CHARTER

The Charter was last amended by provisions approved November 3, 2020.

See the Comprehensive Ordinance Table for information regarding amendments to other portions of the San Francisco Municipal Code.

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Plumbing Code

Comprehensive Ordinance List

PREFACE TO THE 1996 CHARTER

The Charter of the City and County of San Francisco was adopted on November 7, 1995, and became effective July 1, 1996. This volume contains Charter provisions enacted through the election of November 2016.

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PREAMBLE

In order to obtain the full benefit of home rule granted by the Constitution of the State of California; to improve the quality of urban life; to encourage the participation of all persons and all sectors in the affairs of the City and County; to enable municipal government to meet the needs of the people effectively and efficiently; to provide for accountability and ethics in public service; to foster social harmony and cohesion; and to assure equality of opportunity for every resident:

We, the people of the City and County of San Francisco, ordain and establish this Charter as the fundamental law of the City and County.

ARTICLE I:

EXISTENCE AND POWERS OF THE CITY AND COUNTY

Sec. 1.100. Name and Boundaries.
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SEC. 1.100. NAME AND BOUNDARIES.

The City and County of San Francisco shall continue as a consolidated City and County with such boundaries as are prescribed by law, pursuant to this Charter and the laws of the State of California.

SEC. 1.101. RIGHTS AND POWERS.

The City and County of San Francisco may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter. The City and County may make and enforce within its limits all local police, sanitary and other ordinances and regulations. The City and County may appear, sue and defend in all courts in all matters and proceedings.

All rights and powers of a City and County which are not vested in another officer or entity by this Charter shall be exercised by the Board of Supervisors.

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LEGISLATIVE BRANCH

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SEC. 2.100. COMPOSITION AND SALARY.

The Board of Supervisors shall consist of eleven members elected by district.

The office of Board of Supervisors member is a full time position. The Civil Service Commission shall set the Supervisors' salary once every five years. Before the Commission determines the Supervisors' salary, it shall conduct and consider a salary survey of other full time California City Councils and County Boards of Supervisors and it may consider the Consumer Price Index (CPI).

The Civil Service Commission shall timely transmit its determination of the Supervisors' salary to the Controller, so that funds can be set aside for that purpose. The Controller shall include the Civil Service Commission's determination in appropriate budget documents to insure implementation. This determination may not be changed except by the Civil Service Commission.

The Civil Service Commission shall establish dates for an appropriate five-year cycle for making the determinations required by this Section, in order to efficiently coordinate with City budget processes and related procedures. In order to institute this five-year cycle the initial determination may be for less than a five-year period, as determined by the Civil Service Commission.

If the City and employee organizations agree to amend the compensation provisions of existing memoranda of understanding to reduce costs, the Civil Service Commission shall review and amend the Supervisors' salary as necessary to achieve comparable cost savings in the affected fiscal year or years.

The provisions of this Section shall apply, notwithstanding any other provision of this Charter.

(Amended November 1996; June 1998; November 2002)

SEC. 2.101. TERM OF OFFICE.

Each member of the Board of Supervisors shall be elected at a general election and shall serve a four-year term commencing on the eighth day in January following election and until a successor qualifies. The respective terms of office of the members of the Board of Supervisors in effect on the date this Charter is adopted shall continue.

No person elected or appointed as a Supervisor may serve as such for more than two successive four-year terms. Any person appointed, elected, or any combination thereof to the office of Supervisor to complete in excess of two years of a four-year term shall be deemed, for the purpose of this section, to have served one full term. No person having served two successive four-year terms may serve as a Supervisor, either by election or appointment, until at least four years after the expiration of the second successive term in office. Any Supervisor who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purposes of this section, to have served a full four-year term.

(Amended by Proposition D, Approved 11/6/2012)

SEC. 2.102.

(Repealed November 2001)

SEC. 2.103. MEETINGS.

The Board of Supervisors shall meet at the legislative chambers in City Hall at 12:00 noon on the eighth day in January in each odd-numbered year. Thereafter, regular meetings shall be held on such dates and at such times as shall be fixed by resolution.

The meetings of the Board shall be held in City Hall, provided that, in case of emergency, the Board, by resolution, may designate some other appropriate place as its temporary meeting place.

Notice of any special meeting shall be published at least 24 hours in advance of such special meeting.

The Board of Supervisors, by motion, may schedule special meetings of the Board in locations in San Francisco other than City Hall. Notice of special meetings being convened outside of City Hall shall be published and posted in City Hall at least 15 days in advance of such special meetings. Motions to schedule special meetings of the Board in locations in San Francisco other than City Hall shall first be introduced and referred to a committee of the Board for hearing and consideration.

The Board of Supervisors, by motion, may authorize a committee of the Board of Supervisors to schedule a special meeting of the committee of the Board in a location in San Francisco other than City Hall. Notice of special committee meetings being convened outside of City Hall shall be published and posted in City Hall at least 15 days in advance of such special meetings.

The Board of Supervisors, in consultation with the Mayor, shall provide by ordinance for rules and guidelines governing the conduct of appearances by the Mayor under Section 3.100(7).

(Proposition C, Approved 11/2/2010)

SEC. 2.104. QUORUM.

(a) The presence of a majority of the members of the Board of Supervisors at a regular or special meeting shall constitute a quorum for the transaction of business. The term "presence" shall include participation by teleconferencing or other electronic means as authorized by Government Code Section 54953(b) or any successor legislation after the Board of Supervisors has adopted an ordinance pursuant to subsection (c) allowing such participation when the member is physically unable to attend in person, as certified by a health care provider, due to the member's pregnancy, childbirth, or related condition. The Board of Supervisors may also, as part of a parental leave policy adopted pursuant to subsection (c), authorize a member to participate in meetings by teleconferencing or other electronic means when the member is absent to care for his or her child after birth of the child, or after placement of the child with the member or the member's immediate family for adoption or foster care. In the absence of a quorum, a smaller number of members may compel the attendance of absent members in the manner and under the penalties established by the Board of Supervisors.

(b) The Board of Supervisors shall act by a majority, two-thirds, three-fourths, or other vote of all members of the Board. Each member present at a regular or special meeting shall vote "yes" or "no" when a question is put, unless excused from voting by a motion adopted by a majority of the members present.

(c) Notwithstanding the provisions of Charter Section 10.101, the Board of Supervisors shall adopt parental leave policies for its members, including, but not limited to, authorization to participate in meetings by teleconferencing or other electronic means pursuant to subsection (a) and subject to the restrictions listed in that subsection.

(Amended by Proposition B, Approved 11/7/2006)

SEC. 2.105. ORDINANCES AND RESOLUTIONS.

The Board of Supervisors shall meet and transact its business according to rules which it shall adopt.

The Board of Supervisors shall act only by written ordinance or resolution, except that it may act by motion on matters over which the Board of Supervisors has exclusive jurisdiction. All legislative acts shall be by ordinance. An ordinance or resolution may be introduced before the Board of Supervisors by a member of the Board, a committee of the Board or the Mayor, and shall be referred to and reported upon by an appropriate committee of the Board. An ordinance or resolution may be prepared in committee and reported out to the full Board for action, consistent with the public notice laws of the City. Except as otherwise provided in this Charter, passage of an ordinance or a resolution shall require the affirmative vote of a majority of the members of the Board.

An ordinance shall deal with only one subject matter, except that appropriations ordinances may cover appropriations with respect to any number of subjects. The title of each ordinance shall clearly reflect the content of the ordinance.

Except as otherwise provided in Section 2.107, passage of an ordinance shall require two readings at separate meetings of the Board of Supervisors, which shall be held at least five days apart. If an ordinance is amended at its second reading, the ordinance shall require a further reading prior to final passage. Resolutions shall require only one reading and may be adopted upon introduction without reference to committee by unanimous affirmative vote of the members of the Board of Supervisors who are present, but in no event less than a quorum.

All ordinances shall take effect no sooner than 30 days following the date of passage except for ordinances not subject to referendum and those authorizing bonded indebtedness and lease financings, which shall take effect immediately. Ordinances granting franchises shall take effect no sooner than 60 days after passage. No ordinance granting a franchise may be passed within 90 days of its introduction. Resolutions may take effect immediately upon passage, or at such other time as shall be specified in the resolutions.

SEC. 2.106. VETO OVERRIDE.

The Board of Supervisors may enact an ordinance or resolution which has been vetoed by the Mayor pursuant to Section 3.103 if, within 30 days after such veto, not less than two-thirds of the Board of Supervisors shall vote in favor of such measure, except as provided in Section 9.104. If a larger vote is required for the adoption of the measure by provisions of this Charter, such larger vote shall be required to overcome the veto of the Mayor.

SEC. 2.107. EMERGENCY ORDINANCES.

An emergency ordinance may be passed in cases of public emergency affecting life, health, property, or for the uninterrupted operation of any City or County department or office required to comply with time limitations as established by law. Emergency ordinances shall require only one reading, and the affirmative vote of two-thirds of the Board of Supervisors shall be required for the passage of an emergency ordinance.

The form and manner of introduction of an emergency ordinance shall be as required for ordinances generally. In addition, an emergency ordinance shall contain:

1. A declaration setting forth the existence of the emergency;
2. A clear and concise description thereof; and
3. An explanation of how the measures in the ordinance will address the emergency.

An emergency ordinance shall be effective upon passage and shall automatically terminate on the 61st day following passage. An emergency ordinance may be reenacted upon the same terms and conditions applicable to its initial enactment. Any appropriation contained in an emergency ordinance shall be deemed to be an amendment to the final appropriations ordinance.

An emergency ordinance may suspend specific sections of this Charter, but may not: levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; set salaries; issue bonds; or buy, sell or lease land.

SEC. 2.108. PUBLIC'S RIGHT TO KNOW.

The Board of Supervisors shall adopt and maintain a Sunshine Ordinance to liberally provide for the public's access to their government meetings, documents and records.

The Clerk of the Board of Supervisors shall keep a permanent public record of the proceedings of the Board showing all action considered and taken, the text of ordinances and resolutions voted upon and the vote of each member of the Board regarding any matter before the Board. The Clerk of the Board shall cause the text of all ordinances or resolutions passed by the Board to be readily available to the public.

A written calendar of the business scheduled for each meeting of the Board of Supervisors or any standing or special committee comprised of Board members and established by the Board shall be prepared and available to the public before each meeting. Summaries of board and committee calendar items of general public interest, as determined by the Clerk of the Board, and a statement of where and when copies of proposed ordinances and resolutions may be obtained, shall be published commencing at least 36 hours before the commencement time of each regular meeting and at least 18 hours before the commencement time of each special meeting.

Except as otherwise provided in this Charter, or by ordinance, notice of the title or the purport and subject matter of each proposed ordinance which is introduced and referred to committee shall be published within five days after its presentation to the board and a copy of such proposed ordinance shall be kept available for inspection in the office of the Clerk of the Board. Each ordinance required to be included in the municipal code shall be printed promptly after final passage, and copies shall be made available to the public.

All ordinances, after final passage or upon their becoming effective shall be certified by the Clerk of the Board and recorded in a book kept for that purpose, and resolutions adopted shall be certified and recorded in a like manner. Notice that an ordinance has been passed for second reading, that an ordinance has been finally passed, and that a resolution has been adopted, together with a statement of where copies may be obtained, shall be published once within five days of such passage for second reading, final passage, or adoption.

SEC. 2.109. RATES, FEES AND SIMILAR CHARGES.

Within 30 days of submission by the Mayor, the Board of Supervisors shall approve by ordinance or reject any rate, fee or similar charge to be imposed by any department, official, board or commission, except those rates, fees and similar charges established by the Port or Airport Commissions, or under the Refuse Collection and Disposal Ordinance of November 8, 1932, as amended.

SEC. 2.111. [REPEALED]

SEC. 2.112. FIDELITY BONDS.

The Board of Supervisors shall determine which officials of the City and County shall be required to post fidelity bonds and the respective amounts of any such bonds. An annual review of bonding requirements shall be conducted by the Board of Supervisors.

SEC. 2.113. LEGISLATIVE INITIATIVE.

(a) The Board of Supervisors, or four or more members, may submit to the voters declarations of policy, and any matter which the Board of Supervisors is empowered to pass.

Upon approval of a declaration of policy by the voters, the Board of Supervisors shall within 90 days of such approval take such actions within their powers as shall be necessary to carry such declaration into effect. A special municipal election shall not be called with respect to a declaration of policy.

(b) In order to submit a proposed initiative measure to the voters under this section or Section 3.100(15)*, four or more members of the Board of Supervisors or the Mayor shall submit the proposed initiative to the Board of Supervisors no later than 45 days prior to the deadline for the submission of such initiatives to the Department of Elections. The proponent or proponents shall clearly identify the measure as a proposed initiative to be submitted at a specific election, and the proponent or proponents shall file a copy of the measure with the Department of Elections at the same time as the measure is submitted to the Board of Supervisors.

The President of the Board of Supervisors shall assign the measure to a committee of the Board, and the committee shall conduct a public hearing on the measure at least 15 days prior to the deadline for the submission of such initiatives to the Department of Elections.

Failure by the Board of Supervisors to hold a hearing on the measure prior to the Department of Elections' deadline for submittal of legislative or mayoral initiatives shall not prevent the Director of Elections from placing the initiative on the ballot. But the Director of Elections shall include a notice in the voter information pamphlet that the measure was not the subject of the required public hearing.

The proponent or proponents of an initiative measure may withdraw the proposed measure at any time prior to the Department of Elections' deadline for submission of such initiatives, subject to any requirements of the Municipal Elections Code or other City ordinance. If a measure is withdrawn, the Board of Supervisors is not required to conduct a hearing on the measure.

(Amended by Proposition C, Approved 11/6/2007)

*** Editor's Note:**

Section 3.100(15) was redesignated as 3.100(16) by Proposition C, adopted at the November 2, 2010 election.

SEC. 2.114. NON-INTERFERENCE IN ADMINISTRATION.

Except for the purpose of inquiry, the Board of Supervisors shall deal with the administrative service for which the City Administrator is responsible solely through such officer, and for administrative or other functions for which elective officials or boards or commissions are responsible solely through the elective official, the board or commission or the chief executive officer of such board or commission concerned, or their designees.

Neither the Board of Supervisors, its committees, nor any of its members, shall have any power or authority, nor shall they dictate, suggest or interfere with respect to any appointment, promotion, compensation, disciplinary action, contract or requisition for purchase or other administrative actions or recommendations of the City Administrator or of department heads under the City Administrator or under the respective boards and commissions. The Board of Supervisors shall deal with administrative matters only in the manner provided by this Charter, and any dictation, suggestion or interference herein prohibited on the part of any Supervisor shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the power of hearing and inquiry as provided in this Charter.

Notwithstanding any other provisions of this section, it shall not constitute prohibited interference for a member of the Board of Supervisors to testify regarding administrative matters other than specific contract and personnel decisions at a public meeting of a City board, commission, task force or other appointive body, or for the Board of Supervisors to adopt legislation regarding administrative matters other than specific contract and personnel decisions.

Violation of this section shall constitute official misconduct.

SEC. 2.115. FINANCIAL AUDIT.

The Board of Supervisors shall select a firm or firms of independent accountants to audit and report upon the annual financial statements of the City and County.

SEC. 2.116. PRESIDENT OF THE BOARD OF SUPERVISORS.

At its regular meeting on the eighth day of January in odd-numbered years, the Board of Supervisors shall by majority vote elect one of its members as President for a two-year term. If a vacancy in the office of President of the Board of Supervisors shall occur prior to the end of the term, the Board of Supervisors shall by majority vote elect one of its members to fill the unexpired portion of the term. The President shall preside at all meetings, appoint all standing and special committees, assign legislation to committees, and have such other powers and duties as may be assigned by the Board of Supervisors.

(Amended November 1996)

SEC. 2.117. OFFICES OF THE BOARD OF SUPERVISORS.

The Board of Supervisors shall appoint a Clerk of the Board. The Clerk of the Board shall have charge of the office and records of the Board and its committees and its classified staff. The Clerk shall keep a public record of the proceedings of the board as provided by Section 2.108 of this Charter and shall keep properly indexed files of all ordinances and resolutions. The Clerk shall be responsible for the publication, as required by law, of ordinances,

resolutions and other matters acted on by the Board for which publication is specified. The Clerk shall have such other duties and responsibilities as the Board of Supervisors may prescribe.

The Board of Supervisors shall appoint and may remove a Budget Analyst and such appointment shall be made solely on the basis of qualifications by education, training and experience for the position to be filled. The Budget Analyst shall be responsible for such duties as the Board of Supervisors shall prescribe.

(Amended by Proposition B, Approved 11/5/2009)

ARTICLE III:

EXECUTIVE BRANCH – OFFICE OF MAYOR

Sec. 3.100. Powers and Responsibilities.
Sec. 3.101. Term of Office.
Sec. 3.102. Absence from State or Temporary Disability.
Sec. 3.103. Veto Power.
Sec. 3.104. City Administrator.
Sec. 3.105. Controller; City Services Auditor.

SEC. 3.100. POWERS AND RESPONSIBILITIES.

The Mayor shall be the chief executive officer and the official representative of the City and County, and shall serve full time in that capacity. The Mayor shall devote his or her entire time and attention to the duties of the office, and shall not devote time or attention to any other occupation or business activity. The Mayor shall enforce all laws relating to the City and County, and accept service of process on its behalf.

