

File No. 220633

Committee Item No. 9

Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date July 6, 2022

Board of Supervisors Meeting

Date \_\_\_\_\_

### Cmte Board

- Motion
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- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- Memorandum of Understanding (MOU)
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- Form 126 - Ethics Commission
- Award Letter
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- Information/Vacancies (Boards/Commissions)
- Public Correspondence

### OTHER (Use back side if additional space is needed)

- Charter Amendment \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Completed by: Victor Young

Date July 1, 2022

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

1 [Charter Amendment - Forfeiture of Pension Benefits]

2  
3 **Describing and setting forth a proposal to the voters at an election to be held on November**  
4 **8, 2022, to amend the Charter of the City and County of San Francisco to provide for**  
5 **forfeiture of the pension of a member of the San Francisco Employees’ Retirement System**  
6 **upon a finding by clear and convincing evidence after an administrative hearing that the**  
7 **member committed a crime involving moral turpitude in connection with the member’s**  
8 **duties as a City employee or officer.**

9  
10 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City  
11 and County, at an election to be held on November 8, 2022, a proposal to amend the Charter of  
12 the City and County by adding Section A8.585-17, and revising Sections A8.509, A8.584-13,  
13 A8.586-16, A8.587-14, A8.588-16, A8.597-16, A8.598-16, A8.600-14, A8.601-16, A8.602-16,  
14 A8.603-10, A8.604-13, A8.605-13, A8.606-15, A8.607-15, A8.608-13, A8.609-15, A8.610-13,  
15 and 12.102, to read as follows:

16 NOTE: **Unchanged Charter text and uncodified text** are in plain font.  
17 **Additions** are *single-underline italics Times New Roman font*.  
18 **Deletions** are ~~*strike-through italics Times New Roman font*~~.  
19 **Asterisks** (\* \* \* \*) indicate the omission of unchanged Charter  
20 subsections.

21 **A8.509 RETIREMENT – MISCELLANEOUS OFFICERS AND EMPLOYEES ON AND**  
22 **AFTER JULY 1, 1947**

23 \* \* \* \*

24 (l) Notwithstanding the provisions of Subdivisions (b), (c), (f), and (i) of this Section  
25 A8.509, any member *who is* convicted of a crime involving moral turpitude, committed in  
connection with ~~his or her~~ the member’s duties as an officer or employee of the City and County

1 of San Francisco, or who is found by clear and convincing evidence after an administrative  
2 hearing to have committed a crime involving moral turpitude in connection with the member's  
3 duties as an officer or employee of the City and County, the school district, the community  
4 college district, or the Superior Court of California, County of San Francisco, shall, upon ~~his or~~  
5 ~~her~~ the member's removal from office or employment pursuant to the provisions of this Charter,  
6 forfeit all rights to any benefits under the Retirement System except refund of ~~his or her~~ the  
7 member's accumulated contributions; provided, however, that if such member is qualified for  
8 service retirement by reason of service and age under the provisions of Subdivision (b) of this  
9 Section, ~~he or she~~ the member shall have the right to elect, without right of revocation and within  
10 90 days after ~~his or her~~ the member's removal from office or employment, whether to withdraw  
11 all of ~~his or her~~ the member's accumulated contributions or to receive as ~~his or her~~ the member's  
12 sole benefit under the Retirement System, an annuity which shall be the actuarial equivalent of  
13 ~~his or her~~ the member's accumulated contributions at the time of such removal from office or  
14 employment. The Retirement System, upon notice by any City department that a member is  
15 alleged to have engaged in a crime involving moral turpitude in connection with the member's  
16 duties or on its own initiative, is authorized to initiate the administrative forfeiture proceeding  
17 described in this subsection (l).

18 \* \* \* \*

19  
20 **A8.584 RETIREMENT – MISCELLANEOUS OFFICERS AND EMPLOYEES AFTER**  
21 **NOVEMBER 1, 1976**

22 \* \* \* \*

23 **A8.584-13 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

24 (a) Any member who is convicted of a crime involving moral turpitude committed in  
25 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,

1 the school district, the college district, or the Superior Court of California, County of San  
2 Francisco, or who is found by clear and convincing evidence after an administrative hearing to  
3 have committed a crime involving moral turpitude in connection with the member's duties as an  
4 officer or employee of the City and County, the school district, the community college district, or  
5 the Superior Court of California, County of San Francisco, shall forfeit all rights to any benefits  
6 under the Retirement System except refund of ~~his or her~~ the member's accumulated  
7 contributions; provided, however, that if such member is qualified for service retirement by  
8 reason of service and age under the provisions of Section A8.584-2, ~~he or she~~ the member shall  
9 have the right to elect, without right of revocation and within 90 days after ~~his or her~~ the  
10 member's removal from office or employment, to receive as ~~his or her~~ the member's sole benefit  
11 under the Retirement System, an annuity which shall be the actuarial equivalent of ~~his or her~~ the  
12 member's accumulated contributions at the time of such removal from office or employment.

13 (b) Any member, after retirement for service or disability or while receiving a vesting  
14 allowance, who is convicted of a crime involving moral turpitude, in connection with ~~his or her~~  
15 the member's duties as an officer or employee of the City and County, the school district, the  
16 community college district, or the Superior Court of California, County of San Francisco, or  
17 who is found by clear and convincing evidence after an administrative hearing to have  
18 committed a crime involving moral turpitude in connection with the member's duties as an  
19 officer or employee of the City and County, the school district, the community college district, or  
20 the Superior Court of California, County of San Francisco, shall forfeit all rights to any further  
21 benefit from the Retirement System and the Retirement System shall immediately cease all  
22 future payments to such member; provided, however, that if, at the time of the conviction or the  
23 adverse administrative finding, said member has remaining accumulated contributions, then such  
24 member shall have the right to elect, without right of revocation and within 30 days after ~~his or~~  
25 ~~her~~ the member's conviction or the adverse administrative finding, to receive as ~~his or her~~ the

1 member's sole benefit under the Retirement System an annuity which shall be the actuarial  
2 equivalent of ~~his or her~~ the member's accumulated contributions remaining at the time of the  
3 conviction or the adverse administrative finding.

4 (c) The Retirement System, upon notice by any City department that a member is alleged  
5 to have engaged in a crime involving moral turpitude in connection with the member's duties or  
6 on its own initiative, is authorized to initiate the administrative forfeiture proceeding described  
7 in subsections (a) and (b).

