

(O-82-271)

ORDINANCE NUMBER O-**15791** (New Series)

Adopted on AUG 02 1982

AN ORDINANCE AMENDING ORDINANCE NO. O-15572 (NEW SERIES), ADOPTED BY THE CITY COUNCIL ON AUGUST 17, 1981, WHICH AMENDED CHAPTER II, ARTICLE 4, DIVISION 11 OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTION 1 THEREOF BY AMENDING AND RENUMBERING SECTIONS 24.1114, 24.1115, 24.1116, 24.1117 AND 24.1118 AND AMENDING SECTION 2 THEREOF TO CHANGE THE EFFECTIVE DATE, ALL RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

WHEREAS, the City Council by Ordinance No. O-15554 (New Series), adopted on July 27, 1981, added Division 11 to Chapter II, Article 4 of the San Diego Municipal Code, establishing the 1981 Pension Act; and

WHEREAS, the City Council thereafter enacted and adopted Ordinance No. O-15572 (New Series) on August 17, 1981, adding sections to Division 11 relating to General and Safety Member Death Benefits; and

WHEREAS, the basic Ordinance No. O-15554 (New Series) was subjected to a successful referendum petition, requiring submission to the voters for approval; and

WHEREAS, pending voter approval, Ordinance No. O-15554 (New Series) was delayed in becoming effective; and

WHEREAS, as companion legislation Ordinance No. O-15572 (New Series) was also delayed although it was not, in and of itself, an item in the referendum petition; and

WHEREAS, in enacting said ordinance, it was also discovered a clerical error was made in assigning the same section number to two separate sections; and

WHEREAS, the voters approved Ordinance No. O-15554 (New Series) at the June 8, 1982 election, permitting said ordinance to be placed in full force and effect; and

WHEREAS, it is now procedurally permissible to also place Ordinance NO. O-15572 (New Series), as companion legislation, in full force and effect; and

WHEREAS, it is necessary and desirable at this time to amend Ordinance No. O-15572 (New Series) to establish an effective date and accommodate minimal changes brought about by withdrawal from participation in Social Security, and to correct the clerical error regarding duplication of section numbers; NOW, THEREFORE,

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

Section 1. That Ordinance No. O-15572 (New Series) adopted on August 17, 1981, amending Chapter II, Article 4, Division 11, of the San Diego Municipal Code, be and the same is hereby amended by amending Section 1 thereof to renumber Sections 24.1114, 24.1115, 24.1116, 24.1117 and 24.1118 as new numbers 24.1115, 24.1116, 24.1117, 24.1118 and 24.1119 respectively, and further amending Section 2 of said ordinance to establish a new effective date, all to read as follows:

SEC. 24.1115 SAFETY MEMBER DEATH BENEFIT

A Safety Member Death Benefit is payable if the deceased was a safety member, if his or her death was industrial, as determined by the Industrial Accident Commission, using the same procedure as in worker's compensation hearing, and if there is a spouse or

child who qualifies under subdivision (b) of the following section and such spouse or child elects not to receive a return of the member's accumulated contribution pursuant to Section 24.1107.

SEC. 24.1116 SAME - COMPUTATION

The Safety Member Death Benefit shall consist of:

(a) The accumulated contribution of the member.

(b) An amount sufficient to be derived from employer contributions, when added to the accumulated contributions of the member to provide, when applied according to tables adopted by the Board, a monthly allowance equal to one-half of the average compensation earnable by the deceased during the three years immediately preceding his or her death, payable to the surviving spouse to whom he or she was married prior to sustaining the injury or disease resulting in death, as long as he or she lives or until his or her remarriage; or if there is no surviving spouse, or if the surviving spouse dies or remarries before all children of the deceased member attain age 18, to his or her children under 18 collectively until every child dies or attains 18.

SEC. 24.1117 GENERAL MEMBER DEATH BENEFIT

A General Member Death Benefit is payable if the

deceased was a general member, if his or her death was industrial, as determined by the Industrial Accident Commission, using the same procedure as in worker's compensation hearing, and if there is a spouse or child who qualifies under subdivision (b) of the following section and such spouse or child elects not to receive a return of the member's accumulated contribution pursuant to Section 24.1107.

SEC. 24.1118 SAME - COMPUTATION

The General Member Death Benefit shall consist of:

(a) The accumulated contribution of the member.

(b) An amount sufficient to be derived from employer contributions, when added to the accumulated contributions of the member to provide, when applied according to tables adopted by the Board, a monthly allowance equal to one-half of the average compensation earnable by the deceased during the three years immediately preceding his or her death, payable to the surviving spouse to whom he or she was married prior to sustaining the injury or disease resulting in death, as long as the surviving spouse lives or until the surviving spouse's remarriage. If there is no surviving spouse, or if the surviving spouse dies or remarries before all children of the deceased member attain age

18, to his or her children under 18 collectively until every child dies or attains 18.

SEC. 24.1119 EFFECTIVE DATE OF SAFETY MEMBER DEATH BENEFIT, GENERAL MEMBER DEATH BENEFIT AND DEATH WHILE ELIGIBLE BENEFIT

The Safety Member Death Benefit, the General Member Death Benefit or Death While Eligible Benefit shall begin to accrue on the day next following the date of the member's death, and shall be paid in monthly installments to the surviving eligible spouse or children as prescribed in Section 24.1107, 24.1116 or 24.1118.

Section 2. This ordinance shall take effect and be in force on September 3, 1982.

APPROVED: John W. Witt, City Attorney

By Jack Katz
Jack Katz
Chief Deputy City Attorney

JK:smm
7/6/82
O-82-271
Or.Dept:Mgr.
Form=0.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 *Mayhew L. Postlewaite*, 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 *Mayhew L. Postlewaite*, Deputy.

Office of the City Clerk, San Diego, California

AUG 02 1982

Ordinance Number 0-15791 Adopted _____

20010

CERTIFICATE OF PUBLICATION

80mp
REC AUG 24 11 40 53
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-15791

**ORDINANCE NO. O-15791
(New Series)**

AN ORDINANCE AMENDING ORDINANCE NO. O-15672 (NEW SERIES), ADOPTED BY THE CITY COUNCIL ON AUGUST 17, 1981, WHICH AMENDED CHAPTER 8, ARTICLE 4, DIVISION 11 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 1 THEREOF BY AMENDING AND RENUMBERING SECTIONS 24.1114, 24.1116, 24.1118, 24.1117 AND 24.1118 AND AMENDING SECTION 2 THEREOF TO CHANGE THE EFFECTIVE DATE, ALL RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

The City Council amended the Pension Act of 1981 shortly after its passage to provide for a "General and Safety Member Death Benefit." Such provision presently provides that the death benefit will be diminished by any Social Security benefits the surviving spouse would be eligible for. Since the City no longer participates in the Social Security program, elimination of this provision is appropriate. This ordinance accomplishes that purpose.

This ordinance also establishes a new effective date so as to come into full force and effect at the same time as the basic retirement provisions to which it applies.

Other changes effectuated by this ordinance are grammatical and to correct a clerical error in the numbering of sections. 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-15791
(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:

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, 19 82.

Charlene Casselman

(Signature)

3" x 2 x 8.87 x 1 = 53.22

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