The Mayor shall have responsibility for:

1. General administration and oversight of all departments and governmental units in the executive branch of the City and County;

2. Coordination of all intergovernmental activities of the City and County;

3. Receipt and examination of complaints relating to the administration of the affairs of the City and County, and timely delivery of notice to the complainant of findings and actions taken;

4. Assurance that appointees to various governmental positions with the City and County are qualified and are as representative of the communities of interest and diverse population of the City and County as is reasonably practicable, and are representative of both sexes;

5. Submission of ordinances and resolutions by the executive branch for consideration by the Board of Supervisors;

6. Presentation before the Board of Supervisors of a policies and priorities statement setting forth the Mayor's policies and budget priorities for the City and County for the ensuing fiscal year;

7. Appearance, in person, at one regularly-scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board;

8. Introduction before the Board of Supervisors of the annual proposed budget or multi-year budget which shall be initiated and prepared by the Mayor. The Mayor shall seek comments and recommendations on the

proposed budget from the various commissions, officers and departments; and

9. Preparation of and introduction to the Board of Supervisors of supplemental appropriations.

The Mayor shall have the power to:

10. Speak and be heard with respect to any matter at any meeting of the Board of Supervisors or any of its committees, and shall have a seat but no vote on all boards and commissions appointed by the Mayor;

11. As provided in Section 3.103 of this Charter, veto any ordinance or resolution passed by the Board of Supervisors;

12. Subject to the fiscal provisions of this Charter and budgetary approval by the Board of Supervisors, appoint such staff as may be needed to perform the duties and carry out the responsibilities of the Mayor's office, provided that no member of the staff shall receive a salary in excess of seventy percent of that paid the Mayor. For purposes of this provision, staff does not include the City Administrator, department heads or employees of departments placed under his or her direction by Section 3.104. Notwithstanding any other provisions or limitations of this Charter to the contrary, the Mayor may not designate nor may the City and County employ on the Mayor's behalf any person to act as deputy to the Mayor or any similar employment classification, regardless of title, whose responsibilities include but are not necessarily limited to supervision of the administration of any department for which the City Administrator, an elected official other than the Mayor or an appointed board or commission is assigned responsibility elsewhere in this Charter;

13. Designate a member of the Board of Supervisors to act as Mayor in the Mayor's absence from the state or during a period of temporary disability;

14. In the case of an emergency threatening the lives, property or welfare of the City and County or its citizens, the Mayor may direct the personnel and resources of any department, command the aid of other persons, and do whatever else the Mayor may deem necessary to meet the emergency;

In meeting an emergency, the Mayor shall act only with the concurrence of the Board of Supervisors, or a majority of its members immediately available if the emergency causes any member of the Board to be absent. The Mayor shall seek the Board's concurrence as soon as is reasonably possible in both the declaration of an emergency and in the action taken to meet the emergency. Normal notice, posting and agenda requirements of the Board of Supervisors shall not be applicable to the Board's actions pursuant to these provisions;

15. Make an appointment to fill any vacancy in an elective office of the City and County until a successor shall have been elected;

16. Subject to the provisions of Charter Section 2.113, submit to the voters a declaration of policy or ordinance on any matter on which the Board of Supervisors is empowered to pass;

17. Have and exercise such other powers as are provided by this Charter or by law for the chief executive officer of a City and County;

18. Unless otherwise specifically provided, make appointments to boards and commissions which shall be effective immediately and remain so, unless rejected by a two-thirds vote of the Board of Supervisors within 30 days following transmittal of Notice of Appointment. The Notice of Appointment shall include the appointee's qualifications to serve and a statement how the appointment represents the communities of interest, neighborhoods and diverse populations of the City and County;

19. Appoint department heads subject to the provisions of this Charter; and

20. Prepare and submit schedule of rates, fees and other similar charges to the Board of Supervisors.

(Amended by Proposition C, Approved 11/6/2007; Proposition C, Approved 11/2/2010)

SEC. 3.101. TERM OF OFFICE.

The Mayor shall serve a four-year term. No person shall serve as mayor for more than two successive terms. A part of a term that exceeds two years shall count as a full term. There shall be no limit on the non- successive terms that a person may serve.

SEC. 3.102. ABSENCE FROM STATE OR TEMPORARY DISABILITY.

If the Mayor is absent from the state or temporarily disabled without designating an Acting Mayor, the President of the Board of Supervisors shall act as Mayor until such time as the Mayor shall return to office.

In case of a disaster in which neither the Mayor nor the President of the Board of Supervisors is able to serve as Mayor, the order of succession shall be as designated by ordinance.

(Amended November 2001)

SEC. 3.103. VETO POWER.

Any ordinance or resolution passed by the Board of Supervisors shall be promptly delivered to the Mayor for consideration. If the Mayor approves the ordinance or resolution, the Mayor shall sign it and it shall become effective as provided in Section 2.105 of this Charter. If the Mayor disapproves the ordinance or resolution, the Mayor shall promptly return it to the Board of Supervisors without the Mayor's signature, accompanied by a statement indicating the reasons for disapproval and any recommendations which the Mayor may have. Any ordinance or resolution so disapproved by the Mayor shall become effective only if, subsequent to its return, it shall be passed by a vote of the Board of Supervisors required by Section 2.106 of this Charter. Any ordinance or resolution shall become effective, with or without the Mayor's signature, unless it is disapproved by the Mayor and returned to the Board of Supervisors not more than ten days after the date the ordinance or resolution was delivered to the Mayor's Office for consideration.

SEC. 3.104. CITY ADMINISTRATOR.

The Mayor shall appoint or reappoint a City Administrator, subject to confirmation by the Board of Supervisors. The appointee shall have at least ten years' governmental management or finance experience with at least five years at the City, County, or City and County level. The City Administrator shall have a term of office of five years, and may be removed by the Mayor subject to approval by the Board of Supervisors.

The City Administrator shall have responsibility for:

1. Administrative services within the executive branch, as assigned by the Mayor or by ordinance;

2. Administering policies and procedures regarding bonded or other long-term indebtedness, procurement, contracts and building and occupancy permits, and for assuring that all contracts and permits are issued in a fair and impartial manner and that any inspections involved with the issuance of permits shall be carried out in a like manner;

3. Coordinating all capital improvement and construction projects except projects solely under the Airport, Port, Public Utilities and Public Transportation Commissions;

4. Preparing and recommending bond measures for consideration by the Mayor and Board of Supervisors; and

5. Administering, budgeting and control of publicity and advertising expenditures.

The City Administrator shall have power to:

6. With the concurrence of the Mayor, appoint and remove the directors of the Departments of Administrative Services, Solid Waste, and Public Guardian/Administrator, and such other department heads which are placed under

the City Administrator's direction;

7. Propose rules governing procurement and contracts to the Board of Supervisors for consideration;

8. Award contracts without interference from the Mayor or Board of Supervisors; and

9. Coordinate the issuance of bonds and notes for capital improvements, equipment and cash flow borrowings, except for projects solely under the Airport, Port, Public Utilities and Public Transportation Commissions.

In those instances where contract awards are not subject to Board of Supervisors' review, the City Administrator shall award contracts in full compliance with applicable laws and this Charter. The City Administrator's decision in such cases shall be final.

(Amended by Proposition B, Approved 11/3/2020)

SEC. 3.105. CONTROLLER; CITY SERVICES AUDITOR.

(a) The Mayor shall appoint or reappoint a Controller for a ten-year term, subject to confirmation by the Board of Supervisors. The Controller may only be removed by the Mayor for cause, with the concurrence of the Board of Supervisors by a two-thirds vote.

(b) The Controller shall be responsible for the timely accounting, disbursement or other disposition of monies of the City and County in accordance with sound financial practices applicable to municipalities and counties. The Controller shall have the power and duties of a County auditor, except as otherwise provided in this Charter. The Controller shall have authority to audit the accounts and operations of all boards, commissions, officers and departments to evaluate their effectiveness and efficiency. The Controller shall have access to, and authority to, examine all documents, records, books and other property of any board, commission, officer or department.

(c) The Controller shall also serve as City Services Auditor for the City and County. As City Services Auditor, the Controller shall be responsible for monitoring the level and effectiveness of services rendered by the City to its residents, as set forth in Appendix F to this Charter.

(d) Should the Controller determine at any time during the fiscal year that the revenues of the General Fund, or any special, sequestered or other fund are insufficient or appear to be insufficient to support the remaining anticipated expenditure from that fund for the fiscal year for any department, function or program, the Controller shall reduce or reserve all or a portion of the expenditure appropriation until such time as the Controller determines that the anticipated revenues for the remainder of that fiscal year are sufficient to support the level of expenditure anticipated for the remainder of the fiscal year. Whenever the Controller makes a reduction or reservation, the Controller shall so inform the Mayor and Board of Supervisors within 24 hours.

(e) The Controller shall exercise general supervision over the accounts of all officers, commissions, boards and employees of the City and County charged in any manner with the receipt, collection or disbursement of City and County funds or other funds, in their capacity as City and County officials or employees. The Controller shall establish accounting records, procedures and internal controls with respect to all financial transactions of the City and County. Such records, procedures and controls shall permit the financial statements of the City and County to be prepared in conformity with generally accepted accounting principles applicable to municipalities and counties.

(f) The Controller shall within 150 days of the end of each fiscal year prepare an annual report of the financial condition of the City and County. Such annual report shall be prepared in accordance with generally accepted accounting principles. The annual report shall contain such information and disclosures as shall be necessary to present to the public a full and understandable report of all City and County financial activity.

(g) The Controller shall prepare an impartial financial analysis of each City and County ballot measure which shall include the amount of any increase or decrease in the cost of government of the City and County and its effect upon the cost of government. Such analysis shall be issued in sufficient time to permit inclusion in the voters' pamphlet.

(h) The Controller shall issue from time to time such periodic or special financial reports as may be requested by the Mayor or Board of Supervisors.

(i) All disbursements of funds in the custody of the Treasurer must be authorized by the Controller. No officer or employee shall bind the City and County to expend money unless there is a written contract or other instrument and unless the Controller shall certify that sufficient unencumbered balances are available in the proper fund to meet the payments under such contract or other obligation as these become due, or that he or she expects sufficient unencumbered balances to be available in the proper fund during the course of the budgetary cycle to meet the payments as they become due.

(Amended November 2003; Amended by Proposition A, Approved 11/5/2009)

ARTICLE IV:

EXECUTIVE BRANCH – BOARDS, COMMISSIONS AND DEPARTMENTS

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SEC. 4.100. GENERAL.

In addition to the office of the Mayor, the executive branch of the City and County shall be composed of departments, appointive boards, commissions and other units of government. To the extent law permits, each appointive board, commission, or other unit of government of the City and County established by State or Federal law shall be subject to the provisions of this Article and this Charter.

SEC. 4.101. BOARDS AND COMMISSIONS – COMPOSITION

(a) Unless otherwise provided in this Charter, the composition of each appointive board, commission, or advisory body of any kind established by this Charter or legislative act of the United States of America, the State of California, or the Board of Supervisors shall be broadly representative of the communities of interest, neighborhoods, and the diversity of the City and County in ethnicity, race, age, sex, gender identity, sexual orientation, and types of disabilities.

(b) All members of such bodies as described in subsection (a) shall be residents of the City and County and the minimum age required to vote in municipal elections in the City and County, at all times during the term of their respective offices, unless otherwise specifically provided in this Charter. Either or both of the requirements set forth in the first sentence of this subsection (b) shall not apply to boards, commissions, or advisory bodies established by legislative act if the legislation specifically exempts the position from either or both requirements, or if the appointing officer or entity makes a finding that a person meeting both requirements, and willing to serve, could not be located.

(c) It shall be the official City policy that the composition of each appointive board, commission, or advisory body of any kind established by this Charter or legislative act of the United States of America, the State of California, or the Board of Supervisors shall reflect the interests and contributions of people of all races, ethnicities, ages, sexes, gender identities, sexual orientations, and types of disabilities. The voters therefore urge in the strongest terms all City officers and agencies involved in nominating, appointing, or confirming members of those appointive boards, commissions, or advisory bodies to consider and as appropriate support the nomination, appointment, or confirmation of women, people of color, seniors, people with disabilities, and people that reflect a range of sexual orientations and gender identities to fill seats on those bodies.

(d) The Commission on the Status of Women shall conduct an analysis of appointments to appointive boards, commissions, and advisory bodies established in the Charter or by legislative act, in the second and fourth year of

each mayoral term to track the diversity of appointments to such bodies. This analysis, to be based only on voluntary disclosures, shall include ethnicity, sex, gender identity, sexual orientation, disability status, and any other relevant demographic qualities.

(e) Vacancies on appointive boards, commissions, or other units of government shall be filled for the balance of the unexpired term in the manner prescribed by this Charter or ordinance for initial appointments.

(f) Terms of office shall continue as they existed on the effective date of this Charter.

(Amended by Proposition D, 6/3/2008; Proposition C, Approved 11/3/2020)

SEC. 4.101.1. PROHIBITION ON BOARD MEMBERS AND COMMISSIONERS SEEKING ELECTIVE OFFICE.

(a) Any member of a board, commission, or other body established by this Charter, other than a citizen advisory committee, shall immediately forfeit his or her seat on the board, commission, or body upon filing a declaration of candidacy for any State elective office, any elective office referenced in Section 13.101, or the Bay Area Rapid Transit Board of Directors.

(b) This Section 4.101.1 shall not apply to members of boards, commissions, or other bodies who hold elective offices referenced in Section 13.101 of this Charter, including insofar as the elected official serves on another board, commission, or other body established by this Charter. This Section 4.101.1 also shall not apply to elected members of bodies established by Article XII of this Charter.

(Added by Proposition B, Approved 6/5/2018)

SEC. 4.101.5. HOLD-OVER SERVICE BY BOARD AND COMMISSION MEMBERS.

(a) **Application of this Section.** Unless otherwise provided in this Charter or required by law, the requirements of this Section shall apply to the members of each appointive board, commission, or other unit of government of the executive branch of the City and County or otherwise created in the Charter ("Charter Commission"). Citizen advisory committees created in the Charter shall not be considered Charter Commissions for purposes of this Section. The provisions of this Section shall not apply to boards or commissions created in Article V (Executive Branch – Arts and Culture) or Article XII (Employee Retirement and Health Service Systems) of this Charter.

(b) **Limitations on Hold-Over-Service.** Except as otherwise provided in this Charter, the tenure of a member of any Charter Commission shall terminate no later than 60 days after the expiration of the member's term, unless the member is re-appointed. A member may not serve as a hold-over member of a Charter Commission for more than 60 days after the expiration of his or her term. The tenure of any person sitting as a hold-over member on the effective date of this amendment shall terminate no later than 60 days after the effective date of this amendment.

(Added by Proposition B, Approved 11/6/2007)

SEC. 4.102. BOARDS AND COMMISSIONS – POWERS AND DUTIES.

Unless otherwise provided in this Charter, each appointive board, commission or other unit of government of the executive branch of the City and County shall:

1. Formulate, evaluate and approve goals, objectives, plans and programs and set policies consistent with the overall objectives of the City and County, as established by the Mayor and the Board of Supervisors through the adoption of City legislation;

2. Develop and keep current an Annual Statement of Purpose outlining its areas of jurisdiction, authorities, purpose and goals, subject to review and approval by the Mayor and the Board of Supervisors;

3. After public hearing, approve applicable departmental budgets or any budget modifications or fund transfers requiring the approval of the Board of Supervisors, subject to the Mayor's final authority to initiate, prepare and submit the annual proposed budget on behalf of the executive branch and the Board of Supervisors' authority under Section 9.103;

4. Recommend to the Mayor for submission to the Board of Supervisors rates, fees and similar charges with respect to appropriate items coming within their respective jurisdictions;

5. Unless otherwise specifically provided, submit to the Mayor at least three qualified applicants, and if rejected, to make additional nominations in the same manner, for the position of department head, subject to appointment by the Mayor;

6. Remove a department head; the Mayor may recommend removal of a department head to the commission, and it shall be the commission's duty to act on the Mayor's recommendation by removing or retaining the department head within 30 days; failure to act on the Mayor's recommendation shall constitute official misconduct;

7. Conduct investigations into any aspect of governmental operations within its jurisdiction through the power of inquiry, and make recommendations to the Mayor or the Board of Supervisors;

8. Exercise such other powers and duties as shall be prescribed by the Board of Supervisors; and

9. Appoint an executive secretary to manage the affairs and operations of the board or commission.

In furtherance of the discharge of its responsibilities, an appointive board, commission or other unit of government may:

10. Hold hearings and take testimony; and

11. Retain temporary counsel for specific purposes, subject to the consent of the Mayor and the City Attorney.

Each board or commission, relative to the affairs of its own department, shall deal with administrative matters solely through the department head or his or her designees, and any dictation, suggestion or interference herein prohibited on the part of any member of a board or commission shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the board or commission's powers of hearing and inquiry as provided in this Charter.

SEC. 4.103. BOARDS AND COMMISSIONS – ANNUAL REPORT.

As of the operative date of this Charter and until this requirement is changed by the Board of Supervisors, each board and commission of the City and County shall be required by ordinance to prepare an annual report describing its activeties, and shall file such report with the Mayor and the Clerk of the Board of Supervisors. The Annual Report can be included in the Annual Statement of Purpose as provided for in Section 4.102(2).

SEC. 4.104. BOARDS AND COMMISSIONS – RULES AND REGULATIONS.

(a) Unless otherwise provided in this Charter, each appointive board, commission or other unit of government of the executive branch of the City and County shall:

1. Adopt rules and regulations consistent with this Charter and ordinances of the City and County. No rule or regulation shall be adopted, amended or repealed, without a public hearing. At least ten days' public notice shall be given for such public hearing. All such rules and regulations shall be filed with the Clerk of the Board of Supervisors.

2. Hold meetings open to the public and encourage the participation of interested persons. Except for the actions taken at closed sessions, any action taken at other than a public meeting shall be void. Closed sessions may be held in accordance with applicable state statutes and ordinances of the Board of Supervisors.

3. Keep a record of the proceedings of each regular or special meeting. Such record shall indicate how each member voted on each question. These records, except as may be limited by state law or ordinance, shall be available for public inspection.

(b) The presence of a majority of the members of an appointive board, commission or other unit of government shall constitute a quorum for the transaction of business by such body. The term "presence" shall include participation by teleconferencing or other electronic means as authorized by Government Code Section 54953(b) or any successor legislation after the Board of Supervisors has adopted an ordinance pursuant to subsection (c) allowing such participation when the member is physically unable to attend in person, as certified by a health care provider, due to the member's pregnancy, childbirth, or related condition. The Board of Supervisors may also, as part of a parental leave policy adopted pursuant to subsection (c), authorize a member of a board or commission to participate in meetings by teleconferencing or other electronic means when the member is absent to care for his or her child after birth of the child, or after placement of the child with the member or the member's immediate family for adoption or foster care. Unless otherwise required by this Charter, the affirmative vote of a majority of the members shall be required for the approval of any matter, except that the rules and regulations of the body may provide that, with respect to matters of procedure the body may act by the affirmative vote of a majority of the members present, so long as the members present constitute a quorum. All appointive boards, commissions or other units of government shall act by a majority, two-thirds, three-fourths or other vote of all members. Each member present at a regular or special meeting shall vote "yes" or "no" when a question is put, unless excused from voting by a motion adopted by a majority of the members present.

(c) Notwithstanding the provisions of Charter Section 10.101, the Board of Supervisors shall provide by ordinance for parental leave policies for members of appointive boards, commissions or other units of government, including, but not limited to, authorization to participate in meetings by teleconferencing or other electronic means pursuant to subsection (b) and subject to the restrictions listed in that subsection.

(Amended by Proposition B, Approved 11/7/2006)

SEC. 4.105. PLANNING COMMISSION.

GENERAL. The Planning Commission shall consist of seven members nominated and appointed pursuant to this section. Four of the members shall be nominated by the Mayor, and three of the members shall be nominated by the President of the Board of Supervisors. Charter Section 4.101 shall apply to these appointments, with particular emphasis on the geographic diversity of City neighborhoods. Vacancies shall be filled by the appointing officer.

Each nomination of the Mayor and the President of the Board of Supervisors is subject to approval by the Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed approved. The appointment shall become effective on the date the Board adopts a motion approving the nomination or after 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors.

