

(O-91-13)

ORDINANCE NUMBER O-17507 (NEW SERIES)

ADOPTED ON AUG 06 1990

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 24.0206, 24.0208, 24.0308 AND 24.0310 RELATING TO WITHDRAWAL OF CONTRIBUTIONS AND REINSTATEMENT THEREOF FOR GENERAL AND SAFETY MEMBERS; AMENDING SECTION 24.0313 RELATING TO BUY BACK OF APPROVED LEAVES OF ABSENCE FOR ALL MEMBERS; AMENDING SECTIONS 24.0308.5 AND 24.1102(c) RELATING TO BUY BACK OF REFUNDS TAKEN BY SAFETY MEMBERS; AND ADDING NEW SECTION 24.0311 RELATING TO UPGRADE OF 1981 BENEFITS TO CERS FOR SAFETY MEMBERS.

WHEREAS, safety members of the 1981 Pension Plan became eligible for CERS benefits, effective January 1, 1988, after a vote thereon; and

WHEREAS, through the meet and confer process, safety members negotiated the right to upgrade the 1981 Plan benefits to CERS benefits for the period of time served in the 1981 Plan, on a voluntary basis; and

WHEREAS, such upgrade of benefit level will also require an increase in contributions for the period of time involved but will lead to CERS creditable service for that period of time; and

WHEREAS, said matter was submitted to a vote of the safety member participants and approved by a vote of 982 - yes, 32 - no and 16 - void; and

WHEREAS, said vote was certified by the Retirement Board at its meeting of May 18, 1990; and

WHEREAS, it has been recommended that those safety members who had participated in CERS and took a full refund of

contribution when transferring to the 1981 Plan now be allowed to buy back the refunded amount plus interest at the actuarial interest rate under conditions specified by the Retirement Board in order to regain prior CERS creditable service; and

WHEREAS, it has been further recommended that restrictions in the San Diego Municipal Code which require a refund of contributions to a terminating member with less than ten years of creditable service, and the five year right of buy back upon reemployment for a member with more than ten years who had terminated and withdrew funds now be changed so that all time restrictions be removed and permit any terminating member to leave funds in the system regardless of service and buy back withdrawn contributions at any time after reemployment; and

WHEREAS, it has also been recommended that the time restriction within which a member must act to buy back leaves of absence be removed so that a member may buy back such leave of absence period at any time after return to service under conditions and calculations as established by the Retirement Board; and

WHEREAS, all of the above recommendations were approved by the Retirement Board at its meetings of July 21, 1989 and December 15, 1989; and

WHEREAS, all of the above recommendations will require amendments to the retirement ordinances of the San Diego Municipal Code; 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 24.0206, 24.0208, 24.0308 and 24.0310, relating to withdrawal of contributions and reinstatement thereof for General and Safety members, said sections to read as follows:

**SEC. 24.0206 WITHDRAWAL OF ACCUMULATED
CONTRIBUTIONS AND DEFERRED
BENEFITS - GENERAL MEMBER**

If the service of a general member is discontinued other than by death or retirement, upon proper application to the Board of Administration, there shall be returned to the member all accumulated contributions and additional contributions, plus compound interest, as determined by the Board within six months from the date of termination. If the general member terminating City service has less than ten (10) years of continuous service, such member may elect to leave all contributions with the system for purposes of participation and creditable service in the system if reemployed by the City at a later date. If the general member so terminating City service is credited with ten (10) years or more of continuous City service, said employee shall have the privilege of leaving all of said accumulated contributions (including any accumulated

additional contributions) with the system, in which event the general member will be entitled to service retirement benefits when the age requirements are met, based on service and salary prior to the termination of employment. The provisions of this section shall apply to all employees of The City of San Diego hired on or after December 8, 1976. General members may not withdraw accumulated contributions under any circumstances other than that provided in this section.

SEC. 24.0208 REINSTATEMENT OF GENERAL MEMBER

If any member, other than a safety member, has terminated his services with the City without fault on his part, or because of reasons beyond his control, he shall have the right at any time, if reemployed by the City, to be reinstated in said system upon such terms and conditions as shall be prescribed by the Board of Administration, which may include, among other things, payment by said employee into the retirement fund of a sum equivalent to that which would have paid during such period of absence if he had continued to be a member, with interest as fixed by the Board. If, however, such employee upon reemployment does not elect to

makeup the back contributions which he otherwise would have made, his rate of contribution following his reemployment shall be based upon his age at reemployment and credit for service since 1926 shall be granted only for the period during which he made contributions.

