

[Administrative Code Revision, Chapter 16]

AMENDING CHAPTER 16, ARTICLE IV OF PART I OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY REPEALING SECTIONS 16.29-15.3, 16.29-15.4, 16.29-15.5, 16.29-15.6, 16.29-15.7, 16.29-15.8, 16.29-15.9, 16.29-18, 16.29-19, 16.30, 16.31, 16.35, 16.36, 16.39, 16.40, 16.50, 16.51, 16.53, 16.57, 16.58, 16.59, 16.60, 16.61, 16.62, 16.63, 16.64, 16.65, 16.68, 16.69, 16.70, 16.70-2, 16.72, 16.73, AND 16.78, REGARDING THE RETIREMENT SYSTEM, TO ELIMINATE OUT-DATED AND OBSOLETE PROVISIONS.

**Note: Additions are shown by underscore and deletions are shown by ((double parentheses)).**

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

Section 1. **Findings.** In repealing ordinances pertaining to the Retirement System, it is not the intent of the board of supervisors to diminish any vested or accrued rights that may still exist under such ordinances. The ordinances are being repealed as part of a general code revision. Any vested rights that may still exist under such ordinances shall continue, and any disputes about such rights shall be resolved in accordance with such ordinances as if they had never been repealed.

Section 2. Chapter 16, Article IV, of the San Francisco Administrative Code is hereby amended by repealing Section 16.29-15.3.

**((Section 16.29-15.3. Definitions - Persons Referred To In Last Two Sentences Of The First Paragraph Of Section 8.500 Of The Charter.** Prior service as applied to persons referred to in the last two sentences of the first paragraph of Section 8.500 of the Charter shall mean City and County service, excluding City and County service rendered as lawful members of the San Francisco City and County Employees' Retirement System rendered before January 9, 1932.))

Supervisors Kaufman, Newsom

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1           Section 3.     Chapter 16, Article IV, of the San Francisco Administrative Code is  
2 hereby amended by repealing Section 16.29-15.4.

3           **((Section 16.29-15.4. Definitions - All Other Members Of The Retirement System.**  
4 Prior service as applied to all other members of the Retirement System and all other persons as  
5 former members of the San Francisco City and County Employees' Retirement System, subject  
6 to the further provisions contained in Sections 16.29-15.5, 16.29-15.6, 16.29-15.7, 16.29-15.8,  
7 and 16.29-15.9 of this Code, to whom or on account of whose death, payments are made under  
8 Section 16.49 of this Code shall mean City and County service rendered before April 1, 1922,  
9 except as provided in Subsection (g) of Section 16.43 of this Code.))

10          Section 4.     Chapter 16, Article IV, of the San Francisco Administrative Code is  
11 hereby amended by repealing Section 16.29-15.5.

12          **((Section 16.29-15.5. Definitions - Persons Who Are Members Under Section 8.507**  
13 **Of The Charter.** Prior service as applied to persons who are members under Section 8.507 of  
14 the Charter and who were excluded from membership because of their employment in City and  
15 County service under certification for temporary service from civil service eligibility lists other  
16 than limited tenure lists, shall mean aggregate City and County service, regardless of breaks in  
17 such service, less the first six months thereof, rendered prior to September 14, 1942, while so  
18 excluded on account of such employment. As an exception to the provisions contained in Section  
19 16.63 of this Code, however, service shall be credited under this paragraph only if the member  
20 elects, prior to March 31, 1955, or prior to the effective date of his retirement, whichever is  
21 earlier, to contribute, and does contribute, in a manner and at times approved by the Retirement  
22 Board, an amount equal to contributions determined by applying, to the compensation earned by  
23 him in such service, the rate of contribution first applicable to him upon commencement of his  
24 membership in the Retirement System. This paragraph shall apply only to persons who are  
25 members of the Retirement System on the effective date of this paragraph, and the accumulated

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1 contributions standing to the credit of such members on such effective date; and their rates of  
2 contribution, shall not be affected by this paragraph. All contributions made pursuant to this  
3 paragraph shall be administered in the manner provided herein for normal contributions, except  
4 that the annuity provided upon retirement of the member by such contributions, plus credited  
5 interest, shall not be matched by the City and County. Instead, such annuity shall be deducted  
6 from the pension payable to such member on account of prior service; and only the remainder of  
7 such prior service pension shall be payable from contributions of the City and County. It is  
8 hereby declared to be the intent of this paragraph that the provision for prior service credit  
9 contained herein would not have been enacted without the conditions expressed herein requiring  
10 that any recipient of such prior service credit must actually pay the amount provided for herein,  
11 in conformity with the provisions hereof. In the absence of strict compliance with such provision  
12 for payment by the recipient, this paragraph shall be ineffective.))

13 Section 5. Chapter 16, Article IV, of the San Francisco Administrative Code is  
14 hereby amended by repealing Section 16.29-15.6.

15 **((Section 16.29-15.6. Definitions - Persons Who Are Members Under Section 8.507**  
16 **Of The Charter And Who Were Excluded From Membership Prior To January 8, 1932.**

17 Prior service as applied to persons who are members under Section 8.507 of the Charter on the  
18 effective date of this paragraph, and who were excluded from membership prior to January 8,  
19 1932, while employed under certification from a civil service list for permanent employment, or  
20 as a teacher, because of the requirement that six months of City and County service be completed  
21 as a condition of such membership, shall mean aggregate City and County service not to exceed  
22 six months rendered while so excluded. As an exception to the provisions contained in Section  
23 16.63 of this Code, however, service shall be credited under this paragraph only if the member  
24 elects prior to June 30, 1956, or prior to the effective date of retirement, whichever is earlier, to  
25 contribute, and does contribute, in a manner and at times approved by the Retirement Board, an

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1 amount equal to contributions determined by applying, to the compensation earned by him in  
2 such service, the rate of contribution first applicable to him upon commencement of his  
3 membership in the Retirement System. This paragraph shall apply only to persons who are  
4 members of the Retirement System on the effective date of this paragraph. The accumulated  
5 contributions standing to the credit of such members on such effective date, and their rates of  
6 contribution, shall not be affected by this paragraph. All contributions made pursuant to this  
7 paragraph shall be administered in the manner provided herein for normal contributions, except  
8 that the annuity provided upon retirement of the member, by such contributions, plus credited  
9 interest, shall not be matched by the City and County. Instead, such annuity shall be deducted  
10 from the pension payable to such member on account of prior service; and only the remainder of  
11 such prior service pension shall be payable from contributions of the City and County. It is  
12 hereby declared to be the intent of this paragraph that the provision for prior service credit  
13 contained herein would not have been enacted without the condition expressed herein requiring  
14 that any recipient of such prior service credit must actually pay the amount provided for herein,  
15 in conformity with the provisions hereof. In the absence of strict compliance with such provision  
16 for payment by the recipient, this paragraph shall be ineffective.))