Members may be removed by the appointing officer only pursuant to Section 15.105.

In order to stagger the terms, three members shall initially serve two-year terms, and four members shall initially service four-year terms. The initial two and four-year terms of office shall be instituted as follows:

1. The respective terms of office of members of the Planning Commission who hold office on the first day of July, 2002, shall expire at 12 o'clock noon on that date, and the four members appointed by the Mayor and the three members appointed by the President of the Board of Supervisors shall succeed to said offices at that time.

2. The Clerk of the Board of Supervisors shall determine by lot which two of the four Mayoral appointees shall serve an initial two-year term, and which one of the three appointees of the President of the Board of Supervisors

shall serve an initial two-year term. The remaining appointees shall serve four-year terms. All subsequent terms shall be four years.

The Commission shall provide the Mayor with at least three qualified candidates for Director of Planning, selected on the basis of administrative and technical qualifications, with special regard for experience, training and knowledge in the field of City planning.

The Commission may contract with consultants for such services as it may require subject to the fiscal provisions of this Charter.

GENERAL PLAN. The Commission shall periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan. If the Board of Supervisors fails to act within 90 days of receipt, the proposed General Plan or amendments shall be deemed approved. The General Plan which will initially consist of the Master Plan in effect immediately prior to the effective date of this Charter shall consist of goals, policies and programs for the future physical development of the City and County that take into consideration social, economic and environmental factors. In developing their recommendations, the Commission shall consult with commissions and elected officials, and shall hold public hearings as part of a comprehensive planning process. The Planning Department, in consultation with other departments and the City Administrator, shall periodically prepare special area, neighborhood and other plans designed to carry out the General Plan, and periodically prepare implementation programs and schedules which link the General Plan to the allocation of local, state and federal resources. The Planning Department may make such other reports and recommendations to the Mayor, Board of Supervisors and other offices and governmental units as it may deem necessary to secure understanding and a systematic effectuation of the General Plan.

In preparing any plans, the Planning Department may include plans for systems and areas within the Bay Region which have a planning relationship with the City and County.

REFERRAL OF CERTAIN MATTERS. The following matters shall, prior to passage by the Board of Supervisors, be submitted for writ ten report by the Planning Department regarding conformity with the General Plan:

1. Proposed ordinances and resolutions concerning the acquisition or vacation of property by, or a change in the use or title of property owned by, the City and County;

2. Subdivisions of land within the City and County;

3. Projects for the construction or improvement of public buildings or structures within the City and County;

4. Project plans for public housing, or publicly assisted private housing in the City and County;

5. Redevelopment project plans within the City and County; and

6. Such other matters as may be prescribed by ordinance.

The Commission shall disapprove any proposed action referred to it upon a finding that such action does not conform to the General Plan. Such a finding may be reversed by a vote of two-thirds of the Board of Supervisors.

All such reports and recommendations shall be issued in a manner and within a time period to be determined by ordinance.

PERMITS AND LICENSES. All permits and licenses dependent on, or affected by, the City Planning Code administered by the Planning Department shall be approved by the Commission prior to issuance. The Commission may delegate this approval function to the Planning Department. Notwithstanding the foregoing, certificates of appropriateness for work to designated landmarks and historic districts and applications for alterations to significant or contributory buildings or properties in designated conservation districts that have been approved, disapproved, or modified by the Historic Preservation Commission shall not require approval by the Commission prior to issuance.

ENFORCEMENT. The Planning Department shall administer and enforce the City Planning Code.

ZONING AMENDMENTS. The Commission may propose for consideration by the Board of Supervisors ordinances regulating or controlling the height, area, bulk, set-back, location, use or related aspects of any building,

structure or land. An ordinance proposed by the Board of Supervisors concerning zoning shall be reviewed by the Commission. Applications for the reclassification of property may be made by interested parties and must be reviewed by the Commission. Notwithstanding the foregoing, designation of a landmark, a significant or contributory building, an historic district, or a conservation district shall be reviewed by the Commission only as provided in Section 4.135.

Notwithstanding the Commission's disapproval of a proposal from the Board of Supervisors or the application of interested parties, the Board of Supervisors may adopt the proposed ordinance; however, in the case of any proposal made by the application of interested parties, any such adoption shall be by a vote of not less than two-thirds of the Board of Supervisors.

No application of interested parties proposing the same or substantially the same ordinance as that disapproved by the Commission or by the Board of Supervisors shall be resubmitted to or reconsidered by the Commission within a period of one year from the effective date of final action upon the earlier application.

ZONING ADMINISTRATOR. The Director of Planning shall appoint a Zoning Administrator from a list of qualified applicants provided pursuant to the Civil Service provisions of the Charter. The Zoning Administrator shall be responsible for the determination of all zoning variances. The administrator shall have the power to grant only those variances that are consistent with the general purpose and the intent of the zoning ordinance, and in accordance with the general and specific rules of the zoning ordinance, subject to such conditions and safeguards as the Zoning Administrator may impose. The power to grant variances shall be applied only when the plain and literal interpretation and enforcement of the zoning ordinance would result in practical difficulties, unnecessary hardships or where the results would be inconsistent with the general purpose of the zoning ordinance. Decisions of the Zoning Administrator regarding zoning variances may be appealed to the Board of Appeals.

Before any such variance may be granted, there shall appear, and the Zoning Administrator shall specify in his or her findings, the facts in each case which shall establish:

(a) That there are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same district or zone;

(b) That owning to such exceptional or extraordinary circumstances the literal enforcement of the zoning ordinance would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

(c) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, possessed by other property in the same zone and vicinity;

(d) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or district in which the property is located; and

(e) That the granting of such variance will be in harmony with the general purpose and intent of the zoning ordinance and will not adversely affect the general plan.

The determination of the Zoning Administrator shall be final except that appeals therefrom may be taken, as hereinafter provided, to the Board of Appeals, exclusively and notwithstanding any other provisions of this Charter, by any person aggrieved or by any office, agency, or department of the City and County. An appeal from a determination of the Zoning Administrator shall be filed with the Board of Appeals within ten days from the date of such determination. Upon making a ruling or determination upon any matter under his or her jurisdiction, the Zoning Administrator shall thereupon furnish a copy thereof to the applicant and to the Director of Planning. No variance granted by the Zoning Administrator shall become effective until ten days thereafter. An appeal shall stay all proceedings in furtherance of the action appealed from.

CONDITIONAL USE. The Commission shall have the power to hear and decide conditional use applications. An appeal may be taken to the Board of Supervisors from a decision of the Commission to grant or deny a conditional use application. The Board of Supervisors may disapprove the decision of the Commission by a vote of not less than two-thirds of the members of the Board.

(Amended March 2002; Amended by Proposition J, 11/4/2008)

SEC. 4.106. BOARD OF APPEALS.

(a) The Board of Appeals shall consist of five members nominated and appointed pursuant to this section. Three of the members shall be nominated by the Mayor, and two of the members shall be appointed by the President of the Board of Supervisors. Charter Section 4.101 shall apply to these appointments. Vacancies shall be filled by the appointing officer.

Each nomination of the Mayor and the President of the Board of Supervisors is subject to approval by the Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed approved. The appointment shall become effective on the date the Board adopts a motion approving the nomination or after 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors.

Members may be removed by the appointing officer only pursuant to Section 15.105.

In order to stagger the terms, three members shall initially serve two-year terms, and two members shall initially service four-year terms. The initial two and four-year terms of office shall be instituted as follows:

1. The respective terms of office of members of the Board of Appeals who hold office on the first day of July, 2002, shall expire at 12 o'clock noon on that date, and the three members appointed by the Mayor and the two members appointed by the President of the Board of Supervisors shall succeed to said offices at that time.

2. The Clerk of the Board of Supervisors shall determine by lot which two of the three Mayoral appointees shall serve an initial two-year term, and which one of the two appointees of the President of the Board of Supervisors shall serve an initial two-year term. The remaining appointees shall serve four-year terms. All subsequent terms shall be four years.

The Board shall appoint and may remove an executive secretary, who shall serve as department head.

(b) The Board shall hear and determine appeals with respect to any person who has been denied a permit or license, or whose permit or license has been suspended, revoked or withdrawn, or who believes that his or her interest or the public interest will be adversely affected by the grant, denial, suspension or revocation of a license or permit, except for a permit or license under the jurisdiction of the Recreation and Park Commission or Department, or the Port Commission, or a building or demolition permit for a project that has received a permit or license pursuant to a conditional use authorization.

(c) The Board of Appeals shall hear and determine appeals:

1. Where it is alleged there is error or abuse of discretion in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the provisions of any ordinance adopted by the Board of Supervisors creating zoning districts or regulating the use of property in the City and County; or

2. From the rulings, decisions and determinations of the Zoning Administrator granting or denying applications for variances from any rule, regulation, restriction or requirement of the zoning or set-back ordinances, or any section thereof. Upon the hearing of such appeals, the Board may affirm, change, or modify the ruling, decision or determination appealed from, or, in lieu thereof, make such other additional determinations as it shall deem proper in the premises, subject to the same limitations as are placed upon the Zoning Administrator by this Charter or by ordinance.

(d) After a hearing and any necessary investigation, the Board may concur in the action of the department involved, or by the affirmative vote of four members (or if a vacancy exists, by a vote of three members) overrule the action of the Department.

Where the Board exercises its authority to modify or overrule the action of a department, the Board shall state in summary its reasons in writing.

(Amended March 2002)

SEC. 4.107. HUMAN RIGHTS COMMISSION.

The Human Rights Commission shall consist of eleven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

The Commission shall:

1. Investigate complaints of unlawful discrimination against any person;

2. Ensure the civil rights of all persons;

3. Ensure that the affirmative action plans of each department of the City and County are current and are being properly implemented; and report on the implementation of such affirmative action plans to the Mayor and Board of Supervisors;

4. Promote understanding among the residents of the City and County and work cooperatively with governmental agencies, community group and others to eliminate discrimination and the results of past discrimination by furnishing information, guidance and technical assistance;

5. Study, investigate, mediate and make recommendations with respect to the solving of community- wide problems resulting in intergroup tensions and discrimination;

6. Implement the provisions of ordinances prohibiting discrimination in all contracts and subsequent subcontracts, franchises, leases, concessions or other agreements for or on behalf of the City and County; and

7. Issue such rules and regulations for the conduct of its business, and prepare such ordinances with respect to human rights for consideration by the Board of Supervisors as are necessary to carry out the purposes of this section.

In performing its duties, the Commission may hold hearings, issue subpoenas to require witnesses to appear and require the production of evidence, administer oaths, take testimony and issue appropriate orders and petitions for court orders in such manner as may be prescribed by law.

SEC. 4.108. FIRE COMMISSION.

The Fire Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor. In addition to any other powers set forth in this Charter, the Fire Commission is empowered to prescribe and enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency of the Department, provided that the civil service and ethics provisions of this Charter shall control in the event of any conflict with rules adopted under this section.

(Amended November 2003)

SEC. 4.109. POLICE COMMISSION.

The Police Commission shall consist of seven members appointed pursuant to this section. The Mayor shall nominate four members to the commission, at least one of whom shall be a retired judge or an attorney with trial experience. The Rules Committee of the Board of Supervisors, or any successor committee thereto, shall nominate three other members to the commission. Each nomination shall be subject to confirmation by the Board of Supervisors, and the Mayor's nominations shall be the subject of a public hearing and vote within 60 days. If the Board of Supervisors rejects the Mayor's nomination to fill the seat designated for a retired judge or attorney with trial experience, the Mayor shall nominate a different person with such qualifications. If the Board of Supervisors fails to act on a mayoral nomination within 60 days of the date the nomination is transmitted to the Clerk of the

Board of Supervisors, the nominee shall be deemed confirmed. Appointments to fill a vacancy on the commission shall become operative on the date the Board of Supervisors adopts a motion confirming the nomination, or on the 61st day following the date a mayoral nomination is transmitted to the Clerk of the Board of Supervisors if the Board of Supervisors fails to vote on the nomination prior to such date. Confirmations of nominations to fill a vacancy that will be created upon the expiration of a sitting member's term shall become operative upon the expiration of the sitting member's term, or, if the Board of Supervisors fails to act on a mayoral nomination to fill such anticipated vacancy, on the 61st day following the date the nomination was transmitted to the Clerk of the Board of Supervisors or on the expiration of the sitting member's term, whichever occurs later. The terms and tenures of all members sitting on the commission as of the effective date of the amendments to this section approved at the November 2003 election shall terminate at 12 noon on April 30, 2004. To stagger the terms of the seven members thereafter, of the first four members nominated by the Mayor, two members shall serve terms of two years and two members shall serve terms of four years, and of the three members nominated by the Rules Committee, one member shall serve a term of one year, one member shall serve a term of two years, and one member shall serve a term of three years. The Clerk of the Board of Supervisors shall designate such initial terms by lot. All subsequent appointments to the commission shall be for four-year terms.

The tenure of each member shall terminate upon the expiration of the member's term. The Mayor shall transmit a nomination or renomination to the Clerk of the Board of Supervisors no later than 60 days prior to the expiration of the term of a member nominated by the Mayor. For vacancies occurring for reasons other than the expiration of a member's term, within 60 days following the creation of such vacancy, the Mayor shall nominate a member to fill such vacancy if the vacancy is for a seat filled by nomination of the Mayor.

The District Attorney, Sheriff and Public Defender may recommend persons to the Mayor and Board of Supervisors for nomination or appointment to the Police Commission.

The Mayor, with the consent of the Board of Supervisors, may remove a member the Mayor has nominated. The Board of Supervisors may remove a member the Rules Committee has nominated.

Notwithstanding any other provision of the Charter, the Chief of Police may be removed by the Commission or the Mayor, acting jointly or separately of each other. In addition to any other powers set forth in this Charter, the Police Commission is empowered to prescribe and enforce any reasonable rules and regulations that it deems necessary to provide for the efficiency of the Department, provided that the civil service and ethics provisions of this Charter shall control in the event of any conflict with rules adopted under this section.

(Amended November 2003)

SEC. 4.110. HEALTH COMMISSION.

The Health Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. The Commission shall have less than a majority of direct care providers. Members may be removed by the Mayor only pursuant to Section 15.105. The Commission shall control the property under its jurisdiction.

The Commission and the Department shall manage and control the City and County hospitals, emergency medical services, and in general provide for the preservation, promotion and protection of the physical and mental health of the inhabitants of the City and County, except where the Charter grants such authority to another officer or department. The Commission and the Department may also determine the nature and character of public nuisances and provide for their abatement.

SEC. 4.111. HUMAN SERVICES COMMISSION.

The Human Services Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor only pursuant to Section 15.105.

SEC. 4.112. PUBLIC UTILITIES COMMISSION.

(a) The Public Utilities Commission shall consist of five members appointed by the Mayor, subject to confirmation by a majority of the Board of Supervisors. Each of the members shall serve for a term of four years. Members may be removed by the Mayor only pursuant to Section 15.105.

(b) Seat 1 on the Commission shall be a member with experience in environmental policy and an understanding of environmental justice issues. Seat 2 shall be a member with experience in ratepayer or consumer advocacy. Seat 3 shall be a member with experience in project finance. Seat 4 shall be a member with expertise in water systems, power systems, or public utility management, and Seat 5 shall be an at-large member.

(c) The respective terms of office of members of the Public Utilities Commission who old office on August 1, 2008 shall expire at noon on that date, and the members appointed pursuant to the amendments to this Section approved at the June 2008 election shall succeed to said office at that time. In order to provide for staggered terms, the members appointed to Seats 2 and 4 shall serve for an initial term of two years from August 1, 2008. The remaining three members appointed to Seats 1, 3, and 5 shall serve for an initial term of four years from August 1, 2008, and thereafter the terms of all members shall be four years.

(d) The Commission shall have charge of the construction, management, supervision, maintenance, extension, operation, use and control of all water and energy supplies and utilities of the City as well as the real, personal and financial assets, which are under the Commission's jurisdiction on the operative date of this Charter, or assigned pursuant to Section 4.132.

(Amended by Proposition E, Election 6/3/2008)

SEC. 4.113. RECREATION AND PARK COMMISSION.

The Recreation and Park Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor only pursuant to Section 15.105.

Pursuant to the policies and directives set by the Commission and under the direction and supervision of the General Manager, the Recreation and Park Department shall manage and direct all parks, playgrounds, recreation centers and all other recreation facilities, avenues and grounds under the Commission's control or placed under its jurisdiction thereafter, unless otherwise specifically provided in this Charter.

The Department shall promote and foster a program providing for organized public recreation of the highest standard.

The Department shall issue permits for the use of all property under the Commission's control, pursuant to the policies established by the Commission.

As directed by the Commission, the Department shall administer the Park, Recreation and Open Space Fund pursuant to Section 16.107 of this Charter.

The Department shall have the power to construct new parks, playgrounds, recreation centers, recreation facilities, squares and grounds, and to erect and maintain buildings and structures on parks, playgrounds, square, avenues and grounds, except as follows:

1. No building or structure, except for nurseries, equipment storage facilities and comfort stations, shall be erected, enlarged or expanded in Golden Gate Park or Union Square Park unless such action has been approved by a vote of two-thirds of the Board of Supervisors;

2. No park land may be sold or leased for non-recreational purposes, nor shall any structure on park property be built, maintained or used for non-recreational purposes, unless approved by a vote of the electors. However, with permission of the Commission and approval by the Board of Supervisors, subsurface space under any public park, square or playground may be used for the operation of a public automobile parking station under the authority of the Department of Parking and Traffic, provided that the Commission determines that such a use would not be, in

any material respect or degree, detrimental to the original purpose for which a park, square or playground was dedicated or in contravention of the conditions of any grant under which a park, square or playground might have been received. The revenues derived from any such use, less the expenses incurred by the Department of Parking and Traffic in operating these facilities, shall be credited to Recreation and Park Department funds.

3. The Commission shall have the power to lease or rent any stadium or recreation field under its jurisdiction for athletic contests, exhibitions and other special events and may permit the lessee to charge an admission fee.

(Amended March 2000)

SEC. 4.114. PORT COMMISSION.

The Port Commission shall consist of five members who shall be appointed by the Mayor, subject to confirmation by a majority of the Board of Supervisors. Each of the members shall serve for a term of four years. They shall be subject to recall, suspension and removal in the same manner as an elected official.

The Commission shall have the composition and organization, and the powers, duties and responsibilities with respect to the Port that are set forth in the Burton Act, Statutes of 1968, Chapter 1333, as amended, and in the Agreement Relating to the Transfer of the Port of San Francisco from the State of California to the City and County, executed on the 24th day of January 1969.

The Commission shall be subject to the provisions of Sections 4.101 through 4.103 of this Charter, so far as those powers and duties are not inconsistent with the Burton Act and the Transfer Agreement as they are referred to in the above paragraph.

