 24.0163, 24.0165, 24.0167, 24.0169, 24.0171, 24.0173, 24.0175, 24.0177, 24.0179, 24.0181, 24.0183, 24.0185, 24.0187, 24.0189, 24.0191, 24.0193, 24.0195, 24.0197, 24.0199, 24.0201, 24.0203, 24.0205, 24.0207, 24.0209, 24.0211, 24.0213, 24.0215, 24.0217, 24.0219, 24.0221, 24.0223, 24.0225, 24.0227, 24.0229, 24.0231, 24.0233, 24.0235, 24.0237, 24.0239, 24.0241, 24.0243, 24.0245, 24.0247, 24.0249, 24.0251, 24.0253, 24.0255, 24.0257, 24.0259, 24.0261, 24.0263, 24.0265, 24.0267, 24.0269, 24.0271, 24.0273, 24.0275, 24.0277, 24.0279, 24.0281, 24.0283, 24.0285, 24.0287, 24.0289, 24.0291, 24.0293, 24.0295, 24.0297, 24.0299, 24.0301, 24.0303, 24.0305, 24.0307, 24.0309, 24.0311, 24.0313, 24.0315, 24.0317, 24.0319, 24.0321, 24.0323, 24.0325, 24.0327, 24.0329, 24.0331, 24.0333, 24.0335, 24.0337, 24.0339, 24.0341, 24.0343, 24.0345, 24.0347, 24.0349, 24.0351, 24.0353, 24.0355, 24.0357, 24.0359, 24.0361, 24.0363, 24.0365, 24.0367, 24.0369, 24.0371, 24.0373, 24.0375, 24.0377, 24.0379, 24.0381, 24.0383, 24.0385, 24.0387, 24.0389, 24.0391, 24.0393, 24.0395, 24.0397, 24.0399, 24.0401, 24.0403, 24.0405, 24.0407, 24.0409, 24.0411, 24.0413, 24.0415, 24.0417, 24.0419, 24.0421, 24.0423, 24.0425, 24.0427, 24.0429, 24.0431, 24.0433, 24.0435, 24.0437, 24.0439, 24.0441, 24.0443, 24.0445, 24.0447, 24.0449, 24.0451, 24.0453, 24.0455, 24.0457, 24.0459, 24.0461, 24.0463, 24.0465, 24.0467, 24.0469, 24.0471, 24.0473, 24.0475, 24.0477, 24.0479, 24.0481, 24.0483, 24.0485, 24.0487, 24.0489, 24.0491, 24.0493, 24.0495, 24.0497, 24.0499, 24.0501, 24.0503, 24.0505, 24.0507, 24.0509, 24.0511, 24.0513, 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24.2513



SEC. 24.1105 GENERAL MEMBER SERVICE RETIREMENT

1. ELIGIBILITY

a. General Members, upon written application, may retire for service on the first of any month following completion of twenty (20) or more years of creditable service and the attainment of age 55 or the attainment of age 62 with ten (10) or more years of creditable service, or the attainment of age 70.

b. General Members shall be compulsorily retired at the age of 70 years, except that the Manager, or other nonmanagerial department head, for the City's benefit, may thereafter continue an employee who has reached such age limit in the City service from year to year.

2. SERVICE RETIREMENT PENSION

a. Upon normal retirement at age 65, General Members shall receive a monthly allowance equal to 1/80th of final compensation for each year of creditable service.

b. Upon retirement prior to age 65, General Members shall receive a monthly allowance equal to the normal retirement allowance computed as in (a) above reduced by 1/2 of 1% for each month that retirement occurs prior to age 65.

c. Upon retirement after age 65, General Members shall receive a monthly allowance equal to the normal retirement allowance computed as in (a) above increased by 1/2 of 1% for each month that retirement occurs after age 65.