17 Section 6. Chapter 16, Article IV, of the San Francisco Administrative Code is  
18 hereby amended by repealing Section 16.29-15.7.

19 **((Section 16.29-15.7. Definitions - Persons Who Are Members Under Section 8.507**  
20 **Of The Charter And Who Were Excluded From Membership Prior To September 14,**  
21 **1942.** Prior service - as applied to persons who are members under Section 8.507 of the Charter  
22 and who were excluded from membership prior to September 14, 1942, because of their  
23 employment in City and County service under certification for temporary service from civil  
24 service eligibility lists other than limited tenure lists, with respect only to the first six months of  
25 such service which is excluded in the definition of prior service in Section 16.29-15.5 of this

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1 Code; or who were or shall be excluded from membership because of the requirement that six  
2 months of City and County service be completed as a condition of such membership - shall mean  
3 aggregate City and County service not to exceed six months rendered while so excluded. As an  
4 exception to the provisions contained in Section 16.63 of this Code, however, service shall be  
5 credited under this paragraph only if the member elects - prior to the effective date of retirement  
6 - to contribute, and does contribute, prior to the effective date of retirement, in a manner and at  
7 times approved by the Retirement Board, an amount equal to contributions determined by  
8 applying to the compensation earned by him in such service the rate of contribution first  
9 applicable upon commencement of his membership in the Retirement System. The accumulated  
10 contributions standing to the credit of such members on the effective date of this paragraph and  
11 their rates of contribution shall not be affected by this paragraph. All contributions made  
12 pursuant to this paragraph shall be administered in the manner provided herein for normal  
13 contributions, except that the annuity provided upon retirement of the member, by such  
14 contributions, plus credited interest, shall not be matched by the City and County. Instead, such  
15 annuity shall be deducted from the pension payable to such member on account of prior service;  
16 and only the remainder of such prior service pension shall be payable from contributions of the  
17 City and County. It is hereby declared to be the intent of this paragraph that the provision for  
18 prior service credit contained herein would not have been enacted without the condition  
19 expressed herein requiring that any recipient of such prior service credit must actually pay the  
20 amount provided for herein, in conformity with the provisions hereof. In the absence of strict  
21 compliance with such provision for payment by the recipient, this paragraph shall be  
22 ineffective.))

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1           Section 7.     Chapter 16, Article IV, of the San Francisco Administrative Code is  
2 hereby amended by repealing Section 16.29-15.8.

3           **((Section 16.29-15.8. Definitions - Persons Who Are Members Under Section 8.507**  
4 **Of The Charter And Who Were Excluded Because Of Employment In The Emergency**  
5 **Relief Administration, County Division.** Prior service as applied to persons who are members  
6 under Section 8.507 of the Charter and who were excluded from membership because of their  
7 employment in City and County service in the Emergency Relief Administration, County  
8 Division, their compensation for which was paid by the City and County on City and County  
9 payrolls, shall mean aggregate City and County service rendered, while so excluded. As an  
10 exception to the provisions contained in Section 16.63 of this Code, however, service shall be  
11 credited under this Section only if the member elects prior to July 1, 1960, or prior to the  
12 effective date of retirement, whichever is earlier, to contribute, and does contribute, in a manner  
13 and at times approved by the Retirement Board, an amount equal to contributions determined by  
14 applying, to the compensation earned by him in such service, the rate of contribution first  
15 applicable to him upon commencement of his membership in the Retirement System. The  
16 accumulated contributions standing to the credit of said members on the effective date of this  
17 Section, and their rates of contribution, shall not be affected by this Section. All contributions  
18 made pursuant to this paragraph shall be administered in the manner provided herein for normal  
19 contributions, except that the annuity provided upon retirement the member, by said  
20 contributions, plus credited interest, shall not be matched by the City and County, and instead,  
21 said annuity shall be deducted from the pension payable to said member on account of prior  
22 service. Only the remainder of said prior service pension shall be payable from contributions of  
23 the City and County. It is hereby declared to be the intent of this Section that the provision for  
24 prior service credit contained herein would not have been enacted without the condition  
25 expressed herein requiring that any recipient of such prior service credit must actually pay the

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1 amount provided for herein, in conformity with the provisions hereof. In the absence of strict  
2 compliance with said provision for payment by the recipient, this Section shall be ineffective.))

3 Section 8. Chapter 16, Article IV, of the San Francisco Administrative Code is  
4 hereby amended by repealing Section 16.29-15.9.

5 **((Section 16.29-15.9. Definitions - Persons Who Are Members Under Section 8.507**  
6 **Of The Charter Or Who Retired Under Section 8.507 After May 23, 1960 Excluded From**  
7 **Membership Because Of Provisions Of Section 16626 Of Education Code Of The State Of**  
8 **California.** Prior service as applied to persons who are members under Section 8.507 of the  
9 Charter, or who retired under Section 8.507 on or after May 23, 1960, and who were excluded  
10 from membership prior to July 1, 1955, solely because of the provisions of Section 16626 of the  
11 Education Code of the state of California in effect prior to July 1, 1955, shall mean aggregate  
12 service, regardless of breaks in such service, rendered by them as employees in child care centers  
13 while so excluded.))

14 Section 9. Chapter 16, Article IV, of the San Francisco Administrative Code is  
15 hereby amended by repealing Section 16.29-18.

16 **((Section 16.29-18. Definitions - Retirement Fund.** Retirement Fund shall mean the  
17 "San Francisco City and County Employees' Retirement Fund," as created and established in  
18 Section 16.39 of this Code.))