SEC. 4.115. AIRPORT COMMISSION.

The Airport Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor only pursuant to Section 15.105.

The Commission shall provide the Mayor with at least three qualified candidates for Director of Airports, related on the basis of executive, administrative and technical qualifications.

The Commission shall have charge of the construction, management, supervision, maintenance, extension, operation, use and control of all property, as well as the real, personal and financial assets which are under the Commission's jurisdiction.

Subject to the approval, amendment or rejection of the Board of Supervisors of each issue, the Commission shall have exclusive authority to plan and issue revenue bonds for airport-related purposes.

SEC. 4.116. [REPEALED.]

Editor's note

Former Section 4.116 pertained to the Parking and Traffic Commission. Proposition E, adopted November 2, 1999, enacted Charter Section 8A.112, which repealed Section 4.116, effective July 1, 2002.

SEC. 4.117. ENTERTAINMENT COMMISSION.

The San Francisco Entertainment Commission shall consist of seven members nominated and appointed pursuant to this section. The Mayor shall nominate four members to the commission, and the Board of Supervisors shall

appoint, by motion, three other members to the commission. Each nomination of the Mayor shall be subject to approval by the Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board of Supervises fails to act on a mayoral nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed approved. Appointments to the commission shall become effective on the date the Board of Supervisors adopts a motion approving the nomination or on the 61st day following the date the mayoral nomination was transmitted to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act upon the nomination prior to such date.

Of the four members nominated by the Mayor, the Mayor shall nominate one member to represent the interests of City neighborhood associations or groups, one member to represent the interests of entertainment associations or groups, one member to represent the interests of the urban planning community, and one member to represent the interests of the law enforcement community. Of the three members of the commission appointed by the Board of Supervisors, one member shall represent the interests of City neighborhood associations or groups, one member shall represent the interests of entertainment associations or groups, and one member shall represent the interests of the public health community.

To stagger the terms of the members, the initial appointments to the commission shall be as follows: the Mayor shall nominate two members to serve terms of four years, one member to serve a term of three years, and one member to serve a term of two years. Of the three remaining members of the commission, the Board of Supervisors shall appoint one member to serve a term of four years, one member to serve a term of three years, and one member to serve a term of two years. Except for appointments to fill a vacancy, all subsequent appointments shall be for a term of four years.

Members of the commission nominated by the Mayor may be suspended by the Mayor and removed by the Board of Supervisors only as set forth in Section 15.105. Members of the commission appointed directly by the Board of Supervisors may be suspended by a motion of the Board of Supervisors approved by six votes and may be removed by the Board of Supervisors only as set forth in Section 15.105.

(Added November 2002)

SEC. 4.118. COMMISSION ON THE ENVIRONMENT.

The Commission on the Environment shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

The Department of the Environment shall regularly produce an assessment of San Francisco's environmental condition. It shall also produce and regularly update plans for the long-term environmental sustainability of San Francisco.

Pursuant to the policies and directives set by the Commission, and under the supervision and direction of the department head, the Department shall manage the environmental programs, duties and functions assigned to it pursuant to Section 4.132 or by ordinance.

The Commission shall have the authority to review and make recommendations on any policy proposed for adoption by any City agency regarding conformity with the long-term plans for environmental sustainability, except for those regarding building and land use.

The Commission may investigate and make recommendations to all City agencies related to operations and functions, such as:

1. Solid waste management;
2. Recycling;
3. Energy conservation;
4. Natural resource conservation;

5. Environmental inspections;
6. Toxics;
7. Urban forestry and natural resources;
8. Habitat restoration; and
9. Hazardous materials.

The Commission shall conduct public education and outreach to the community on environmental issues, including, but not limited to each of the categories listed above.

SEC. 4.119. COMMISSION ON THE STATUS OF WOMEN.

The Commission on the Status of Women shall consist of seven members. Commission members shall be appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor only pursuant to Section 15.105. The Commission shall develop and recommend policies and practices for the City and County to reduce the particular impacts on women and girls of problems such as domestic violence, sexual harassment, employment and health care inequity, and homelessness, as well as advocate on behalf of women and girls in such areas. The Commission may be assigned additional duties and functions by ordinance or pursuant to Section 4.132.

SEC. 4.120. DISABILITY AND AGING SERVICES COMMISSION.

(a) The Disability and Aging Services Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor. The Commission shall oversee the Department of Disability and Aging Services, including the functions of the Public Guardian/Administrator, as well as carry out any additional duties and functions assigned to the Commission by ordinance or pursuant to Section 4.132.

(b) As of January 15, 2020, Seat 1 on the Commission shall be held by a person who is 60 years old or older; Seat 2 shall be held by a person with a disability, as defined under the Americans With Disabilities Act, who is 18 years old or older; and Seat 3 shall be held by a person who served in the United States military and who was discharged or released under conditions other than dishonorable. Seats 4, 5, 6, and 7, shall have no required qualifications in addition to those set forth in Section 4.101.

(c) For the purpose of calculating the terms of particular seats on the Commission, Seats 1, 2, and 3 are hereby designated as the seats with terms ending on January 15, 2020. Notwithstanding Charter Section 4.101.5, members in those seats who do not as of January 15, 2020 hold the qualifications set forth in subsection (b) respectively may no longer serve in those seats.

(Amended by Proposition I, Approved 11/8/2016; Proposition B, Approved 11/5/2019)

SEC. 4.121. BUILDING INSPECTION COMMISSION.

New Legislation Notice

Publisher's Note: This section has been **AMENDED** by new legislation (Proposition B, 6/7/2022, operative 7/1/2023). The text of the section will be included below when the new legislation is effective.

The Building Inspection Commission shall consist of seven members. Four members shall be appointed by the Mayor for a term of two years. Three members shall be appointed by the President of the Board of Supervisors for a term of two years. Members may be removed by the appointing officer only pursuant to Section 15.105. Vacancies occurring in the offices of appointive members, either during or at the expiration of a term, shall be filled by the appointing officer.

The four Mayoral appointments shall consist of a structural engineer, a licensed architect, a residential builder, and a representative of a community-based non-profit housing development corporation. The three Supervisorial appointments shall consist of a residential tenant, a residential landlord, and a member of the general public.

Notwithstanding any other provision of the Charter, the Commission shall have the power to appoint and remove a department head.

SEC. 4.122. YOUTH COMMISSION.

There is hereby established a commission to be known as the Youth Commission (hereinafter called "Commission") to advise the Board of Supervisors and Mayor on issues relating to children and youth. The Commission shall operate under the jurisdiction of the Board of Supervisors.

SEC. 4.123. YOUTH COMMISSION MEMBERSHIP; APPOINTMENT; TERMS; MEETINGS; COMPENSATION; DIRECTOR.

(a) Commission Membership. The Commission shall consist of seventeen (17) voting members, each of whom shall be between the ages of 12 and 23 years at the time of appointment. Each member of the Board of Supervisors and the Mayor shall appoint one member to the Commission. The Mayor shall also appoint five (5) members from underrepresented communities to ensure that the Commission represents the diversity of the City. All appointments shall be completed by the sixtieth day after the effective date of this charter amendment and by that date of each year thereafter. Commission members shall serve at the pleasure of their appointing authorities.

The Commission shall consist of individuals who have an understanding of the needs of young people in San Francisco, or experience with children and youth programs or youth organizations, or involvement with school or community activities. The members shall represent the diversity of ethnicity, race, gender and sexual orientation of the people of the City and County, and shall be residents of the City and County.

(b) Term of Office. Members shall serve a term of one year. The first one year term for all members shall begin upon the date the Clerk of the Board of Supervisors certifies that all members of the Commission have been appointed following the adoption of this charter amendment. Future terms of office shall begin on that date of each successive year. Members shall conduct the first meeting of the Commission within thirty days of the appointment of all members.

In the event a vacancy occurs during the term of office of any voting member, a successor shall be appointed to complete the unexpired term of the office vacated in a manner similar to that which the member was initially appointed.

(c) Removal of Members. Any member whom the Commission certifies to have missed three regularly scheduled meetings of the Commission in any six month period without prior authorization of the Commission shall be deemed to have resigned from the Commission effective on the date of the written certification from the Commission.

(d) Compensation. Members of the Commission shall not be compensated, nor shall they be reimbursed for expenses.

(e) Meetings. The Commission shall meet at least once a month.

(f) Minutes of Meetings. The Commission shall prepare and maintain permanent minutes of the actions taken during its meetings, and shall file copies with the Clerk of the Board of Supervisors.

(g) Bylaws. To aid in the orderly conduct of business, the Commission shall have the authority to create, amend, and repeal its own code of bylaws.

SEC. 4.124. YOUTH COMMISSION – PURPOSE AND DUTIES.

The purpose of the Commission is to collect all information relevant to advising the Board of Supervisors and Mayor on the effects of legislative policies, needs, assessments, priorities, programs, and budgets concerning the children and youth of San Francisco. Before the Board of Supervisors takes final action on any matter that primarily affects children and youth of the City and County, the Clerk of the Board of Supervisors shall refer the matter to the Commission for comment and recommendation. The Commission shall provide any response it deems appropriate within 12 days of the date the Board of Supervisors referred the matter to the Commission. After the 12 day period has elapsed, the Board of Supervisors may act on the matter whether or not the Board has received a response. This referral requirement shall not apply to any matter where immediate action by the Board of Supervisors is necessary to protect the public interest. The Commission shall have the following duties and functions:

(a) Identify the concerns and needs of the children and youth of San Francisco; examine existing social, economic, educational, and recreational programs for children and youth; develop and propose plans that support or improve such programs; and make recommendations thereon to the Mayor and Board of Supervisors.

(b) Identify the unmet needs of San Francisco's children and youth through personal contact with these young people, school officials, church leaders, and others; and hold public forums in which both youth and adults are encouraged to participate.

(c) Elicit the interest, support, and mutual cooperation of private groups (such as fraternal orders, service clubs, associations, churches, businesses, and youth organizations) and City-wide neighborhood planning collaborative efforts for children, youth and families that initiate and sponsor recommendations that address the social, economic, educational, and recreational needs of children and youth in San Francisco. Advise the Board of Supervisors and Mayor about how such recommendations could be coordinated in the community to eliminate duplication in cost and effort.

(d) Advise about available sources of governmental and private funding for youth programs.

(e) Submit recommendations to the Mayor and Board of Supervisors about juvenile crime prevention, job opportunities for youth, recreational activities for teenagers, opportunities for effective participation by youth in the governmental process, and changes in City and County regulations that are necessary to improve the social, economic, educational, and recreational advantages of children and youth.

(f) Respond to requests for comment and recommendation on matters referred to the Commission by officers, departments, agencies, boards, commissions and advisory committees of the City and County.

(g) Report to the Board of Supervisors the activities, goals, and accomplishments of the Commission by July 1 of each calendar year, effective July 1, 1997.

SEC. 4.125. JURISDICTION.

The Commission shall be under the jurisdiction of the Board of Supervisors; the Commission shall have only those powers created by Sections 4.122 through 4.125 or by ordinance of the Board of Supervisors.

SEC. 4.126. DEPARTMENTS – GENERAL PROVISIONS.

Except as otherwise provided by this Charter, the responsibilities of each department within the executive branch shall be prescribed by ordinance.

The administration and management of each department within the executive branch shall be the responsibility of the department head. Such officials may:

1. Appoint qualified individuals to fill all positions within their departments which are exempt from the Civil Service provisions of this Charter;

2. Adopt rules and regulations governing matters within the jurisdiction of their respective departments, subject, if applicable, to Section 4.102; and

3. With the approval of the City Administrator, reorganize their respective departments.

No person serving on a board or commission created by state law to discharge a state function specifically within the City and County may be employed as a paid staff member to a board or commission created by this Charter.

SEC. 4.127. POLICE DEPARTMENT.

The Police Department shall preserve the public peace, prevent and detect crime, and protect the rights of persons and property by enforcing the laws of the United States, the State of California, and the City and County.

The Chief of Police may appoint and remove at pleasure special police officers.

The Chief of Police shall have all powers which are now or that may be conferred upon a sheriff by state law with respect to the suppression of any riot, public tumult, disturbance of the public peace or organized resistance against the laws or public authority.

DISTRICT POLICE STATIONS. The Police Department shall maintain and operate district police stations. The Police Commission, subject to the approval by the Board of Supervisors, may establish additional district stations, abandon or relocate any district station, or consolidate any two or more district stations.

BUDGET. Monetary awards and settlements disbursed by the City and County as a result of police action or inaction shall be taken exclusively from a specific appropriation listed as a separate line item in the Police Department budget for that purpose.

POLICE STAFFING. By no earlier than October 1 and no later than November 1 in every odd-numbered calendar year, the Chief of Police shall transmit to the Police Commission a report describing the department's current number of full-duty sworn officers and recommending staffing levels of full-duty sworn officers in the subsequent two fiscal years. The report shall include an assessment of the Police Department's overall staffing, the workload handled by the department's employees, the department's public service objectives, the department's legal duties, and other information the Chief of Police deems relevant to determining proper staffing levels of full-duty sworn officers. The report shall evaluate and make recommendations regarding staffing levels at all district stations and in all types of jobs and services performed by full-duty sworn officers. By no later than July 1 in every odd-numbered calendar year, the Police Commission shall adopt a policy prescribing the methodologies that the Chief of Police may use in evaluating staffing levels, which may include consideration of factors such as workload metrics, the Department's targets for levels of service, ratios between supervisory and non-supervisory positions in the Department, whether particular services require a fixed number of hours, and other factors the Commission determines are best practices or otherwise relevant. The Chief of Police may, but is not required by this Section 4.127 to, submit staffing reports regarding full-duty sworn officers to the Police Commission in even-numbered years.

The Police Commission shall hold a public hearing regarding the Chief of Police's staffing report by December 31 in every odd-numbered calendar year. The Police Commission shall consider the most recent report in its consideration and approval of the Police Department's proposed budget every fiscal year, but the Commission shall not be required to accept or adopt any of the recommendations in the report.

The Board of Supervisors is empowered to adopt ordinances necessary to effectuate the purpose of this section regarding staffing levels including but not limited to ordinances regulating the scheduling of police training classes.

Further, the Police Commission shall initiate an annual review to civilianize as many positions as possible and submit that report to the Board of Supervisors annually for review and approval.

PATROL SPECIAL POLICE OFFICERS. The Commission may appoint patrol special police officers and for cause may suspend or dismiss patrol special police officers after a hearing on charges duly filed with the Commission and after a fair and impartial trial. Patrol special police officers shall be regulated by the Police Commission, which may establish requirements for and procedures to govern the position, including the power of the Chief of Police to suspend a patrol special police officer pending a hearing on charges. Each patrol special police officer shall be at the time of appointment not less than 21 years of age and must possess such physical qualifications as may be required by the Commission.

Patrol special police officers may be designated by the Commission as the owners of a certain beat or territory which may be established or rescinded by the Commission. Patrol special police officers designated as the owners of a certain beat or territory or the legal heirs or representatives of the owners may dispose of their interest in the beat or territory to a person of good moral character, approved by the Police Commission and eligible for appointment as a patrol special police officer.

Commission designation of beats or territories shall not affect the ability of private security companies to provide on-site security services on the inside or at the entrance of any property located in the City and County.

(Amended November 2003; March 2004; Proposition G, Approved 11/8/2016; Proposition E, Approved 11/3/2020)

SEC. 4.128. FIRE DEPARTMENT.

The Fire Department shall perform duties and enforce all applicable laws pertaining to the protection from, and the prevention, suppression, control and investigation of fires.

The Fire Chief shall cause the Fire Department to inspect all occupied or vacated structures to determine compliance with applicable laws relative to fire prevention, protection and control and also the protection of persons and property from fire.

The Fire Chief may during a conflagration cause to be removed any structure for the purpose of checking the progress of the conflagration.

SEC. 4.129. DEPARTMENT OF ADMINISTRATIVE SERVICES.

The director of the Department of Administrative Services shall purchase all supplies, equipment and contractual services required by the several departments and offices of the City and County, except as otherwise provided in the Administrative Code. Except in cases of emergency, the director shall not enter into any contract or issue any purchase order unless the Controller shall certify thereon that sufficient unencumbered balances are available in the proper fund to meet the payments under such purchase order or contract as these become due. The director shall have charge of the central warehouses, central storerooms, central garage and shop.

The director shall by rules and regulations approved by the Controller, designate and authorize appropriate personnel within the Department of Administrative Services to exercise the director's signature powers for purchase orders and contract.

The director shall have authority to exchange used materials, supplies and equipment to the advantage of the City and County, advertise for bids, and to sell and otherwise dispose of personal property belonging to the City and County. The director shall have authority to require the transfer of surplus property in any department to stores or to other departments.

The director shall manage all public buildings, facilities and real estate of the City and County, unless otherwise provided for in this Charter.

Additional duties and functions of the Department of Administrative Services shall be assigned the City Administrator, by ordinance or pursuant to Section 4.132.

SEC. 4.130. [RENUMBERED.]

(Renumbered as Sec. 4.140 and amended by Proposition B, Approved 11/3/2020)

SEC. 4.131. COUNTY CLERK.

The County Clerk shall perform all duties of the County Clerk-Recorder until such office is merged into the Office of the Assessor-Recorder pursuant to Section 6.101.

SEC. 4.132. EXECUTIVE BRANCH REORGANIZATION.

The Mayor, by issuing a notice to the Board of Supervisors, may reorganize duties and functions between departments and other units of government within the executive branch. Such reorganization shall become effective 30 days after its issuance unless disapproved by the Board of Supervisors during that time.

A proposed reorganization shall provide for the transfer of:

1. Civil service employees who are engaged in the performance of a function or duty transferred to another office, agency or department; such transfer shall not adversely affect status, position, compensation or pension or retirement rights and privileges;

2. Any unexpended balances of appropriations and other funds available for use in connection with any office, agency, department or function affected by the reorganization; any unexpended balance so transferred shall be used only for the purpose for which the appropriation was originally made, except as this Charter otherwise permits.

SEC. 4.133. [REPEALED.]

(Added November 1998; repealed November 2014)

Editor's Note:

Former Sec. 4.133 pertained to the Taxi Commission. Exercising authority granted by Sec. 8A.101(b) of this Charter, the Board of Supervisors abolished the Taxi Commission and transferred its functions, powers, and duties to the Municipal Transportation Agency; see Police Code Art. 16, Sec. 1075.1. For current provisions relating to taxis (and vehicles for hire generally), see Transportation Code Article 1100. Former Sec. 4.133 was deleted from the Charter by Proposition C, approved by the voters at the election of November, 2014.

SEC. 4.134. SMALL BUSINESS COMMISSION.