SEC. 24.1106 SAFETY MEMBER SERVICE RETIREMENT

1. ELIGIBILITY

a. Safety Members may, upon Written application, retire for service on the first of any month following completion of twenty (20) or more years of creditable service and the attainment of age 50 or the attainment of age 55 with ten (10) or more years of service or at age 65.

b. Safety Members shall be compulsorily retired at the age of 65 years, except that the Manager, or other department head, for the City's benefit, may thereafter continue an employee who has reached such age limit in the City service from year to year.

2. SERVICE RETIREMENT PENSION

a. Safety Members not eligible for Social Security coverage shall receive, upon normal retirement at age 65, a monthly allowance equal to 1/80th of final compensation for each year of creditable service.

b. Safety Members eligible for Social Security coverage shall receive, upon normal retirement at age 65, a monthly allowance equal to 1/70th of final compensation for each year of creditable service.

c. Upon retirement prior to age 65, Safety Members shall receive an allowance equal to the normal retirement allowance computed as in (a) or (b) above reduced by 1/2 of 1% for each month that retirement occurs prior to age 65.

d. Upon retirement after age 65, Safety Members shall receive an allowance equal to the normal retirement allowance computed as in (a) or (b) above increased by 1/2 of 1% for each month that retirement occurs after age 65.

SEC. 24.1107 DEATH IN ACTIVE SERVICE

(a) Upon the death of a member while actively employed, the named beneficiary shall be paid the member's accumulated contributions.

(b) If the named beneficiary is the member's spouse and if the member was eligible to retire for service at the date of his death, then the member's spouse may elect, in lieu of the payment in 1 above, to receive a monthly allowance equal to 50% of the amount the member would have received had he retired for service on the day preceding his death. In the event there is no spouse or if the spouse dies prior to the date that all children attain age 18, then the allowance payable to the spouse shall be paid to the children, collectively, until the youngest child attains the age of 18.

SEC. 24.1108 OPTIONAL SETTLEMENTS

(a) Until the first payment of any allowance is made, a member, in lieu of the allowance for his life alone, may elect to give the actuarial equivalent of his allowance as of the date of retirement applied to a lesser allowance payable through life in accordance with one of the optional settlements specified in this article.

(b) Optional Settlement 1 consists of the right to have an allowance paid him until his death, and if he dies before he receives in annuity payments the amount of his accumulated contributions at retirement, to have the balance at death paid to his beneficiary or estate.

(c) Optional Settlement 2 consists of the right to have an allowance paid him until his death, and thereafter to such person, having an insurable interest in his life, as he nominates by written designation duly executed and filed with the Board at the time of his retirement.

(d) Optional Settlement 3 consists of the right to have an allowance paid him until death, and thereafter to have one-half of the allowance paid to such person, having an insurable interest in his life, as he nominates by written designation duly executed and filed with the Board at the time of his retirement.

(e) Optional Settlement 4 consists of the right to have an allowance paid him until his death and thereafter to have such other benefits as are approved by the Board, upon the advice of the actuary, continued throughout the life of and paid to such persons, having an insurable interest in his life, as he nominates by written designation duly executed and filed with the Board at the time of his retirement. Such designation shall not, in the opinion of the Board and the actuary, place any additional burden upon the retirement system.

(f) Upon receipt of evidence furnished by the member that said member will be entitled to Social Security benefits at age 65, the said member upon retirement may request and the Board shall grant a modified allowance which will be the actuarial equivalent of the unmodified allowance; such allowance shall be so modified as to provide a greater monthly payment before the first of the month in which the member attains the age of 65 and a lesser monthly payment commencing on such date; such greater monthly payment shall equal the sum of the lesser monthly payment plus the member's individual's Old Age Insurance benefit when he is 65.

SEC. 24.1109 CREDITABLE SERVICE

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(a) Upon the death of any member receiving an allowance who did not elect Optional Settlements 1, 2 or 3 of Section 24.1108, his surviving spouse shall receive a monthly pension equal to 85% of the decedent's monthly allowance if:

- (1) Such spouse is designated as beneficiary, and
- (2) Such spouse was married to the deceased member at least one year prior to the date of his retirement, and
- (3) The monthly allowance of the deceased member was not modified in accordance with Optional Settlement 1, 2, 3 or 4 provided by this system.