19 Section 10. Chapter 16, Article IV, of the San Francisco Administrative Code is  
20 hereby amended by repealing Section 16.29-19.

21 **((Section 16.29-19. Definitions - Retirement System Or System.** Retirement System  
22 or system shall mean the "San Francisco City and County Employees' Retirement System," as  
23 created in Section 8.500 of the Charter.))

1           Section 11.   Chapter 16, Article IV, of the San Francisco Administrative Code is  
2 hereby amended by repealing Section 16.30.

3           **((Section 16.30. Elimination Of Charter Provision Excluding Remuneration**  
4 **Exceeding Five Hundred Dollars.** The limitations to \$500 per month specified in Section  
5 8.509 (A) and (H) (2) of the Charter, as amended, relating to compensation, average final  
6 compensation and the salary basis for teachers are hereby eliminated pursuant to the authority  
7 granted therein.))

8           Section 12.   Chapter 16, Article IV, of the San Francisco Administrative Code is  
9 hereby amended by repealing Section 16.31.

10           **((Section 16.31. Option Of System Member To Exclude Portion Of Salary.** Any  
11 person who, on the effective date of this Section, is a member of the system under Sections 8.507  
12 or 8.509 of the Charter, shall have the option, to be exercised in writing on a form furnished by  
13 the system and to be filed at the office of the system not later than 90 days after the effective  
14 date, of electing to have that part of his compensation which exceeds \$900 per month excluded  
15 for purposes of the Retirement System. With respect to such member who so elects, that part of  
16 his or her compensation which exceeds \$900 per month shall be excluded for Retirement System  
17 purposes. With respect to any member who does not so elect, no part of his or her compensation  
18 shall be excluded.))

19           Section 13.   Chapter 16, Article IV, of the San Francisco Administrative Code is  
20 hereby amended by repealing Section 16.35.

21           **((Section 16.35. Rehearings - Application And Grounds For Filing.**

22           (a)   The Retirement System staff, any applicant, or any beneficiary may file an  
23 application for rehearing of any application whether for a benefit hereunder or retirement, within  
24 30 days after written notice of the determination by the Retirement Board has been sent by  
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1 registered mail to the applicant or the applicant's attorney of record, upon any of the following  
2 grounds.

3 (1) That the Retirement Board acted without and in excess of its powers;

4 (2) That the evidence does not justify the determination of the Retirement  
5 Board;

6 (3) That new evidence has been discovered which is material and which could  
7 not, with reasonable diligence, have been discovered or procured at the hearing.

8 (b) The Retirement Board may grant a rehearing at any time when an order, decision  
9 or award was procured by fraud.

10 (c) This Section shall be operative through September 30, 1980 and thereafter the  
11 provisions of Charter Section 8.518 shall prevail.))

12 Section 14. Chapter 16, Article IV, of the San Francisco Administrative Code is  
13 hereby amended by repealing Section 16.36.

14 **((Section 16.36. Rehearings - Determination When Application Is Deemed Denied.**

15 The determination of the Retirement Board on any application for rehearing shall be made within  
16 60 days after the filing thereof, or the application shall be deemed denied and such determination  
17 shall be denied. Such determination shall be final and conclusive and it shall have no jurisdiction  
18 to entertain any subsequent application regarding the same matter.))

19 Section 15. Chapter 16, Article IV, of the San Francisco Administrative Code is  
20 hereby amended by repealing Section 16.39.

21 **((Section 16.39. San Francisco City And County Employees' Retirement Fund.**

22 (a) Created; Composition; Control. A fund is hereby created and established to be  
23 known as the San Francisco City and County Employees' Retirement Fund and to consist of all  
24 the moneys paid into it as herein provided, whether such moneys shall take the form of cash,  
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1 securities or other assets. The Retirement Board shall have exclusive control, as provided in  
2 Section 3.671 of the Charter, of the administration and investment of the fund.

3 (b) Deposits of Cash of Fund. The Retirement Board may deposit cash belonging to  
4 the Retirement Fund in any licensed national bank in the state or in any banks authorized or  
5 licensed to do a banking business, and organized under the laws of this state, subject to the  
6 provisions of Section 6.311 of the Charter.

7 (c) Custodian; Payments from Fund. The Treasurer shall be the custodian of the  
8 Retirement Fund under the provisions of Section 6.310 of the Charter, subject to the exclusive  
9 control of the Retirement Board as to the administration, deposit and investment of the fund.  
10 Payments from the fund shall be made by the Treasurer only upon warrant drawn by the  
11 Controller and no such warrant shall be drawn except in payment of claims or payrolls prepared  
12 and signed by the Secretary of the Retirement Board.

13 (d) Payment of Interest into Fund. Interest on any cash and on any investments  
14 constituting a part of the fund shall be paid into the fund as received.

15 (e) Restrictions on Interest. Except as herein provided, no member or employee of the  
16 Retirement Board shall have any interest, direct or indirect, in the making of any investment, or in  
17 the gains or profits accruing therefrom. No member of the Retirement System and no member or  
18 employee of the Board, directly or indirectly, for himself or as an agent or partner of others shall  
19 borrow any of its funds or in any manner use the same, except to make such current and  
20 necessary payments as are authorized by the Board; nor shall any member or employee of the  
21 Board become an endorser or surety or become in any manner an obligor for moneys invested by  
22 the Board.))  
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1           Section 16.   Chapter 16, Article IV, of the San Francisco Administrative Code is  
2 hereby amended by repealing Section 16.40.

3           **((Section 16.40. Transfer Of Other Funds And Records.** All assets and all records of  
4 the San Francisco City and County Employees' Retirement System, the Police Relief and  
5 Pension Fund and the Firemen's Relief Fund, which were transferred on January 8, 1932, to the  
6 Retirement System, shall be held for the same purpose as under the Retirement System or fund  
7 from which they were transferred. Beneficiaries nominated in such records are to continue until  
8 changed as provided by this Article.))

9           Section 17.   Chapter 16, Article IV, of the San Francisco Administrative Code is  
10 hereby amended by repealing Section 16.50.