(a) There shall be a Small Business Commission to oversee the San Francisco Office of Small Business. The Commission shall consist of seven members, who shall serve at the pleasure of the appointing authority. The Mayor shall appoint four members of the Commission; the Board of Supervisors shall appoint the remaining three members. The Mayor shall designate two of his or her initial appointments to serve for two-year terms; the Board of

Supervisors shall designate one of its initial appointments to serve a two-year term. Thereafter, all commissioners shall serve for four-year terms.

(b) At least five of the individuals appointed to the Commission shall be owners, operators, or officers of San Francisco small businesses. One of the individuals appointed to the Commission may be either a current or former owner, operator, or officer of a San Francisco small business. One member of the Commission may be an officer or representative of a neighborhood economic development organization or an expert in small business finance.

Pursuant to Government Code Section 87103, individuals appointed to the Commission under this Section are intended to represent and further the interest of the particular industries, trades, or professions specified herein. Accordingly, it is found that for purposes of persons who hold such office, the specified industries, trades, or professions are tantamount to and constitute the public generally within the meaning of Government Code Section 87103.

(c) The Mayor and the Board of Supervisors shall select Commission members who reflect the diversity of neighborhood and small business interests in the City.

(Added November 2003)

SEC. 4.135. HISTORIC PRESERVATION COMMISSION.

GENERAL. There is hereby created a Historic Preservation Commission, which shall advise the City on historic preservation matters, participate in processes that involve historic or cultural resources, and take such other actions concerning historic preservation as may be prescribed by ordinance. The Historic Preservation Commission shall consist of seven members nominated by the Mayor and subject to approval by a majority of the Board of Supervisors.

The term and tenure of all members sitting on the Landmarks Preservation Advisory Board, created under Article 10 of the Planning Code, as of the effective date of this section shall terminate on December 31, 2008. Of the original appointments to the Historic Preservation Commission, four shall be for a four-year term and three for a two-year term as follows; the odd-numbered seats shall be for four-year terms and the even-numbered seats shall be for two-year terms. After the expiration of the original terms, all appointments shall be for four-year terms, provided however, that a member may holdover until a successor has been nominated by the Mayor and approved by the Board of Supervisors. There shall be no limit on the number of terms a member may serve.

The original nominations shall be made no later than 31 days after the date of the election creating this section. If the Mayor fails to nominate an original appointment within said period, the nomination for the original appointment may be made by the President of the Board of Supervisors, subject to the approval of a majority of the Board of Supervisors.

Within 60 days of the expiration of a term or other vacancy the Mayor shall nominate a qualified person to fill the vacant seat for the term, or the remainder of the term, subject to approval by a majority of the Board of Supervisors who shall hold a public hearing and vote on the nomination within 60 days of the Mayor's transmittal of the nomination to the Clerk of the Board of Supervisors. If the Mayor fails to make such nomination within 60 days, the nomination may be made by the President of the Board of Supervisors, subject to the approval of a majority of the Board of Supervisors. The appointment shall become effective on the date the Board of Supervisors adopts a motion approving the nomination or after 60 days from the date the Mayor transmits the nomination to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act.

Members may be removed by the appointing officer only pursuant to Section 15.105.

QUALIFICATIONS. In addition to the specific requirements set forth below, members of the Historic Preservation Commission shall be persons specially qualified by reason of interest, competence, knowledge, training and experience in the historic, architectural, aesthetic, and cultural traditions of the City, interested in the preservation of its historic structures, sites and areas, and residents of the City. Six of the members of the Historic Preservation Commission shall be specifically qualified in the following fields:

1. Seats 1 and 2: licensed architects meeting the Secretary of the Interior's Professional Qualifications Standards for historic architecture;

2. Seat 3: an architectural historian meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history with specialized training and/or demonstrable experience in North American or Bay Area architectural history;

3. Seat 4: an historian meeting the Secretary of the Interior's Professional Qualifications Standards for history with specialized training and/or demonstrable experience in North American or Bay Area history;

4. Seat 5: an historic preservation professional or professional in a field such as law, land use, community planning or urban design with specialized training and/or demonstrable experience in historic preservation or historic preservation planning.

5. Seat 6 shall be specially qualified in one of the following fields or in one of the fields set forth for Seats 1, 2, or 3;

a. A professional archeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archeology;

b. A real estate professional or contractor who has demonstrated a special interest, competence, experience, and knowledge in historic preservation;

c. A licensed structural engineer with at least four years of experience in seismic and structural engineering principals applied to historic structures; or

d. A person with training and professional experience with materials conservation.

Seat 7 shall be an at large seat subject to the minimum qualifications set forth above.

LANDMARK AND HISTORIC DISTRICT DESIGNATIONS. The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of landmark designations and historic district designations under the Planning Code to the Board of Supervisors. The Historic Preservation Commission shall send recommendations regarding landmarks designations to the Board of Supervisors without referral or recommendation of the Planning Commission. The Historic Preservation Commission shall refer recommendations regarding historic district designations to the Planning Commission, which shall have 45 days to review and comment on the proposed designation, which comments, if any, shall be forwarded to the Board of Supervisors together with the Historic Preservation Commission's recommendation. Decisions of the Historic Preservation Commission to disapprove designation of a landmark or historic district shall be final unless appealed to the Board of Supervisors.

CERTIFICATES OF APPROPRIATENESS. The Historic Preservation Commission shall approve, disapprove, or modify certificates of appropriateness for work to designated landmarks or within historic districts. For minor alterations, the Historic Preservation Commission may delegate this function to staff, whose decision may be appealed to the Historic Preservation Commission.

For projects that require multiple planning approvals, the Historic Preservation Commission must review and act on any Certificate of Appropriateness before any other planning approval action. For projects that (1) require a conditional use permit or permit review under Section 309, et seq., of the Planning Code and (2) do not concern an individually landmarked property, the Planning Commission may modify any decision on a Certificate of Appropriateness by a 2/3 vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

For projects that are located on vacant lots, the Planning Commission may modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

The Historic Preservation Commission or Planning Commission's decision on a Certificate of Appropriateness shall be final unless appealed to the Board of Appeals, which may modify the decision by a 4/5 vote; provided, however, that if the project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a

conditional use, the decision shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the decision by a majority vote.

SIGNIFICANT OR CONTRIBUTORY BUILDING AND CONSERVATION DISTRICT DESIGNATIONS IN THE C-3 DISTRICTS. The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of Significant or Contributory building and Conservation District designations under the Planning Code to the Board of Supervisors. The Historic Preservation Commission shall send recommendations regarding Significant or Contributory Buildings to the Board of Supervisors without referral or recommendation of the Planning Commission. The Historic Preservation Commission shall refer recommendations regarding Conservation District designations to the Planning Commission, which shall have 45 days to review and comment on the proposed designation, which comments, if any, shall be forwarded to the Board of Supervisors together with the Historic Preservation Commission's recommendation, Decisions of the Historic Preservation Commission to disapprove designation of a Significant or Contributory building or Conservation District shall be final unless appealed to the Board of Supervisors.

ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS OR BUILDINGS IN CONSERVATION DISTRICTS IN THE C-3 DISTRICTS. The Historic Preservation Commission shall have the authority to determine if a proposed alteration is a Major Alteration or a Minor Alteration. The Historic Preservation Commission shall have the authority to approve, disapprove, or modify applications for permits to alter or demolish designated Significant or Contributory buildings or buildings within Conservation Districts. For Minor Alterations, the Historic Preservation Commission may delegate this function to staff, whose decision may be appealed to the Historic Preservation Commission.

For projects that require multiple planning approvals, the Historic Preservation Commission must review and act on any permit to alter before any other planning approval action. For projects that (1) require a conditional use permit or permit review under Section 309, et seq., of the Planning Code and (2) do not concern a designated Significant (Categories I and II) or Contributory (Category III only) building, the Planning Commission may modify any decision on a permit to alter by a 2/3 vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

For projects that are located on vacant lots, the Planning Commission may modify any decision on a permit to alter by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

The Historic Preservation Commission's or Planning Commission's decision on a permit to alter shall be final unless appealed to the Board of Appeals, which may modify the decision by a 4/5 vote; provided, however, that if the project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, the decision shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the decision by a majority vote.

MILLS ACT CONTRACTS. The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of historical property contracts to the Board of Supervisors, without referral or recommendation of the Planning Commission.

PRESERVATION ELEMENT OF THE GENERAL PLAN. The Historic Preservation Commission shall recommend to the Planning Commission a Preservation Element of the General Plan and shall periodically recommend to the Planning Commission proposed amendments to such Preservation Element of the General Plan. Other objectives, policies, and provisions of the General Plan and special area, neighborhood, and other plans designed to carry out the General Plan, and proposed amendments thereto, that are not contained within such Preservation Element but that concern historic preservation shall be referred to the Historic Preservation Commission for its comment and recommendations prior to action by the Planning Commission. When the Planning Commission recommends to the Board of Supervisors for approval or rejection proposed amendments to the General Plan that concern historic preservation, any recommendation or comments of the Historic Preservation Commission on such proposed amendments shall be forwarded to the Board of Supervisors for its information.

REFERRAL OF CERTAIN MATTERS. The following matters shall, prior to passage by the Board of Supervisors, be submitted for written report by the Historic Preservation Commission regarding effects upon historic or cultural resources: ordinances and resolutions concerning historic preservation issues and historic

resources; redevelopment project plans; waterfront land use and project plans; and such other matters as may be prescribed by ordinance. If the Planning Commission is required to take action on the matter, the Historic Preservation Commission shall submit any report to the Planning Commission as well as to the Board of Supervisors; otherwise, the Historic Preservation Commission shall submit any report to the Board of Supervisors.

OTHER DUTIES. For proposed projects that may have an impact on historic or cultural resources, the Historic Preservation Commission shall have the authority to review and comment upon environmental documents under the California Environmental Quality Act and the National Environmental Policy Act. The Historic Preservation Commission shall act as the City's local historic preservation review commission for the purposes of the Certified Local Government Program, may recommend properties for inclusion in the National Register of Historic Places, and may review and comment on federal undertakings where authorized under the National Historic Preservation Act. The Historic Preservation Commission shall review and comment upon any agreements proposed under the National Historic Preservation Act where the City is a signatory prior to any approval action on such agreement. The Historic Preservation Commission shall have the authority to oversee and direct the survey and inventory of historic properties.

Once a quorum of members of the Historic Preservation Commission has been originally appointed and approved, the Historic Preservation Commission shall assume any powers and duties assigned to the Landmarks Preservation Advisory Board until the Municipal Code has been amended to reflect the creation of the Historic Preservation Commission.

BUDGET, FEES, DEPARTMENT HEAD, AND STAFF. The provisions of Charter subsections 4.102(3), 4.102(4), 4.102(5), and 4.102(6) shall not apply to the Historic Preservation Commission. The Historic Preservation Commission may review and make recommendations on the Planning Department budget and on any rates, fees, and similar charges with respect to appropriate items coming within the Historic Preservation Commission's jurisdiction to the department head of the Planning Department or the Planning Commission. The department head of the Planning Department shall assume the powers and duties that would otherwise be executed by an Historic Preservation Commission department head. The Planning Department shall render staff assistance to the Historic Preservation Commission.

(Added by Proposition J, 11/4/2008)

SEC. 4.136. DEPARTMENT OF POLICE ACCOUNTABILITY.

(a) There shall be under the Police Commission a Department of Police Accountability (“DPA”).

(b) The Mayor shall appoint a nominee of the Police Commission as the Director of DPA, subject to confirmation by the Board of Supervisors. The Director shall serve at the pleasure of the Police Commission. If the Board of Supervisors fails to act on the appointment within 30 days, the appointment shall be deemed approved. In the event the office is vacant, until the Mayor makes an appointment and that appointment is confirmed by the Board, the Police Commission shall appoint an interim Director who shall serve at the pleasure of the Police Commission. The appointment of the Director shall be exempt from the civil service requirements of this Charter. The Director shall never have been a uniformed member or employee of the Police Department. The Director shall be the appointing officer under the civil service provisions of this Charter for the appointment, removal, or discipline of employees of DPA.

(c) The Police Commission shall have the power and duty to organize, reorganize, and manage DPA. Subject to the civil service provisions of this Charter, DPA shall include investigators and hearing officers. The staff of DPA shall consist of no fewer than one line investigator for every 150 sworn members. Whenever the ratio of investigators to police officers specified by this section is not met for more than 30 consecutive days, the Director shall have the power to hire, and the City Controller must pay, temporary investigators to meet such staffing requirements. No full-time or part-time employee of DPA shall have previously served as a uniformed member of the Police Department. Subject to rules of the Police Commission, the Director may appoint part-time hearing officers who shall be exempt from the civil service requirements of this Charter. Compensation of the hearing officers shall be at rates recommended by the Commission and established by the Board of Supervisors or by contract approved by the Board of Supervisors.

(d) DPA shall promptly, fairly, and impartially investigate all complaints regarding police use of force, misconduct or allegations that a member of the Police Department has not properly performed a duty, except those complaints which on their face clearly indicate that the acts complained of were proper and those complaints lodged by other members of the Police Department. DPA shall use its best efforts to conclude investigations of such complaints and, if sustained, transmit the sustained complaint to the Police Department within nine months of receipt thereof by DPA. If DPA is unable to conclude its investigation within such nine-month period, the Director, within such nine-month period, shall inform the Chief of Police of the reasons therefor and transmit information and evidence from the investigation as shall facilitate the Chief's timely consideration of the matter.

(e) DPA shall recommend disciplinary action to the Chief of Police on those complaints that are sustained. The Director, after meeting and conferring with the Chief of Police or his or her designee, may verify and file charges with the Police Commission against members of the Police Department arising out of sustained complaints; provided, that the Director may not verify and file such charges for a period of 60 days following the transmittal of the sustained complaint to the Police Department unless the Director issues a written determination that the limitations period within which the member or members may be disciplined under Government Code Section 3304, as amended from time to time or any successor provisions thereto, may expire within such 60-day period and (1) the Chief of Police fails or refuses to file charges with the Police Commission arising out of the sustained complaint, (2) the Chief of Police or his or her designee fails or refuses to meet and confer with the Director on the matter, or (3) other exigent circumstances necessitate that the Director verify and file charges to preserve the ability of the Police Commission to impose punishment pursuant to Section A8.343.

(f) The Director shall schedule hearings before hearing officers when such is requested by the complainant or a member of the Police Department and, in accordance with rules of the Commission, such a hearing will facilitate the fact-finding process. The Board of Supervisors may provide by ordinance that DPA shall in the same manner investigate and make recommendations to the Chief of Police regarding complaints of misconduct by patrol special police officers and their uniformed employees.

(g) Nothing herein shall prohibit the Chief of Police or a commanding officer from investigating the conduct of a member of the Police Department under his or her command, or taking disciplinary or corrective action, otherwise permitted by this Charter, when such is warranted; and nothing herein shall limit or otherwise restrict the disciplinary powers vested in the Chief of Police and the Police Commission by other provisions of this Charter.

(h) DPA shall prepare in accordance with rules of the Commission monthly summaries of the complaints received and shall prepare recommendations quarterly concerning policies or practices of the Police Department which could be changed or amended to avoid unnecessary tension with the public or a definable segment of the public while insuring effective police services.

(i) DPA shall prepare a report for the President of the Board of Supervisors each quarter. This report shall include, but not be limited to, the number and type of complaints filed, the outcome of the complaints, and a review of the disciplinary action taken. The President of the Board of Supervisors shall refer this report to the appropriate committee of the Board of Supervisors charged with public safety responsibilities. Said committee may issue recommendations as needed.

(j) In carrying out its objectives, including the preparation of recommendations concerning departmental policies or practices referenced above, the investigations referenced above, and the audits noted below, DPA shall receive prompt and full cooperation and assistance from all departments, officers, and employees of the City and County, which shall, unless prohibited by state or federal law, promptly produce all records and information requested by DPA, including but not limited to (1) records relevant to Police Department policies or practices, (2) personnel and disciplinary records of Police Department employees, (3) criminal investigative and prosecution files, and (4) all records to which the Police Commission has access, regardless of whether those records pertain to a particular complaint. The DPA shall maintain the confidentiality of any records and information it receives to the extent required by state or federal law governing such records or information. The Director may also request and the Chief of Police shall require the testimony or attendance of any member of the Police Department to carry out the responsibilities of DPA. Nothing in this Section 4.136 is intended or shall be construed to interfere with the duties of the Sheriff or the District Attorney under state law, including their constitutional and statutory powers and duties under Government Code Section 25303, as amended from time to time or any successor provisions thereto, or other applicable state law or judicial decision.

(k) Every two years, DPA shall conduct a performance audit or review of police officer use of force and how the Police Department has handled claims of officer misconduct. DPA shall also have the authority to conduct performance audits or reviews of whether Police Department personnel and management have complied with federal and state law, City ordinances and policies, and Police Department policies. The Director shall have the discretion to determine the frequency, topics, and scope of such performance audits or reviews. To the extent permitted by law, DPA shall also allow public access to information on the progress and disposition of claims of misconduct or use of force, and the results of the performance audits and reviews conducted by DPA.

(l) The DPA budget shall be separate from the budget of the Police Department. Notwithstanding Section 4.102(3), the Director shall submit DPA's proposed annual or two-year budget directly to the Mayor.

(Added by Proposition G, Approved 11/8/2016)

SEC. 4.137. SHERIFF'S DEPARTMENT OVERSIGHT.

(a) **Establishment of Oversight Board.**

(1) The Sheriff's Department Oversight Board ("SDOB") is hereby established. The SDOB shall consist of seven members. The Board of Supervisors shall appoint four members (to Seats 1, 2, 3, and 4), and the Mayor shall appoint three members (to Seats 5, 6, and 7). Seat 4 shall be held by a person with experience in labor representation.

(2) Members shall serve four-year terms, beginning at noon on March 1, 2021; provided, however, the term of the initial appointees to Seats 1, 3, and 5 shall expire at noon on March 1, 2023, whereas the term of the initial appointees to Seats 2, 4, 6, and 7 shall expire at noon on March 1, 2025.

(3) No person may serve more than three successive terms as a member. No person having served three successive terms may serve as a member until at least four years after the expiration of the third successive term. Service for a part of a term that is more than half the period of the term shall count as a full term; further, this subsection (a)(3) makes no distinction between the two-year terms referenced in subsection (a)(2) and four-year terms.

(4) Members may be removed from office only for official misconduct under Article XV.

(5) All members shall complete a training and orientation on custodial law enforcement, constitutional policing, and Sheriff's Department ("SFSD") policies and procedures, within 90 days of assuming office for their first term. The Sheriff or the Sheriff's designee shall prescribe the content of and shall administer the training and orientation regarding SFSD patrol and custodial law enforcement, policies and procedures. SFSD shall develop the training content based on guidelines recommended by the National Association of Civilian Oversight for Law Enforcement ("NACOLE") or successor association, the Bar Association of San Francisco or successor association, and/or the American Civil Liberties Union, and SFSD shall consult with the Department of Police Accountability, Public Defender, and the District Attorney in developing the training content.

