

(O-86-43)

ORDINANCE NUMBER O- 16510 (NEW SERIES)

ADOPTED ON SEP 30 1985

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 24.1101, 24.1102 AND 24.1103 RELATING TO INCLUSION OF EXISTING PROVISIONS AND MEMBERSHIP AND CONTRIBUTION RATES FOR SAFETY MEMBERS IN THE 1981 PENSION PLAN; ADDING SECTION 24.1115.5 RELATING TO SAFETY MEMBER BASIC DEATH BENEFITS IN THE 1981 PENSION PLAN; ADDING SECTION 24.1120 RELATING TO SAFETY MEMBER DISABILITY BENEFITS IN THE 1981 PENSION PLAN; AMENDING SECTION 24.0907.2 TO CORRECT AND CLARIFY SOURCE OF FUNDS FOR RETIREE HEALTH INSURANCE PREMIUMS; AND ADDING SECTION 24.0905.5 RELATING TO FORFEITURE OF INACTIVE ACCOUNTS.

WHEREAS, as a result of the meet and confer process with and an affirmative vote of 110-yes, 2-no thereon by active Safety Members of the 1981 Pension Plan, it is appropriate to now amend and add several sections to the 1981 Pension Plan [sections 24.1100 et seq. of the San Diego Municipal Code]; and

WHEREAS, it is also deemed necessary and appropriate to amend section 24.0907.2 to clarify that the source of health insurance premiums shall be the General fund rather than a General Reserve; and

WHEREAS, it is also deemed appropriate and the Retirement Board has so recommended to add a provision for the forfeiture and escheat of retirement funds when the beneficiary thereof cannot, after a one-year period, be located; NOW, THEREFORE,

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

Section 1. That Chapter II, Article 4, of the San Diego Municipal Code be and the same is hereby amended by amending sections 24.1101, 24.1102, 24.1103 and 24.0907.2, to read as follows:

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, 24.0509, 24.0510, 24.0514, 24.0515, 24.0516, 24.0711, 24.0712, 24.0713, 24.0714, 24.0901, 24.0901.1, 24.0902, 24.0903, 24.0904, 24.0905, 24.0905.5, 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; provided, however, that the one (1) year waiting period shall not apply to Safety Members. Safety Members shall enter the 1981 Pension Plan on the first day of the pay period following completion of their training academy. All other Safety Members who have completed their training at the effective date of this section and who have not completed the one-year waiting period, will automatically join the plan upon said effective date.

(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; provided, however, that the one (1) year waiting period shall not apply to Safety Members. Unclassified Safety Members who have not completed the one-year waiting period may automatically join the plan upon the effective date of this section.

Subsection (c) - no change.

SEC. 24.1103 MEMBER CONTRIBUTIONS

Subsection (a) - no change.

(b) Safety Members shall contribute 7.00% of earnable compensation.

Subsection (c) - no change.

SEC. 24.0907.2 CITY-SPONSORED GROUP HEALTH
INSURANCE FOR ELIGIBLE RETIREES

No change in the first paragraph.

Subsections (a) through (e) - no change.

Retiree premiums shall be paid by the City from Investments Earnings as provided in section 24.0907.1 above. The Auditor and Comptroller shall set aside from such account an amount sufficient to pay premiums as required. If sufficient funds are not available for the payment of health insurance premiums under this section, it shall be the responsibility of the city to provide such funds from the General Fund. Premium rates for eligible retirees shall be determined and established by the City. Health plan coverage for eligible retirees and eligible dependents is subject to modification by the City and the provider of health care services, and may be modified periodically as deemed necessary and appropriate.

Eligible retirees may elect to continue group health insurance coverage for eligible dependents at their own expense. Premium rates for such dependent coverage shall be determined and established by the City.

(b) Safety Members shall contribute 7.00% of
earnable compensation.

Subsection (c) - no change.

SEC. 24.0907.2 CITY-SPONSORED GROUP HEALTH
INSURANCE FOR ELIGIBLE RETIREES

No change in the first paragraph.

Subsections (a) through (e) - no change.