11           **((Section 16.50. Contributions Of Firemen And Policemen Employed Before**  
12 **January 8, 1932.** Each person who was a member of the Police Department on January 8, 1932,  
13 shall contribute \$2 to the Retirement System for each month, beginning with January, 1932,  
14 during any part of which he is in City and County service as such member. Persons who were  
15 members of the Fire Department on January 8, 1932, shall not be required to make any  
16 contribution to the Retirement System as such members. If, however, prior to July 1, 1932, any  
17 member of the Fire or Police Department exercised affirmatively the option provided in Sections  
18 8.540 and 8.565 respectively, of the Charter, of becoming members of the Retirement System  
19 under the provisions of Sections 8.543 and 8.567 of the Charter, respectively, then he shall  
20 contribute, effective January 8, 1932, and on the basis of his attained age to the nearest year upon  
21 such date, to the Retirement System in accordance with Section 16.51 of this Code, any  
22 contributions made by him under the provisions of this Section being credited on the  
23 contributions required of him under Section 16.51 of this Code. Likewise, each member of the  
24 Police Department who exercised affirmatively the option provided in Section 8.540 of the  
25 Charter, as amended in 1935, shall contribute, on and after the effective date of such affirmative

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1 action and on the basis of his attained age to the nearest year upon such date, to the Retirement  
2 System in accordance with Section 16.51 of this Code.))

3 Section 18. Chapter 16, Article IV, of the San Francisco Administrative Code is  
4 hereby amended by repealing Section 16.51.

5 **((Section 16.51. Computation Of Normal Rates Of Contribution.** The normal rates  
6 of contribution of all other members shall be those adopted by the Retirement Board and shall be  
7 based on sex and nearest age at time of entry into the Retirement System, or nearest age at time  
8 of entry into the San Francisco City and County Employees' Retirement System, if members of  
9 that system, such normal rates to be such as will provide, on the basis of experience as  
10 interpreted by the actuary, an average annuity at age 55 for persons who are members under  
11 Section 8.567 of the Charter, equal to  $\frac{3}{4}$  of one percent of the final compensation of such  
12 members, for each year of service as members, and an average annuity at age 62 for all other  
13 male members, equal to of one percent, and for all female members, equal to 586/1000ths of one  
14 percent of the final compensation of such members, for each year of service as members. The  
15 actual amount of annuity receivable, however, by a member upon retirement for service shall be  
16 the actuarial equivalent of his accumulated contributions as provided in Section 16.70 of this  
17 Code. The rates so adopted shall remain in full force and effect until revised or changed by the  
18 Retirement Board in the manner provided in Section 16.61 of this Code.))

19 Section 19. Chapter 16, Article IV, of the San Francisco Administrative Code is  
20 hereby amended by repealing Section 16.53.

21 **((Section 16.53. Normal Rates For Young And Old Members.** The normal rate of  
22 contributions established for age 61, or age 55 for members under Section 8.567 of the Charter,  
23 shall be the rate for any member who has attained a greater age before entrance into the  
24 Retirement System. In like manner, the normal rate of contribution established for age 20 shall  
25 be the rate for any member who enters the Retirement System at a lesser age.))

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1           Section 20.   Chapter 16, Article IV, of the San Francisco Administrative Code is  
2 hereby amended by repealing Section 16.57.

3           **((Section 16.57. Contributions, Etc., Of Members Earning More Than Five**  
4 **Hundred Dollars Per Month Prior To November 1, 1949.** Each member who, prior to  
5 November 1, 1949, earned compensation of more than \$500 per month for City and County  
6 service rendered while a member shall pay into the Retirement Fund, by lump sum payment or  
7 by payroll deductions over a period not exceeding 36 months from November 1, 1949: (1) Such  
8 additional amount as he would have contributed as a part of his normal contributions, based on  
9 service credited to him at such date, and assuming that the portion of the compensation earned by  
10 him which did not exceed \$700 per month was subject to normal contributions during the entire  
11 period of his membership in the system; and (2) an amount equal to the additional interest which  
12 would have been credited to his account had he made normal contributions to the Retirement  
13 Fund on his compensation earned in excess of \$500 per month and not in excess of \$700 per  
14 month, prior to November 1, 1949. Each such member may, at his option, contribute in a like  
15 manner all or any part of: (1) Such additional amount as he would have contributed as a part of  
16 his additional contributions; and (2) an amount equal to the additional interest which would have  
17 been credited to his account on such additional contributions, both the additional contributions  
18 and interest being calculated in the same manner and under the same assumptions as are stated in  
19 the preceding sentence for the calculation of the amount due from him on account of normal  
20 contributions.))

21           Section 21.   Chapter 16, Article IV, of the San Francisco Administrative Code is  
22 hereby amended by repealing Section 16.58.

23           **((Section 16.58. Payment Of Death Benefits Before Decedent Paid In Total Amount**  
24 **Due Under Optional Payments.** If a death benefit becomes payable because of a member's  
25 death, before the payment of the total amount the member elected or was required to pay under

1 an optional payment or optional manner of payment provided in this Article with respect to  
2 normal contributions, his compensation not to exceed \$700 per month nevertheless shall be  
3 included in the computation of that portion of the death benefit which is provided in Paragraph  
4 (b) of Section 16.80 of this Code, and the unpaid balance of the total amount shall not be paid to  
5 the system. Any balance of the total amount remaining unpaid at the death of a member on  
6 account of which a death allowance is payable, or at his retirement for either service or disability,  
7 shall become due and payable forthwith.))

8 Section 22. Chapter 16, Article IV, of the San Francisco Administrative Code is  
9 hereby amended by repealing Section 16.59.

10 **((Section 16.59. Additional Amounts To Be Paid By Members Not Exercising**  
11 **Option Provided By Section 16.31.** Each member who does not affirmatively exercise the  
12 option provided in Section 16.31 of this Code and who prior to May 1, 1955, earned  
13 compensation of more than \$900 per month for City and County service rendered while a  
14 member shall pay into the Retirement Fund, by lump sum payment or by payroll deductions over  
15 a period not exceeding 36 months from May 1, 1955: (1) Such additional amount as he would  
16 have contributed as a part of his normal contributions, based on service credited to him and  
17 assuming that all of the compensation earned by him was subject to normal contributions during  
18 the entire period of his membership in the system; and (2) an amount equal to the additional  
19 interest which would have been credited to his account had he made normal contributions to the  
20 Retirement Fund on his compensation earned in excess of \$900 per month prior to May 1, 1955.  
21 Each such member may, at his option, contribute in a like manner, all or any part of: (1) Such  
22 additional amount as he would have contributed as a part of his additional contributions; and  
23 (2) an amount equal to the additional interest which would have been credited to his account on  
24 such additional contributions, both the additional contributions and interest being calculated in  
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1 the same manner and under the same assumption as is stated in the preceding sentence for the  
2 calculations of the amount due from him on account of normal contributions.))