(b) Upon the death of any member receiving an allowance under Optional Settlements 1, 2, 3 or 4 of Section 24.1108, the surviving beneficiary shall receive the amounts provided under the Optional Settlement selected.

(c) Upon the death of a member receiving an allowance there shall be paid a lump sum amount of \$5,000 to the designated beneficiary or estate of the retired member if there is no designated beneficiary.

**SEC. 24.1110 POST RETIREMENT COST OF LIVING ADJUSTMENT**

(a) The Board shall determine before each July 1 the change in the All Urban Consumer Price Index as published by the Bureau of Labor Statistics for the San Diego area—all items. The change shall be determined by dividing the average index for the preceding calendar year by the average index for the next preceding calendar year.

(b) The board, with the approval of the City Council, shall define the index to be used in the event that the index referred to herein is discontinued.

(c) The allowance of all persons shall be adjusted each July 1 following the third anniversary of the commencement of the allowance. The adjustment shall be equal to 80% of the change in the All Urban Consumer Price Index for the San Diego area—all items, except that such adjustment shall not exceed 10% annually. No adjustment shall reduce the allowance below the amount originally granted.

**SEC. 24.1111 CITY CONTRIBUTIONS**

The City shall contribute to the Retirement Fund a percentage of compensation earnable as determined by the System's Actuary pursuant to the annual actuarial evaluation. The required City contributions shall be determined separately by the Actuary for General Members and for Safety Members.

All deficiencies which may accrue must be amortized over a period of thirty years or less.

**SEC. 24.1112 ADMINISTRATION**

The Board shall account separately for the assets and liabilities of the 1981 Pension System and the City Employees Retirement System. The funds of both systems may be commingled for investment purposes.

**SEC. 24.1113 RETIRED PERSONS**

Notwithstanding any other provision of law, no person who has been retired from the service and employment of the City of San Diego pursuant to the provisions of this division shall thereafter be paid for any service rendered as an officer or employee of said City.

**SEC. 24.1114 TRANSFER TO ADVANCE RESERVE ACCOUNT ALL REMAINING SURPLUS UN-DISTRIBUTED EARNINGS**

Notwithstanding Section 24.0907.1, at the beginning of each fiscal year the Board shall calculate those surplus un-distributed earnings which accrue as a result of contributions placed in the system on behalf of members of the 1981 Pension Act provisions. Such funds shall be credited to an advance reserve account. Surplus Un-distributed Earnings are those funds remaining after having first withheld sufficient sums to meet the pro-rata budgeted expenses and costs of operating the System, including all personnel and services for the fiscal year, and to maintain such reserves for contingencies as the Board deems appropriate on the advice of its investment counselor.

Sums transferred to the advance reserve account shall be used solely to reduce employer contributions to the Retirement Fund during the fiscal year.

Section 3. This ordinance shall take effect and be in force on September 4, 1981, which is more than thirty days from and after its passage.

Section 2. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 4 of this ordinance.

Section 3. The polls for this special municipal election shall be open at 7 a.m. (local time) on June 8, 1982, and remain open continuously until 5 p.m. (local time) on the same day at which time the polls shall be closed, except as provided in Section 14301 of the Elections Code of the State of California.

Section 4. Since this election is being consolidated with the statewide primary election and since the Board of Supervisors of the County of San Diego is hereby authorized to oversee returns of this election, and since only one form of ballot is authorized, the method of voting upon this proposition shall be as provided in the Elections Code of the State of California; and, on the ballots to be used at this special municipal election, in addition to any other matters required by law, there shall be printed substantially the following:

PROPOSITION APPROVAL OF ORDINANCE NO. 9-1984 (NEW SERIES). Shall Ordinance No. 9-1984 (New Series), adopted by the Council of The City of San Diego, be approved so as to amend the City Employees Retirement System, by establishing the 1981 Pension System for all employees hired on or after September 4, 1981?	YES	
	NO	

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