

File No. 220633

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date June 27, 2022

Board of Supervisors Meeting

Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- Memorandum of Understanding (MOU)
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 - Ethics Commission
- Award Letter
- Application
- Form 700
- Information/Vacancies (Boards/Commissions)
- Public Correspondence

OTHER (Use back side if additional space is needed)

- Charter Amendment _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Completed by: Victor Young Date June 22, 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).

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

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

n:\legana\as2022\2200117\01601731.docx

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.

n:\legana\as2022\2200117\01603623.docx

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".

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

MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the Controller

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

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

DATE: May 31, 2022

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 8, 2022, Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 8, 2022, Election. This matter is being **referred** to you in accordance with Rules of Order 2.22.3.

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 prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

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

c: Todd Rydstrom, Deputy City Controller
Peg Stevenson, City Performance Director
Natasha Mihal, City Services Auditor

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

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 *Victor Young*
Board of Supervisors

DATE: May 31, 2022

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 8, 2022 Election

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