8  
9 **A8.585 MEMBERS OF THE FIRE DEPARTMENT ON AND AFTER JULY 1, 1975**

10 \* \* \* \*

11 **A8.585-17 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

12 (a) Any member who is convicted of a crime involving moral turpitude committed in  
13 connection with the member's duties as an officer or employee of the City and County, or who is  
14 found by clear and convincing evidence after an administrative hearing to have committed a  
15 crime involving moral turpitude in connection with the member's duties as an officer or  
16 employee of the City and County, shall forfeit all rights to any benefits under the Retirement  
17 System except refund of the member's accumulated contributions: provided, however that if such  
18 member is qualified for service retirement by reason of service and age under the provisions of  
19 Section A8.585-2, the member shall have the right to elect, without right of revocation and within  
20 90 days after the member's removal from office or employment to receive as the member's sole  
21 benefit under the Retirement System an annuity which shall be the actuarial equivalent of the  
22 member's accumulated contributions at the time of such removal from office or employment.

23 (b) Any member, after retirement for service or disability or while receiving a vesting  
24 allowance, who is convicted of a crime involving moral turpitude in connection with the  
25 member's duties as an officer or employee of the City and Count, or who is found by clear and

1 convincing evidence after an administrative hearing to have committed a crime involving moral  
2 turpitude in connection with the member's duties as an officer or employee of the City and  
3 County, shall forfeit all rights to any further benefit from the Retirement System and the  
4 Retirement System shall immediately cease all future payments to such member; provided,  
5 however, that if at the time of the conviction or the adverse administrative finding, said member  
6 has remaining accumulated contributions, then such member shall have the right to elect,  
7 without right of revocation and within 30 days after the member's conviction or the adverse  
8 administrative finding, to receive as the member's sole benefit under the Retirement System an  
9 annuity which shall be the actuarial equivalent of the member's accumulated contributions  
10 remaining at the time of the conviction or the adverse administrative finding.

11 (c) The Retirement System, upon notice by a City department that a member is alleged to  
12 have engaged in a crime involving moral turpitude in connection with the member's duties or  
13 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
14 described in subsections (a) and (b).

15  
16 **A8.586 MEMBERS OF THE POLICE DEPARTMENT AFTER NOVEMBER 1, 1976**

17 \* \* \* \*

18 **A8.586-16 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

19 (a) Any member who is convicted of a crime involving moral turpitude committed in  
20 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,  
21 or who is found by clear and convincing evidence after an administrative hearing to have  
22 committed a crime involving moral turpitude in connection with the member's duties as an  
23 officer or employee of the City and County, shall forfeit all rights to any benefits under the  
24 Retirement System except refund of ~~his or her~~ the member's accumulated contributions;  
25 provided, however, that if such member is qualified for service retirement by reason of service

1 and age under the provisions of Section A8.586-2, ~~he or she~~ the member shall have the right to  
2 elect, without right of revocation and within 90 days after ~~his or her~~ the member's removal from  
3 office or employment to receive as ~~his or her~~ the member's sole benefit under the Retirement  
4 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
5 accumulated contributions at the time of such removal from office or employment.

6 (b) Any member, after retirement for service or disability or while receiving a vesting  
7 allowance, who is convicted of a crime involving moral turpitude in connection with ~~his or her~~  
8 the member's duties as an officer or employee of the City and County, or who is found by clear  
9 and convincing evidence after an administrative hearing to have committed a crime involving  
10 moral turpitude in connection with the member's duties as an officer or employee of the City and  
11 County, shall forfeit all rights to any further benefit from the Retirement System and the  
12 Retirement System shall immediately cease all future payments to such member; provided,  
13 however, that if at the time of the conviction or the adverse administrative finding, said member  
14 has remaining accumulated, contributions, then such member shall have the right to elect,  
15 without right of revocation and within 30 days after ~~his or her~~ the member's conviction or the  
16 adverse administrative finding, to receive as ~~his or her~~ the member's sole benefit under the  
17 Retirement System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
18 accumulated contributions remaining at the time of the conviction or the adverse administrative  
19 finding.

20 (c) The Retirement System, upon notice by a City department that a member is alleged to  
21 have engaged in a crime involving moral turpitude in connection with the member's duties or  
22 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
23 described in subsections (a) and (b).  
24  
25

1 **A8.587 RETIREMENT – MISCELLANEOUS OFFICERS AND EMPLOYEES ON AND**  
2 **AFTER NOVEMBER 7, 2000**

3 \* \* \* \*

4 **A8.587-14 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

5 (a) Any member who is convicted of a crime involving moral turpitude committed in  
6 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,  
7 the school district, the community college district, or the Superior Court of California, County of  
8 San Francisco, or who is found by clear and convincing evidence after an administrative hearing  
9 to have committed a crime involving moral turpitude in connection with the member's duties as  
10 an officer or employee of the City and County, the school district, the community college district,  
11 or the Superior Court of California, County of San Francisco, shall forfeit all rights to any  
12 benefits under the Retirement System except refund of ~~his or her~~ the member's accumulated  
13 contributions: provided, however, that if such member is qualified for service retirement by  
14 reason of service and age under the provisions of Section A8.587-2, ~~he or she~~ the member shall  
15 have the right to elect, without right of revocation and within 90 days after ~~his or her~~ the  
16 member's removal from office or employment to receive as ~~his or her~~ the member's sole benefit  
17 under the Retirement System an annuity which shall be the actuarial equivalent of ~~his or her~~ the  
18 member's accumulated, contributions at the time of such removal from office or employment.

19 (b) Any member, after retirement for service or disability or while receiving a vesting  
20 allowance, who is convicted of a crime involving moral turpitude in connection with ~~his or her~~  
21 the member's duties as an officer or employee of the City and County, the school district, the  
22 community college district, or the Superior Court of California, County of San Francisco, or who  
23 is found by clear and convincing evidence after an administrative hearing to have committed a  
24 crime involving moral turpitude in connection with the member's duties as an officer or  
25 employee of the City and County, the school district, the community college district, or the



1 Superior Court of California, County of San Francisco, shall forfeit all rights to any further  
2 benefit from the Retirement System and the Retirement System shall immediately cease all  
3 future payments to such member; provided, however, that if at the time of the conviction or the  
4 adverse administrative finding, said member has remaining accumulated contributions, then such  
5 member shall have the right to elect, without right of revocation and within 30 days after ~~his or~~  
6 ~~her~~ the member's conviction or the adverse administrative finding, to receive as ~~his or her~~ the  
7 member's sole benefit under the Retirement System an annuity which shall be the actuarial  
8 equivalent of ~~his or her~~ the member's accumulated contributions remaining at the time of the  
9 conviction or the adverse administrative finding.

10 (c) The Retirement System, upon notice by a City department that a member is alleged to  
11 have engaged in a crime involving moral turpitude in connection with the member's duties or  
12 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
13 described in subsections (a) and (b).