Retiree premiums shall be paid by the City
from Investments Earnings as provided in section
24.0907.1 above. The Auditor and Comptroller shall
set aside from such account an amount sufficient to
pay premiums as required. If sufficient funds are
not available for the payment of health insurance
premiums under this section, it shall be the
responsibility of the city to provide such funds
from the General Fund. Premium rates for eligible
retirees shall be determined and established by the
City. Health plan coverage for eligible retirees
and eligible dependents is subject to modification
by the City and the provider of health care
services, and may be modified periodically as
deemed necessary and appropriate.

Eligible retirees may elect to continue group
health insurance coverage for eligible dependents
at their own expense. Premium rates for such
dependent coverage shall be determined and
established by the City.

Section 2. That Chapter II, Article 4, of the San Diego Municipal Code be and the same is hereby further amended by adding sections 24.0905.5, 24.1115.5 and 24.1120, to read as follows:

SEC. 24.0905.5 FORFEITURE OF INACTIVE RETIREMENT ACCOUNTS

(a) The Board of Administration may declare a forfeiture of an inactive member's accumulated contribution to the Retirement fund, under either of the following conditions:

(1) When a member, eligible for benefits, has not within one (1) year after becoming eligible for payment either accepted such payment or requested such payment and the member cannot be found by the board after a reasonable effort has been made; or

(2) When a member, who has not become eligible for benefits, has left City employment without withdrawing his or her contributions and has not, after two years from the last date of termination of employment, requested a return of the member's accumulated contributions to the fund and the member cannot be found by the board after a reasonable effort has been made.

(b) Such forfeitures shall be credited to the Retirement Fund.

SEC. 24.1115.5 SAFETY MEMBER DEATH BENEFIT TO DESIGNATED BENEFICIARY OR ESTATE

(a) If payment of a Safety Member Death Benefit is ordered pursuant to section 24.1115 above, and there is no spouse or child who qualifies for said benefit, the benefit as provided in subsection (b) below shall be paid to the beneficiary designated by the Safety Member, or if no beneficiary has been so designated, to the estate of the Safety Member.

(b) For purposes of this section, the Safety Member Death Benefit shall consist of:

(1) the return of the deceased employee's contributions; and

(2) one (1) month's salary for each year of service up to a maximum of six (6) months salary.

SEC. 24.1120 INDUSTRIAL DISABILITY - SAFETY MEMBER

(a) Any Safety Member permanently incapacitated from the performance of duty as the result of physical injury or disease arising out of or in the course of his or her employment; and

(1) not arising from a preexisting medical condition, or

(2) not arising from a nervous or mental disorder, irrespective of claimed causative factors,

shall be retired for disability with retirement allowance, regardless of age or amount of service.

(b) The Board of Administration shall prescribe rules and regulations setting forth the procedure for the retirement of a Safety Member for a disability.

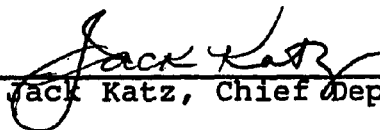
(c) Upon Retirement of a Safety Member for industrial disability, he or she shall receive in equal monthly installments a disability retirement allowance of 50% of his or her final compensation, or, if qualified for service retirement, he or she shall receive his or her service retirement allowance if such allowance is greater. The disability retirement allowance for a Safety Member retired because of industrial disability shall be derived from an annuity based on his or her accumulated normal contributions and a disability retirement pension derived from contributions of the City.

Section 3. Pursuant to the agreement reached in meet and confer negotiations and the vote of the affected membership thereon, the amendments contained herein shall and are hereby declared to be effective October 11, 1985.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By


Jack Katz, Chief Deputy

JK:smm
9/10/85
Or.Dept:Ret.
O-86-43
Form=o.code

NEW LANGUAGE - UNDERLINED
OLD LANGUAGE - STRIKE OUT

(O-86-43)

ORDINANCE NUMBER O- _____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 24.1101, 24.1102 AND 24.1103 RELATING TO INCLUSION OF EXISTING PROVISIONS AND MEMBERSHIP AND CONTRIBUTION RATES FOR SAFETY MEMBERS IN THE 1981 PENSION PLAN; ADDING SECTION 24.1115.5 RELATING TO SAFETY MEMBER BASIC DEATH BENEFITS IN THE 1981 PENSION PLAN; ADDING SECTION 24.1120 RELATING TO SAFETY MEMBER DISABILITY BENEFITS IN THE 1981 PENSION PLAN; AMENDING SECTION 24.0907.2 TO CORRECT AND CLARIFY SOURCE OF FUNDS FOR RETIREE HEALTH INSURANCE PREMIUMS; AND ADDING SECTION 24.0905.5 RELATING TO FORFEITURE OF INACTIVE ACCOUNTS.

