

(O-2001-149)

ORDINANCE NUMBER O- 18994 (NEW SERIES)

ADOPTED ON OCT 0 8 2001, 2001

AN ORDINANCE AMENDING CHAPTER II,  
ARTICLE 4, OF THE SAN DIEGO MUNICIPAL  
CODE BY AMENDING DIVISION 1 BY  
AMENDING SECTION 24.0103, AND BY  
AMENDING DIVISION 17, SECTIONS 24.1701-  
24.1707, PERTAINING TO THE RETIREMENT  
SYSTEM

WHEREAS, pursuant to Division 17 of Article 4 of Chapter II of the Municipal Code, the City provides certain retirement benefits for legislative officers of the City; and

WHEREAS, the City Council finds that the Legislative Officers Retirement Program [LORP] is intended to provide retirement benefits for elected officials who, because of term limits, otherwise would not be able to enjoy the full benefits of the retirement system available to all other employees of the City; and

WHEREAS, the LORP currently includes only the Mayor and City Council Members;  
and

WHEREAS, the City Attorney is also an elected official, subject to the same term limits as are the Mayor and Council Members; and

WHEREAS, the Council finds that the same considerations underlying the creating of the LORP also apply to the position of elected City Attorney;

WHEREAS, a vote of the affected Members will be conducted as required to make this benefit effective; NOW, THEREFORE,

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

Section 1. That Chapter II, Article 4, Division 1, of the San Diego Municipal Code be and the same is hereby amended by deleting the definition of “Legislative Officers” in Section 24.0103, and by otherwise amending Section 24.0103, to read as follows:

**SEC. 24.0103 Definitions**

Unless otherwise stated, for purposes of this Article:

[No change in text of other definitions].

“Elected Officers” means the Mayor, members of the City Council, and/or the City Attorney.

Section 2. That Chapter II, Article 4, Division 17, of the San Diego Municipal Code be and the same is hereby amended by deleting all references therein to “Legislative Officers,” and replacing all such references with the term “Elected Officers,” to read as follows:

**Division 17: Elected Officers Retirement Plan**

**SEC. 24.1701 Elected Officers’ Retirement Plan Established**

From and after the effective date of this section, there is established within this Retirement System a separate retirement plan for those present and future Elected Officers who become Members of this System and who are not otherwise entitled to benefits from this System for the period of service under consideration. Elected Officers who become Members of this System shall be entitled to all of the privileges and benefits of other Members of this System except as specifically provided in the section of the Municipal Code describing the benefit.

**SEC. 24.1702 Membership by Elected Officers Permissive**

Every Elected Officer in office at the time this section becomes effective, or elected after the effective date of this section, may become a Member of this System if he files with the Board a written election to become a Member.

**SEC. 24.1703 Provision Authorizing Retroactive Membership**

Every Elected Officer who elects to become a Member may also elect within one year of becoming a Member to receive credit for the service rendered as an Elected Officer prior to his or her becoming a Member if he or she makes contributions to the System equal to the contributions he or she would have made had he or she been a Member during the period of prior service for which he or she is electing to receive credit.

**SEC. 24.1704 Contribution Rate**

The City Auditor and Comptroller shall withhold from the wages or salary of an Elected Officer who becomes a Member of this System 8% of his or her Base Compensation for deposit in the Retirement Fund and placed to the credit of the individual Member's account. The contribution rate shall also be 8% of Base Compensation for the period of time for which a Member is electing to receive prior service credits. Notwithstanding the above, all participating Elected Officers shall contribute an additional four-tenths ( $\frac{4}{10}$ ) of one percent (1%) in connection with the high one-year basis for Final Compensation, said additional contribution to commence from and after December 30, 1988.

**SEC. 24.1705 Elected Officer Age and Service Requirements for Retirement**

(a) Upon written application to the Board of Administration, an elected officer

who is a Member of this System shall be retired and thereafter shall receive for life the service retirement allowance provided in Section 24.0546 if the Member:

(1) Is 55 or more years of age and has 4 or more years of creditable service at retirement, or

(2) Has 8 or more years of creditable service at an age less than 55 with the retirement allowance reduced by 2% for each year and fractional year under 55.

(b) Notwithstanding the vesting requirements set forth in Section 24.0545(a), upon written application to the Board of Administration, an Elected Officer who is a Member of this System and who was elected for Districts 1,3,5 and 7 in 1993 or Districts 2,4,6 and 8 in 1995, and who serves a three-year term, shall be retired and thereafter shall receive for life the service retirement allowance provided in Section 24.1706 if the Member:

(1) Is 55 or more years of age and has 3 or more years of creditable service at retirement, or

(2) Has 7 or more years of creditable service at an age less than 55 with the retirement allowance reduced by 2% for each year and fractional year under age 55.

**SEC. 24.1706 Elected Officer Service Retirement — Computation of Benefits**

[No change in text].

**SEC. 24.1707 Elected Officer Disability Benefit**


Any Elected Officer who is a Member of this System and who becomes permanently incapacitated from the performance of duty shall be retired for

disability with a retirement allowance determined in accordance with the provisions of Section 24.1706.

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

APPROVED: CASEY GWINN, City Attorney

By:   
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Deputy City Attorney

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