

1 [Charter Amendment - Retiree Health Benefits - Housing Authority Employees]

2

3 **Describing and setting forth a proposal to the voters at an election to be held on March 3,**  
4 **2020, to amend the Charter of the City and County of San Francisco to provide retiree**  
5 **health care benefits to employees of the Housing Authority of the City and County of San**  
6 **Francisco (“Housing Authority”) who started working for the City and County of San**  
7 **Francisco on or after March 7, 2019, and before March 1, 2021, without a break in service**  
8 **between employment with the Housing Authority and employment with the City and**  
9 **County of San Francisco; and affirming the Planning Department’s determination under**  
10 **the California Environmental Quality Act.**

11

12 Section 1. The Planning Department has determined that the actions contemplated in this  
13 proposed charter amendment comply with the California Environmental Quality Act (California  
14 Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of  
15 the Board of Supervisors in File No. 190945 and is incorporated herein by reference. The Board  
16 affirms this determination.

17 Section 2. The Board of Supervisors hereby submits to the qualified voters of the City  
18 and County, at an election to be held on March 3, 2020, a proposal to amend the Charter of the  
19 City and County by revising Sections A8.428 and A8.432, to read as follows:

20

21 NOTE: **Unchanged Charter text and uncodified text** are in plain font.  
22 **Additions** are *single-underline italics Times New Roman font*.  
23 **Deletions** are ~~*strike-through italics Times New Roman font*~~.  
24 **Asterisks** (\* \* \* \*) indicate the omission of unchanged Charter  
25 subsections.

1           **A8.428 HEALTH SERVICE SYSTEM TRUST FUND**

2           There is hereby created a health service system trust fund. The costs of the health service  
3 system shall be borne by the members of the system and Retired Persons, the City and County of  
4 San Francisco because of its members and Retired Persons, the Parking Authority of the City and  
5 County of San Francisco because of its members and Retired Persons, the San Francisco Unified  
6 School District because of its members and Retired Persons, and the San Francisco Community  
7 College District because of its members and Retired Persons.

8           (a)     **Definitions.**

9           "Credited Service" means years of employment with the Employers or the former  
10 Redevelopment Agency of the City and County of San Francisco (the "Redevelopment Agency")  
11 or the Successor Agency to the Redevelopment Agency of the City and County of San Francisco  
12 (the "Successor Agency"), provided that for any employee of the Redevelopment Agency or  
13 Successor Agency, the employee became an employee of the Redevelopment Agency before  
14 September 1, 2010 and became an employee of the City and County without a break in service  
15 after January 31, 2012 and before March 1, 2015. "Credited Service" also means years of  
16 employment with the Housing Authority of the City and County of San Francisco (the "Housing  
17 Authority"), provided that for any employee of the Housing Authority, the employee became an  
18 employee of the Housing Authority before March 7, 2019 and became an employee of the City  
19 and County without a break in service on or after March 7, 2019 and before March 1, 2021.

20           "Employers" as used in this section means the City and County of San Francisco ("City  
21 and County"), the San Francisco Unified School District ("School District") and/or the San  
22 Francisco Community College District ("Community College District"). Employers shall also  
23 include the Superior Court of California, County of San Francisco ("Superior Court"), to the  
24 extent the Superior Court participates in the City's Health Service System, under Section  
25 A8.428(e).

1 "Hired on or Before January 9, 2009" as used in this section means employees hired on or  
2 before January 9, 2009, by the City and County, the School District, the Community College  
3 District, ~~or~~ the Redevelopment Agency, or the Housing Authority, excluding the following  
4 categories of employees: (1) as-needed employees who have never earned 1,040 or more hours  
5 of compensation during any 12-month period ending on or before January 9, 2009; (2)  
6 employees who have separated from employment with the Employers, ~~or~~ the Redevelopment  
7 Agency, or the Housing Authority, on or before January 9, 2009, and have less than 5 years of  
8 Credited Service with the Employers, ~~or~~ the Redevelopment Agency, or the Housing Authority;  
9 (3) former employees of the Redevelopment Agency who became employees of the City and  
10 County after February 28, 2015; (4) former employees of the Redevelopment Agency who left  
11 employment with the Redevelopment Agency and became employees of the City and County  
12 before February 1, 2012; ~~and~~ (5) former employees of the Redevelopment Agency who have  
13 received retiree health care coverage under the Public Employees Medical and Hospital Care Act  
14 (PEMCHA) on or before February 28, 2015; (6) former employees of the Housing Authority who  
15 left employment with the Housing Authority and became employees of the City and County after  
16 March 1, 2021; (7) former employees of the Housing Authority who left employment with the  
17 Housing Authority and became employees of the City and County before March 7, 2019; and (8)  
18 former employees of the Housing Authority who have received retiree health care coverage  
19 under PEMCHA on or before March 7, 2019.