14  
15 **A8.588 MEMBERS OF THE FIRE DEPARTMENT AFTER NOVEMBER 1, 1976**

16 \* \* \* \*

17 **A8.588-16 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

18 (a) Any member who is convicted of a crime involving moral turpitude committed in  
19 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,  
20 or who is found by clear and convincing evidence after an administrative hearing to have  
21 committed a crime involving moral turpitude in connection with the member's duties as an  
22 officer or employee of the City and County, shall forfeit all rights to any benefits under the  
23 Retirement System except refund of ~~his or her~~ the member's accumulated contributions;:  
24 provided, however that if such member is qualified for service retirement by reason of service  
25 and age under the provisions of Section A8.588-2, ~~he or she~~ the member shall have the right to

1 elect, without right of revocation and within 90 days after ~~his or her~~ the member's removal from  
2 office or employment to receive as ~~his or her~~ the member's sole benefit under the Retirement  
3 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
4 accumulated contributions at the time of such removal from office or employment.

5 (b) Any member, after retirement for service or disability or while receiving a vesting  
6 allowance, who is convicted of a crime involving moral turpitude in connection with ~~his or her~~  
7 the member's duties as an officer or employee of the City and County, or who is found by clear  
8 and convincing evidence after an administrative hearing to have committed a crime involving  
9 moral turpitude in connection with the member's duties as an officer or employee of the City and  
10 County, shall forfeit all rights to any further benefit from the Retirement System and the  
11 Retirement System shall immediately cease all future payments to such member; provided  
12 however, that if at the time of the conviction or the adverse administrative finding, said member  
13 has remaining accumulated contributions, then such member shall have the right to elect, without  
14 right of revocation and within 30 days after ~~his or her~~ the member's conviction or the adverse  
15 administrative finding, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
16 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
17 accumulated contributions remaining at the time of the conviction or the adverse administrative  
18 finding.

19 (c) The Retirement System, upon notice by a City department that a member is alleged to  
20 have engaged in a crime involving moral turpitude in connection with the member's duties or  
21 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
22 described in subsections (a) and (b).

1 **A8.597 MEMBERS OF THE POLICE DEPARTMENT ON JANUARY 1, 2003 WHO**  
2 **ARE MEMBERS OF THE RETIREMENT SYSTEM UNDER CHARTER SECTION**  
3 **A8.586, AND MEMBERS OF THE POLICE DEPARTMENT AFTER JANUARY 1, 2003**

4 \* \* \* \*

5 **A8.597-16 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

6 (a) Any member who is convicted of a crime involving moral turpitude committed in  
7 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,  
8 or who is found by clear and convincing evidence after an administrative hearing to have  
9 committed a crime involving moral turpitude in connection with the member's duties as an  
10 officer or employee of the City and County, shall forfeit all rights to any benefits under the  
11 Retirement System except refund of ~~his or her~~ the member's accumulated contributions;  
12 provided, however, that if such member is qualified for service retirement by reason of service  
13 and age under the provisions of Section A8.597-2, ~~he or she~~ the member shall have the right to  
14 elect, without right of revocation and within 90 days after ~~his or her~~ the member's removal from  
15 office or employment to receive as ~~his or her~~ the member's sole benefit under the Retirement  
16 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
17 accumulated contributions at the time of such removal from office or employment.

18 (b) Any member after retirement for service or disability or while receiving a vesting  
19 allowance, who is convicted of a crime involving moral turpitude in connection with ~~his or her~~  
20 the member's duties as an officer or employee of the City and County, or who is found by clear  
21 and convincing evidence after an administrative hearing to have committed a crime involving  
22 moral turpitude in connection with the member's duties as an officer or employee of the City and  
23 County, shall forfeit all rights to any further benefit from the Retirement System and the  
24 Retirement System shall immediately cease all future payments to such member; provided  
25 however, that if at the time of the conviction or the adverse administrative finding, said member

1 has remaining accumulated contributions, then such member shall have the right to elect, without  
2 right of revocation and within 30 days after ~~his or her~~ the member's conviction or the adverse  
3 administrative finding, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
4 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
5 accumulated contributions remaining at the time of the conviction or the adverse administrative  
6 finding.

7 (c) The Retirement System, upon notice by a City department that a member is alleged to  
8 have engaged in a crime involving moral turpitude in connection with the member's duties or  
9 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
10 described in subsections (a) and (b).

11  
12 **A8.598 MEMBERS OF THE FIRE DEPARTMENT ON JANUARY 1, 2003 WHO ARE**  
13 **MEMBERS OF THE RETIREMENT SYSTEM UNDER CHARTER SECTION A8.588,**  
14 **AND MEMBERS OF THE FIRE DEPARTMENT AFTER JANUARY 1, 2003**

15 \* \* \* \*

16 **A8.598-16 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

17 (a) Any member who is convicted of a crime involving moral turpitude committed in  
18 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,  
19 or who is found by clear and convincing evidence after an administrative hearing to have  
20 committed a crime involving moral turpitude in connection with the member's duties as an  
21 officer or employee of the City and County, shall forfeit all rights to any benefits under the  
22 Retirement System except refund of ~~his or her~~ the member's accumulated contributions;  
23 provided, however, that if such member is qualified for service retirement by reason of service  
24 and age under the provisions of Section A8.598-2, ~~he or she~~ the member shall have the right to  
25 elect, without right of revocation and within 90 days after ~~his or her~~ the member's removal from

1 office or employment to receive as ~~his or her~~ the member's sole benefit under the Retirement  
2 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
3 accumulated contributions at the time of such removal from office or employment.

4 (b) Any member, after retirement for service or disability or while receiving a vesting  
5 allowance, who is convicted of a crime involving moral turpitude in connection with ~~his or her~~  
6 the member's duties as an officer or employee of the City and County, or who is found by clear  
7 and convincing evidence after an administrative hearing to have committed a crime involving  
8 moral turpitude in connection with the member's duties as an officer or employee of the City and  
9 County, shall forfeit all rights to any further benefit from the Retirement System and the  
10 Retirement System shall immediately cease all future payments to such member; provided  
11 however, that if at the time of the conviction or the adverse administrative finding, said member  
12 has remaining accumulated contributions, then such member shall have the right to elect, without  
13 right of revocation and within 30 days after ~~his or her~~ the member's conviction or the adverse  
14 administrative finding, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
15 System, an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
16 accumulated contributions remaining at the time of the conviction or the adverse administrative  
17 finding.

18 (c) The Retirement System, upon notice by a City department that a member is alleged to  
19 have engaged in a crime involving moral turpitude in connection with the member's duties or  
20 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
21 described in subsections (a) and (b).

22  
23 **A8.600 MISCELLANEOUS OFFICERS AND EMPLOYEES ON AND AFTER JULY 1,**  
24 **2010**

25 \* \* \* \*

1 **A8.600-14 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

2 (a) Any member who is convicted of a crime involving moral turpitude committed in  
3 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,  
4 the school district, the community college district, or the Superior Court of California, City and  
5 County of San Francisco, or who is found by clear and convincing evidence after an  
6 administrative hearing to have committed a crime involving moral turpitude in connection with  
7 the member's duties as an officer or employee of the City and County, the school district, the  
8 community college district, or the Superior Court of California, County of San Francisco, shall  
9 forfeit all rights to any benefits under the Retirement System except refund of ~~his or her~~ the  
10 member's accumulated contributions: provided, however, that if such member is qualified for  
11 service retirement by reason of service and age under the provisions of Section A8.600-2, ~~he or~~  
12 ~~she~~ the member shall have the right to elect, without right of revocation and within 90 days after  
13 ~~his or her~~ the member's removal from office or employment to receive as ~~his or her~~ the  
14 member's sole benefit under the Retirement System an annuity which shall be the actuarial  
15 equivalent of ~~his or her~~ the member's accumulated, contributions at the time of such removal  
16 from office or employment.

