

1 [Charter Amendment - Health Benefits for Former Redevelopment Agency and Successor
2 Agency Employees]

3 **Describing and setting forth a proposal to the voters to amend the Charter of the City and**
4 **County of San Francisco by amending Sections A8.428 and A8.432, to provide retiree**
5 **healthcare benefits to employees who transferred to the City and County of San Francisco**
6 **from the Redevelopment Agency of the City and County of San Francisco or the Successor**
7 **Agency to the Redevelopment Agency of the City and County of San Francisco at an**
8 **election to be held on November 4, 2014.**

9
10 Section 1. The Planning Department has determined that the actions contemplated in this
11 proposed Charter Amendment comply with the California Environmental Quality Act (California
12 Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of
13 the Board of Supervisors in File No. _____ and is incorporated herein by reference.

14
15 Section 2. The Board of Supervisors hereby submits to the qualified voters of the City
16 and County, at an election to be held on November 4, 2014, a proposal to amend the Charter of
17 the City and County by revising Sections A8.428 and A8.432, to read as follows:

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

23 **SEC. A8.428. HEALTH SERVICE SYSTEM TRUST FUND.**

24 There is hereby created a health service system trust fund. The costs of the
25 health service system shall be borne by the members of the system and Retired Persons, the City
and County of San Francisco because of its members and Retired Persons, the Parking Authority

1 of the City and County of San Francisco because of its members and Retired Persons, the San
2 Francisco Unified School District because of its members and Retired Persons and the San
3 Francisco Community College District because of its members and Retired Persons.

4 (a) **Definitions.**

5 "Credited Service" means years of employment with the Employers.

6 "Employers" as used in this section means the City and County of San Francisco ("City
7 and County"), the San Francisco Unified School District ("School District") and/or the San
8 Francisco Community College District ("Community College District"). Employers shall also
9 include the Superior Court of California, County of San Francisco ("Superior Court"), to the
10 extent the Superior Court participates in the City's Health Service System, under A8.428(e).

11 "Hired on or Before January 9, 2009" as used in this section means employees of the City
12 and County, the School District, ~~and/or~~ the Community College District, the Redevelopment
13 Agency of the City and County of San Francisco (the "Redevelopment Agency") who were hired
14 on or before January 9, 2009, and/or employees of the Successor Agency to the Redevelopment
15 Agency of the City and County of San Francisco (the "Successor Agency") who were hired on or
16 before January 9, 2009 by the Redevelopment Agency, excluding the following categories of
17 employees: (1) as-needed employees who have, never earned 1,040 or more hours of
18 compensation during any 12-month period ending on or before January 9, 2009; and (2)
19 employees who have separated from the Employers on or before January 9, 2009, and have less
20 than 5 years of Credited Service, and (3) employees of the Redevelopment Agency or the
21 Successor Agency who were not employees of the City and County before January 1, 2015.

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

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

4 "Registered as Domestic Partners" as used in this section means persons who have
5 established a domestic partnership according to the provisions of Chapter 62 of the San
6 Francisco Administrative Code, as amended from time to time. Domestic partners who have
7 formed their domestic partnership only by notarization of a declaration of Domestic Partnership
8 as provided in Chapter 62 of the San Francisco Administrative Code shall not be recognized or
9 treated as a domestic partnership under this Section unless and until the domestic partnership is
10 registered or certified.

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

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

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

17 (1) A former member of the health service system, hired by the Employers or the
18 Redevelopment Agency on or before January 9, 2009, retired under the San Francisco City and
19 County Employees' Retirement System and/or PERS (hereinafter, "Retired Employee who was
20 Hired on or Before January 9, 2009"); and,

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

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

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

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

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

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25 **SEC. A8.432. RETIREE HEALTH CARE TRUST FUND.**

1 There is hereby created a Retiree Health Care Trust Fund (RHCTF) for the purpose
2 described in Section 12.204. The Retiree Health Care Trust Fund Board (Board) described in
3 Section 12.204 shall have exclusive authority and control over the administration of the RHCTF,
4 investments of trust assets, and disbursements from, the trust in accordance with the provisions
5 of this Charter.

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7 (e) **Definitions.**

8 "Actuarial Accrued Liability" as used in this section, means "Actuarial Accrued
9 Liability" as that term is defined under GASB No. 45.

10 "Commenced employment on" as used in this section, shall refer to the time an employee
11 starts employment with the City and County, or a Participating Employer, for the first time, or
12 the time an employee starts employment with the City and County, or a Participating Employer,
13 on a subsequent occasion after a prior separation from employment with the City and County or
14 any Participating Employer, whichever date is later. For purposes of this Section A8.432, an
15 employee of the City and County who transferred from the Redevelopment Agency of the City
16 and County of San Francisco (the "Redevelopment Agency") or the Successor Agency to the
17 Redevelopment Agency of the City and County of San Francisco (the "Successor Agency") to the
18 City and County before January 1, 2015 shall be deemed to have commenced employment with
19 the City and County on the date the employee commenced employment with the Redevelopment
20 Agency or the Successor Agency, except that any such former employee of the Successor Agency
21 who subsequently separates from employment with the City and County and returns as an
22 employee of the City and County or a Participating Employer at a later date (the "Return Date")
23 shall be deemed to have commenced employment on the Return Date.

24 "Employers" as used in this section means the City and County and the Participating
25 Employers.

1 "Fully Funded" as used in this section means that an Employer's GASB Actuary has
2 determined that the market value of assets in the Retiree Health Care Trust Fund equals or
3 exceeds the Actuarial Accrued Liability.

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

7 "GASB No. 45" as used in this section means Statement No. 45 of the Governmental
8 Accounting Standards Board, Accounting and Financial Reporting by Employers for
9 Postemployment Benefits Other Than Pensions.

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

13 "Normal Cost" as used in this section, means the Employers' normal cost under GASB
14 No. 45 as determined by the Employers' respective GASB Actuaries.

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

18 "Participating Employers" as used in this section and Sections A8.432-1, A8.510 and
19 12.204, shall include the Superior Court of California, County of San Francisco, San Francisco
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2 Unified School District and the San Francisco Community College District, following a
3 resolution by these employers' respective governing boards to participate in the Retiree Health
4 Care Trust Fund.

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

8 By: _____
9 Robert A. Bryan
10 Deputy City Attorney

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