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, 24.0509, 24.0510, 24.0514, 24.0515, 24.0516, 24.0711, 24.0712, 24.0713, 24.0714, 24.0901, 24.0901.1, 24.0902, 24.0903, 24.0904, 24.0905, 24.0905.5, 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

O- 16510

01345

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; provided, however, that the one (1) year waiting period shall not apply to Safety Members. Safety Members shall enter the 1981 Pension Plan on the first day of the pay period following completion of their training academy. All other Safety Members who have completed their training at the effective date of this section and who have not completed the one-year waiting period, will automatically join the plan upon said effective date.

(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; provided, however, that the one (1) year waiting

period shall not apply to Safety Members.

Unclassified Safety Members who have not completed the one-year waiting period may automatically join the plan upon the effective date of this section.

Subsection (c) - no change.

SEC. 24.1103 MEMBER CONTRIBUTIONS

Subsection (a) - no change.

(b) Safety Members shall contribute ~~6.5%~~
7.00% of earnable compensation.

Subsection (c) - no change.

SEC. 24.0907.2 CITY-SPONSORED GROUP HEALTH
INSURANCE FOR ELIGIBLE RETIREES

No change in the first paragraph.

Subsections (a) through (e) - no change.

Retiree premiums shall be paid by the City from Investments Earnings as provided in section 24.0907.1 above. The Auditor and Comptroller shall set aside from such account an amount sufficient to pay premiums as required. If sufficient funds are not available for the payment of health insurance premiums under this section, it shall be the responsibility of the city to provide such funds from the General Reserve Fund. Premium rates for eligible retirees shall be determined and established by the City. Health plan coverage for eligible retirees and eligible dependents is subject to modification by the City and the

provider of health care services, and may be modified periodically as deemed necessary and appropriate.

Eligible retirees may elect to continue group health insurance coverage for eligible dependents at their own expense. Premium rates for such dependent coverage shall be determined and established by the City.

SEC. 24.0905.5 FORFEITURE OF INACTIVE RETIREMENT ACCOUNTS

(a) The Board of Administration may declare a forfeiture of an inactive member's accumulated contribution to the Retirement fund, under either of the following conditions:

(1) When a member, eligible for benefits, has not within one (1) year after becoming eligible for payment either accepted such payment or requested such payment and the member cannot be found by the board after a reasonable effort has been made; or

(2) When a member, who has not become eligible for benefits, has left City employment without withdrawing his or her contributions and has not, after two years from the last date of termination of employment, requested a return of the member's accumulated contributions to the fund and the

member cannot be found by the board after a reasonable effort has been made.

(b) Such forfeitures shall be credited to the Retirement Fund.

SEC. 24.1115.5 SAFETY MEMBER DEATH BENEFIT TO DESIGNATED BENEFICIARY OR ESTATE

(a) If payment of a Safety Member Death Benefit is ordered pursuant to section 24.1115 above, and there is no spouse or child who qualifies for said benefit, the benefit as provided in subsection (b) below shall be paid to the beneficiary designated by the Safety Member, or if no beneficiary has been so designated, to the estate of the Safety Member.

(b) For purposes of this section, the Safety Member Death Benefit shall consist of:

- (1) the return of the deceased employee's contributions; and
- (2) one (1) month's salary for each year of service up to a maximum of six (6) months salary.

SEC. 24.1120 INDUSTRIAL DISABILITY - SAFETY MEMBER

(a) Any Safety Member permanently incapacitated from the performance of duty as the result of physical injury or disease arising out of or in the course of his or her employment; and

(1) not arising from a preexisting
medical condition, or

(2) not arising from a nervous or mental
disorder, irrespective of claimed causative
factors,

shall be retired for disability with retirement
allowance, regardless of age or amount of service.

(b) The Board of Administration shall
prescribe rules and regulations setting forth the
procedure for the retirement of a Safety Member for
a disability.

