

ORDINANCE NUMBER O- ~~19004~~ (NEW SERIES)

ADOPTED ON NOV 5 2001

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE SPECIAL MUNICIPAL ELECTION CONSOLIDATED WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON MARCH 5, 2002, ONE PROPOSITION AMENDING THE CITY CHARTER BY AMENDING SECTION 141 CONCERNING CHANGING THE VESTING REQUIREMENT OF THE SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM FROM TEN YEARS TO FIVE YEARS.

WHEREAS, pursuant to Section 223 of the San Diego City Charter, Section 3 (b), Article 11, of the California Constitution, and Section 9255(a)(2) of the California Elections Code, the City Council has authority to place Charter amendments on the ballot to be considered at a Municipal Election; and

WHEREAS, by Ordinance No. O- ~~19004~~, adopted on NOV 5 2001, the Council of the City of San Diego is calling a Special Municipal Election [Special Election] to be consolidated with the Statewide Primary Election on March 5, 2002, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and

WHEREAS, the City Council desires to submit to the voters at that Special Election one proposition amending the Charter of the City of San Diego by amending Section 141 concerning changing the vesting requirement in the San Diego City Employees' Retirement System [SDGERS] from ten years to five years; NOW, THEREFORE,

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

Section 1. One proposition amending the City Charter by amending Section 141 is hereby submitted to the qualified voters of the City at the Special Election to be held on March 5, 2002, the proposition to read as follows:

**PROPOSITION**

**SEC. 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 member of a pension system on June 30, 1946. No employee shall be retired before reaching the age of sixty-two years and before completing five 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 five 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 five 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.

**END OF PROPOSITION**

---

Section 2. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 3 of this ordinance.

Section 3. On the ballot to be used at this Special Election, in addition to any other matters required by law, there shall be printed substantially the following:

<b>PROPOSITION ____ . AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 141 CONCERNING THE CITY EMPLOYEES' RETIREMENT SYSTEM.</b>	<b>YES</b>	
	<b>NO</b>	
Shall the City Charter be amended to change the vesting requirement of the City Employees' Retirement System from ten years to five years?		

Section 4. An appropriate mark placed in the voting square after the word "Yes" shall be counted in favor of the adoption of this proposition. An appropriate mark placed in the voting square after the word "No" shall be counted against the adoption of the proposition.

Section 5. Passage of this proposition requires the affirmative vote of a majority of those qualified electors voting on the matter at the Special Election.

Section 6. The City Clerk shall cause a digest of this ordinance to be published once in the official newspaper on the Friday following adoption by the City Council. No other notice of the election on this proposition need be given.

Section 7. Pursuant to San Diego Municipal Code [SDMC] Section 27.0402, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted for printing in the sample ballot, and the Clerk shall post a public notice of the specific dates that the examination period will run.


Section 8. Pursuant to SDMC § 27.0403(a), the public examination period will end on the 75th calendar day prior to the date set for the election.

Section 9. Pursuant to SDMC § 27.0404, during the public examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the measure to be amended or deleted.

Section 10. 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 11. Pursuant to Section 17 of the San Diego City Charter, this ordinance relating to elections shall take effect on NOV 5 2001, 2001, which is the day of its introduction and passage.

APPROVED: CASEY GWINN, City Attorney

By:   
Cristie C. McGuire  
Deputy City Attorney

CCM:vl  
10/22/01  
Or.Dept:Clerk  
Aud.Cert:  
O-2002-42