

ORDINANCE NUMBER O-15554 (New Series)

Adopted on July 27, 1981

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 4, DIVISION 10, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 24.0103 AND 24.0105 AND BY AMENDING CHAPTER II, ARTICLE 4, BY ADDING A NEW DIVISION 11, SECTIONS 24.1100 THROUGH 24.1114 THERETO, ALL RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

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

WHEREAS, the City Council recognizes the public obligation to provide retirement benefits for City employees with long public service; and

WHEREAS, the City Council has reviewed the current retirement system and is desirous of revising the system as it affects employees hired in the future; and

WHEREAS, the City has met its obligation to meet and confer with recognized employee organizations over the implementation of these revisions; 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 amending Sections 24.0103 and 24.0105 to read as follows:

a. "Retirement System" or "this system" means the City Employees Retirement System as created by this article, and the "1981 Pension System" means the Employees Retirement System as created by Division 11 of this article.

(No change to the remaining paragraphs in this section.)

SEC. 24.0105 MEMBERSHIP

(No change to the first four (4) paragraphs in this section.)

Irrespective of the foregoing, all employees hired on or before September 3, 1981, whether classified or unclassified, full or part-time, shall continue to have the right to join the City Employees Retirement System, as provided for in Divisions 1 through 10, no later than June 30, 1982. On or after July 1, 1982, such employees shall no longer be eligible to join said City Employees Retirement system.

All employees working at least one-half time hired on or after September 4, 1981, will be subject to the membership requirements of Section 24.1102.

Section 2. That Chapter II, Article 4, of the San Diego Municipal Code, be and it is hereby amended by the adding a new Division 11 to read as follows:

DIVISION 11

PENSION ACT OF 1981

SEC. 24.1100 THE 1981 PENSION SYSTEM

There is hereby established by Ordinance No. O-15554, the 1981 Pension System. The provisions of this division shall be the sole and exclusive retirement rights and benefits for those City employees hired on and after September 4, 1981; provided, however, that the provisions of this division shall not be applicable to those employees of any other agencies or those legislative officers eligible for membership in the Legislative Officers Retirement Plan pursuant to Division 5-c. This Division may be cited as the Pension Act of 1981.

SEC. 24.1101 INCLUSION OF EXISTING PROVISIONS

The following sections and no others, of the San Diego Municipal Code are hereby adopted as part of the Pension Act of 1981: Sections 24.0103, 24.0105, 24.0105.1, 24.0107, 24.0204, 24.0207, 24.0208, 24.0305, 24.0309, 24.0310, 24.0711, 24.0712, 24.0713, 24.0714, 24.0901, 24.0901.1, 24.0902, 24.0903, 24.0904, 24.0905, 24.0906, 24.0908, 24.0909, 24.0910, 24.1005, 24.1007 and 24.1008. Each and all of the regulations, provisions, conditions and terms of said sections are hereby referred to, adopted and made a part hereof as if fully set out in this Division; provided, however, that any of the provisions of said sections as herein adopted which are in conflict with any of the provisions of this Division shall be superseded by the provisions of this Division.

SEC. 24.1102 MEMBERSHIP

(a) All salaried employees working at least one-half time in the Classified Service hired on and after September 4, 1981, shall become members of the 1981 Pension System, as a condition of employment, on the first day of the pay period following one (1) year of employment.

(b) All salaried employees working at least one-half time in the Unclassified Service hired on and after September 4, 1981, shall have the option to elect to become members of the 1981 Pension System not sooner than the first day of the pay period following one (1) year of employment.

(c) Employees who were hired on or before September 3, 1981, may elect to become members of the 1981 Pension System by signing the appropriate election form, approved by the Board. Such election must be made prior to July 1, 1982. Upon making such election, membership in the 1981 Pension System shall be immediate providing the employee has one year of continuous service. Membership for those lacking one year's service shall be effective after the completion of such requirement. Such employees shall not receive creditable service under this System for services rendered prior to entry into this System. Upon such election, all contributions made to the City Employees Retirement System shall be immediately returned and such employee shall waive all rights to any and all benefits he or she may otherwise have been entitled to under the City Employees Retirement System.

SEC. 24.1103 MEMBER CONTRIBUTIONS

(a) General Members shall contribute 3.25% of earnable compensation.

(b) Safety Members not eligible for Social Security coverage shall contribute 6.50% of earnable compensation.

(c) Safety members eligible for Social Security coverage shall contribute 4.33% of earnable compensation.

