

(0-95-6)

ORDINANCE NUMBER O-18094 (NEW SERIES)

ADOPTED ON AUGUST 8, 1994

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 OF SAN DIEGO ON NOVEMBER 8, 1994; SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO ONE PROPOSITION AMENDING THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 141; AND, CONSOLIDATING SAID SPECIAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, NOVEMBER 8, 1994.

WHEREAS, under authority of San Diego City Charter section 23 and San Diego Municipal Code section 27.2501, the Council of The City of San Diego has the authority to place proposed legislative acts, including amendments to the City Charter and ordinances, on the ballot for vote of the people without having first received a petition therefor; and

WHEREAS, section 141 of the Charter of the City of San Diego (Charter section 141) sets forth the minimum age and service requirements for General and Safety Members of the City Employees' Retirement System (Retirement System); and

WHEREAS, a General Member is first eligible to retire at age sixty-two with ten years of continuous service or at age fifty-five with twenty years of continuous service; and

WHEREAS, a Safety Member is first eligible to retire at age fifty-five with ten years of continuous service and at age fifty with twenty years of continuous service; and

WHEREAS, as commonly used and understood the term

"continuous" implies consecutive, unbroken or uninterrupted service; and

WHEREAS, service retirements have been awarded to General and Safety Members on the basis of creditable years as opposed to continuous years of service; and

WHEREAS, creditable service is not synonymous with continuous service; and

WHEREAS, a decision rendered by the Court of Appeal for this district found that retirements based on anything other than continuous service violated Charter section 141 and were therefore void; and

WHEREAS, the Court of Appeal further held that any attempt to substitute intermittent service for continuous service would require an amendment to Charter section 141; and

WHEREAS, on January 21, 1994, the Board of Administration for the Retirement System (Board) approved the recommendation made by its Business and Procedures Committee to seek a change to the continuous service requirement in Charter section 141; and

WHEREAS, the Board timely submitted a proposal to the Council Committee on Rules, Legislation and Intergovernmental Affairs (Rules Committee) to place an amendment to Charter section 141 before the voters at the November 8, 1994 Special Municipal Election; and

WHEREAS, the Board's ballot proposal substituted the term "creditable" for the term "continuous" as it described the service necessary to receive a service or non-industrial disability retirement in Charter section 141; and

WHEREAS, the Rules Committee considered the Board's proposal on June 20, 1994, and unanimously approved the ballot proposal with the further change that the term "continuous" be replaced with the phrase "for which payment has been made" rather than the term "creditable;" and

WHEREAS, the ballot proposal was reviewed and unanimously approved by the Council for the City of San Diego on July 25, 1994, with the language recommended by the Rules Committee; and

WHEREAS, the City Attorney was directed to prepare the necessary language to submit this ballot proposal to the voters at the November 8, 1994, Special Municipal Election; and

WHEREAS, the City Council of The City of San Diego, California, will request the Board of Supervisors of the County of San Diego to order the consolidation of the Special Municipal Election to be held on November 8, 1994, with the Statewide General Election to be held on the same date; NOW, THEREFORE,

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

Section 1. A Special Municipal Election is hereby called and ordered to be held in the City of San Diego, California, on Tuesday, November 8, 1994.

Section 2. Pursuant to the provisions of Section 23 of the Charter of The City of San Diego, and Section 27.2501 of the San Diego Municipal Code, the Council of The City of San Diego, being the legislative body thereof, hereby submits to the qualified voters of the City at such Special Municipal Election the following proposition:

PROPOSITION _____

Amends Section 141 of the Charter of The City of San Diego to read as follows:

Section 141. CITY EMPLOYEES' RETIREMENT SYSTEM.

The Council of the City is hereby authorized and empowered by ordinance to establish a retirement system and to provide for death benefits for compensated public officers and employees, other than those policemen and firemen who were members of a pension system on June 30, 1946. No employee shall be retired before reaching the age of sixty-two years and before completing ten years of service for which payment has been made, except such employees may be given the option to retire at the age of fifty-five years after twenty years of service for which payment has been made with a proportionately reduced allowance. Policemen, firemen, and full time lifeguards, however, who have had ten years of service for which payment has been made may be retired at the age of fifty-five years, except such policemen, firemen, and full time lifeguards may be given the option to retire at the age of fifty years after twenty years of service for which payment has been made with a proportionately reduced allowance.

The Council may also in said ordinance provide:

(a) For the retirement with benefits of an employee who has become physically or mentally disabled by reason of bodily injuries received in or by reason of sickness caused by the discharge of duty or as a result thereof to such an extent as to render necessary retirement from active service.

