

4558
4/16/2021

(O-2021-102 REV.)
COR. COPY

ORDINANCE NUMBER O- **21304** (NEW SERIES)

DATE OF FINAL PASSAGE **APR 14 2021**

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 4,
DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 24.1001 RELATING TO THE CITY'S
RETIREMENT SYSTEM.

WHEREAS, the City of San Diego's defined benefit retirement plan is codified in Chapter 2, Article 4 of the San Diego Municipal Code (Municipal Code); and

WHEREAS, the retirement plan, set forth in Municipal Code section 24.1001, prohibits the City from paying any City retiree for any services rendered as an officer or employee of the City, except under very limited circumstances; and

WHEREAS, those circumstances are: (1) the retiree is hired as a provisional employee for no more than 720 hours per fiscal year; (2) the retiree is elected to office by the City's electors; or (3) the retiree was on a disability retirement and the retirement board has terminated his or her disability benefits; and

WHEREAS, this ordinance will amend Municipal Code section 24.1001 to remove the 720 hour per fiscal year limit when a retired City officer or employee is provisionally appointed to the City's Chief Operating Officer position pursuant to Civil Service Rule VII, section 5, as codified in Municipal Code section 23.0806; and

WHEREAS, this ordinance does not require a vote of the retirement system membership under San Diego Charter (Charter) section 143.1, because it does not affect the retirement benefits of any active officer or employee, and does not affect the vested defined benefits of any retired officer or employee; and

WHEREAS, this ordinance also does not require a vote of the City's electors under Charter section 143.1, because it does not increase the retirement benefits of any active City employee, legislative officer or elected official; and

WHEREAS, this ordinance applies retroactively to a provisionally appointed Chief Operating Officer in Fiscal Year 2021; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 4, Division 10 of the San Diego Municipal Code is amended by amending section 24.1001 to read as follows:

Article 4: City Employees' Retirement System

Division 10: Miscellaneous Provisions

§24.1001 Retired Persons

- (a) [No change in text.]
 - (1) through (3) [No change in text.]
 - (4) Provisional Chief Operating Officer: The 720 hours per fiscal year limit in subsection (a)(3) does not apply to any retired City officer or employee who is provisionally appointed to the City's Chief Operating Officer position. A provisionally appointed Chief Operating Officer is not authorized to work in excess of 40 hours per workweek.
 - (5) Sunset Provision: The removal of the 720 hours per fiscal year limit for a provisionally appointed Chief Operating Officer shall remain in effect until July 1, 2022, at which time subsection (a)(4)

shall be automatically repealed unless an extension is approved by
majority vote of the City Council.

(b) [No change in text.]

Section 2. That this ordinance applies retroactively to a provisionally appointed Chief
Operating Officer in Fiscal Year 2021

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

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from
and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Thomas J. Brady
Thomas J. Brady
Deputy City Attorney

TJB:jvg
3/2/21
3/15/21 COR. COPY
3/16/21 REV.
Or.Dept: Mayor
Doc. No.: 2612332

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 04/06/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Matthew R. Hilario
Deputy City Clerk

Approved: 4/13/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(NOTE: The date of final passage is April 14, 2021, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 4,
DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 24.1001 RELATING TO THE CITY'S
RETIREMENT SYSTEM.

§24.1001 Retired Persons

(a) [No change in text.]

(1) through (3) [No change in text.]

(4) Provisional Chief Operating Officer: The 720 hours per fiscal year limit in subsection (a)(3) does not apply to any retired City officer or employee who is provisionally appointed to the City's Chief Operating Officer position. A provisionally appointed Chief Operating Officer is not authorized to work in excess of 40 hours per workweek.

(5) Sunset Provision: The removal of the 720 hours per fiscal year limit for a provisionally appointed Chief Operating Officer shall remain in effect until July 1, 2022, at which time subsection (a)(4) shall be automatically repealed unless an extension is approved by majority vote of the City Council.

(b) [No change in text.]

TJB:jvg
3/2/21
3/16/21 REV.
Or.Dept: Mayor
Doc. No.: 2606066_2

Passed by the Council of The City of San Diego on APR 06 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 14 2021.

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on MAR 16 2021, and on APR 14 2021.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- **21304**