3 Section 23. Chapter 16, Article IV, of the San Francisco Administrative Code is  
4 hereby amended by repealing Section 16.60.

5 **((Section 16.60. Effect Of Death Of Member Before Payments Under Optional**  
6 **Plans.** If a death benefit becomes payable because of a member's death, before the payment of  
7 the total amount the member elected or was required to pay under an optional payment or  
8 optional manner of payment, provided in this Article with respect to normal contributions, his  
9 compensation not to exceed \$900 dollars per month if he be a person who affirmatively exercises  
10 the option provided in Section 16.31 of this Code, or all of his compensation if he be a person  
11 who does not so exercise such option, nevertheless shall be included in the computation of that  
12 portion of the death benefit which is provided in Section 16.80 (b) of this Code, and the unpaid  
13 balance of the total amount shall not be paid to the system.

14 Any balance of the total amount remaining unpaid at the death of a member, on account  
15 of which a death allowance is payable or at his retirement for either service or disability, shall  
16 become due and payable forthwith.))

17 Section 24. Chapter 16, Article IV, of the San Francisco Administrative Code is  
18 hereby amended by repealing Section 16.61.

19 **((Section 16.61. Determination Of Members' Contributions And Payment By City**  
20 **Of Equal Amount.**

21 (a) After the close of each month the Retirement Board shall determine the aggregate  
22 amount of the normal contributions for such month, excluding contributions provided for in  
23 Section 16.50 of this Code, and the portions of such aggregate amount deducted from  
24 compensation paid from:  
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1           (1) Funds of operating public utilities, which shall include units of the Hetch  
2 Hetchy Project certified from time to time by the Public Utilities Commission as being  
3 completed and placed on a permanent operating basis.

4           (2) Bond funds not included under the preceding paragraph.

5           (3) Funds of the City and County School Department.

6           (4) County road funds.

7           (5) Other special funds.

8           (6) All other sources.

9           (b) There shall be paid to the Retirement Fund from each of the funds included under  
10 Subsection (a) of this Section, an amount equal to the total normal contributions deducted from  
11 compensation paid from such fund.

12           The Board shall certify to the Controller the amount of normal contributions deducted  
13 from compensation paid from all other sources as set forth in Paragraph (6), Subsection (a) of  
14 this Section, and the Controller shall charge an equal amount to the appropriation for the  
15 Retirement System in the budget for the then current fiscal year. Nothing in this Section,  
16 however, shall prevent the determination of the amount of normal contributions deducted from  
17 compensation paid from any fund, on payrolls carrying compensation from more than one fund,  
18 as being the amount which bears the same ratio to the total normal contributions deducted on  
19 such roll as the compensation paid from such fund bears to the total compensation paid from all  
20 funds on such roll.))

21           Section 25. Chapter 16, Article IV, of the San Francisco Administrative Code is  
22 hereby amended by repealing Section 16.62.

23           **((Section 16.62. City Contributions From Former Police Fund.** The City and County  
24 shall pay to the Retirement System an amount equal to the contributions, improved with interest  
25 at the rate of four percent per annum, compounded at June 30th of each year, from the first day



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1 of the month following that for which the contribution was made to January 8, 1932, made to the  
2 Police Relief and Pension Fund by persons who were members of the Police Department on  
3 January 8, 1932.

4 The individual account of each of such persons shall be credited with that portion of such  
5 accumulated contributions, which is made up of contributions, with such interest, made by him  
6 to such fund. Any balance due under this Section from the City and County to the Retirement  
7 System on and after January 8, 1932, shall be improved with regular interest on and after that  
8 date.))

9 Section 26. Chapter 16, Article IV, of the San Francisco Administrative Code is  
10 hereby amended by repealing Section 16.63.

11 **((Section 16.63. City Contributions For Prior Service.** There shall be paid into the  
12 Retirement Fund, by contributions of the City and County, the amounts necessary to pay all  
13 pensions and all other benefits allowable under the provisions of this Article to members on  
14 account of prior service, with the exception contained in Sections 16.29-15.5, 16.29-15.6, 16.29-  
15 15.7 and 16.29-15.8 of this Code. Until the amount accumulated in the Retirement Fund becomes  
16 not less than the present value of all amounts thereafter payable from the Retirement Fund, the  
17 amount due in each fiscal year to the fund under this Section shall be the amount payable from  
18 the fund in such fiscal year on account of prior service. Such portion of the amount as is annually  
19 due to the Retirement Fund on account of prior service rendered by persons as employees of  
20 municipally-owned operating public utilities, which shall include units of the Hetch Hetchy  
21 Project certified from time to time by the Public Utilities Commission as being completed and  
22 placed on a permanent operating basis, or on account of prior service rendered by persons as  
23 employees of the City and County School Department, shall be paid from the funds of such  
24 public utilities or from the funds of the City and County School Department, respectively;  
25 provided, that no amount due to the Retirement Fund on account of prior service rendered by

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1 persons receiving retirement allowances under the provisions of Subsection (c) of Section 8.507  
2 of the Charter shall be paid from the funds of the City and County School Department. After the  
3 close of each month, the Board shall certify to the Controller the amount due to the Retirement  
4 Fund under this Section on account of prior service rendered by persons other than employees of  
5 such public utilities and the School Department, and the Controller shall charge an equal amount  
6 to the appropriation for the Retirement System in the budget for the then current fiscal year.))  
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ORDINANCE NO. \_\_\_\_\_

1           Section 27.     Chapter 16, Article IV, of the San Francisco Administrative Code is  
2 hereby amended by repealing Section 16.64.