20 "PERS" as used in this section shall mean the Public Employees' Retirement System of  
21 the State of California.

22 "Plan Year" as used in section A8.423 shall mean the ~~twelve~~ 12-month period beginning  
23 on each July 1 and ending on June 30, or such other 12-month period as may be determined by  
24 the Health Service Board.

1 "Registered as Domestic Partners" as used in this section means persons who have  
2 established a domestic partnership according to the provisions of Chapter 62 of the San  
3 Francisco Administrative Code, or California state law, as amended from time to time, or the law  
4 of the city or county in which they reside or of the state outside of California in which they  
5 reside. Persons who live in a state, city, or county that does not recognize domestic partnership  
6 who submit a completed and notarized City and County Health Service System Declaration of  
7 Domestic Partnership Form to the Health Service System shall also be considered domestic  
8 partners under this section. Domestic partners who have formed their domestic partnership only  
9 by notarization of a declaration of Domestic Partnership as provided in Chapter 62 of the San  
10 Francisco Administrative Code shall not be recognized or treated as a domestic partnership under  
11 this Section unless and until the domestic partnership is registered or certified.

12 "Retirement System" as used in this section shall mean the San Francisco City and  
13 County Employees' Retirement System.

14 "Retired under the San Francisco City and County Employees' Retirement System" as  
15 used in this section includes persons who retire for service; retire for disability; or who receive a  
16 retirement or vesting allowance from the Retirement System.

17 A "Retired Person" as used in this section means:

18 (1) A former member of the health service system, Hired on or Before  
19 January 9, 2009, retired under the Retirement System and/or PERS (hereinafter, "Retired  
20 Employee who was Hired on or Before January 9, 2009");

21 (2) The surviving spouse or surviving domestic partner of an active employee  
22 of the Employers Hired on or Before January 9, 2009, provided that the surviving spouse or  
23 surviving domestic partner and the active employee have been married or Registered as  
24 Domestic Partners for a period of at least one year prior to the death of the active employee;

1           (3)     The surviving spouse or surviving domestic partner of a Retired Employee  
2 who was Hired on or Before January 9, 2009, provided that the surviving spouse or surviving  
3 domestic partner and the Retired Employee who was Hired on or Before January 9, 2009 have  
4 been married or Registered as Domestic Partners for a period of at least one year prior to the  
5 death of the Retired Employee who was Hired on or Before January 9, 2009;

6           (4)     A former member of the health service system, hired by the Employers on  
7 or after January 10, 2009, and retired under the Retirement System and/or PERS for disability, or  
8 retired under the Retirement System or PERS: (i) within 180 days of separation from  
9 employment from the Employers; and (ii) with 10 or more years of Credited Service with the  
10 Employers (hereinafter, "Retired Employee who was Hired on or After January 10, 2009");

11          (5)     The surviving spouse or surviving domestic partner of an active employee  
12 of the Employers hired by the Employers on or after January 10, 2009, with 10 or more years of  
13 Credited Service with the Employers, who died in the line of duty where the surviving spouse or  
14 surviving domestic partner is entitled to a death allowance from the Retirement System as a  
15 result of the death in the line of duty, provided that the surviving spouse or surviving domestic  
16 partner and the active employee have been married or Registered as Domestic Partners for a  
17 period of at least one year prior to the death of the active employee; or

18          (6)     The surviving spouse or surviving domestic partner of a Retired Employee  
19 who was Hired on or After January 10, 2009, provided that the surviving spouse or surviving  
20 domestic partner and the Retired Employee who was Hired on or After January 10, 2009, have  
21 been married or Registered as Domestic Partners for a period of at least one year prior to the  
22 death of the Retired Employee who was Hired on or After January 10, 2009.

23 \* \* \* \*

24          (f) Notwithstanding the retiree health care eligibility requirements set forth above, a  
25 former employee of the Redevelopment Agency Hired on or Before January 9, 2009 must have

1 been employed by the City and County after January 9, 2009 to be eligible for retiree health care  
2 coverage under this section. In adopting the Charter amendment revising Sections A8.428 and  
3 A8.432 on November 4, 2014 the voters do not intend that it affect the rights of former  
4 employees of the Redevelopment Agency Hired on or Before January 9, 2009, who were already  
5 eligible for retiree health care coverage as of November 4, 2014.

6 (g) Notwithstanding the retiree health care eligibility requirements set forth above, a  
7 former employee of the Housing Authority Hired on or Before January 9, 2009 must have been  
8 employed by the City and County after January 9, 2009 to be eligible for retiree health care  
9 coverage under this section. In adopting the Charter amendment revising Sections A8.428 and  
10 A8.432 on March 3, 2020, the voters do not intend that it affect the rights of former employees of  
11 the Housing Authority Hired on or Before January 9, 2009, who were already eligible for retiree  
12 health care coverage as of March 3, 2020.