(b) Death benefits for dependents of employees who are

killed in the line of duty or who die as a result of injuries suffered in the performance of duty.

(c) Retirement with benefits of an employee who, after ten years of service for which payment has been made, has become disabled to the extent of not being capable of performing assigned duties, or who is separated from City service without fault or delinquency.

Section 3. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 5 of this ordinance.

Section 4. The polls for this Special Municipal Election shall be open at 7 a.m. (local time) on November 8, 1994, 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 5. Since this election is being consolidated with the Statewide General Election, and since the City Clerk of The City 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 these propositions 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 following:

<p>PROPOSITION ____ . CITY OF SAN DIEGO CHARTER AMENDMENT. AMENDS SECTION 141 OF THE CHARTER OF THE CITY OF SAN DIEGO.</p> <p>Shall Section 141 of the Charter of the City of San Diego be amended to delete the term "continuous" and in its place substitute the phrase "for which payment has been made" as it describes the service required for a retirement allowance from the City Employees' Retirement System?</p>	YES	
	NO	

Section 6. 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 work "NO," in the manner hereinbefore provided shall be counted against the adoption of the proposition.

Section 7. The Special Municipal Election called for November 8, 1994, in the City of San Diego is hereby ordered consolidated with the Statewide General Election to be held on the same date. Within the City of San Diego precincts, polling places and officers of the election for the Special Municipal Election shall be the same as those provided for in the Statewide General Election.

Section 8. The Registrar of Voters 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 City Clerk 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 9. 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 10. 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 11. Pursuant to Charter section 18 and California Elections Code section 22835, the City Clerk shall cause a digest (synopsis) of this ordinance to be published once in the official newspaper. No other notice of the election need be given.

Section 12. Pursuant to Section 17 of the Charter, this ordinance relating to elections shall take effect on AUG 08 1994 being the day of its introduction and passage.

APPROVED: JOHN W. WITT, City Attorney

By Cristie C. McGuire
Cristie C. McGuire
Deputy City Attorney

CCM:jrl:mrh
07/27/94
09/08/94 COR. COPY
Or. Dept: Clerk
0-95-6
Form=o.calp

AUG 08 1994

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

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

.....
SUSAN GOLDING
Mayor of The City of San Diego, California.

(Seal)

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

By *Maybell Z. Pmlucor* Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
AUG 08 1994....., 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 con-
sideration 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 *Maybell Z. Pmlucor* Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number.....	0-18094
Adopted.....	AUG 08 1994

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NOV 08 1984

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NOV 08 1984

CORRECTED COPY

2108

CERTIFICATE OF PUBLICATION

OFFICE OF THE CITY CLERK
2ND FLOOR, CITY ADMINISTRATION BLDG.
202 C STREET
SAN DIEGO, CA 92101

RECEIVED
CITY CLERK'S OFFICE
94 AUG 24 AM 9:46
SAN DIEGO, CALIF.

IN THE MATTER OF

NO.

AN ORDINANCE OF THE CITY OF SAN DIEGO...

ORDINANCE NUMBER 0-18094 (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 OF SAN DIEGO ON NOVEMBER 8, 1994; SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO ONE PROPOSITION AMENDING THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 141; AND, CONSOLIDATING SAID SPECIAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, NOVEMBER 8, 1994.

This ordinance call a Special Municipal Election to be held in the City on November 8, 1994. It also submits to the voters a proposition to amend San Diego City Charter section 141 pertaining to the City Employees' Retirement System at that Special Municipal Election. Specifically, it proposes to amend Charter section 141 to delete the term "continuous" and in its place substitute the phrase "for which payment has been made" to describe the service required for a retirement allowance from the City Employees' Retirement System. It also orders that Special Municipal Election to be consolidated with the Statewide General Election to be held on the same date.

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.

Passed and adopted by the Council of the City of San Diego on August 8, 1994 by the following vote:

YEAS: Mathis, Roberts, Kehoe, Stevens, Warden, Stallings, McCarty, Vargas, Mayor Golding.

NAYS: None.

NOT PRESENT: None.

AUTHENTICATED BY:

SUSAN GOLDING

Mayor of The City of San Diego, CA

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, CA

(SEAL)

By MAYDELL L. PONTECORVO, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE No. 0-18094 (New Series) of The City of San Diego, California.

I FURTHER CERTIFY that said ordinance was passed on the day of its introduction, to wit, on August 8, 1994, 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 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

By: MAYDELL L. PONTECORVO, Deputy

Pub. Aug. 22

288751

I, Corey Donahue, 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 0-18094

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. 22

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

Dated at San Diego, California this 22ND day of AUG., 19 94.

Corey Donahue

(Signature)

5" x 2 = \$ 140.00