3           **((Section 16.64. City Contributions For Administrative Costs Of System.** The  
4 administrative costs of the Retirement System shall be met by contributions of the City and  
5 County. Such contributions shall be charged against the appropriation for the system in the  
6 budget for the then current fiscal year and paid from other funds as determined by the Controller  
7 on the basis of information furnished by the Retirement Board.))

8           Section 28.     Chapter 16, Article IV, of the San Francisco Administrative Code is  
9 hereby amended by repealing Section 16.65.

10           **((Section 16.65. Certification And Charge For Benefits Not Provided By Members'**  
11 **Contributions; Ratification Of Prior Payments; Retention Of Unallocated Contributions.**  
12 During each fiscal year the Retirement Board shall certify to the Controller the amount of  
13 benefits not provided by members' contributions and paid during such year by the Retirement  
14 System on account of service rendered on and after January 8, 1932, by persons as members of  
15 the system under Sections 8.540 and 8.565 of the Charter, and the Controller shall charge an  
16 equal amount to the appropriation of the Retirement System for that year. Contributions made by  
17 the City and County to meet such benefits paid prior to July 1, 1946, are hereby ratified and  
18 confirmed, and the accounts of the Retirement System shall be adjusted accordingly as of June  
19 30, 1946. Any assets growing out of such contributions made by the City and County on account  
20 of such benefits, remaining unallocated after such adjustment, shall be retained by the  
21 Retirement System as a reserve against the obligation of the City and County on account of  
22 benefits that have been granted and on account of prior service of members.))

1           Section 29.   Chapter 16, Article IV, of the San Francisco Administrative Code is  
2 hereby amended by repealing Section 16.68.

3           **((Section 16.68. Service Retirement.** Retirement of a member for service shall be made  
4 by the Retirement Board as follows:

5           (a)   Each member (except persons who become members under Section 8.565 of the  
6 Charter) who has attained the age of 70 years in City and County service; or within four months  
7 after discontinuance of City and County service; or while physically or mentally incapacitated  
8 for the performance of duty, if such incapacity has been continuous from discontinuance of City  
9 and County service, shall be retired on the first day of the calendar month next succeeding that in  
10 which said member shall have attained the age of 70 years.

11           (b)   Any member in City and County service - or within four months after  
12 discontinuance of City and County service; or while physically or mentally incapacitated for the  
13 performance of duty, if such incapacity has been continuous from discontinuance of City and  
14 County service - may retire upon written application to the Retirement Board, stating what time  
15 he desires to be retired; provided, that such member:

16                   (1)   If he be a member, under Section 8.540 of the Charter, shall be credited, at  
17 the time so specified for retirement, with 30 years of continuous service as a member of  
18 the Police Department, and shall have attained the age of 62 years.

19                   (2)   If he be a member, under Section 8.565 of the Charter, shall be credited, at  
20 the time so specified for retirement, with:

21                           (A)   Twenty-five years of continuous service as a member of the Fire  
22 Department, regardless of age; or,

23                           (B)   Twenty years of continuous service as a member of the Fire  
24 Department and shall have attained the age of 55 years.  
25

(3) If he be a member under Section 8.543 of the Charter, shall be credited, at the time so specified for retirement, with:

(A) Twenty-five years of continuous service; and shall have attained the age of 62 years; or,

(B) Thirty years of continuous service; and shall have attained the age of 57 years.

(4) If he be a member under Section 8.567 of the Charter, shall be credited, at the time so specified for retirement, with:

(A) Twenty years of continuous service and shall have attained the age of 55 years; or,

(B) Thirty years of continuous service and shall have attained the age of 52 years.

(5) If he be a member under any other Charter provision, shall be credited, at the time so specified for retirement, with:

(A) Ten years of continuous service; and shall have attained the age of 62 years; or,

(B) Thirty years of continuous service; and shall have attained the age of 57 years.))

Section 30. Chapter 16, Article IV, of the San Francisco Administrative Code is hereby amended by repealing Section 16.69.

**((Section 16.69. Retirement Age For Members Under Section 8.509 Of The Charter.**

Each person who is a member of the Retirement System under Section 8.509 of the Charter shall be retired on the first day of the month next following the attainment by him of the age of 70 years during the 12 months ending June 30, 1948; the age of 69 years during the 12 months ending June 30, 1949; the age of 68 years during the 12 months ending June 30, 1950; the age of

67 years during the 12 months ending June 30, 1951; the age of 66 years during the 12 months ending June 30, 1952; and thereafter, following the attainment of the age of 65 years. Any such member who attains the age set forth in the preceding sentence as the compulsory age of retirement during any 12 months, prior to the beginning of such 12 months, shall be retired on the first day of such 12 months.))

Section 31. Chapter 16, Article IV, of the San Francisco Administrative Code is hereby amended by repealing Section 16.70.

**((Section 16.70. Allowances Upon Retirement For Service.** A member, upon retirement for service as provided in Section 16.68 of this Code:

(a) If he be a member under Sections 8.540 or 8.565 of the Charter shall receive a retirement allowance as provided in such sections for members at January 8, 1932, of the Police and Fire Departments, respectively, upon service retirement as distinguished from disability retirement and death. Such retirement allowance shall be provided by the accumulated contributions credited to the member's individual account and by the City and County's contributions on account of prior service and on account of service as a member of the system, in proportions as determined by the Retirement Board.