17 (b) Any member, after retirement for service or disability or while receiving a vesting  
18 allowance, who is convicted of a crime involving moral turpitude in connection with ~~his or her~~  
19 the member's duties as an officer or employee of the City and County, the school district, the  
20 community college district, or the Superior Court of California, City and County of San  
21 Francisco, or who is found by clear and convincing evidence after an administrative hearing to  
22 have committed a crime involving moral turpitude in connection with the member's duties as an  
23 officer or employee of the City and County, the school district, the community college district, or  
24 the Superior Court of California, County of San Francisco, shall forfeit all rights to any further  
25 benefit from the Retirement System and the Retirement System shall immediately cease all

1 future payments to such member; provided however, that if at the time of the conviction or the  
2 adverse administrative finding, said member has remaining accumulated contributions, then such  
3 member shall have the right to elect, without right of revocation and within 30 days after ~~his or~~  
4 ~~her~~ the member's conviction or the adverse administrative finding, to receive as ~~his or her~~ the  
5 member's sole benefit under the Retirement System an annuity which shall be the actuarial  
6 equivalent of ~~his or her~~ the member's accumulated contributions remaining at the time of the  
7 conviction or the adverse administrative finding.

8 (c) The Retirement System, upon notice by a City department that a member is alleged to  
9 have engaged in a crime involving moral turpitude in connection with the member's duties or  
10 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
11 described in subsections (a) and (b).

12  
13 **A8.601 MEMBERS OF THE FIRE DEPARTMENT ON AND AFTER JULY 1, 2010**

14 \* \* \* \*

15 **A8.601-16 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

16 (a) Any member who is convicted of a crime involving moral turpitude committed in  
17 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,  
18 or who is found by clear and convincing evidence after an administrative hearing to have  
19 committed a crime involving moral turpitude in connection with the member's duties as an  
20 officer or employee of the City and County, shall forfeit all rights to any benefits under the  
21 Retirement System except refund of ~~his or her~~ the member's accumulated contributions;  
22 provided, however, that if such member is qualified for service retirement by reason of service  
23 and age under the provisions of Section A8.601-2, ~~he or she~~ the member shall have the right to  
24 elect, without right of revocation and within 90 days after ~~his or her~~ the member's removal from  
25 office or employment to receive as ~~his or her~~ the member's sole benefit under the Retirement

1 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
2 accumulated contributions at the time of such removal from office or employment.

3 (b) Any member, after retirement for service or disability or while receiving a vesting  
4 allowance, who is convicted of a crime involving moral turpitude in connection with ~~his or her~~  
5 the member's duties as an officer or employee of the City and County, or who is found by clear  
6 and convincing evidence after an administrative hearing to have committed a crime involving  
7 moral turpitude in connection with the member's duties as an officer or employee of the City and  
8 County, shall forfeit all rights to any further benefit from the Retirement System and the  
9 Retirement System shall immediately cease all future payments to such member; provided  
10 however, that if at the time of the conviction or the adverse administrative finding, said member  
11 has remaining accumulated contributions, then such member shall have the right to elect, without  
12 right of revocation and within 30 days after ~~his or her~~ the member's conviction or the adverse  
13 administrative finding, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
14 System, an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
15 accumulated contributions remaining at the time of the conviction or the adverse administrative  
16 finding.

17 (c) The Retirement System, upon notice by a City department that a member is alleged to  
18 have engaged in a crime involving moral turpitude in connection with the member's duties or  
19 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
20 described in subsections (a) and (b).

21  
22 **A8.602 MEMBERS OF THE POLICE DEPARTMENT ON AND AFTER JULY 1, 2010**

23 \* \* \* \*

24 **A8.602-16 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**



1           (a) Any member who is convicted of a crime involving moral turpitude committed in  
2 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,  
3 or who is found by clear and convincing evidence after an administrative hearing to have  
4 committed a crime involving moral turpitude in connection with the member's duties as an  
5 officer or employee of the City and County, shall forfeit all rights to any benefits under the  
6 Retirement System except refund of ~~his or her~~ the member's accumulated contributions;  
7 provided, however, that if such member is qualified for service retirement by reason of service  
8 and age under the provisions of Section A8.602-2, ~~he or she~~ the member shall have the right to  
9 elect, without right of revocation and within 90 days after ~~his or her~~ the member's removal from  
10 office or employment to receive as ~~his or her~~ the member's sole benefit under the Retirement  
11 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
12 accumulated contributions at the time of such removal from office or employment.

13           (b) Any member after retirement for service or disability or while receiving a vesting  
14 allowance, who is convicted of a crime involving moral turpitude in connection with ~~his or her~~  
15 the member's duties as an officer or employee of the City and County, or who is found by clear  
16 and convincing evidence after an administrative hearing to have committed a crime involving  
17 moral turpitude in connection with the member's duties as an officer or employee of the City and  
18 County, shall forfeit all rights to any further benefit from the Retirement System and the  
19 Retirement System shall immediately cease all future payments to such member; provided,  
20 however, that if at the time of the conviction or the adverse administrative finding, said member  
21 has remaining accumulated contributions, then such member shall have the right to elect, without  
22 right of revocation and within 30 days after ~~his or her~~ the member's conviction or the adverse  
23 administrative finding, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
24 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
25

1 accumulated contributions remaining at the time of the conviction or the adverse administrative  
2 finding.

3 (c) The Retirement System, upon notice by a City department that a member is alleged to  
4 have engaged in a crime involving moral turpitude in connection with the member's duties or  
5 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
6 described in subsections (a) and (b).

7  
8 **A8.603 MISCELLANEOUS OFFICERS AND EMPLOYEES ON AND AFTER**  
9 **JANUARY 7, 2012**

10 \* \* \* \*

11 **A8.603-10 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

12 (a) Any member who is convicted of a crime involving moral turpitude committed in  
13 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,  
14 the school district, the community college district, or the Superior Court of California, City and  
15 County of San Francisco, or who is found by clear and convincing evidence after an  
16 administrative hearing to have committed a crime involving moral turpitude in connection with  
17 the member's duties as an officer or employee of the City and County, the school district, the  
18 college district, or the Superior Court of California, City and County of San Francisco, shall  
19 forfeit all rights to any benefits under the Retirement System except refund of ~~his or her~~ the  
20 member's accumulated contributions: provided, however, that if such member is qualified for  
21 service retirement by reason of service and age under the provisions of Section A8.603, ~~he or she~~  
22 the member shall have the right to elect, without right of revocation and within 90 days after ~~his~~  
23 ~~or her~~ the member's removal from office or employment to receive as ~~his or her~~ the member's  
24 sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of  
25

1 ~~his or her~~ the member's accumulated, contributions at the time of such removal from office or  
2 employment.

