

1 [PERS Contract Amendment.]
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3 **Ordinance authorizing an Amendment to Contract Between the Board of**
4 **Administration, California Public Employees' Retirement System, and the Board of**
5 **Supervisors, City and County of San Francisco.**

6 Note: Additions are single-underline italics Times New Roman;
7 deletions are ~~strikethrough italics Times New Roman~~.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

9 WHEREAS, The Public Employees' Retirement Law permits the participation of public
10 agencies and their employees in the Public Employees' Retirement System by the execution
11 of a contract, and sets forth the procedure by which said public agencies may elect to subject
12 themselves and their employees to amendments to said Law; and

13 WHEREAS, San Francisco Charter Section A8.506 states that: "Notwithstanding any
14 other provisions of this charter, the board of supervisors shall have the power to contract with
15 the Board of Administration of the Public Employees' Retirement System of the State of
16 California to provide that the sheriff, undersheriff and all deputized personnel of the sheriff's
17 department shall be members of the Public Employees' Retirement System, and the board of
18 supervisors and the retirement board shall have the power to perform all acts necessary to
19 carry out the terms and purposes of such contract;" and

20 WHEREAS, In the Memorandum of Understanding between the City and County of
21 San Francisco and the Deputy Sheriffs' Association for the period July 1, 2001 through June
22 30, 2003, approved by the Board of Supervisors, the parties agreed that: "If through a charter
23 amendment the voters improve safety retirement benefits for members of the San Francisco
24 Retirement System ("SFERS"), the City agrees to recommend to the Board of Supervisors
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SUPERVISOR BEVAN DUFTY
SUPERVISOR FIONA MA
Supervisor Sandoval

Supervisor McGoldrick
Supervisor Daly
Supervisor Newsom

Supervisor Sandoval

1 that, in accordance with the Government Code, the City's contract with PERS be amended to
2 provide a comparable benefit level for employees covered by this Agreement"; and

3 WHEREAS, In November 2002, the voters passed Proposition H, which amended the
4 City Charter to provide safety members of SFERS with an improved retirement benefit known
5 as "3% at 55"; and pursuant to its authority under Charter Section A8.506, the Board of
6 Supervisors is acting to implement a comparable benefit for the deputized personnel of the
7 Sheriff's Department; and

8 WHEREAS, The Public Employees Retirement System has prepared a Contract
9 Amendment Cost Analysis to provide the deputized personnel of the Sheriff's Department with
10 the benefit known as 3% at 55, and pursuant to Government Code Section 7507 the cost
11 analysis must be made public at a public meeting at least two weeks before adoption of an
12 ordinance approving the contract amendment, and the therefore a copy of the cost analysis is
13 on file with the Clerk of the Board of Supervisors in File No. 030971; and

14 WHEREAS, The Deputy Sheriffs' Association, on behalf of the deputy sheriffs, and the
15 Municipal Executives' Association, on behalf of the Undersheriff and Assistant Sheriff, will
16 enter into agreements with the City, which extend beyond the parties' current Memoranda of
17 Understanding, to implement an ongoing cost sharing arrangement with the City to materially
18 reduce the cost to the City of the increase in the City's employer contribution caused by the
19 contract amendment; and

20 WHEREAS, The City's contract with PERS also includes a small number of
21 miscellaneous employees transferred from the State Department of Mental Health to the City
22 and County of San Francisco pursuant to state law and Section 3.696-1 of the 1932 San
23 Francisco Charter, approved at the November 1985 election, and the retirement benefits of
24 these employees have lagged behind the retirement benefits of both state and City and
25 County employees in that their retirement benefits are based on an average of three years

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1 final compensation as opposed to one-year final compensation, and the Board of Supervisors
2 desires to amend the contract with PERS to bring the PERS retirement benefits of these
3 employees in line with the one-year final compensation benefits available to other
4 miscellaneous City and County employees; and

5 WHEREAS, The Public Employees Retirement System has prepared a Contract
6 Amendment Cost Analysis to provide the miscellaneous employees transferred from the state
7 with the benefit known as one-year final compensation, and pursuant to Government Code
8 Section 7507 the cost analysis must be made public at a public meeting at least two weeks
9 before adoption of an ordinance approving the contract amendment, and therefore a copy of
10 the cost analysis is on file with the Clerk of the Board of Supervisors in File No. 030971 ;
11 and

12 WHEREAS, The following is a statement of the proposed change provided by PERS:
13 "To provide Section 20042 (One-Year Final Compensation) for local miscellaneous members
14 and to add a 'Local Sheriff' category pursuant to Section 20432 and to provide Section
15 21363.1 (3% @ 55 Full formula); Section 20042 (One-Year Final Compensation); Section
16 21624 and 21626 (Post Retirement Survivor Allowance); Section 21024 (Military Service
17 Credit as Public Service); and Section 21571 (1959 Survivor Allowance – First Level);" and
18 therefore,

19
20 Be it ordained by the People of the City and County of San Francisco:


21 Section 1. That an amendment to the contract between the City and County of San
22 Francisco and the Board of Administration, California Public Employees' Retirement System is
23 hereby authorized, a copy of the amended contract amendment being on file with the Clerk of
24 the Board of Supervisors in File No. 030971 , and by such reference made a part hereof as
25 though herein set out in full.

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1 Section 2. The Executive Director of the San Francisco Employees' Retirement
2 System is hereby authorized, empowered, and directed to execute said amendment for and
3 on behalf of the City and County of San Francisco.

4 Section 3. This Ordinance shall take effect 30 days after the date of its adoption.
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7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By: 
10 LINDA M. ROSS
11 Chief Labor Attorney

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 031115

Date Passed:

Ordinance authorizing an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System, and the Board of Supervisors, City and County of San Francisco.

July 22, 2003 Board of Supervisors — PASSED ON FIRST READING


Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval

July 29, 2003 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval

File No. 031115

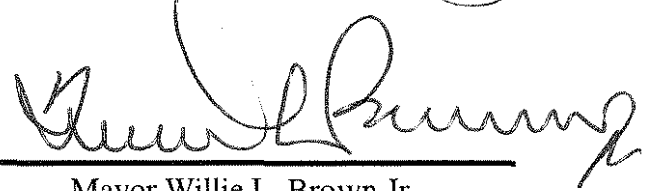
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on July 29, 2003 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

AUG 08 2003

Date Approved



Mayor Willie L. Brown Jr.