(b) If he be a member under any other Charter provision, shall receive a retirement allowance, which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement;

(2) A pension, purchased by the contributions of the City and County, equal to that portion of the annuity purchased by the accumulated normal contributions of the member, and if he be a member who did not affirmatively exercise the option in Subsection (h) of Section 8.540 of the Charter, a pension which shall be the actuarial equivalent of the accumulated contributions of the City and County held for his benefit

1 on account of City and County service rendered after January 8, 1932, as a member under  
2 Sections 8.540 or 8.565 of the Charter; and,

3 (3) An additional pension, purchased by the contributions of the City and  
4 County, which shall be equal to 1- percent or 1- percent if he be a member under Section  
5 8.567 of the Charter, of his final compensation multiplied by the number of years of prior  
6 service credited to him, plus the number of years of City and County service credited to  
7 him as having been rendered from January 8, 1932, to the effective date of his affirmative  
8 acceptance of the option in Subsection (h) of Section 8.540 of the Charter, less an amount  
9 equal to the portion of the annuity purchased by accumulated contributions of the  
10 member made at the rate of \$2 per month; except that if a member (other than a person  
11 who has affirmatively exercised the option in Subsection (h) of Section 8.540 of the  
12 Charter) shall retire after 30 years of continuous service and before attaining the age of  
13 62 years, or 55 years (if he be a member under Section 8.567 of the Charter), the  
14 additional pension shall be such - as can be purchased at the age of retirement by the  
15 actuarial value, at the age of retirement, of a pension, deferred to age 62 years - or 55  
16 years, if he be a member under Section 8.567 of the Charter - equal to 1- percent or 1-  
17 percent if he be a member under Section 8.567 of the Charter, of his final compensation  
18 multiplied by the number of years prior service credited to him - provided, that in the  
19 calculation of any additional pension under this paragraph in the case of a member having  
20 credit for more than one class of prior service, that is, prior service as a teacher in the day  
21 schools, as a teacher in the evening schools or as an employee in any other position,  
22 separate additional pensions shall be calculated in a manner prescribed for each class of  
23 prior service, the final compensation in each case being that for the respective class of  
24 service.  
25

1 (c) Any member who receives credit for prior service, and who is retired by reason of  
2 attaining the age of 70 years, shall receive on account of prior service such additional pension,  
3 purchased by the contributions of the City and County, as will make his total retirement  
4 allowance, exclusive of the annuity provided by his accumulated additional contributions, not  
5 less than \$450 per year, unless such \$80 exceeds of his final compensation, in which event, his  
6 total retirement allowance, exclusive of the annuity provided by his accumulated additional  
7 contributions, shall be not less than of his final compensation.))

8 Section 32. Chapter 16, Article IV, of the San Francisco Administrative Code is  
9 hereby amended by repealing Section 16.70-2.

10 ((Section 16.70-2. **Compulsory Retirement.** Any member under Section 8.507 of the  
11 Charter who is subject to compulsory retirement under said section, effective on a date after the  
12 effective date of Section 16.70-1 of this Code and prior to July 1, 1965, shall be entitled to the  
13 optional retirement benefits provided in said Section 16.70-1, upon his election prior to the  
14 effective date of his retirement and on a form provided by the Retirement System, to be so  
15 entitled, and upon his payment on or before his retirement of retroactive contributions as  
16 provided in said Section 16.70-1, for time on and after July 1, 1947.))

17 Section 33. Chapter 16, Article IV, of the San Francisco Administrative Code is  
18 hereby amended by repealing Section 16.72.

19 ((Section 16.72. **Disability Retirement - Allowances Upon Disability Retirement**  
20 **Period.** Upon retirement for disability as provided in the preceding section, a member who has  
21 qualified for retirement for service under the provisions of Section 16.70 of this Code, except the  
22 provisions of such section permitting retirement below the normal retirement age after 30 years  
23 of continuous service, shall receive a service retirement allowance as provided in Section 16.70  
24 of this Code and shall be considered as a service retirement, except as provided in Subsection (b)  
25 of this Section; otherwise, such member:



1 (a) If he is a member under Section 8.540 or 8.565 of the Charter, he shall receive a  
2 retirement allowance as provided in such sections for members at January 8, 1932, of the Police  
3 and Fire Departments, respectively, upon disability retirement as distinguished from service  
4 retirement and death. Such retirement allowance shall be provided by the accumulated  
5 contributions credited to the member's individual account and by the City and County's  
6 contributions on account of prior service, and on account of service as a member of the system,  
7 in proportions as determined by the Retirement Board.

8 (b) If he is a member under Section 8.543 or 8.567 of the Charter, and if his  
9 disability, in the opinion of the Retirement Board, is the result of bodily injury received in the  
10 performance of duty, shall receive:

11 (1) An annuity which shall be the actuarial equivalent of his accumulated  
12 contributions at the time of his retirement; and,

13 (2) A pension purchased by contributions of the City and County, which,  
14 together with the annuity provided by his accumulated normal contributions, shall make  
15 his total retirement allowance, exclusive of the annuity provided by his accumulated  
16 additional contributions, equal to one-half of his final compensation. If such member  
17 shall have been continuously incapacitated for the performance of any duties from the  
18 date of, and shall die as a result of such injury while receiving such retirement allowance,  
19 then the retirement allowance shall be continued after his death to his surviving wife to  
20 whom the member was married prior to sustaining the injury, to continue as long as she  
21 shall live or until her remarriage; or, if there be no widow, or if the widow die before any  
22 child of such deceased member shall have attained the age of 16 years, then to his child  
23 or children under such age collectively, to continue until every child dies or attains such  
24 age. A member qualifying for continuation of a retirement allowance under this  
25

1 paragraph shall not be subject to the provisions of this Section referring to service  
2 retirement.

3 (c) If he is a member under Section 8.543 or 8.567 of the Charter and if his disability,  
4 in the opinion of the Retirement Board, is not the result of bodily injury received in the  
5 performance of duty, or if he be a member under any other Charter provisions, he shall receive:

6 (1) An annuity which shall be the actuarial equivalent of his accumulated  
7 contributions at the time of his retirement; and,

8 (2) A pension purchased by the contributions of the City and County, which  
9 together with the annuity provided by his accumulated normal contributions shall make  
10 the retirement allowance, exclusive of the annuity provided by his accumulated additional  
11 contributions, equal to:

12 (A) One and one-fourth percent of his final compensation multiplied by the  
13 number of years of City and County service credited to him, if such retirement allowance  
14 exceeds  $\frac{1}{4}$  of his final compensation; otherwise,

15 (B) One and one-fourth percent of his final compensation multiplied by the  
16 number of years of City and County service which would be creditable to him were his  
17 City and County service to continue until attainment by him of age 62, but such  
18 retirement allowance shall not exceed  $\frac{1}{4}$  of such final compensation. In the calculation of  
19 a retirement allowance under this paragraph in the case of a member having credit for  
20 more than one class of service, that is, service as a teacher in the day schools, as a teacher  
21 in the evening schools or as an employee in any other position, separate retirement  
22 allowances shall be calculated, in the manner prescribed for each class of service; the  
23 final compensation in each case being that for the respective class of service; provided,  
24 that the final compensation upon which the minimum total retirement allowance is  
25 calculated in such case shall be based on the compensation earnable by the member in the

1 classes of service rendered by him during the 10 years immediately preceding his  
2 retirement.))