3 (b) Any member, after retirement for service or disability, or while receiving a vesting  
4 allowance, who is convicted of a crime involving moral turpitude in connection with ~~his or her~~  
5 the member's duties as an officer or employee of the City and County, the school district, the  
6 community college district, or the Superior Court of California, City and County of San  
7 Francisco, or who is found by clear and convincing evidence after an administrative hearing to  
8 have committed a crime involving moral turpitude in connection with the member's duties as an  
9 officer or employee of the City and County, the school district, the community college district, or  
10 the Superior Court of California, City and County of San Francisco, shall forfeit all rights to any  
11 further benefit from the Retirement System and the Retirement System shall immediately cease  
12 all future payments to such member; provided however, that if at the time of the conviction or  
13 the adverse administrative finding, said member has remaining accumulated contributions, then  
14 such member shall have the right to elect, without right of revocation and within 30 days after ~~his~~  
15 ~~or her~~ the member's conviction or the adverse administrative finding, to receive as ~~his or her~~ the  
16 member's sole benefit under the Retirement System an annuity which shall be the actuarial  
17 equivalent of ~~his or her~~ the member's accumulated contributions remaining at the time of the  
18 conviction or the adverse administrative finding.

19 (c) The Retirement System, upon notice by a City department that a member is alleged to  
20 have engaged in a crime involving moral turpitude in connection with the member's duties or  
21 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
22 described in subsections (a) and (b).

23  
24 **A8.604 MEMBERS OF THE FIRE DEPARTMENT ON AND AFTER JANUARY 7, 2012**

25 \* \* \* \*

1 **A8.604-13 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

2 (a) Any member who is convicted of a crime involving moral turpitude committed in  
3 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,  
4 or who is found by clear and convincing evidence after an administrative hearing to have  
5 committed a crime involving moral turpitude in connection with the member's duties as an  
6 officer or employee of the City and County, shall forfeit all rights to any benefits under the  
7 Retirement System except refund of ~~his or her~~ the member's accumulated contributions;  
8 provided, however, that if such member is qualified for service retirement by reason of service  
9 and age under the provisions of Section A8.604-2, ~~he or she~~ the member shall have the right to  
10 elect, without right of revocation and within 90 days after ~~his or her~~ the member's removal from  
11 office or employment, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
12 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
13 accumulated contributions at the time of such removal from office or employment.

14 (b) Any member, after retirement for service or disability or while receiving a vesting  
15 allowance, who is convicted of a crime involving moral turpitude in connection with ~~his or her~~  
16 the member's duties as an officer or employee of the City and County, or who is found by clear  
17 and convincing evidence after an administrative hearing to have committed a crime involving  
18 moral turpitude in connection with the member's duties as an officer or employee of the City and  
19 County, shall forfeit all rights to any further benefit from the Retirement System and the  
20 Retirement System shall immediately cease all future payments to such member; provided,  
21 however, that if at the time of the conviction or the adverse administrative finding, said member  
22 has remaining accumulated contributions, then such member shall have the right to elect, without  
23 right of revocation and within 30 days after ~~his or her~~ the member's conviction or the adverse  
24 administrative finding, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
25 System, an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's

1 accumulated contributions remaining at the time of the conviction or the adverse administrative  
2 finding.

3 (c) The Retirement System, upon notice by a City department that a member is alleged to  
4 have engaged in a crime involving moral turpitude in connection with the member's duties or  
5 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
6 described in subsections (a) and (b).

7  
8 **A8.605 MEMBERS OF THE POLICE DEPARTMENT ON AND AFTER JANUARY 7,**  
9 **2012**

10 \* \* \* \*

11 **A8.605-13 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

12 (a) Any member who is convicted of a crime involving moral turpitude committed in  
13 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,  
14 or who is found by clear and convincing evidence after an administrative hearing to have  
15 committed a crime involving moral turpitude in connection with the member's duties as an  
16 officer or employee of the City and County, shall forfeit all rights to any benefits under the  
17 Retirement System except refund of ~~his or her~~ the member's accumulated contributions;  
18 provided, however, that if such member is qualified for service retirement by reason of service  
19 and age under the provisions of Section A8.605-2, ~~he or she~~ the member shall have the right to  
20 elect, without right of revocation and within 90 days after ~~his or her~~ the member's removal from  
21 office or employment to receive as ~~his or her~~ the member's sole benefit under the Retirement  
22 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
23 accumulated contributions at the time of such removal from office or employment.

24 (b) Any member after retirement for service or disability, or while receiving a vesting  
25 allowance, who is convicted of a crime involving moral turpitude in connection with ~~his or her~~

1 the member's duties as an officer or employee of the City and County, or who is found by clear  
2 and convincing evidence after an administrative hearing to have committed a crime involving  
3 moral turpitude in connection with the member's duties as an officer or employee of the City and  
4 County, shall forfeit all rights to any further benefit from the Retirement System and the  
5 Retirement System shall immediately cease all future payments to such member; provided  
6 however, that if at the time of the conviction or the adverse administrative finding, said member  
7 has remaining accumulated contributions, then such member shall have the right to elect, without  
8 right of revocation and within 30 days after ~~his or her~~ the member's conviction or the adverse  
9 administrative finding, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
10 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
11 accumulated contributions remaining at the time of the conviction or the adverse administrative  
12 finding.

13 (c) The Retirement System, upon notice by a City department that a member is alleged to  
14 have engaged in a crime involving moral turpitude in connection with the member's duties or  
15 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
16 described in subsections (a) and (b).

17  
18 **A8.606 UNDERSHERIFFS AND DEPUTIZED PERSONNEL OF THE SHERIFF'S**  
19 **DEPARTMENT BEFORE JULY 1, 2010**

20 \* \* \* \*

21 **A8.606-15 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

22 (a) Any member who is convicted of a crime involving moral turpitude committed in  
23 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,  
24 or who is found by clear and convincing evidence after an administrative hearing to have  
25 committed a crime involving moral turpitude in connection with the member's duties as an

1 officer or employee of the City and County, shall forfeit all rights to any benefits under the  
2 Retirement System except refund of ~~his or her~~ the member's accumulated contributions;  
3 provided, however, that if such member is qualified for service retirement by reason of service  
4 and age under the provisions of Section A8.606-2, ~~he or she~~ the member shall have the right to  
5 elect, without right of revocation and within 90 days after ~~his or her~~ the member's removal from  
6 office or employment to receive as ~~his or her sole~~ the member's benefit under the Retirement  
7 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
8 accumulated contributions at the time of such removal from office or employment.