(d) Member contributions shall be deducted by the City Auditor and Comptroller from each payroll warrant-check and shall be transferred to the Retirement Fund for crediting to each individual member's account.

SEC. 24.1104 VESTING

(a) Members who terminate service other than by death or service retirement with less than ten (10) years of creditable service shall receive a refund of their accumulated contributions including any interest accrued thereon.

(b) Members who terminate service other than by death or service retirement with ten (10) or more years of creditable service may, in lieu of a refund of their accumulated contributions, elect to receive a service retirement allowance commencing when the age requirements have been met, based upon creditable service and final compensation at date of termination.

SEC. 24.1105 GENERAL MEMBER SERVICE RETIREMENT

1. ELIGIBILITY

a. General Members, upon written application, may retire for service on the first of any month following completion of twenty (20) or more years of creditable service and the attainment of age 55 or the attainment of age 62 with ten (10) or more years of creditable service, or the attainment of age

70.

b. General Members shall be compulsorily retired at the age of 70 years, except that the Manager, or other non-managerial department head, for the City's benefit, may thereafter continue an employee who has reached such age limit in the City service from year to year.

2. SERVICE RETIREMENT PENSION

a. Upon normal retirement at age 65, General Members shall receive a monthly allowance equal to 1/90th of final compensation for each year of creditable service.

b. Upon retirement prior to age 65, General Members shall receive a monthly allowance equal to the normal retirement allowance computed as in (a) above reduced by 1/2 of 1% for each month that retirement occurs prior to age 65.

c. Upon retirement after age 65, General Members shall receive a monthly allowance equal to the normal retirement allowance computed as in (a) above increased by 1/2 of 1% for each month at retirement occurs after age 65.

SEC. 24.1106 SAFETY MEMBER SERVICE RETIREMENT

1. ELIGIBILITY

a. Safety Members may, upon written application, retire for service on the first of any month following ocmpletion of twenty (20) or more years of creditable service and the attainment of age 50 or the attainment of age 55 with ten (10) or more years of service or at age 65.

b. Safety Members shall be compulsorily retired at the age of 65 years, except that the Manager, or other department head, for the City's benefit, may thereafter continue an employee who has reached such age limit in the City service from year to year.

2. SERVICE RETIREMENT PENSION

a. Safety Members not eligible for Social Security

coverage shall receive, upon normal retirement at age 55, a monthly allowance equal to 1/50th of final compensation for each year of creditable service.

b. Safety Members eligible for Social Security coverage shall receive, upon normal retirement at age 55, a monthly allowance equal to 1/75th of final compensation for each year of creditable service.

c. Upon retirement prior to age 55, Safety Members shall receive an allowance equal to the normal retirement allowance computed as in (a) or (b) above reduced by 1/2 of 1% for each month that retirement occurs prior to age 55.

d. Upon retirement after age 55, Safety Members shall receive an allowance equal to the normal retirement allowance computed as in (a) or (b) above increased by 1/2 of 1% for each month that retirement occurs after age 55.

SEC. 24.1107 DEATH IN ACTIVE SERVICE

(a) Upon the death of a member while actively employed, the named beneficiary shall be paid the member's accumulated contributions.

(b) If the named beneficiary is the member's spouse and if the member was eligible to retire for service at the date of his death, then the member's spouse may elect, in lieu of the payment in 1 above, to receive a monthly allowance equal to 50% of the amount the member would have received had he retired for service on the day preceding his death. In the event there is no spouse or if the spouse dies prior to the date that all children attain age 18, then the allowance payable to the spouse shall be paid to the children, collectively, until the youngest child attains the age of 18.

SEC. 24.1108 OPTIONAL SETTLEMENTS

(a) Until the first payment of any allowance is made, a member, in lieu of the allowance for his life alone, may elect to give the actuarial equivalent of his allowance as of the date of retirement applied to a lesser allowance payable through life in

accordance with one of the optional settlements specified in this article.

(b) Optional Settlement 1 consists of the right to have an allowance paid him until his death, and if he dies before he receives in annuity payments the amount of his accumulated contributions at retirement, to have the balance at death paid to his beneficiary or estate.

(c) Optional Settlement 2 consists of the right to have an allowance paid him until his death, and thereafter to such person, having an insurable interest in his life, as he nominates by written designation duly executed and filed with the Board at the time of his retirement.

(d) Optional Settlement 3 consists of the right to have an allowance paid him until death, and thereafter to have one-half of his allowance paid to such person, having an insurable interest in his life, as he nominates by written designation duly executed and filed with the Board at the time of his retirement.