SEC. 24.0308 WITHDRAWAL OF ACCUMULATED CONTRIBUTIONS AND DEFERRED BENEFITS - SAFETY MEMBERS

If the service of a safety member is discontinued other than by death or retirement, upon proper application to the Board of Administration there shall be returned to the safety member all accumulated contributions and additional contributions, plus compound interest, as determined by the Board, within six months from the date of termination. If the safety member so terminating City service is credited with less than ten (10) years of continuous City service, such member may elect to leave all contributions with the system for purposes of participation and creditable service in the system if reemployed by the City at a later date. If the safety member so terminating City service is credited with ten (10) years or more of continuous City service, said

employee shall have the privilege of leaving all of said accumulated contributions (including any additional contributions) with the system, in which event the safety member will be entitled to service retirement benefits when the age requirements are met, based on service and salary prior to the termination of employment. The provisions of this section shall apply to employees of The City of San Diego hired on or after December 8, 1976. Safety members may not withdraw accumulated contributions under any circumstances other than that provided in this section.

SEC. 24.0310 REINSTATEMENT OF SAFETY MEMBER

If any safety member has terminated his services with the City without fault on his part, or because of reasons beyond his control, he shall have the right at any time, if reemployed by the City, to be reinstated in said system upon such terms and conditions as shall be prescribed by the Board of Administration, which may include, among other things, payment by said employee into the retirement fund of a sum equivalent to that which would have paid during such period of absence if he had continued to be a member,

with interest as fixed by the Board. If, however, such safety member employee upon reemployment does not elect to make up the back contributions which he otherwise would have made, his rate of contribution following his reemployment shall be based upon his age at reemployment and credit for service since 1926 shall be granted only for the period during which he made contributions.

Section 2. That Chapter II, Article 4, of the San Diego Municipal Code be and the same is hereby amended by amending section 24.0313 relating to buy back of approved leaves of absence, to read as follows:

SEC. 24.0313 PURCHASE OF APPROVED LEAVES OF ABSENCE

Notwithstanding the provisions of Section 24.0103t. and Division 10 hereof, any member granted an approved leave of absence without pay shall have the right, upon his or her return to City service, and upon request by said member, to obtain creditable service for a period of up to one year of such absence by paying into the system the contributions, including interest, he or she would have paid had he or she remained in the City service. The member shall also pay into the system the employer "pickup" of employee contributions

which consists of that amount which otherwise would have been contributed by the City to the system during such period on behalf of said employee. The method of repayment shall be approved by the Retirement Board.

Any member granted an approved leave of absence for periods of time in excess of one year shall have the right, upon return to City service, and upon request by said member, to obtain creditable service for such excess leave of absence by paying into the system the contributions, including interest, he or she would have paid had he or she remained in the City service plus the contributions, including interest, that would have been paid by the employer. The member shall also pay into the system the employer "pickup" of employee contributions which consists of that amount which otherwise would have been contributed by the City to the system during such period on behalf of said employee. The method of repayment shall be approved by the Retirement Board.

Section 3. That Chapter II, Article 4, of the San Diego Municipal Code be and the same is hereby amended by amending sections 24.0308.5 and 24.1102 relating to termination of benefits and membership, said sections to read as follows:

**SEC. 24.0308.5 TERMINATION OF BENEFITS -
SAFETY MEMBERS**

Any person eligible to withdraw accumulated contributions pursuant to Section 24.0308 who requests withdrawal, and thereafter receives his or her accumulated contributions from the system, shall be deemed to have knowingly terminated membership in the system and, as a result thereof, be ineligible for any rights, privileges or benefits granted under this retirement system; provided, however, that upon reemployment with the City, such safety member may buy back the amount refunded plus interest at the actuarial interest rate under terms and conditions prescribed by the Retirement Board of Administration.

SEC. 24.1102 MEMBERSHIP

No change in subsections (a) and (b).

(c) Employees who were hired on or before September 2, 1982 may elect to become members of the 1981 Pension Plan, 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 Plan 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, except as otherwise provided in this code. 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. Notwithstanding the preceding provision, salaried unclassified employees shall have the option to become members of the 1981 Pension Plan at any time upon filing the appropriate election form and may, upon making the appropriate election, repurchase prior time in the 1981 Plan for creditable service.