13 ~~(g)~~(h) The purpose of the January 10, 2009, Charter amendment is to amend Section  
14 A8.428 to change the required years of service and employer retiree health care contribution  
15 amounts for employees hired on or after January 10, 2009. Nothing in that Charter amendment  
16 shall expand or contract the groups of employees eligible for retiree health care benefits beyond  
17 those groups eligible as of June 3, 2008.

18  
19 **A8.432 RETIREE HEALTH CARE TRUST FUND**

20 There is hereby created a Retiree Health Care Trust Fund (RHCTF) for the purpose  
21 described in Section 12.204. Subject to the disbursement limitations set forth in Section  
22 A8.432(d) below, the Retiree Health Care Trust Fund Board (Board) shall have exclusive  
23 authority and control over the administration of the RHCTF, investments of trust assets, and  
24 disbursements from the trust in accordance with the provisions of this Charter.

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1 (f) **Definitions**

2 **"Actuarial Accrued Liability"** as used in this section, means "Actuarial Accrued  
3 Liability" as that term is defined under GASB No. 45 as may be amended from time to time.

4 **"Commenced Employment on"** as used in this section, shall refer to the time an  
5 employee starts employment with the City and County, or with a Participating Employer, for the  
6 first time, or the time an employee starts employment with the City and County, or with a  
7 Participating Employer, on a subsequent occasion after a prior separation from employment with  
8 the City and County or any Participating Employer, whichever date is later.

9 For purposes of this Section A8.432, an employee of the City and County who was  
10 employed by the former Redevelopment Agency of the City and County of San Francisco (the  
11 "Redevelopment Agency") or the Successor Agency to the Redevelopment Agency of the City  
12 and County of San Francisco (the "Successor Agency"), and started working for the City and  
13 County before March 1, 2015 without a break in service shall be deemed to have commenced  
14 employment with the City and County on the date the employee commenced employment with  
15 the Redevelopment Agency or the Successor Agency, except that any such former employee of  
16 the Redevelopment Agency or the Successor Agency who subsequently separates from  
17 employment with the City and County and returns as an employee of the City and County or a  
18 Participating Employer at a later date (the "Return Date") shall be deemed to have commenced  
19 employment on the Return Date.

20 For purposes of this Section A8.432, an employee of the City and County who was  
21 employed by the Housing Authority of the City and County of San Francisco (the "Housing  
22 Authority") before March 7, 2019, and started working for the City and County before March 1,  
23 2021 without a break in service, shall be deemed to have commenced employment with the City  
24 and County on the date the employee commenced employment with the Housing Authority except  
25 that any such former employee of the Housing Authority who subsequently separates from

1 employment with the City and County and returns as an employee of the City and County or a  
2 Participating Employer at a later date (the "Return Date") shall be deemed to have commenced  
3 employment on the Return Date.

4 **"Employer"** and **"Employers"** as used in this section means the City and County and  
5 the Participating Employers.

6 **"Fully Funded"** as used in this section means that an Employer's GASB Actuary has  
7 determined that the market value of assets in a sub-trust equals or exceeds the Employer's  
8 Actuarial Accrued Liability.

9 **"GASB Actuary"** and **"GASB Actuaries"** as used in this section means the actuarial  
10 firms hired by the Employers to provide estimates of each Employers' respective total liability  
11 and annual required contribution for post-retirement health benefits under GASB No. 45.

12 **"GASB No. 45"** as used in this section means Statement No. 45 of the Governmental  
13 Accounting Standards Board, Accounting and Financial Reporting by Employers for  
14 Postemployment Benefits Other Than Pensions, as may be amended from time to time.

15 **"Health coverage"** as used in this section, means the health benefits or health insurance  
16 provided by the health service system for retirees, survivors, and dependents under Section  
17 A8.428.

18 **"Normal Cost"** as used in this section, means each Employer's normal cost under GASB  
19 No. 45 as determined by each Employer's GASB Actuary.

20 **"Retiree"** as used in this section, means a former employee who is retired and is entitled  
21 to health coverage under Section A8.428, and the qualified survivors or dependents of such  
22 retirees who are entitled to health coverage under Section A8.428.

23 **"Participating Employers"** as used in this section and Sections A8.432-1, A8.510 and  
24 12.204, shall include the Superior Court of California, County of San Francisco, San Francisco  
25 Unified School District and the San Francisco Community College District, following a



1 resolution by their respective governing boards to participate in the Retiree Health Care Trust  
2 Fund.

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6 APPROVED AS TO FORM:  
7 DENNIS J. HERRERA, City Attorney

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9 By: \_\_\_\_\_  
10 ERIK A. RAPOPORT  
11 Deputy City Attorney

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