(b) **SDOB Powers and Duties.** The SDOB shall:

(1) Appoint, and may remove, the Inspector General in the Sheriff's Department Office of Inspector General ("OIG"), established in subsection (d).

(2) Evaluate the work of the OIG, and may review the Inspector General's individual work performance.

(3) Compile, evaluate, and recommend law enforcement custodial and patrol best practices.

(4) Conduct community outreach and receive community input regarding SFSD operations and jail conditions, by holding public meetings and soliciting input from persons incarcerated in the City and County.

(5) Prepare and submit a quarterly report to the Sheriff and Board of Supervisors regarding the SDOB evaluations and outreach, and OIG reports submitted to SDOB.

(6) By March 1 of each year, prepare and present to the Board of Supervisors or a committee designated by the President of the Board, an annual report that includes a summary of SDOB evaluations and outreach, and OIG reports submitted to SDOB, for the prior calendar year.

(c) In performing its duties, the SDOB may hold hearings, issue subpoenas to witnesses to appear and for the production of evidence, administer oaths, and take testimony.

(d) **Establishment of Office of Inspector General.** There is hereby established the Sheriff's Department Office of Inspector General ("OIG"), which shall be a department under the SDOB, and separate from the Sheriff's Department. The OIG shall be headed by the Inspector General, appointed by the SDOB as set forth in subsection (b)(1). The Inspector General shall be exempt from civil service selection, appointment, and removal procedures.

(e) **OIG Powers and Duties.** The OIG shall:

(1) Receive, review, and investigate complaints against SFSD employees and SFSD contractors; provided, however, that the OIG shall refer complaints alleging criminal misconduct to the District Attorney, and refer complaints alleging violations of ethics laws to the Ethics Commission.

(2) Investigate the death of any individual in the custody of the SFSD. The OIG shall refer evidence of criminal misconduct regarding any death in custody to the District Attorney. Notwithstanding such a referral, the OIG may continue to investigate a death in custody unless OIG's investigation will interfere with a criminal investigation conducted by the District Attorney, or any law enforcement agency to which the District Attorney may refer the evidence of criminal misconduct.

(3) Recommend disciplinary action to the Sheriff where, following an investigation pursuant to subsection (e)(1) or (e)(2), the OIG determines that an employee's actions or omissions violated law or SFSD policy; provide notice of and a copy of the recommendation, the reasons for the recommendation, and supporting records, to the extent permitted by State or federal law, to the employee; and make available to the public any records and information regarding OIG's disciplinary recommendations to the extent permitted by State or federal law.

(4) Develop and recommend to the Sheriff an SFSD use of force policy and a comprehensive internal review process for all use of force and critical incidents.

(5) Prepare and submit a quarterly report to the Sheriff and the SDOB regarding OIG investigations that includes the number and type of complaints under subsection (e)(1) filed; trend analysis; the outcome of the complaints; any determination that the acts or omissions of an employee or contractor, in connection with the subject matter of a complaint under subsection (e)(1), or a death in custody under subsection (e)(2), violated law or SFSD policy; the OIG's recommendations, if any, for discipline; the outcome of any discipline recommendations; and the OIG's policy recommendations under subsection (e)(4).

(6) Monitor SFSD operations, including the provision of services to incarcerated individuals, through audits and investigations, to ensure compliance with applicable laws and policies.

(f) In performing its duties, the OIG may hold hearings, issue subpoenas to witnesses to appear and for the production of evidence, administer oaths, and take testimony. The OIG also may request and the Sheriff shall require the testimony or attendance of any employee of the SFSD.

(g) **Cooperation and Assistance from City Departments.** In carrying out their duties, the SDOB and OIG shall receive prompt and full cooperation and assistance from all City departments, officers, and employees, including the Sheriff and SFSD and its employees, which shall, unless prohibited by State or federal law, promptly produce all records and information requested by the SDOB or OIG, including but not limited to (1) personnel and disciplinary records of SFSD employees, (2) SFSD criminal investigative files, (3) health information pertaining to incarcerated individuals; and (4) all records and databases to which the SFSD has access, regardless of whether those records pertain to a particular complaint or incident. The Sheriff also shall, unless prohibited by State or federal law, allow the OIG unrestricted and unescorted access to all facilities, including the jails. The SDOB and OIG shall maintain the confidentiality of any records and information it receives or accesses to the extent required by local, State, or federal law governing such records or information.

In carrying out their duties, the SDOB and OIG shall cooperate and collaborate with organizations that contract with SFSD to provide legal services to incarcerated individuals.

(h) **Budget and Staffing.** Subject to the fiscal, budgetary, and civil service provisions of the Charter, the OIG staff shall include no fewer than one investigator for every 100 sworn SFSD employees. No SDOB or OIG staff, including the Inspector General, shall have been employed previously by a law enforcement agency or a labor organization representing law enforcement employees.

(i) Nothing in this Section 4.137 shall prohibit, limit, or otherwise restrict the Sheriff or the Sheriff's designee from investigating the conduct of an employee or contractor of the SFSD, or taking disciplinary or corrective action permitted by City or State law.

(j) Nothing in this Section 4.137, including but not limited to subsections (f) and (g), is intended to or shall be interpreted to abrogate, interfere with, or obstruct the independent and constitutionally and statutorily designated duties of the Sheriff, including the Sheriff's duty to investigate citizens' complaints against SFSD personnel and the duty to operate and manage the jails, the California Attorney General's constitutional and statutory responsibility to oversee the Sheriff, or other applicable State law. In carrying out their duties, the SDOB and OIG shall cooperate and coordinate with the Sheriff so that the Sheriff, the SDOB, and the OIG may properly discharge their respective responsibilities.

(Added by Proposition D, Approved 11/3/2020)

SEC. 4.138. DEPARTMENT OF SANITATION AND STREETS.

(a) **Establishment.** There shall be a Department of Sanitation and Streets, which shall come into existence three months after the Transition Date for the Sanitation and Streets Commission in Section 4.139(d). The Department shall be headed by the Director of Sanitation and Streets, who shall be qualified by either technical training or management experience in environmental services or the maintenance, sanitation, or cleaning of public spaces; and shall have a demonstrated knowledge of best practices regarding cleaning and maintenance of high-traffic or publicly accessible areas. The Department shall assume all responsibilities previously under the jurisdiction of the Department of Public Works that pertain to the duties specified in subsection (b).

(b) **Duties.** Except as otherwise provided in the Charter or pursuant to Section 4.132, in addition to any other duties assigned by ordinance, the Department shall have the following duties:

(1) efficient and systematic street sweeping, sidewalk cleaning, and litter abatement;

(2) maintenance and cleaning of public restrooms in the public right of way;

(3) provision and maintenance of city trash receptacles;

(4) removal of illegal dumping and graffiti in the public right of way;

(5) maintenance of public medians, and of street trees in the public right of way pursuant to section 16.129;

(6) maintenance of City streets and sidewalks;

(7) construction, repair, remodeling, and management services for City-owned buildings and facilities; and

(8) control of pests on City streets and sidewalks.

The Board of Supervisors may limit, modify, or eliminate the duties set forth in subsections (1) through (8), and may transfer any of those duties to the Department of Public Works or other City departments, by ordinance approved by two-thirds of the Board. Nothing in this Section 4.138 shall relieve property owners of the legal responsibilities set by local or State law, including as those laws may be amended in the future.

(c) **Refuse Collection and Disposal Ordinance.** The Director of Sanitation and Streets shall perform the responsibilities assigned to the Director of Public Works by the Refuse Collection and Disposal Ordinance of November 8, 1932, as it may be amended from time to time.

(d) **Administrative Support.** By no later than the Transition Date in Section 4.139(d), the Board of Supervisors shall by ordinance require the City Administrator, the Department of Public Works, and/or any other City department to provide administrative support for the Department, which shall include but need not be limited to human resources, performance management, finance, budgeting, technology, emergency planning, training, and employee safety services. At any time more than two years and three months after the Transition Date, the Board of Supervisors may adopt ordinances requiring the Department of Sanitation and Streets to assume responsibility for some or all of that administrative support.

(e) **Transition.** No later than the Transition Date in Section 4.139(d), the City Administrator shall submit to the Board of Supervisors a proposed ordinance amending the Municipal Code, including but not limited to the Public Works Code, to conform to Sections 3.104, 4.139, 4.140, 4.141, 16.129, F1.102, and this Section 4.138, as adopted or amended by the voters at the November 3, 2020 election.

(Added by Proposition B, Approved 11/3/2020)

SEC. 4.139. SANITATION AND STREETS COMMISSION.

(a) **Purpose.** There is hereby established a Sanitation and Streets Commission. The Commission shall set policy directives and provide oversight for the Department of Sanitation and Streets.

(b) **Membership and Terms of Office.**

(1) The Commission shall consist of five members, appointed as follows:

Seats 1 and 2 shall be appointed by the Mayor subject to confirmation by the Board of Supervisors. Each nomination shall be the subject of a public hearing and vote within 60 days. If the Board of Supervisors fails to act on a nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed confirmed. Seat 1 shall be held by a person who is a small business owner. Seat 2 shall be held by a person with experience in project management.

Seat 3 shall be appointed by the Controller subject to confirmation by the Board of Supervisors. The nomination shall be the subject of a public hearing and vote within 60 days. If the Board of Supervisors fails to act on a nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed confirmed. Seat 3 shall be held by a person who has a background in finance and audits.

Seats 4 and 5 shall be appointed by the Board of Supervisors. Seat 4 shall be held by a person who has a background in either urban forestry, urban design, or environmental services. Seat 5 shall be held by a person with significant experience in cleaning and maintaining public spaces.

(2) Members of the Commission shall serve four-year terms; provided, however, the term of the initial appointees in Seats 1 and 4 shall be two years.

(3) Members may be removed at will by their respective appointing officer.

(c) **Duties.** With regard to the Department of Sanitation and Streets, beginning three months after the Transition Date in subsection (d), the Commission shall exercise all the powers and duties of boards and commissions set forth in Sections 4.102, 4.103, and 4.104, and may take other actions as prescribed by ordinance. In addition, the Commission shall:

(1) review and evaluate data regarding street and sidewalk conditions, including but not limited to data collected by the Department, and annual reports generated by the Controller;

(2) establish minimum standards of cleanliness for the public right of way, and set baselines for services to be administered by the Department;

(3) approve all contracts proposed to be entered into by the Department, provided that the Commission may delegate this responsibility to the Director of the Department, or the Director's designee;

(4) perform an annual cost analysis evaluating whether there are inefficiencies or waste in the Department's administration and operations; and

(5) perform an annual review on the designation and filling of Department positions, as exempt, temporary, provisional, part-time, seasonal or permanent status, the number of positions that are vacant, and at the Commission's discretion, other data regarding the Department's workforce. This function shall not in any way limit the roles of the Civil Service Commission or the Department of Human Resources under the Charter.

(d) **Transition provisions.**

(1) The Commission shall come into existence on the Transition Date, which shall be established by the Board of Supervisors by written motion adopted by a majority vote of its members, provided that the Transition Date shall be no earlier than July 1, 2022. The Board of Supervisors shall vote on a written motion to establish the Transition Date no later than January 1, 2022. If the Board of Supervisors fails to adopt such a motion by January 1, 2022, the Clerk of the Board of Supervisors shall place such a motion on the agenda of a Board of Supervisors meeting at least once every three months thereafter until such time as the Board of Supervisors adopts a motion establishing the Transition Date. The Mayor, Board of Supervisors, and Controller shall make initial appointments to the Commission by no later than three months before the Transition Date. The terms of all five members shall commence at noon on the Transition Date.

(2) The Commission shall have its inaugural meeting by no later than 30 days after three members of the Commission have assumed office.

(3) The Director of Public Works or person serving in an acting capacity as Director of Public Works, at the time the Commission comes into existence, shall perform the duties of the Director of the Department of Sanitation and Streets in an acting capacity until the Commission appoints a new Director in accordance with the Charter provisions governing appointment of a department head serving under a commission.

(Added by Proposition B, Approved 11/3/2020)

SEC. 4.140. DEPARTMENT OF PUBLIC WORKS.

Except as otherwise specified in the Charter, including in Section 4.138(b)(7), the Department of Public Works shall design, build, and improve the City's infrastructure and public right of way, and assume any other duties assigned by ordinance or pursuant to Section 4.132. The Department shall be headed by the Director of Public Works, who shall be qualified by either technical training or management experience in engineering or architecture.

(Formerly Sec. 4.130; Renumbered and amended by Proposition B, Approved 11/3/2020)

SEC. 4.141. PUBLIC WORKS COMMISSION.

(a) **Purpose.** There is hereby established a Public Works Commission. The Commission shall set policy directives and provide oversight for the Department of Public Works.

(b) **Membership and Terms of Office.**

(1) The Commission shall consist of five members, appointed as follows:

Seats 1 and 5 shall be appointed by the Board of Supervisors. Seat 1 shall be held by a registered professional engineer licensed in the State of California, with a background in civil, mechanical, or environmental engineering, and Seat 5 shall be an at-large position.

Seats 2 and 4 shall be appointed by the Mayor subject to confirmation by the Board of Supervisors. Each nomination shall be the subject of a public hearing and vote within 60 days. If the Board of Supervisors fails to act on a nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors,

the nominee shall be deemed confirmed. Seat 2 shall be held by a registered architect licensed in the State of California, and Seat 4 shall be an at-large position.

Seat 3 shall be held by a person with a background in finance with at least 5 years in auditing experience, appointed by the Controller subject to confirmation by the Board of Supervisors. The nomination shall be the subject of a public hearing and vote within 60 days. If the Board of Supervisors fails to act on a nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed confirmed.

(2) Members of the Commission shall serve four-year terms; provided, however, the term of the initial appointees in Seats 1, 3, and 5 shall be two years.

(3) Commissioners may be removed from office at will by their respective appointing authority.

(c) **Powers and Duties.**

(1) With regard to the Department of Public Works, beginning on September 1, 2022, the Commission shall exercise all the powers and duties of boards and commissions set forth in Sections 4.102, 4.103, and 4.104, and may take other actions as prescribed by ordinance.

(2) The Commission shall oversee the Department's performance, including evaluation of data collected by the Department, the Controller, and other City agencies.

(3) The Commission shall approve all contracts proposed to be entered into by the Department, provided that the Commission may delegate this responsibility to the Director of Public Works, or the Director's designee.

(4) The Commission shall require the Director of Public Works, or the Director's designee, to provide the Commission with proof of adequate performance of any contract entered into by the Department for public works involving the City's infrastructure or public right of way, based on written documentation including documentation that the building official has issued a building or site permit and a final certificate of occupancy.

(5) The Commission shall perform an annual review on the designation and filling of Department positions, as exempt, temporary, provisional, part-time, seasonal or permanent status, the number of positions that are vacant, and at the Commission's discretion, other data regarding the Department's workforce. This function shall not in any way limit the roles of the Civil Service Commission or the Department of Human Resources under the Charter.

(d) **Transition provisions.**

(1) The Mayor, Board of Supervisors, and Controller shall make initial appointments to the Commission by no later than the Appointment Deadline, which shall be either noon on June 1, 2022, or an earlier date established by the Board of Supervisors by written motion adopted no later than January 1, 2022 by a majority vote of its members. The Commission shall come into existence either at noon on the 31st day after the Appointment Deadline, or at noon on the date that three members of the Commission have assumed office, whichever is later. The terms of all five members shall commence at noon on the 31st day after the Appointment Deadline, regardless of when the Commission comes into existence.

(2) The Commission shall have its inaugural meeting by no later than three months after the terms of the initial members begin.

(3) The Director of Public Works at the time the Commission comes into existence shall remain in that position unless removed from it in accordance with the Charter provisions governing removal of a department head serving under a commission. If a person is serving in an acting capacity as Director at the time the Commission comes into existence, the preceding sentence applies, except that the position shall also be considered vacant for purposes of the next sentence. If the position of Director is vacant for any reason, including removal of the incumbent Director, the position shall be filled in accordance with the Charter provisions governing appointment of a department head serving under a commission. In that event, a person removed from the position under the first sentence of this subsection may be considered for appointment to the position.

(Added by Proposition B, Approved 11/3/2020)

ARTICLE V:

EXECUTIVE BRANCH – ARTS AND CULTURE

Sec. 5.100. General.
Sec. 5.101. Charitable Trust Departments.
Sec. 5.102. City Museums.
Sec. 5.103. Arts Commission.
Sec. 5.104. Asian Art Museum of San Francisco.
Sec. 5.105 The Fine Arts Museums of San Francisco.
Sec. 5.106. War Memorial and Performing Arts Center.

SEC. 5.100. GENERAL.

The arts and culture departments of the City and County shall be the Arts Commission, the Asian Art Museum of San Francisco, the Fine Arts Museums of San Francisco and the War Memorial and Performing Arts Center. These departments shall be a part of the executive branch of City and County government.

The terms of office of all trustees and commissioners shall continue as they existed on the effective date of this Charter. All vacancies shall be filled within 90 days.

The governing boards of the arts and culture departments may accept and shall comply with the terms and conditions of loans, gifts, devises, bequests or agreements donating works of art or other assets to their department without action of the Board of Supervisors so long as acceptance of the same entails no expense for the City and County beyond ordinary care and maintenance.

SEC. 5.101. CHARITABLE TRUST DEPARTMENTS.

For the purposes of this Article, the Asian Art Museum of San Francisco, The Fine Arts Museums of San Francisco and the War Memorial and Performing Arts Center are referred to as the "charitable trust departments."

Nothing in this Article shall be construed to limit or change the powers and responsibilities of the governing boards of the charitable trust departments insofar as they involve administration of the charitable trusts, gifts and contracts for which they are responsible.

The charitable trust departments shall have exclusive charge of the trusts and all other assets under their jurisdiction, which may be acquired by loan, purchase, gift, devise, bequest or otherwise, including any land or buildings set aside for their use. They shall have authority to maintain, operate, manage, repair or reconstruct existing buildings and construct new buildings, and to make and enter into contracts relating thereto, subject, insofar as City funds are to be used, to the budgetary and fiscal provisions of this Charter.

SEC. 5.102. CITY MUSEUMS.

When the term "museums" is used in this Article, unless otherwise specified, it refers to both the Asian Art Museum of San Francisco and The Fine Arts Museums of San Francisco.

Trustees and commissioners of the museums are exempt from the requirement of Section 4.101(2) of this Charter, except that at least a majority of The Fine Arts Museum Board of Trustees shall be residents of the City and County. Members shall serve for three-year terms, and may be removed by the Mayor only pursuant to Section 15.105. Members shall serve without compensation.