9 (b) Any member after retirement for service or disability or while receiving a vesting  
10 allowance, who is convicted of a crime involving moral turpitude in connection with ~~his or her~~  
11 the member's duties as an officer or employee of the City and County, or who is found by clear  
12 and convincing evidence after an administrative hearing to have committed a crime involving  
13 moral turpitude in connection with the member's duties as an officer or employee of the City and  
14 County, shall forfeit all rights to any further benefit from the Retirement System and the  
15 Retirement System shall immediately cease all future payments to such member; provided  
16 however, that if at the time of the conviction or the adverse administrative finding, said member  
17 has remaining accumulated contributions, then such member shall have the right to elect, without  
18 right of revocation and within 30 days after ~~his or her~~ the member's conviction or the adverse  
19 administrative finding, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
20 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
21 accumulated contributions remaining at the time of the conviction or the adverse administrative  
22 finding.

23 (c) The Retirement System, upon notice by a City department that a member is alleged to  
24 have engaged in a crime involving moral turpitude in connection with the member's duties or  
25

1 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
2 described in subsections (a) and (b).

3  
4 **A8.607 UNDERSHERIFFS AND DEPUTIZED PERSONNEL OF THE SHERIFF'S**  
5 **DEPARTMENT HIRED AFTER JULY 1, 2010 AND BEFORE JANUARY 7, 2012**

6 \* \* \* \*

7 **A8.607-15 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

8 (a) Any member who is convicted of a crime involving moral turpitude committed in  
9 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,  
10 or who is found by clear and convincing evidence after an administrative hearing to have  
11 committed a crime involving moral turpitude in connection with the member's duties as an  
12 officer or employee of the City and County, shall forfeit all rights to any benefits under the  
13 Retirement System except refund of ~~his or her~~ the member's accumulated contributions;  
14 provided, however, that if such member is qualified for service retirement by reason of service  
15 and age under the provisions of Section A8.607-2, ~~he or she~~ the member shall have the right to  
16 elect, without right of revocation and within 90 days after ~~his or her~~ the member's removal from  
17 office or employment to receive as ~~his or her~~ the member's sole benefit under the Retirement  
18 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
19 accumulated contributions at the time of such removal from office or employment.

20 (b) Any member after retirement for service or disability or while receiving a vesting  
21 allowance, who is convicted of a crime involving moral turpitude in connection with ~~his or her~~  
22 the member's duties as an officer or employee of the City and County, or who is found by clear  
23 and convincing evidence after an administrative hearing to have committed a crime involving  
24 moral turpitude in connection with the member's duties as an officer or employee of the City and  
25 County, shall forfeit all rights to any further benefit from the Retirement System and the



1 Retirement System shall immediately cease all future payments to such member; provided  
2 however, that if at the time of the conviction or the adverse administrative finding, said member  
3 has remaining accumulated contributions, then such member shall have the right to elect, without  
4 right of revocation and within 30 days after ~~his or her~~ the member's conviction or the adverse  
5 administrative finding, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
6 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
7 accumulated contributions remaining at the time of the conviction or the adverse administrative  
8 finding.

9 (c) The Retirement System, upon notice by a City department that a member is alleged to  
10 have engaged in a crime involving moral turpitude in connection with the member's duties or  
11 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
12 described in subsections (a) and (b).

13  
14 **A8.608 SHERIFF, UNDERSHERIFF AND DEPUTIZED PERSONNEL OF THE**  
15 **SHERIFF'S DEPARTMENT ASSUMING OFFICE ON AND AFTER JANUARY 7, 2012**

16 \* \* \* \*

17 **A8.608-13 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

18 (a) Any member who is convicted of a crime involving moral turpitude committed in  
19 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,  
20 or who is found by clear and convincing evidence after an administrative hearing to have  
21 committed a crime involving moral turpitude in connection with the member's duties as an  
22 officer or employee of the City and County, shall forfeit all rights to any benefits under the  
23 Retirement System except refund of ~~his or her~~ the member's accumulated contributions;  
24 provided, however, that if such member is qualified for service retirement by reason of service  
25 and age under the provisions of Section A8.608-2, ~~he or she~~ the member shall have the right to

1 elect, without right of revocation and within 90 days after ~~his or her~~ the member's removal from  
2 office or employment to receive as ~~his or her~~ the member's sole benefit under the Retirement  
3 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
4 accumulated contributions at the time of such removal from office or employment.

5 (b) Any member after retirement for service or disability, or while receiving a vesting  
6 allowance, who is convicted of a crime involving moral turpitude in connection with ~~his or her~~  
7 ~~the member's~~ duties as an officer or employee of the City and County, or who is found by clear  
8 and convincing evidence after an administrative hearing to have committed a crime involving  
9 moral turpitude in connection with the member's duties as an officer or employee of the City and  
10 County, shall forfeit all rights to any further benefit from the Retirement System and the  
11 Retirement System shall immediately cease all future payments to such member; provided  
12 however, that if at the time of the conviction or the adverse administrative finding, said member  
13 has remaining accumulated contributions, then such member shall have the right to elect, without  
14 right of revocation and within 30 days after ~~his or her~~ the member's conviction or the adverse  
15 administrative finding, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
16 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
17 accumulated contributions remaining at the time of the conviction or the adverse administrative  
18 finding.

19 (c) The Retirement System, upon notice by a City department that a member is alleged to  
20 have engaged in a crime involving moral turpitude in connection with the member's duties or  
21 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
22 described in subsections (a) and (b).

23  
24 **A8.609 MISCELLANEOUS SAFETY PERSONNEL HIRED BEFORE JANUARY 7,**  
25 **2012**

1 \* \* \* \*

2 **A8.609-15 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

3 (a) Any member who is convicted of a crime involving moral turpitude committed in  
4 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,  
5 or who is found by clear and convincing evidence after an administrative hearing to have  
6 committed a crime involving moral turpitude in connection with the member's duties as an  
7 officer or employee of the City and County, shall forfeit all rights to any benefits under the  
8 Retirement System except refund of ~~his or her~~ the member's accumulated contributions;  
9 provided, however, that if such member is qualified for service retirement by reason of service  
10 and age under the provisions of Section A8.609-2, ~~he or she~~ the member shall have the right to  
11 elect, without right of revocation and within 90 days after ~~his or her~~ the member's removal from  
12 office or employment to receive as ~~his or her~~ the member's sole benefit under the Retirement  
13 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
14 accumulated contributions at the time of such removal from office or employment.