(c) Upon Retirement of a Safety Member for
industrial disability, he or she shall receive in
equal monthly installments a disability retirement
allowance of 50% of his or her final compensation,
or, if qualified for service retirement, he or she
shall receive his or her service retirement
allowance if such allowance is greater. The
disability retirement allowance for a Safety Member
retired because of industrial disability shall be
derived from an annuity based on his or her
accumulated normal contributions and a disability
retirement pension derived from contributions of
the City.

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"/>	
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ed Struiksm	<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"/>	
District 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VACANT
Uvaldo Martinez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

AUTHENTICATED BY:

ROGER HEDGECOCK
Mayor of The City of San Diego, California.

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

(Seal)

By Maguel G. Ponceiro, 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

SEP 16 1985

SEP 30 1985

~~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 Maguel G. Ponceiro, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16510 Adopted SEP 30 1985

SEP 30 1985

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"/>	
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ed Struiksm	<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"/>	
District 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VACANT
Uvaldo Martinez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Maxwell K. Pollock, 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

SEP 16 1985

SEP 30 1985

_____, 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 Maxwell K. Pollock, Deputy.

Office of the City Clerk, San Diego, California

Ordinance
Number

0-16510

Adopted

SEP 30 1985

CERTIFICATE OF PUBLICATION

THE CITY OF SAN DIEGO
202 "C" STREET
12TH FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 4 OF
THE SAN DIEGO MUNICIPAL CODE

ORDINANCE NUMBER O-16510 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER II, ARTICLE 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 24.1101, 24.1102 AND 24.1103 RELATING TO INCLUSION OF EXISTING PROVISIONS AND MEMBERSHIP AND CONTRIBUTION RATES FOR SAFETY MEMBERS IN THE 1981 PENSION PLAN; ADDING SECTION 24.1115.5 RELATING TO SAFETY MEMBER BASIC DEATH BENEFITS IN THE 1981 PENSION PLAN; ADDING SECTION 24.1120 RELATING TO SAFETY MEMBER DISABILITY BENEFITS IN THE 1981 PENSION PLAN; AMENDING SECTION 24.0907.2 TO CORRECT AND CLARIFY SOURCE OF FUNDS FOR RETIREE HEALTH INSURANCE PREMIUMS; AND ADDING SECTION 24.0905.5 RELATING TO FORFEITURE OF INACTIVE ACCOUNTS.
This ordinance amends the retirement ordinances in the San Diego Municipal Code by providing benefits agreed upon as a result of a meeting and thereafter voted upon by the affected members. The benefit amendments concern Safety Members in the 1981 Pension Plan and are implemented by amending sections 24.1101, 24.1102 and 24.1103 which relate to membership and contribution rates for such Safety Members. Section 24.1101 merely amends the sections to be included by reference, made necessary by the additional benefits enacted. There is added new sections 24.1115.5 and 24.1120 relating to the addition of basic death benefits for Safety Members without spouses or children and authorizing of disability benefits for Safety Members in the 1981 Plan. Finally, section 24.0907.2 is amended to correct one word to clarify the source of funds for retiree health insurance premiums; and there is added a new section 24.0905.5 which provides for forfeiture of inactive accounts of previous members who cannot be located after a specified period of time.
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 C Street, San Diego, CA 92101.
Introduced on SEPTEMBER 16, 1985
Passed and adopted by the Council of The City of San Diego on SEPTEMBER 30, 1985.
AUTHENTICATED BY:
ROGER HEDGECOCK,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.
By MAYDELL L. PONTECORVO,
Deputy
(SEAL)
Publish October 14, 1985

I, Michael L. Ungashick, 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

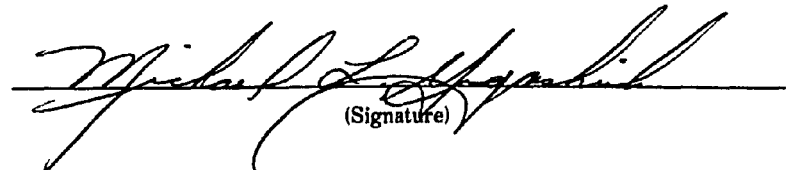
ORDINANCE NUMBER O-16510 (NEW SERIES)

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:

October 14, 1985

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

Dated at San Diego, California this 14th day of Oct., 1985.


(Signature)

01352

4 1/4 x 2 x

9.76 = 82.96