The governing boards of the museums shall adopt by-laws providing for the conduct of their affairs, including the appointment of an executive committee which shall have authority to act in such matters as are specified by the governing board.

The governing boards of the museums shall appoint and may remove a director and such other executive and administrative positions as may be necessary. Appointees to such positions need not be residents of the City and County. Notwithstanding any other provision of this Charter, the governing boards may accept and utilize contributions to supplement or pay for the salaries and benefits of these appointees in order to establish competitive compensation, provided that only compensation established pursuant to the salary provisions of this Charter shall be considered for Retirement System purposes.

The governing boards of the museums may insure any loaned exhibit and agree to indemnification and binding arbitration provisions necessary to insuring exhibitions without action of the Board of Supervisors so long as such agreement entails no expense to the City and County beyond ordinary insurance expense. The Recreation and Park Department shall maintain and care for the grounds of the Museums.

SEC. 5.103. ARTS COMMISSION.

The Arts Commission shall consist of fifteen members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Eleven members shall be practicing arts professionals including two architects, a landscape architect, and representatives of the performing, visual, literary and media arts; and four members shall be lay members. The President of the Planning Commission, or a member of the Commission designated by the President, shall serve ex officio. Members may be removed by the Mayor.

The Commission shall appoint and may remove a director of the department. The Commission shall encourage artistic awareness, participation and expression; education in the arts; assist independent local groups with the development of their own programs; promote the employment of artists and those skilled in crafts, in the public and private sectors; provide liaison with state and federal agencies to ensure increased funding for the arts from these agencies as well as represent arts issues and policy in the respective governmental bodies; promote the continued availability of living and working space for artists within the City and County; and enlist the aid of all City and County governmental units in the task of ensuring the fullest expression of artistic potential by and among the residents of San Francisco.

In furtherance of the foregoing the Arts Commission shall:

1. Approve the designs for all public structures, any private structure which extends over or upon any public property and any yards, courts, set-backs or usable open spaces which are an integral part of any such structures;

2. Approve the design and location of all works of art before they are acquired, transferred or sold by the City and County, or are placed upon or removed from City and County property, or are altered in any way; maintain and keep an inventory of works of art owned by the City and County; and maintain the works of art owned by the City and County;

3. Promote a neighborhood arts program to encourage and support an active interest in the arts on a local and neighborhood level, assure that the City and County-owned community cultural centers remain open, accessible and vital contributors to the cultural life of the City and County, establish liaison between community groups and develop support for neighborhood artists and arts organizations; and

4. Supervise and control the expenditure of all appropriations made by the Board of Supervisors for the advancement of the visual, performing or literary arts.

Nothing in this section shall be construed to limit or abridge the powers or exclusive jurisdiction of the charitable trust departments or the California Academy of Sciences or the Library Commission over their activities; the land and buildings set aside for their use; or over the other assets entrusted to their care.

SEC. 5.104. ASIAN ART MUSEUM OF SAN FRANCISCO.

The Asian Art Commission shall consist of twenty-seven trustees appointed by the Mayor. In filling vacancies, the Mayor shall solicit nominations from the Commission and shall give due consideration to such nominees in filling such vacancies to the end that the members of the Commission shall be representative of the fields of Asian art and culture by reason of their knowledge, experience, education, training, interest or activity therein.

The Commission shall:

1. Develop and administer that museum which is known as the "Asian Art Museum of San Francisco," or by such other title as may be chosen by not less than two-thirds of the members of the Commission;

2. Control and manage the City and County's Asian art with the Avery Brundage Collection as its nucleus, consistent with the conditions applicable to the Brundage Collection and other gifts;

3. Maintain a charitable foundation or other legal entity for the purpose of developing the Asian Art Museum;

4. Promote, establish and develop an acquisition fund for Asian art objects; and

5. Collaborate with other groups and institutions to extend and deepen the activities necessary to establish the Asian Art Museum as the outstanding center of Asian art and culture in the western world.

SEC. 5.105. THE FINE ARTS MUSEUMS OF SAN FRANCISCO.

The California Palace of Legion of Honor and the M.H. de Young Memorial Museum shall compromise the Fine Arts Museums of San Francisco, or such other title as may be chosen by not less than two-thirds of the trustees of the Fine Arts Museums. The Fine Arts Museums Board of Trustees shall consist of 62 members to be elected by the members of the Board. On a vote of the majority of members, the number of Trustees may be increased or decreased from time to time as needed, provided that the number of Trustees shall not be more than 62, and provided further that a vote to decrease the number shall not affect the power or tenure of any incumbent. The Board may act by majority of the members present at meetings in which a quorum is in attendance.

In selecting members to serve on the Board, the Board of Trustees shall give due consideration to nominees who are broadly representative of the diverse communities of the City and County and knowledgeable in the fields of art and culture, as demonstrated by their experience, training, interest or philanthropic activity.

A quorum of the Board shall consist of one-third of the number of trustees in office at the time. A majority or two-thirds vote of the Board shall mean a majority or two-thirds vote of the number of trustees present at the meeting at which the vote is taken.

The Board is responsible for the protection and conservation of the assets of the Fine Arts Museums and for setting the public course the Museums will follow. The Board shall assure that the Museums are open, accessible and vital contributors to the cultural life of the City and County, and that the Museums' programs bring art appreciation and education to all the people of the City and County.

The Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums' support.

SEC. 5.106. WAR MEMORIAL AND PERFORMING ARTS CENTER.

The governing board of the War Memorial and Performing Arts Center shall consist of eleven trustees appointed by the Mayor, pursuant to Section 3.100, for four-year terms. In making appointments the Mayor shall give due consideration to veterans and others who have a special interest in the purposes for which the Center exists. Members may be removed by the Mayor only pursuant to Section 15.105.

The governing board shall appoint and may remove a director.

ARTICLE VI:

OTHER ELECTIVE OFFICERS

Sec. 6.100. Designation of Other Elective Officers.
Sec. 6.101. Assessor-Recorder.
Sec. 6.102. City Attorney.
Sec. 6.103. District Attorney.
Sec. 6.104. Public Defender.
Sec. 6.105. Sheriff.
Sec. 6.106. Treasurer.
Sec. 6.107. [Repealed]

SEC. 6.100. DESIGNATION OF OTHER ELECTIVE OFFICERS.

In addition to the officers required to be elected under other Articles of this Charter, the following shall constitute the elective officers of the City and County: the Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff and Treasurer. Each such officer shall be elected for a four-year term and shall serve full time.

The City Attorney shall be licensed to practice law in all courts of the State of California and shall have been so licensed for at least ten years next preceding his or her election. The District Attorney and Public Defender shall each be licensed to practice law in all courts of the State of California and shall have been so licensed for at least five years next preceding his or her election. Such officers shall not engage in the private practice of law during the period they serve as elective officers of the City and County.

Subject to the powers and duties set forth in this Charter, the officers named in this section shall have such additional powers and duties prescribed by state laws for their respective office. The terms of office in effect for these officers on the date this Charter is adopted shall continue.

SEC. 6.101. ASSESSOR-RECORDER.

The Assessor-Recorder shall:

1. Equitably and effectively administer the property assessment system of the City and County; and
2. Exercise the duties of Assessor and Recorder provided under state law, effective July 1, 1997.

SEC. 6.102. CITY ATTORNEY.

The City Attorney shall:

1. Represent the City and County in legal proceedings with respect to which it has an interest; provided that any elected officer, department head, board or commission may engage counsel other than the City Attorney for legal advice regarding a particular matter where the elected officers department head, board or commission has reason to believe that the City Attorney may have a prohibited financial conflict of interest under California law or a prohibited ethical conflict of interest under the California Rules of Professional Conduct with regard to the matter, subject to the following limitations and conditions.

The elected officer, department head, board or commission shall first present a written request to the City Attorney for outside counsel. The written request shall specify the particular matter for which the elected officer, department head, board or commission seeks the services of outside counsel, a description of the requested scope of services, and the potential conflict of interest that is the basis for the request. Within five working days after receiving the written request for outside counsel, the City Attorney shall respond in writing to the elected officer, department head, board or commission either consenting or not consenting to the provision of outside counsel. If the City Attorney does not consent to the provision of outside counsel, the City Attorney shall state in the written response why he or she believes that there is no conflict of interest regarding the particular matter.

If the elected officer, department head, board or commission continues to believe there are adequate grounds for outside counsel despite the City Attorney's response that there is no conflict of interest, the elected officer, department head, board or commission may, within thirty days after receiving the City Attorney's response, refer the issue of whether the City Attorney has a prohibited conflict of interest regarding a particular matter to a retired judge or justice of the state courts of California for resolution. If the elected officer, department head, board or commission and City Attorney cannot agree on a retired judge to hear the matter, the retired judge shall be selected at random by an alternative dispute resolution provider. If the matter is referred to a retired judge, the elected officer, department head, board or commission, subject to the budgetary and fiscal provisions of the Charter, shall be entitled to retain outside counsel to represent it solely on the issue of whether the City Attorney has a conflict of interest regarding the particular matter.

In deciding whether the City Attorney has a conflict of interest regarding a particular matter, the retired judge shall be bound by and apply the applicable substantive law and Rules of Professional Conduct as if he or she were a court of law. To the extent practicable, the retired judge shall hear the matter within 15 days after its assignment to the retired judge, and within 15 days after the hearing, shall issue a written opinion stating the basis for the decision. The retired judge, but not the City Attorney or elected officer, department head, board or commission, shall have the power to subpoena witnesses and documents in this proceeding.

The retired judge may request that the City Attorney secure written advice from the California Fair Political Practices Commission, the State Bar of California, or the California Attorney General on the question of whether the City Attorney has a conflict of interest regarding the particular matter. Upon such a request by the retired judge, the City Attorney shall secure such written advice. The retired judge may consider, but is not bound by, written advice so secured. The decision of the retired judge shall be final for the limited purpose of determining whether or not the elected officer, department head, board or commission may retain outside counsel for the particular matter.

If the retired judge decides that the City Attorney does not have a conflict of interest regarding the particular matter, the City Attorney shall continue to be the legal adviser to the elected officer, department head, board or commission for such matter. If the retired judge decides that the City Attorney has a conflict of interest regarding a particular matter, the elected officer, department head, board or commission shall be entitled to retain outside counsel for legal advice regarding the particular matter, and the City Attorney shall thereupon cease to advise the elected officer, department head board or commission on such matter. Any such finding of a conflict of interest shall not affect the City Attorney's role as legal advisor to the elected officer, department head, board or commission on all other matters.

If at any time after the retention of outside counsel, the City Attorney believes that there is no longer a conflict of interest, the City Attorney shall state in writing to the elected officer, department head, board or commission why he or she believes that there is no longer a conflict of interest. Within five working days after receiving the written statement from the City Attorney, the elected officer, department head, board or commission shall respond in writing, either agreeing or disagreeing that there is no longer a conflict of interest. If the elected officer, department head, board or commission agrees that there is no longer a conflict of interest regarding a particular matter, the elected officer, department head, board or commission shall cease employing outside counsel for legal advice

regarding the matter, and the City Attorney shall serve as legal adviser to the elected officer, department head, board or commission regarding that matter. If the elected officer, department head, board or commission states in its written response that it believes the conflict of interest still exists, the City Attorney may, within ten working days after receiving the response of the elected officer, department head, board or commission, elect to refer the issue of whether the conflict of interest regarding the particular matter continues to exist to the same retired judge who originally heard the matter, if available. The same procedures as established herein shall apply thereafter.

In selecting outside counsel for any purpose described in this Section, the elected officer, department head, board or commission shall give preference to engaging the services of a City attorney's office, a County counsel's office or other public entity law office with an expertise regarding the subject-matter jurisdiction of the elected officer, department head, board or commission. If the elected officer, department head, board or commission concludes that private counsel is necessary, that attorney must be a member in good standing with the Bar of California who has at least five year's experience in the subject-matter jurisdiction of the elected officer, department head, board or commission Any private counsel retained pursuant to this Section shall be subject to the conflict of interest provisions of Section 13.103.5. The cost of any of the services of outside counsel and of the alternative dispute resolution process authorized by this Section shall be paid for by the elected officer, department head, board or commission, subject to the budgetary and fiscal provisions of this Charter.

2. Represent an officer or official of the City and County when directed to do so by the Board of Supervisors, unless the cause of action exists in favor of the City and County against such officer or official;

3. Whenever a cause of action exists in favor of the City and County, commence legal proceedings when such action is within the knowledge of the City Attorney or when directed to do so by the Board of Supervisors, except for the collection of taxes and delinquent revenues, which shall be performed by the attorney for the Tax Collector;

4. Upon request, provide advice or written opinion to any officer, department head or board, commission or other unit of government of the City and County;

5. Make recommendations for or against the settlement or dismissal of legal proceedings to the Board of Supervisors prior to any such settlement or dismissal. Such proceedings shall be settled or dismissed by ordinance and only upon the recommendation of the City Attorney;

6. Approve as to form all surety bonds, contracts and, prior to enactment, all ordinances; and examine and approve title to all real property to be acquired by the City and County;

7. Prepare, review annually and make available to the public a codification of ordinances of the City and County then in effect;

8. Prepare and make available to the public an annual edition of this Charter complete with all of its amendments and legal annotations; and

9. Establish in the Office of the City Attorney a Bureau of Claims Investigation and Administration which shall have the power to investigate, evaluate and settle for the several boards, commissions and departments all claims for money or damages. The Bureau shall also have the power to investigate incidents where the City faces potential civil liability, and to settle demands before they are presented as claims, within dollar limits provided for by ordinance, from a revolving fund to be established for that purpose. The City Attorney shall appoint a chief of the Bureau who shall serve at his or her pleasure. The chief of the Bureau may appoint, subject to confirmation by the City Attorney, investigators who shall serve at the pleasure of the chief.

10. During his or her tenure, not contribute to, solicit contributions to, publicly endorse or urge the endorsement of or otherwise participate in a campaign for a candidate for City elective office, other than himself or herself or of a City ballot measure or be an officer, director or employee of or hold a policy-making position in an organization that makes political endorsements regarding candidates for City elective office or City ballot measures.

(Amended November 2001; amended November 2002)

SEC. 6.103. DISTRICT ATTORNEY.

The District Attorney shall:

1. Investigate all allegations of violations of laws which the District Attorney has the power to prosecute in court or before any other trier of fact;

2. Prosecute all criminal cases in the appropriate courts and issue warrants for the arrest of persons charged with crimes to be prosecuted in such courts; and

3. Proceed in such civil cases as authorized by state law.

SEC. 6.104. PUBLIC DEFENDER.

The Public Defender shall, upon the request of an accused who is financially unable to employ counsel, or upon order of the Court, defend or give counsel or advice to any person charged with the commission of a crime or in danger of criminal prosecution.

SEC. 6.105. SHERIFF.

The Sheriff shall:

1. Keep the County jail;

2. Receive all prisoners committed to jail by competent authorities;

3. Execute the orders and legal processes issued by courts of the State of California;

4. Upon court order detail necessary bailiffs; and

5. Execute the orders and legal processes issued by the Board of Supervisors or by any legally authorized department or commission.

The Sheriff shall appoint, and at his or her pleasure may remove, an attorney, one under-sheriff, one assistant sheriff and one confidential secretary.

SEC. 6.106. TREASURER.

The Treasurer shall be responsible for the collection of taxes, the receipt of all monies collected by the City and County and their safeguard, deposit and investment in accordance with sound financial practices, and shall be responsible for collection of delinquent revenue. The Treasurer shall appoint a Chief Assistant and a Tax Collector who shall serve at the pleasure of the Treasurer.

SEC. 6.107.

(Repealed November 2001)

ARTICLE VII:

JUDICIAL BRANCH

Sec. 7.100. Superior and Municipal Courts.

Sec. 7.101. Adult Probation.
Sec. 7.102. Juvenile Probation.

SEC. 7.100. SUPERIOR AND MUNICIPAL COURTS.

The powers and duties of the Superior and Municipal Courts are as prescribed by state law.

Any fees required to be collected by the Superior Court, Municipal Court or the Clerks of such Courts shall be deposited into the treasury of the City and County and distributed therefrom as provided for by state law.

SEC. 7.101. ADULT PROBATION.

Adult probation is a County function which is prescribed by state law. The Superior Court shall appoint the Chief Adult Probation Officer. The Chief Adult Probation Officer shall appoint such assistants, deputies and employees as may be allowed or provided by the Board of Supervisors.

The Chief Adult Probation Officer, and his or her assistants and deputies, shall have the powers and duties conferred upon such adult probation officers, assistants and deputies by state laws; and such additional duties as may be prescribed by ordinances of the Board of Supervisors.

SEC. 7.102. JUVENILE PROBATION.

The Juvenile Probation Commission shall consist of seven members who shall be appointed by the Mayor, pursuant to Section 3.100, for staggered four-year terms. Two of the members shall be appointed from lists of eligibles submitted to the Mayor by the Superior Court. The Juvenile Probation Department shall be a part of the executive branch.

Members may be removed by the Mayor only pursuant to Section 15.105.

Any member may serve concurrently as a member of the Juvenile Justice Commission created by state law and as a member of the Juvenile Probation Commission herein created.

The Chief Juvenile Probation Officer, assistants and deputies shall have the powers and duties conferred upon such Chief Juvenile Probation Officers, assistants and deputies by state law; and they shall perform all of the duties prescribed by such laws, and such additional duties as may be prescribed by ordinances of the Board of Supervisors.

ARTICLE VIII:

EDUCATION AND LIBRARIES

Sec. 8.100. Unified School District.
Sec. 8.101. Governing Board of the Community College District.
Sec. 8.102. Public Libraries.
Sec. 8.103. Law Library.

SEC. 8.100. UNIFIED SCHOOL DISTRICT.

The Unified School District shall be under the control and management of a Board of Education composed of seven members who shall be elected pursuant to Section 13.111. A student representative shall serve on the Board in accordance with state law. No member of this Board shall be eligible to serve on the Governing Board of the Community College District. The compensation for each member shall be $500 per month.

(Amended November 2001; Proposition N, Approved 11/8/2016)

SEC. 8.101. GOVERNING BOARD OF THE COMMUNITY COLLEGE DISTRICT.

The Community College District shall be under the control and management of a Governing Board composed of seven members who shall be elected by the voters of the Community College District. A student representative shall serve on the Governing Board in accordance with state law. No member of this Board shall be eligible to serve on the Board of Education. The compensation for each member shall be $500 per month. The terms of office in effect for Board members on the date this Charter is adopted shall continue.

(Amended November 2001)

SEC. 8.102. PUBLIC LIBRARIES.

Libraries including the Library Commission and the Library Department shall be a part of the executive branch.

The Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

SEC. 8.103. LAW LIBRARY.

