

(O-2000-181)

ORDINANCE NUMBER O- **18816** (NEW SERIES)

ADOPTED ON **JUN 19 2000**, 2000

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 9, TITLED POWERS AND DUTIES OF BOARD, BY AMENDING SECTION 24.0901.1, RELATING TO THE SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM.

WHEREAS, the Board of Administration (Retirement Board) of the San Diego City Employees' Retirement System (SDCERS) was created by San Diego City Charter (Charter) section 144 to manage SDCERS, administer its benefits and invest its trust fund; and

WHEREAS, pursuant to Charter Section 144, there are 13 members on the Retirement Board who serve without compensation; and

WHEREAS, pursuant to Charter section 144, Board membership includes the City Manager, the City Auditor and Comptroller, the City Treasurer, three General Members elected by the General Membership, one Fire Safety Member elected by the Fire Department, one Police Safety Member elected by the Police Department, one retiree elected by the retirees and four citizens of the City appointed by the Mayor and City Council, one of which must be a local banker; and

WHEREAS, pursuant to San Diego Municipal Code (SDMC) Section 24.0901.1, there is a quorum requirement of nine members to do business or conduct a hearing; and

WHEREAS, for any action item, a majority of the full Retirement Board (7 votes) is

required; and

WHEREAS, the nine-member quorum requirement can result in meetings having to be adjourned or continued without the business of the Board being completed; and

WHEREAS, the nine-member quorum requirement is inconsistent with the five-member quorum requirement for the City Council; and

WHEREAS, the proposed seven-member quorum for the Retirement Board with the further requirement that seven votes are required for the approval of any Board action will not alter the current requirement for action by the Board, and further is consistent with the existing quorum and vote requirement for the City Council; and

WHEREAS, the numbering change is a technical correction which removes a decimal point not favored by the City Clerk for the numbering of SDMC sections; and

WHEREAS, the instant ordinance was prepared by the Retirement Board's General Counsel and is provided to the City Attorney for review, approval, and submission to the City Council; and

WHEREAS, the Retirement Board has reviewed, approved and now recommends the proposed revision to the quorum requirement; and

WHEREAS, a vote of the SDCERS membership is not required because the recommended revision to the quorum requirement does not affect the benefits of any employee under the Retirement System; and

WHEREAS, it is now necessary and appropriate to amend the San Diego Municipal Code to reflect the reduced quorum requirement, 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 is amended by amending Division 9, by renumbering Section 24.0901.1 as 24.0907, to read as follows:


SEC. 24.0907 Meetings; Quorum

Seven (7) of the members elected and appointed to the Board pursuant to Section 144 of the Charter shall constitute a quorum to do business or conduct a hearing but a lesser number may take action to adjourn a meeting or hearing from time to time. The affirmative vote of seven (7) of the members elected and appointed to the Board shall be necessary to pass any vote and take final action on any decision before the Board except that a vote to adjourn may be adopted by a majority of the Members present.

Section 2. 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 3. This Ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By: 
Deputy City Attorney

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