3 Section 34. Chapter 16, Article IV, of the San Francisco Administrative Code is  
4 hereby amended by repealing Section 16.73.

5 **((Section 16.73. Disability Retirement - Allowances Upon Disability Retirement**  
6 **Prior To July 1, 1947.** Notwithstanding the preceding section, upon retirement for disability,  
7 effective prior to July 1, 1947, as provided in Section 16.71 of this Code, a member who has  
8 qualified for retirement for service under the provisions of Section 16.70 of this Code, except the  
9 provisions of such section permitting retirement below the normal retirement age after 30 years  
10 of continuous service, shall receive a service retirement allowance as provided in Section 16.70  
11 of this Code and shall be considered as a service retirement, except as provided in Subsection (b)  
12 of this Section; otherwise, such member:

13 (a) If he is a member under Section 8.540 or 8.565 of the Charter, shall receive a  
14 retirement allowance as provided in Section 16.72 of this Code;

15 (b) If he is a member under Section 8.543 or 8.567 of the Charter, and if his  
16 disability, in the opinion of the Retirement Board, is the result of bodily injury received in the  
17 performance of duty, shall receive a retirement allowance as provided in Section 16.72 of this  
18 Code;

19 (c) If he is a member under Section 8.543 or 8.567 of the Charter, and if his  
20 disability, in the opinion of the Retirement Board, is not the result of bodily injury received in  
21 the performance of duty, or if he is a member under any other Charter provisions, he shall  
22 receive, notwithstanding the provisions of Section 16.72 of this Code:

23 (1) An annuity which shall be the actuarial equivalent of his accumulated  
24 contributions at the time of his retirement; and,  
25

1           (2)     A pension purchased by the contributions of the City and County, which  
2 together with the annuity provided by his accumulated normal contributions shall make  
3 the retirement allowance, exclusive of the annuity provided by his accumulated additional  
4 contributions equal to:

5                   (A)     One and one-half percent of his average monthly salary earnable  
6 during the five years immediately preceding his retirement multiplied by the  
7 number of years of City and County service credited to him, if such retirement  
8 allowance exceeds of his final compensation; otherwise,

9                   (B)     One and one-half percent of his five-year average monthly salary  
10 earnable multiplied by the number of years of City and County service which  
11 would be creditable to him were his City and County service to continue until  
12 attainment by him of age 60, but such retirement allowance shall not exceed of  
13 such five-year average monthly salary earnable. In the calculation of a retirement  
14 allowance under this paragraph in the case of a member having credit for more  
15 than one class of service, that is, service as a teacher in the day schools, as a  
16 teacher in the evening schools or as an employee in any other position, separate  
17 retirement allowances shall be calculated, in the manner prescribed, for each class  
18 of service, such five-year average monthly salary earnable in each case being that  
19 for the respective class of service; provided, that the final compensation upon  
20 which the minimum total retirement allowance is calculated in such case shall be  
21 based on the compensation earnable by the member in the classes of service  
22 rendered by him during the five years immediately preceding his retirement.))  
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FILE NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

1           Section 35.   Chapter 16, Article IV, of the San Francisco Administrative Code is  
2 hereby amended by repealing Section 16.78.

3           **((Section 16.78. Increase In Allowances For Persons Retiring Under Provisions Of**  
4 **Section 8.509 Of The Charter.** Every allowance payable for time commencing on the effective  
5 date of this Section to any person who was retired as a member under Section 8.509 of the  
6 Charter, prior to such effective date, is hereby increased to the amount it would be if the  
7 provisions of Section 11 of Bill No. 1125, Ordinance No. 4.073, designated Section 211,  
8 Article 3, Part I of the San Francisco Municipal Code, as they exist on such effective date, had  
9 been in effect on the date of the actual retirement of the member. This Section does not  
10 authorize any decrease in such allowance, nor does this Section give any such retired person, or  
11 his successors in interest, any claim against the City and County for any increase in any  
12 allowance paid or payable for time prior to its effective date. The increase in the retirement  
13 allowance shall be apportioned according to service rendered by the member in the same manner  
14 that the allowance prior to increase was apportioned.))

15  
16  
17 APPROVED AS TO FORM:

18 LOUISE H. RENNE  
19 City Attorney

20  
21 By: \_\_\_\_\_

22   
23 DAN MAGUIRE  
24 Deputy City Attorney  
25



# City and County of San Francisco

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

## Tails Ordinance

**File Number:** 001006

**Date Passed:**

Ordinance amending Chapter 16, Article IV of Part 1 of the San Francisco Administrative Code by repealing Sections 16.29-15.3, 16.29-15.4, 16.29-15.5, 16.29-15.6, 16.29-15.7, 16.29-15.8, 16.29-15.9, 16.29-18, 16.29-19, 16.30, 16.31, 16.35, 16.36, 16.39, 16.40, 16.50, 16.51, 16.53, 16.57, 16.58, 16.59, 16.60, 16.61, 16.62, 16.63, 16.64, 16.65, 16.68, 16.69, 16.70, 16.70-2, 16.72, 16.73, and 16.78, regarding the Retirement System, to eliminate out-dated and obsolete provisions.

July 24, 2000 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

July 31, 2000 Board of Supervisors — FINALLY PASSED

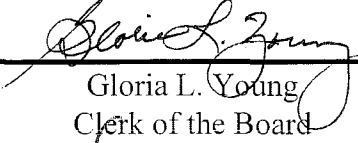
Ayes: 9 - Ammiano, Becerril, Bierman, Katz, Kaufman, Leno, Newsom, Teng, Yee  
Absent: 2 - Brown, Yaki

File No. 001006

I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on July 31, 2000 by  
the Board of Supervisors of the City and  
County of San Francisco.

AUG 11 2000

Date Approved

  
Gloria L. Young  
Clerk of the Board

  
Mayor Willie L. Brown Jr.