(d) Notwithstanding any provision of this Division 11, all safety members who are members of the 1981 Pension Plan shall, effective January 1, 1988, be entitled to all the rights and benefits of the City Employees' Retirement System (CERS) Plan. Contribution rates for those safety members accorded such

CERS rights and benefits shall be established by the board as provided in Division 3 of this article commencing with Section 24.0301, according to the member's age of entry in the 1981 Pension Plan. In addition and notwithstanding Section 24.1102(c) above, safety members who elected to withdraw contributions from CERS participation prior to entry into the 1981 Pension Plan may buy back prior CERS creditable service by paying into the retirement system the amount refunded plus interest at the actuarial interest rate under term and conditions prescribed by the Retirement Board of Administration. The provision of Section 24.1120 below shall continue in full force and applicability for all safety members who were members of the 1981 Pension Plan as of December 31, 1987 and for all safety members employed thereafter.

No change in subsection (e).

Section 4. That Chapter II, Article 4, of the San Diego Municipal Code be and the same is hereby amended by adding a new section 24.0311 relating to upgrade of 1981 Plan benefits to CERS benefits for safety members, said section to read as follows:

SEC. 24.0311 UPGRADE OF BENEFITS - SAFETY MEMBERS

Any safety member who was enrolled and participated in the 1981 Pension Plan between September 3, 1982 and December 31, 1987, may elect to receive the same level of benefits provided safety members in CERS for the period of participation in the 1981 Plan. The exercise of this election will require that such individual safety member pay into the retirement system the difference between the contributions actually paid into the 1981 Pension Plan and those that would have been paid pursuant to Sections 24.0301, 24.0302 and 24.0303 of this code. The amount of payment shall be calculated and made under terms and conditions prescribed by the Retirement Board of Administration.

Section 5. This ordinance shall take effect and be in force on the thirtieth day from and after its passage; provided,

however, that the provisions of newly added section 24.0311 shall
be effective July 1, 1990.

APPROVED: JOHN W. WITT, City Attorney

By Jack Katz
Jack Katz
Senior Chief Deputy

JK:smm
07/23/90
Or.Dept:Ret.
0-91-13
Form=o.code

AUG 06 1990

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

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

(Seal)

By *Blonda R. Barnes*, 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 23 1990

AUG 06 1990

~~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 *Blonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17507 Adopted AUG 06 1990

RECEIVED
98 JUL 23 PM 1:13
CITY CLERKS OFFICE
SAN DIEGO, CA

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
90 AUG 24 PM 3:38
SAN DIEGO, CALIF.

CITY CLERK'S OFFICE
CITY ADM. BLDG., 2ND FLOOR
SAN DIEGO, CA. 92101
ATTN: RHONDA BARNES

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING SHAPTER II, ARTICLE 4...

ORDINANCE NUMBER 0-17507 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER II, ARTICLE 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 24.0208, 24.0208, 24.0308 AND 24.0310 RELATING TO WITHDRAWAL OF CONTRIBUTIONS AND REINSTATEMENT THEREOF FOR GENERAL AND SAFETY MEMBERS; AMENDING SECTION 24.0313 RELATING TO BUY BACK OF APPROVED LEAVES OF ABSENCE FOR ALL MEMBERS; AMENDING SECTIONS 24.0308.5 AND 24.1102(c) RELATING TO BUY BACK OF REFUNDS TAKEN BY SAFETY MEMBERS; AND ADDING NEW SECTION 24.0311 RELATING TO UPGRADE OF 1981 BENEFITS TO CERS FOR SAFETY MEMBERS.
This ordinance amends the San Diego Municipal Code retirement ordinances to provide to safety members on a voluntary basis upgraded benefits from the 1981 Pension Plan to CERS and be required to pay the difference in contributions for the period of time involved. It further permits safety members who took a full refund of contributions when transferring to the 1981 Plan to now buy back the period of previous GERS service by paying the appropriate amount of money back into the retirement system. The ordinance also permits employees who terminate with less than ten (10) years of service to leave their contributions in the system so that, in the event of reemployment, they may continue to participate with the prior service intact. The ordinance also permits employees on leaves of absence to buy back such absent time at any time after return.
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
INTRODUCED ON JULY 23 1990.
Passed and Adopted by the Council of The City of San Diego on AUGUST 06 1990.
AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL)
By RHONDA R. BARNES, Deputy
Pub. August 21 1990

I, THOMAS D. KELLEHER, 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 0-17507

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:

AUG. 21

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

Dated at San Diego, California this 21ST day of AUG, 19 90.

Thomas D. Kelleher
(Signature)

3 3/4 x 2 = 93.60