

(O-99-59)

ORDINANCE NUMBER O- 18598 (NEW SERIES)

ADOPTED ON OCT 20 1998

AN ORDINANCE AMENDING ORDINANCE NO. O-18551 (NEW SERIES), AS AMENDED, ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1998-99 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" BY AMENDING DOCUMENT NO. OO-18551, TO ADD THE POSITION OF ASSOCIATE COUNSEL TO THE RETIREMENT BOARD AND EXEMPTING SAID POSITION FROM THE CLASSIFIED SERVICE.

WHEREAS, on behalf of the Board of Administration ("Retirement Board") for the San Diego City Employees' Retirement System, a request was made to create the position of Associate Counsel and to exempt this position from the classified services; and

WHEREAS, pursuant to the Memorandum of Understanding with the City Attorney's Office, the Retirement Board has the authority to have its own Legal Services Department and employ such persons as it deems necessary to fulfill its fiduciary and administrative responsibilities to the System; and

WHEREAS, the requested position is necessary to provide legal services in the areas of disability retirement hearings and domestic relations orders previously provided by the City Attorney; and

WHEREAS, this position has been approved by the Board and is included in its current budget; and

WHEREAS, the Civil Service Commission has reviewed the justification for the position

on September 10, 1998 and has concluded that the position meets the intent of Charter section 117, as stated in the Personnel Director's memo to the Mayor and Council dated September 16, 1998; and

WHEREAS, it is necessary to amend the annual appropriation ordinance to add said position to the Retirement Board; NOW, THEREFORE,

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

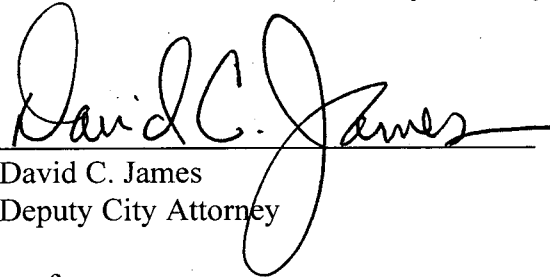
Section 1. That Ordinance No. O-18551, as amended, entitled "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1998-99 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" be and the same is hereby amended by amending Document No. OO-18551 by adding the position of Associate Counsel to the budget of the Retirement Board.

Section 2. That pursuant to section 117(a)17 of the City Charter, after having been reviewed and approved by the Civil Service Commission on September 10, 1998 as meeting the Charter criterion for exemption from the classified service, and after having considered and reviewed the report thereon from the Civil Service Commission to the Mayor and Council dated September 16, 1998, attached hereto as Attachment A, the position of Associate Counsel in the Retirement Board be and is hereby exempted from the classified service and declared to be in the unclassified service of The City of San Diego.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance is declared to take effect and be in force immediately upon its passage after two public hearings pursuant to the authority contained in sections 16, 17 and 71 of the Charter of The City of San Diego.

APPROVED: CASEY GWINN, City Attorney

By   
David C. James  
Deputy City Attorney

DCJ:smf  
10/06/98  
Or.Dept:Retire.  
O-99-59  
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CITY OF SAN DIEGO  
MEMORANDUM

*Wright*  
SD RET OFFICE

1998 SEP 24 AM 8:57

DATE: September 16, 1998  
TO: Honorable Mayor and Council  
FROM: Rich Snapper, Personnel Director  
SUBJECT: Request to Exempt an Associate Counsel Position from the Classified Service

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On September 10, 1998, the Civil Service Commission reviewed a request of the Retirement Board to exempt this position from the Classified Service.

This position will be responsible for performing duties similar to those performed by unclassified Deputy City Attorney's in the City Attorney's Office, such as appearing on behalf of the City Retirement System at legal proceedings and administrative hearings, and providing legal advice on Management Policies to the Retirement Board and staff.

Charter Section 117 states that the Unclassified Service shall include "managerial employees having significant responsibilities for formulating and administering department policies and programs. Each such position shall be exempted from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council."

Upon review of the duties and responsibilities of the Associate Counsel position, the Commission finds that they meet the intent of Charter Section 117. If additional information would be of assistance in your consideration of this matter, staff is available to respond with details as necessary.

*Rich Snapper*  
For Rich Snapper

RS:FG:wp

cc: President, Retirement Board ✓  
Retirement Administrator ✓  
Financial Management Department

ATTACHMENT A

0-18598