15 (b) Any member after retirement for service or disability or while receiving a vesting  
16 allowance, who is convicted of a crime involving moral turpitude in connection with ~~his or her~~  
17 the member's duties as an officer or employee of the City and County, or who is found by clear  
18 and convincing evidence after an administrative hearing to have committed a crime involving  
19 moral turpitude in connection with the member's duties as an officer or employee of the City and  
20 County, shall forfeit all rights to any further benefit from the Retirement System and the  
21 Retirement System shall immediately cease all future payments to such member; provided  
22 however, that if at the time of the conviction or the adverse administrative finding, said member  
23 has remaining accumulated contributions, then such member shall have the right to elect, without  
24 right of revocation and within 30 days after ~~his or her~~ the member's conviction or the adverse  
25 administrative finding, to receive as ~~his or her~~ the member's sole benefit under the Retirement

1 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
2 accumulated contributions remaining at the time of the conviction or the adverse administrative  
3 finding.

4 (c) The Retirement System, upon notice by a City department that a member is alleged to  
5 have engaged in a crime involving moral turpitude in connection with the member's duties or  
6 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
7 described in subsections (a) and (b).

8  
9 **A8.610 MISCELLANEOUS SAFETY PERSONNEL HIRED ON AND AFTER**  
10 **JANUARY 7, 2012**

11 \* \* \*

12 **A8.610-13 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE**

13 (a) Any member who is convicted of a crime involving moral turpitude committed in  
14 connection with ~~his or her~~ the member's duties as an officer or employee of the City and County,  
15 or who is found by clear and convincing evidence after an administrative hearing to have  
16 committed a crime involving moral turpitude in connection with the member's duties as an  
17 officer or employee of the City and County, shall forfeit all rights to any benefits under the  
18 Retirement System except refund of ~~his or her~~ the member's accumulated contributions;  
19 provided, however, that if such member is qualified for service retirement by reason of service  
20 and age under the provisions of Section A8.610-2, ~~he or she~~ the member shall have the right to  
21 elect, without right of revocation and within 90 days after ~~his or her~~ the member's removal from  
22 office or employment to receive as ~~his or her~~ the member's sole benefit under the Retirement  
23 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
24 accumulated contributions at the time of such removal from office or employment.

1           **(b)** Any member after retirement for service or disability, or while receiving a vesting  
2 allowance, who is convicted of a crime involving moral turpitude in connection with ~~his or her~~  
3 the member's duties as an officer or employee of the City and County, or who is found by clear  
4 and convincing evidence after an administrative hearing to have committed a crime involving  
5 moral turpitude in connection with the member's duties as an officer or employee of the City and  
6 County, shall forfeit all rights to any further benefit from the Retirement System and the  
7 Retirement System shall immediately cease all future payments to such member; provided  
8 however, that if at the time of the conviction or the adverse administrative finding, said member  
9 has remaining accumulated contributions, then such member shall have the right to elect, without  
10 right of revocation and within 30 days after ~~his or her~~ the member's conviction or the adverse  
11 administrative finding, to receive as ~~his or her~~ the member's sole benefit under the Retirement  
12 System an annuity which shall be the actuarial equivalent of ~~his or her~~ the member's  
13 accumulated contributions remaining at the time of the conviction or the adverse administrative  
14 finding.

15           **(c)** The Retirement System, upon notice by a City department that a member is alleged to  
16 have engaged in a crime involving moral turpitude in connection with the member's duties or  
17 upon its own initiative, is authorized to initiate the administrative forfeiture proceeding  
18 described in subsections (a) and (b).

19  
20 **SEC. 12.102. HEARING OFFICER.**

21           **(a)** Any application for retirement or death allowance made pursuant to this Charter or  
22 any administrative action to forfeit a member's pension for commission of a crime involving  
23 moral turpitude in connection with the member's duties as an officer or employee of the City and  
24 County shall be heard by a hearing officer employed under contract by the Retirement Board and  
25 selected by procedures set forth in its rules, which shall include rules setting forth the

1 qualifications and selection procedure necessary to appoint a qualified and unbiased hearing  
2 officer.

3 (b) Following public hearing, the hearing officer shall determine, as applicable, whether  
4 such application shall be granted or denied, or whether the Retirement System has proven by  
5 clear and convincing evidence that a member has committed a crime involving moral turpitude  
6 in connection with the member's duties as an officer or employee such that the member's  
7 pension is subject to forfeiture.

8 (c) All expenses related to processing and adjudicating ~~such~~ applications for retirement  
9 or death allowance shall be paid from the Trust Fund. Expenses related to administrative  
10 forfeiture proceedings shall be paid by the City and County.

11 (d) At any time within 30 days after the service of the hearing officer's decision, the  
12 applicant or any other affected party, including the Retirement System, may petition the hearing  
13 officer for a rehearing upon one or more of the following grounds and no other:

- 14 1. That the hearing officer acted without or in excess of the hearing officer's powers;
- 15 2. That the decision was procured by fraud;
- 16 3. That the evidence does not justify the decision; or
- 17 4. That the petitioner has discovered new material evidence which could not, with  
18 reasonable diligence, have been discovered and produced at the hearing.

19 (e) The decision of the hearing officer shall be final upon either the expiration of 30 days  
20 after the decision if there is no petition for rehearing; or, if there is a petition for rehearing that  
21 is denied, upon the expiration of 30 days after the denial; or if the petition for rehearing is  
22 granted, upon the expiration of 30 days after the rendition of the decision on rehearing. Such  
23 final decision shall not be subject to amendment, modification, or rescission by the Board, but  
24 shall be subject to review by the Board only for the purpose of determining whether to seek  
25 judicial review.

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APPROVED AS TO FORM:  
DAVID CHIU, City Attorney

By: /s/ Zachary Porianda  
ZACHARY PORIANDA  
Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Charter Amendment - Forfeiture of Pension Benefits]

**Describing and setting forth a proposal to the voters at an election to be held on November 8, 2022, to amend the Charter of the City and County of San Francisco to provide for forfeiture of the pension of a member of the San Francisco Employees' Retirement System upon a finding by clear and convincing evidence after an administrative hearing that the member committed a crime involving moral turpitude in connection with the member's duties as a City employee or officer.**

### Existing Law

Currently, under Charter Sections A8.509, A8.584-13, A8.586-16, A8.587-14, A8.588-16, A8.597-16, A8.598-16, A8.600-14, A8.601-16, A8.602-16, A8.603-10, A8.604-13, A8.605-13, A8.606-15, A8.607-15, A8.608-13, A8.609-15, A8.610-13, any active or retired City employee who is a member of the San Francisco Employee Retirement System (SFERS) and who is convicted of a crime involving moral turpitude committed in connection with their City duties, forfeits all rights to City-funded benefits under the City's retirement system.

### Amendments to Current Law

The proposed measure would amend these Charter provisions to add a second mechanism for forfeiture: a member would forfeit pension benefits if an administrative hearing officer determines by clear and convincing evidence that the member committed a crime involving moral turpitude in connection with their City duties.

The measure would also amend Section A8.585, which currently does not include a forfeiture provision, to include a new Section A8.585-17, which would subject pension benefits under that plan to forfeiture on the same grounds as the other Charter sections.

