

ORDINANCE NUMBER O- 15790 (New Series)

Adopted on AUG 02 1982

AN ORDINANCE AMENDING ORDINANCE NO. O-15554, (NEW SERIES), ADOPTED BY THE CITY COUNCIL ON JULY 27, 1981, WHICH AMENDED CHAPTER II, ARTICLE 4 OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTIONS 1 AND 2 THEREIN BY AMENDING DIVISION 10 AND DIVISION 11 THEREIN AND CHANGING THE EFFECTIVE DATE THEREOF; FURTHER AMENDING CHAPTER II, ARTICLE 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 24.0204 AND 24.0305, ALL RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

WHEREAS, the City Council adopted Ordinance No. O-15554 (New Series) on July 27, 1981 establishing the 1981 Pension Act; and

WHEREAS, said ordinance was referended and it was necessary to submit the legislative act to the voters for approval prior to its becoming effective, resulting in an unforeseen delay in becoming effective; and

WHEREAS, at the election conducted on June 8, 1982, the voters approved said ordinance; and

WHEREAS, this delay now necessitates several amendments to said ordinance relating to effective dates and withdrawal from Social Security participation; NOW, THEREFORE,

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

Section 1. That Ordinance No. O-15554 (New Series), adopted on July 27, 1981, amending Chapter II, Article 4, Division 10 of the San Diego Municipal Code be and the same is hereby amended by amending Section 1 thereof to amend Section 24.0105, to read as follows:

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 2, 1982, 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, 1983. On or after July 1, 1983, 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 3, 1982, will be subject to the membership requirements of Section 24.1102.

Section 2. That Ordinance No. O-15554 (New Series), adopted on July 27, 1981, amending Chapter II, Article 4, of the San Diego Municipal Code by adding a new Division 11, be and the same is hereby amended by amending Section 2 thereof to amend Sections 24.1100, 24.1101, 24.1102, 24.1103, 24.1105, 24.1106, 24.1107, 24.1108, 24.1109, 24.1113 and 24.1114 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 3, 1982; 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, 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 by reference 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 3, 1982, 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 3, 1982, 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 2, 1982, 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, 1983. 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 expeditiously 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 shall contribute 6.50% of earnable compensation

(c) 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

(No changes in (a) and (b) of this section.)

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 non-managerial 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 retirement 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 retirement 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 retirement 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 shall receive, upon normal retirement at age 55, a retirement allowance equal to 1/50th of final compensation for each year of creditable service.

b. Upon retirement prior to age 55, Safety Members shall receive a retirement 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 55.

c. Upon retirement after age 55, Safety Members shall receive a retirement 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 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 (a) 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 apply the actuarial equivalent of his allowance, as of the date of retirement, 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.

SEC. 24.1109 DEATH AFTER RETIREMENT

(a) Upon the death of any member receiving an allowance who did not elect Optional Settlement 1, 2, 3 or 4 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 Settlement 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

(No change in (a), (b) and (c) of this section.)

SEC. 24.1111 CITY CONTRIBUTIONS

(No change in this section.)

SEC. 24.1112 ADMINISTRATION

(No change in this section.)

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, except as an officer elected by the electors 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 independent investment counsel.

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. That Chapter II, Article 4 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 24.0204 and 24.0305 to read as follows:

SEC. 24.0204 GENERAL MEMBER CONTRIBUTIONS  
DEDUCTED BY CITY AUDITOR

The contributions herein provided for shall be deducted by the City Auditor and Comptroller from each payroll warrant-check and shall be transferred to the Retirement System for crediting to each individual general member's account.


SEC. 24.0305 SAFETY MEMBER CONTRIBUTIONS  
DEDUCTED BY CITY AUDITOR

The contributions herein provided for shall be deducted by the City Auditor and Comptroller from each payroll warrant-check and shall be transferred to the Retirement System for crediting to each individual safety member's account.

Section 4. This ordinance shall take effect and be in force on September 3, 1982.

APPROVED: John W. Witt, City Attorney

By

  
\_\_\_\_\_  
Jack Katz  
Chief Deputy City Attorney

JK:smm  
7/7/82  
O-82-268  
Or.Dept:Mgr.  
Form=r.none

**AUG 02 1982**

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**AUTHENTICATED BY:**

**PETE WILSON**

Mayor of The City of San Diego, California.

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

(Seal)

By Marjorie L. Portecow, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

**JUL 19 1982**

**AUG 02 1982**

, and on \_\_\_\_\_

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

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.

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

(Seal)

By Marjorie L. Portecow, Deputy.

Office of the City Clerk, San Diego, California

Ordinance  
Number

**0-15790**

Adopted

**AUG 02 1982**

CERTIFICATE OF PUBLICATION

SMF  
RECEIVED  
CITY CLERK  
1982 AUG 24 11:13:55  
SAN DIEGO, CALIF.

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

IN THE MATTER OF

NO.

ORDINANCE NO. O-15790

**ORDINANCE NO. O-15790**

AN ORDINANCE AMENDING ORDINANCE NO. O-15884, (NEW SERIES), ADOPTED BY THE CITY COUNCIL ON JULY 27, 1981, WHICH AMENDED CHAPTER II, ARTICLE 4 OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTIONS 1 AND 2 THEREIN BY AMENDING DIVISION 10 AND DIVISION 11 THEREIN AND CHANGING THE EFFECTIVE DATE THEREOF; FURTHER AMENDING CHAPTER II, ARTICLE 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 24.0284 AND 24.0288, ALL RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

The Pension Act of 1981 was originally adopted by the City Council on July 27, 1981. This Act was originally to be made applicable to all employees hired after September 4, 1981. The ordinance enacting the Pension Act of 1981 was thereafter referended, requiring submission to and approval by the voters. At the City-wide election conducted on June 8, 1982, the voters approved the ordinance. The lapse of almost one year between original enactment and voter approval allowed those employees hired in the interim period to join the old pension system.

This ordinance provides amendments to the original ordinance to establish a new effective date of September 3, 1982 for the commencement of the new system. This new date will provide for an orderly transition to the new system. This ordinance also recognizes withdrawal by the City from participation in Social Security.

Introduced on JULY 19, 1982.

Passed and adopted by the Council of The City of San Diego on AUGUST 2, 1982.

AUTHENTICATED BY:

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

(SEAL)

By MAYDELL L. PONTECORVO, Deputy  
August 18, 1982

I, Charlene Casselman, 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. O-15790

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:

August 16, 1982

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

Dated at San Diego, California this 16th day of Aug, 1982.

Charlene Casselman  
(Signature)

3" x 2 x 8.87 x 1 = 53.22

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