

ORDINANCE NUMBER O- 21332 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 24 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING AN AMENDMENT TO THE
SUPPLEMENTAL PENSION SAVINGS PLAN H (SPSP-H)
CLOSING THE SPSP-H TO NEW HIRES.

WHEREAS, on June 5, 2012, City of San Diego (City) voters approved Proposition B, a citizens' initiative to amend the San Diego Charter (Charter) known as "Comprehensive Pension Reform for San Diego" (Proposition B); and

WHEREAS, Proposition B amended Articles VII (entitled "Finance") and IX (entitled "The Retirement of Employees") of the Charter related to retirement benefits of City employees; and

WHEREAS, among other things, Proposition B added sections 140 and 150 to Article IX of the Charter; and

WHEREAS, the Charter amendments set forth in Proposition B became effective on July 20, 2012; and

WHEREAS, Charter section 140 provided that, except for sworn police officers, all Officers and employees who were initially hired or assumed office on or after the date the Charter amendment went into effect, July 20, 2012, were ineligible to participate in the City's defined benefit pension plan, the San Diego City Employees' Retirement System (SDCERS), and would participate only in a defined contribution plan; and

WHEREAS, Charter section 150 authorized the Council of the City of San Diego (Council) to establish "by ordinance" a defined contribution plan consistent with the terms of section 150; and

WHEREAS, by San Diego Ordinance O-20196 (October 2, 2012), Council amended and restated the City of San Diego Supplemental Pension Savings Plan H (SPSP-H) to provide defined contribution plan retirement benefits for all Officers and employees initially hired or assuming office on or after July 20, 2012, as mandated by Charter section 150; and

WHEREAS, on February 5, 2021, judgment was entered in the *Quo Warranto* action, San Diego County Superior Court Case No. 37-2019-00051308-CU-MC-CTL, *The People of the State of California ex rel. San Diego Municipal Employees Association, San Diego City Firefighters Local 145, IAFF, AFL-CIO, AFSCME Local 127, AFL-CIO and Deputy City Attorneys Association of San Diego v. City of San Diego and its City Council (Quo Warranto action)*, finding the provisions of the Charter added by Proposition B invalid; and

WHEREAS, on April 9, 2021, the judgment in the *Quo Warranto* action became final when the time for filing an appeal expired; and

WHEREAS, the court in the *Quo Warranto* action also issued a writ commanding the City and Council to comply with the judgment by striking the 2012 Proposition B provisions from the Charter and conforming the San Diego Municipal Code and any other related enactments or regulations accordingly; and

WHEREAS, to comply with the judgment, in part, among other actions, Council must amend the SPSP-H to remove the changes made to the document to implement Proposition B; and

WHEREAS, it is first necessary to amend section 1.15 of the SPSP-H to close participation by Officers and employees initially hired or assuming office on or after July 10, 2021, with the exception of police recruits in the City's Police Academy, so that these new Officers and employees may participate in the SDCERS, prospectively; and

WHEREAS, a subsequent amendment to the SPSP-H will be necessary to close participation by current Officers and employees initially hired or assuming office on or after July 20, 2012, and before July 10, 2021, so that these individuals may participate in SDCERS, prospectively, once the City and its recognized employee organizations reach agreement on the terms of participation in the SDCERS for represented employees; and

WHEREAS, police recruits in the City's Police Academy initially hired on or after July 10, 2021 will continue participating in the SPSP-H until the City reaches agreement with the San Diego Police Officers Association on the terms of their participation in the SDCERS; and

WHEREAS, no other changes are being made to the terms of the SPSP-H at this time through this ordinance and plan amendment; NOW, THEREFORE,

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

Section 1. That the Council of the City of San Diego adopts an amendment to section 1.15 of the SPSP-H , which is on file in the Office of the City Clerk as Document No. ~~RR~~ ^{00- 21332} _____, to close participation by Officers and employees initially hired or assuming office on or after July 10, 2021, with the exception of police recruits participating in the City's Police Academy, so that these new employees may participate in the SDCERS, prospectively, and authorizes the Mayor or his designee to execute the plan amendment.

Section 2. That this ordinance applies retroactively to all Officers and employees initially hired or assuming office on or after July 10, 2021, with the exception of police recruits participating in the City's Police Academy.

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

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

APPROVED: MARA W. ELLIOTT, City Attorney

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

TJB:jvg
5/10/21
Or.Dept: Risk Management
Doc. No.: 2674735_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 6/22/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Matthew R. Hilario
Deputy City Clerk

Approved: 6/24/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 22 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 type="checkbox"/> | <input checked="" 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"/> |

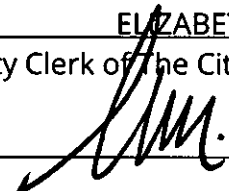
Date of final passage JUN 24 2021

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 , Deputy

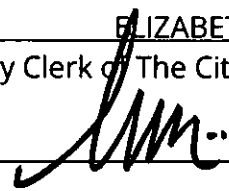
I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 08 2021, and on JUN 24 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 , Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21332