The measure would also amend Section 12.102 to authorize the Retirement System to hire administrative law judges to preside over the administrative forfeiture proceedings.

### Background Information

The Charter bars employees convicted of a crime involving moral turpitude (such as theft, fraud, or the breach of public trust) from collecting employer-funded pension benefits. Currently, there are 18 pension forfeiture provisions codified in Charter Appendix A covering various categories of employees. These sections provide that a member who is convicted of a crime involving moral turpitude committed in connection with the member's employment,



forfeits all rights to any benefits under the pension system, except refund of the member's accumulated contributions. If the member is qualified for service retirement based on years of service and age, the member may, as an alternative, choose to receive an annuity that is the actuarial equivalent of the member's accumulated contributions at the time of conviction.

As to retired members, the provisions similarly provide that any member who is convicted of a crime involving moral turpitude that was committed in connection with the member's duties while employed, forfeits rights to any further benefit from the pension system, except payment of the member's accumulated contributions remaining at the time of the conviction.

These pension forfeiture provisions are intended to prevent an employee who exploits their position or abuses City resources from receiving City-funded pension benefits accrued during their time of service. Because application of the provisions hinges on conviction of a crime involving moral turpitude, employees who are not convicted of a crime do not forfeit their pension, even if they commit fraud or other acts involving moral turpitude. For example, prosecutors may choose not to criminally charge an employee for their conduct, or an employee may plea to a crime that does not involve moral turpitude, in exchange for the prosecution's dropping a charge that involves moral turpitude. Under these and other varied circumstances, there is no basis under the Charter to forfeit the employee's pension benefits.

The proposed amendment would add a second basis for forfeiture if, after an administrative hearing, there is a finding based on clear and convincing evidence that the member committed a crime involving moral turpitude in connection with their duties as an employee or officer. The purpose of the amendment is to close the loophole that has allowed employees who have abused their office and breached the public trust to nonetheless collect full pension benefits. In so doing, the amendment seeks to deter such malfeasance and induce faithful service by public employees, thereby maintaining the integrity of the City's retirement system.

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BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

May 31, 2022

**File No. 220633**

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear Ms. Gibson:

The following proposed Charter Amendment for the November 8, 2022, Election was received by the Board of Supervisors' Rules Committee:

**File No. 220633 Charter Amendment - Forfeiture of Pension Benefits**

**Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide for forfeiture of the pension of a member of the San Francisco Employees' Retirement System upon a finding by clear and convincing evidence after an administrative hearing that the member committed a crime involving moral turpitude in connection with the member's duties as a City employee or officer; at an election to be held on November 8, 2022.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink that reads "Victor Young".

By: Victor Young, Assistant Clerk  
Rules Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer  
Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning  
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

June 6, 2022

A handwritten signature in black ink that reads "Joy Navarrete".


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## MEMORANDUM

TO: Tom Paulino, Liaison to the Board of Supervisors, Mayor's Office  
Anne Pearson, Deputy City Attorney, Office of the City Attorney  
John Arntz, Director, Department of Elections  
LeeAnn Pelham, Executive Director, Ethics Commission  
Jay Huish, Executive Director, Retirement Board

FROM: Victor Young, Assistant Clerk, Rules Committee   
Board of Supervisors

DATE: May 31, 2022

SUBJECT: CHARTER AMENDMENT INTRODUCED  
November 8, 2022 Election

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The Board of Supervisors' Rules Committee has received following Charter Amendment for the November 8, 2022, Election. This matter is being **referred** to you in accordance with Rules of Order 2.22.4.

### **File No. 220633 Charter Amendment - Forfeiture of Pension Benefits**

**Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide for forfeiture of the pension of a member of the San Francisco Employees' Retirement System upon a finding by clear and convincing evidence after an administrative hearing that the member committed a crime involving moral turpitude in connection with the member's duties as a City employee or officer; at an election to be held on November 8, 2022.**

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Andres Power, Mayor's Office  
Patrick Ford, Ethics Commission  
Michael Canning, Ethics Commission  
Darlene Armanino, Retirement Board



June 23, 2022

Supervisor Aaron Peskin, Chair  
Supervisor Rafael Mandelman  
Supervisor Connie Chan  
Rules Committee, San Francisco Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Plaza  
San Francisco, CA 94102

**RE: File No. 220633**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide for forfeiture of the pension of a member of the San Francisco Employees' Retirement System upon a finding by clear and convincing evidence after an administrative hearing that the member committed a crime of moral turpitude in connection with the member's duties as a City employee or officer. (Supervisors Peskin and Chan)

Dear Supervisors Peskin, Mandelman and Chan:

The San Francisco Employees' Retirement System submits this cost report pursuant to Charter Section A8.500

Current provisions in the SFERS plans provide that members who are convicted of a crime of moral turpitude in connection with their duties forfeit their entitlement to any retirement benefits funded by the City. The proposed Charter Amendment creates an administrative hearing process where SFERS pensions can also be forfeited if the hearing officer finds by clear and convincing evidence that the member has committed a crime of moral turpitude in connection with their duties.

The additional expense to the Retirement System is too speculative to cost at this time. Under the proposal, SFERS will incur additional costs to investigate and litigate potential moral turpitude cases. SFERS is unable to estimate how many cases may be litigated under these provisions. To date, few members have had their benefits forfeited.

Representatives of the Retirement System will attend the Rules Committee hearing on this matter on June 27, 2022.

Very truly yours,

Caryn Bortnick  
SFERS Chief Operating Officer

cc: Victor Young, Asst Clerk  
Rules Committee



**OFFICE OF THE CONTROLLER**  
CITY AND COUNTY OF SAN FRANCISCO

Ben Rosenfield  
Controller  
Todd Rydstrom  
Deputy Controller

Ms. Angela Calvillo  
Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place Room 244  
San Francisco, CA 94102-4689

June 28, 2022

RE: File 220663– Charter amendment address the forfeiture of pension benefits

Dear Ms. Calvillo,

Should the proposed Charter amendment be approved by the voters, in my opinion, it would likely result in minimal to moderate savings to city government.

The proposed Charter amendment would require San Francisco Employees' Retirement System (SFERS) members to forfeit their pension if they are found in an administrative hearing to have committed a crime involving moral turpitude in connection with their duties as a City employee or officer.

The Charter currently requires SFERS members to forfeit their pension if they are convicted of a crime of moral turpitude in connection with the City duties. This amendment adds that a member can also be required to forfeit a pension for such a finding in an administrative hearing if an administrative hearing officer determines by clear and convincing evidence that the member committed a crime involving moral turpitude in connection with their City duties.

To the extent that the proposed measure results in additional forfeiture of member pension benefits in future years, it would result in savings to the City, although at a level that cannot be estimated.

Sincerely,

A handwritten signature in cursive script that reads "Janice Levy".

FOR

Ben Rosenfield  
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.