

ORDINANCE NUMBER O- 19005 (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 ADDING SECTION 149 CONCERNING PUBLIC AGENCY PARTICIPATION IN THE SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM.

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- 19005, 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 adding Section 149 concerning public agency participation in the San Diego City Employees' Retirement System [SDCERS];
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 adding Section 149 is hereby submitted to the qualified voters of the City at the Special Election to be on March 5, 2002, the proposition to read as follows:

PROPOSITION

SEC. 149 CONTRACTING PUBLIC AGENCIES

Subject to approval by the City Council, a public agency may participate in the City Employees Retirement Trust Fund. After a finding by the City Council that the public agency is eligible for participation in the Trust Fund and approval by the City Council of a contract between the Board of Administration and the public agency, as provided by ordinance, the Board may administer the benefits adopted by the public agency for its employees. The public agency shall establish its own benefits and vesting schedule. All monies contributed by the public agency and its employees or appropriated by the public agency or received from any other source under the terms of this Article shall be placed in the Trust Fund to be held and used only for the purpose of paying benefits and necessary expenses of administration related to the public agency's participation. The public agency and its employees shall be responsible for all costs associated with participation in the Fund and the administration of the public

agency's benefits. The Board may establish such rules and regulations as it may deem proper, within the terms of applicable Charter sections and ordinances, for the administration of the public agency's contract and benefits.

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:

<p>PROPOSITION __. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING SECTION 149 CONCERNING PUBLIC AGENCY PARTICIPATION IN THE CITY EMPLOYEES' RETIREMENT SYSTEM.</p>	<p>YES</p>	
<p>Shall the City Charter be amended to allow public agencies other than the City to participate in the City Employees Retirement System?</p>	<p>NO</p>	

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:2200472
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