(e) Optional Settlement 4 consists of the right to have an allowance paid him until his death and thereafter to have such other benefits as are approved by the Board, upon the advice of the actuary, continued throughout the life of and paid to such persons, having an insurable interest in his life, as he nominates by written designation duly executed and filed with the Board at the time of his retirement. Such designation shall not, in the opinion of the Board and the actuary, place any additional burden upon the retirement system.

(f) Upon receipt of evidence furnished by the member that said member will be entitled to Social Security benefits at age 65, the said member upon retirement may request and the Board shall grant a modified allowance which will be the actuarial equivalent of the unmodified allowance; such allowance shall be so modified as to provide a greater monthly payment before the first of the month in which the member attains the age of 65 and a lesser monthly payment commencing on such date; such greater monthly payment shall equal the sum of the lesser monthly payment plus the estimated individual's Old Age Insurance Benefits which will be payable. AU

SEC. 24.1109 DEATH AFTER RETIREMENT

(a) Upon the death of any member receiving an allowance who

did not elect Optional Settlements 1, 2 or 3 of Section 24.1108, his surviving spouse shall receive a monthly pension equal to 50% of the decedent's monthly allowance if,

- (1) Such spouse is designated as beneficiary, and
- (2) Such spouse was married to the deceased member at least one year prior to the date of his retirement, and
- (3) The monthly allowance of the deceased member was not modified in accordance with Optional Settlement 1, 2, 3 or 4 provided by this system.

(b) Upon the death of any member receiving an allowance under Optional Settlements 1, 2, 3 or 4 of Section 24.1108, the surviving beneficiary shall receive the amounts provided under the Optional Settlement selected.

(c) Upon the death of a member receiving an allowance, there shall be paid a lump sum amount of \$5,000 to the designated beneficiary or estate of the retired member if there is no designated beneficiary.

SEC. 24.1110 POST RETIREMENT COST OF LIVING ADJUSTMENT

(a) The Board shall determine before each July 1 the change in the All Urban Consumer Price Index as published by the Bureau of Labor Statistics for the San Diego area--all items. The change shall be determined by dividing the average Index for the preceding calendar year by the average Index for the next preceding calendar year.

(b) The Board, with the approval of the City Council, shall define the Index to be used in the event that the Index referred to herein is discontinued.

(c) The allowance of all persons shall be adjusted each July 1 following the third anniversary of the commencement of the allowance. The adjustment shall be equal to 50% of the change in the All Urban Consumer Price Index for the San Diego area--all items, except that such adjustment shall not exceed 10% annually. No adjustment shall reduce the allowance below the amount originally granted.

SEC. 24.1111 CITY CONTRIBUTIONS

The City shall contribute to the Retirement Fund a percentage of compensation earnable as determined by the System's Actuary pursuant to the annual actuarial evaluation. The required City contributions shall be determined separately by the Actuary for General Members and for Safety Members.

All deficiencies which may accrue must be amortized over a period of thirty years or less.

SEC. 24.1112 ADMINISTRATION

The Board shall account separately for the assets and liabilities of the 1981 Pension System and the City Employees Retirement System. The funds of both systems may be co-mingled for investment purposes.

SEC. 24.1113 RETIRED PERSONS

Notwithstanding any other provision of law, no person who has been retired from the service and employment of the City of San Diego pursuant to the provisions of this division shall thereafter be paid for any service rendered as an officer or employee of said City.

SEC. 24.1114 TRANSFER TO ADVANCE RESERVE ACCOUNT ALL REMAINING SURPLUS UNDISTRIBUTED EARNINGS

Notwithstanding Section 24.0907.1, at the beginning of each fiscal year the Board shall calculate those surplus undistributed earnings which accrue as a result of contributions placed in the system on behalf of members of the 1981 Pension Act provisions. Such funds shall be credited to an advance reserve account. Surplus Undistributed Earnings are those funds remaining after having first withheld sufficient sums to meet the pro-rata budgeted expenses and costs of operating the System, including all personnel and services

for the fiscal year, and to maintain such reserves for contingencies as the Board deems appropriate on the advice of its investment counselor.

Sums transferred to the advance reserve account shall be used solely to reduce employer contributions to the Retirement Fund during the fiscal year.

Section 3. This ordinance shall take effect and be in force on September 4, 1981, which is more than thirty days from and after its passage.

APPROVED: John W. Witt, City Attorney

By David H. Morris Deputy City Attorney

DHM:lco:352

6/23/81

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Or.Dept:Mgr.

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