The San Francisco Law Library shall be under the management and control of the Board of Trustees, as established by act of the Legislature approved March 9, 1870. The Board shall consist of seven appointive members of the San Francisco bar, and the Mayor, the Presiding Judge and the three judges of the Appellate Department of the Superior Court, ex-officio. All vacancies on the Board shall be filled by the Board.

Pursuant to state law, the Board shall appoint and at its pleasure may remove a librarian, who shall be its executive officer. The Board shall have complete authority to manage its affairs consistent with this Charter and state law.

Compensation of Law Library personnel shall be fixed by the executive officer of the Law Library, with approval of the Board of Trustees. Subject to the budgetary and fiscal provisions of this Charter, the City and County shall continue to fund the salaries for at least the positions of Librarian, Assistant Librarian and Bookbinder.

The City and County shall provide suitable and sufficient quarters for the Law Library, fix up and furnish the same and provide for the supply of necessary light, heat, stationery and other conveniences. The Library shall be so located as to be readily accessible to the judges and officers of the courts.

The Clerks of the Superior and Municipal Courts shall collect fees provided for law libraries by general law and the fees so collected shall be paid monthly to the Treasurer of the Law Library, and shall constitute a law library fund to be expended by the Trustees in the purchase of books and periodicals, and in the establishment and maintenance of the Law Library.

The judiciary, City, County and state officials, members of the Bar, and all inhabitants of the City and County shall have free access, use and enjoyment of the Law Library, subject to the rules and regulations of the Trustees.

ARTICLE VIIIA:

THE MUNICIPAL TRANSPORTATION AGENCY

Sec. 8A.100. Preamble.
Sec. 8A.101. Municipal Transportation Agency.
Sec. 8A.102. Governance and Duties.
Sec. 8A.103. Service Standards and Accountability.
Sec. 8A.104. Personnel and Merit System.
Sec. 8A.105. Municipal Transportation Fund.
Sec. 8A.106. Budget.
Sec. 8A.107. Municipal Transportation Quality Review.
Sec. 8A.108. Fare Changes and Route Abandonments.
Sec. 8A.109. Additional Sources of Revenue.
Sec. 8A.110. Planning and Zoning.
Sec. 8A.111. Citizens' Advisory Council.
Sec. 8A.112. Parking and Traffic.
Sec. 8A.113. Parking and Traffic; Governance.
Sec. 8A.114. Cable Cars.
Sec. 8A.115. Transit-First Policy.

SEC. 8A.100. PREAMBLE.

(a) An effective, efficient, and safe transportation system is vital for San Francisco to achieve its goals for quality of life, environmental sustainability, public health, social justice, and economic growth. The Municipal Transportation Agency must manage San Francisco's transportation system which includes automobile, freight, transit, bicycle, and pedestrian networks to help the City meet those goals. Through this measure, the voters seek to provide the Municipal Transportation Agency with improved resources and expanded independence and authority in order to create a transportation system that is among the best in the world.

(b) This article requires the Municipal Transportation Agency to develop clear, meaningful and quantifiable measures of its performance and goals and to regularly publicize those standards. This article also recognizes that the workers of the Municipal Transportation Agency are vital to the success of the Agency and to achieving the improvements voters seek. Therefore, it authorizes incentives for excellence and requires accountability for both managers and employees.

(c) Specifically, San Francisco residents require:

1. Reliable, safe, timely, frequent, and convenient transit service to all neighborhoods;

2. A reduction in breakdowns, delays, over-crowding, preventable accidents;

3. Clean and comfortable transit vehicles and stations, operated by competent, courteous, and well trained employees;

4. Support and accommodation of the special transportation needs of the elderly and the disabled;

5. Protection from crime and inappropriate passenger behavior on the Municipal Railway;

6. Responsive, efficient, and accountable management;

7. Roads that are not gridlocked with congestion;

8. A safe and comprehensive network of bicycle lanes;

9. A safe and inviting environment for pedestrians;

10. Efficient movement of goods and deliveries;

11. A transportation sector that promotes environmental sustainability and does not contribute to global warming; and

12. A well-managed and well-coordinated transportation system that contributes to a livable urban environment.

Through this measure, the voters seek to provide the transportation system with the resources, independence and focus necessary to achieve these goals.

(d) The voters find that one of the impediments to achieving these goals in the past has been that responsibility for transportation has been diffused throughout City government. Accordingly, this Article places within the Municipal Transportation Agency the powers and duties relating to transit now vested in other departments, boards, and commissions of the City and County. This Article further requires that, to the extent other City and County agencies provide services to the Municipal Transportation Agency, those departments must give the highest priority to the delivery of such services.

(e) At the same time, this Article is intended to ensure sufficient oversight of the Municipal Transportation Agency by, among other things, preserving the role of the City's Controller as to financial matters, the City Attorney as to legal matters, and the Civil Service Commission, as to merit system issues. In addition, this Article requires that outside audits be performed to ensure that required service levels are obtained with a minimum of waste.

(f) Finally, this Article is intended to strengthen the Municipal Transportation Agency's authority to: 1) manage its employees; 2) establish efficient and economical work rules and work practices that maximize the Agency's responsiveness to public needs; and 3) protect the Agency's right to select, train, promote, demote, discipline, layoff and terminate employees, managers, and supervisors based upon the highest standards of customer service, efficiency and competency.

(g) The effective management of traffic flow and parking are vital to the operation of the Municipal Railway. Congestion on city streets causes delays in transit operations. Therefore, the Municipal Transportation Agency must manage parking and traffic flow to ensure that transit vehicles move through City streets safely and efficiently.

(h) In addition, the residents of San Francisco require that the Agency: 1) value and protect the safety of pedestrians and bicyclists; 2) reduce congestion and air pollution through efficient use of the streets; and 3) protect the City's economic health by giving priority to commercial deliveries and access to local businesses.

(i) The voters find that reducing the carbon emissions from San Francisco's transit sector is fundamental to the City's health and wellbeing and shall be among the Agency's policy priorities. Because the Agency has significant influence on San Francisco's transportation sector, which is responsible for fully half of the carbon emissions produced within the City, the voters direct the Agency to develop and implement strategies for substantially reducing those emissions. The voters further affirm the goals of the City's Climate Action Plan.

(j) This Article shall be interpreted and applied in conformance with the above goals.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.101. MUNICIPAL TRANSPORTATION AGENCY.

(a) There shall be a Municipal Transportation Agency. The Agency shall include a Board of Directors and a Director of Transportation. The Agency shall include the Municipal Railway and the former Department of Parking

and Traffic, as well as any other departments, bureaus or operating divisions hereafter created or placed under the Agency. There shall also be a Citizens Advisory Committee to assist the Agency.

(b) The Board of Supervisors shall have the power, by ordinance, to abolish the Taxi Commission created in Section 4.133, and to transfer the powers and duties of that commission to the Agency under the direction of the Director of Transportation or his or her designee. In order to fully integrate taxi-related functions into the Agency should such a transfer occur, the Agency shall have the same exclusive authority over taxi-related functions and taxi-related fares, fees, charges, budgets, and personnel that it has over the Municipal Railway and parking and traffic fares, fees, charges, budgets, and personnel. Once adopted, Agency regulations shall thereafter supercede all previously-adopted ordinances governing motor vehicles for hire that conflict with or duplicate such regulations.

(c) Any transfer of functions occurring as a result of the above provisions shall not adversely affect the status, position, compensation, or pension or retirement rights and privileges of any civil service employees who engaged in the performance of a function or duty transferred to another office, agency, or department pursuant to this measure.

(d) Except as expressly provided in this Article, the Agency shall comply with all of the restrictions and requirements imposed by the ordinances of general application of the City and County, including ordinances prohibiting discrimination of any kind in employment and contracting, such as Administrative Code Chapters 12B et seq., as amended from time to time. The Agency shall be solely responsible for the administration and enforcement of such requirements.

(e) The Agency may contract with existing City and County departments to carry out any of its powers and duties. Any such contract shall establish performance standards for the department providing the services to the Agency, including measurable standards for the quality, timeliness, and cost of the services provided. All City and County departments must give the highest priority to the delivery of such services to the Agency.

(f) The Agency may not exercise any powers and duties of the Controller or the City Attorney and shall contract with the Controller and the City Attorney for the exercise of such powers and duties.

(Added November 1999; amended by Proposition A, approved 11/6/2007)

Editor's Note:

The Board of Supervisors exercised the power granted under division (b) of this section and abolished the Taxi Commission and transferred its functions, powers, and duties to the Municipal Transportation Agency. See Police Code Art. 16, Sec. 1075.1.

SEC. 8A.102. GOVERNANCE AND DUTIES.

(a) The Agency shall be governed by a board of seven directors appointed by the Mayor and confirmed after public hearing by the Board of Supervisors. All initial appointments must be made by the Mayor and submitted to the Board of Supervisors for confirmation no later than February 1, 2000. The Board of Supervisors shall act on those initial appointments no later than March, 1, 2000 or those appointments shall be deemed confirmed.

At least four of the directors must be regular riders of the Municipal Railway, and must continue to be regular riders during their terms. The directors must possess significant knowledge of, or professional experience in, one or more of the fields of government, finance, or labor relations. At least two of the directors must possess significant knowledge of, or professional experience in, the field of public transportation. During their terms, all directors shall be required to ride the Municipal Railway on the average once a week.

Directors shall serve four-year terms, provided, however, that two of the initial appointees shall serve for terms ending March 1, 2004, two for terms ending March 1, 2003, two for terms ending March 1, 2002, and one for a term ending March 1, 2001. Initial terms shall be designated by the Mayor. No person may serve more than three terms as a director. A director may be removed only for cause pursuant to Article XV. The directors shall annually elect a chair. The chair shall serve as chair at the pleasure of the directors. Directors shall receive reasonable compensation for attending meetings of the Agency which shall not exceed the average of the two highest compensations paid to the members of any board or commission with authority over a transit system in the nine Bay Area counties.

(b) The Agency shall:

1. Have exclusive authority over the acquisition, construction, management, supervision, maintenance, extension, operation, use, and control of all property, as well as the real, personal, and financial assets of the Agency; and have exclusive authority over contracting, leasing, and purchasing by the Agency, provided that any Agency contract for outside services shall be subject to Charter Sections 10.104(12) and 10.104(15) and that the Agency may not transfer ownership of any of the real property of the City and County without approval from the Board of Directors and the Board of Supervisors;

2. Have exclusive authority to enter into such arrangements and agreements for the joint, coordinated, or common use with any other public entity owning or having jurisdiction over rights-of-way, tracks, structures, subways, tunnels, stations, terminals, depots, maintenance facilities, and transit electrical power facilities;

3. Have exclusive authority to make such arrangements as it deems proper to provide for the exchange of transfer privileges, and through-ticketing arrangements, and such arrangements shall not constitute a fare change subject to the requirements of Sections 8A.106 and 8A.108;

4. Notwithstanding any restrictions on contracting authority set forth in the Administrative Code, have exclusive authority to enter into agreements for the distribution of transit fare media and media for the use of parking meters or other individual parking services;

5. Have exclusive authority to arrange with other transit agencies for bulk fare purchases, provided that if passenger fares increase as a result of such purchases, the increase shall be subject to review by the Board of Supervisors pursuant to Sections 8A.106 and 8A.108;

6. Notwithstanding Section 2.109, and except as provided in Sections 8A.106 and 8A.108, have exclusive authority to fix the fares charged by the Municipal Railway, rates for off-street and on-street parking, and all other, rates, fees, fines, penalties and charges for services provided or functions performed by the Agency;

7. Notwithstanding any provision of the San Francisco Municipal Code (except requirements administered by the Department of Public Works governing excavation, street design and official grade) have exclusive authority to adopt regulations that control the flow and direction of motor vehicle, bicycle and pedestrian traffic, including regulations that limit the use of certain streets or traffic lanes to categories of vehicles and that limit the speed of traffic; and to design, select, locate, install, operate, maintain and remove all official traffic control devices, signs, roadway features and pavement markings that control the flow of traffic with respect to streets and highways within City jurisdiction, provided that:

(i) Notwithstanding the authority established in subsection 7, the Board of Supervisors may by ordinance establish procedures by which the public may seek Board of Supervisors review of any Agency decision with regard to the installation or removal of a stop sign or the creation or elimination of a bicycle lane. In any such review, the Agency's decision shall stand unless the Board of Supervisors reverses the decision of the Agency not later than 60 days after submission of a request to the Board of Supervisors.

(ii) Nothing in this subsection 7 shall modify the authority of ISCOTT, or any successor body, over the temporary use or occupancy of public streets, or the authority of the Board of Supervisors to hear appeals regarding the temporary use or occupancy of public streets.

(iii) Nothing in subsection 7 shall modify the power of the Board of Supervisors to establish civil offenses, infractions and misdemeanors.

(iv) Notwithstanding the authority established in subsection 7, to the extent state law contemplates that Agency action authorized by subsection 7 be effectuated by ordinance, such action shall be effectuated by resolution of the Board of Directors and shall be subject to referendum in accordance with Article 14, and, if a referendum petition contains the requisite number of signatures, the Board of Supervisors shall have the power to reconsider or repeal the action as provided in Article 14.

8. Have exclusive authority to adopt regulations limiting parking, stopping, standing or loading as provided by state law and to establish parking privileges and locations subject to such privileges for categories of people or

vehicles as provided by state law; to establish parking meter zones, to set parking rates, and to select, install, locate and maintain systems and equipment for payment of parking fees, provided that:

(i) Notwithstanding the authority established in subsection 8, the Board of Supervisors may by ordinance establish procedures by which the public may seek Board of Supervisors review of any Agency decision with regard to the creation or elimination of any preferential parking zone, the creation or elimination of any parking meter zone, the adoption of any limitation on the time period for which a vehicle may be parked, or reservation of any parking space for persons with a disability that qualifies for parking privileges under state law. In any review of a decision of the Agency pursuant to this section, the Agency's decision shall stand unless the Board of Supervisors reverses the decision of the Agency not later than 60 days after submission of a request to the Board of Supervisors.

(ii) Nothing in subsection 8 shall modify the power of the Board of Supervisors to establish civil offenses, infractions and misdemeanors.

(iii) Notwithstanding the authority established in subsection 8, to the extent state law contemplates that any Agency action authorized by subsection 8 be effectuated by ordinance, such action shall be effectuated by resolution of the Board of Directors and, if a referendum petition contains the requisite number of signatures, shall be subject to referendum in accordance with Article 14, and the Board of Supervisors shall have the power to reconsider or repeal the action as provided in Article 14.

9. Have exclusive authority to establish policies regarding and procure goods and services for the enforcement of regulations limiting parking, stopping, standing or loading and the collection of parking-related revenues and, along with the Police Department, have authority to enforce parking, stopping, standing or loading regulations;

10. Be responsible for chairing the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) or any successor body;

11. Be responsible for cooperating with and assisting the Police Department in the promotion of traffic safety; studying and responding to complaints related to street design, traffic control devices, roadway features and pavement markings; collecting compiling and analyzing traffic data and traffic accident data and planning improvements to improve the safety of the City's roadways; and conducting traffic research and planning;

12. Have exclusive authority to apply for, accept, and expend state, federal, or other public or private grant funds for Agency purposes;

13. To the maximum extent permitted by law, with the concurrence of the Board of Supervisors, and notwithstanding the requirements and limitations of Sections 9.107, 9.108, and 9.109, have authority without further voter approval to incur debt for Agency purposes and to issue or cause to be issued bonds, notes, certificates of indebtedness, commercial paper, financing leases, certificates of participation or any other debt instruments. Upon recommendation from the Board of Directors, the Board of Supervisors may authorize the Agency to incur on behalf of the City such debt or other obligations provided: 1) the Controller first certifies that sufficient unencumbered balances are expected to be available in the proper fund to meet all payments under such obligations as they become due; and 2) any debt obligation, if secured, is secured by revenues or assets under the jurisdiction of the Agency.

14. Have the authority to conduct investigations into any matter within its jurisdiction through the power of inquiry, including the power to hold public hearings and take testimony, and to take such action as may be necessary to act upon its findings; and

15. Exercise such other powers and duties as shall be prescribed by ordinance of the Board of Supervisors.

(c) The Agency's Board of Directors shall:

1. Appoint a Director of Transportation, who shall serve at the pleasure of the Board. The Director of Transportation shall be employed pursuant to an individual contract. His or her compensation shall be comparable to the compensation of the chief executive officers of the public transportation systems in the United States which the Board of Directors, after an independent survey, determine most closely resemble the Agency in size, mission, and complexity. In addition, the Board of Directors shall provide an incentive compensation plan consistent with

the requirements of Section 8A.104(k) under which a portion of the Director's compensation is based on achievement of service standards adopted by the Board of Directors.

2. Appoint an executive secretary who shall be responsible for administering the affairs of the Board of Directors and who shall serve at the pleasure of the Board.

3. In addition to any training that may be required by City, State or federal law, attend a minimum of four hours of training in each calendar year, provided by the City Attorney and the Controller regarding the legal and financial responsibilities of the Board and the Agency.

(d) The Director of Transportation shall appoint all subordinate personnel of the Agency, including deputy directors. The deputy directors shall serve at the pleasure of the Director of Transportation.

(e) Upon recommendation of the City Attorney and the approval of the Board of Directors, the City Attorney may compromise, settle, or dismiss any litigation, legal proceedings, claims, demands or grievances which may be pending for or on behalf of, or against the Agency relative to any matter or property solely under the Agency's jurisdiction. Unlitigated claims or demands against the Agency shall be handled as set forth in Charter Section 6.102. Any payment pursuant to the compromise, settlement, or dismissal of such litigation, legal proceedings, claims, demands, or grievances, unless otherwise specified by the Board of Supervisors, shall be made from the Municipal Transportation Fund.

(f) The Agency's Board of Directors, and its individual members, shall deal with administrative matters solely through the Director of Transportation or his or her designees. Any dictation, suggestion, or interference by a director in the administrative affairs of the Agency, other than through the Director of Transportation or his or her designees, shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the Board of Directors' powers of hearing and inquiry as provided in this Section.

(g) Notwithstanding any provision of Chapter 6 or 21 of the Administrative Code establishing any threshold amount for exercise of executive authority to execute contracts, or any successor provision of the San Francisco Municipal Code, the Agency's Board of Directors may adopt threshold amounts under which the Director of Transportation and his or her designees may approve contracts.

(h) Except provided in this Article, the Agency shall be subject to the provisions of this Charter applicable to boards, commissions, and departments of the City and County, including Sections 2.114, 3.105, 4.101, 4.103, 4.104, 4.113, 6.102, 9.118, 16.100, and A8.346. Sections 4.102, 4.126, and 4.132 shall not be applicable to the Agency.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.103. SERVICE STANDARDS AND ACCOUNTABILITY.

(a) The Municipal Railway shall provide a level of service measured in service hours which is not less than that provided under the schedule of service published in the April 1996 timetable, although not necessarily in that configuration.

(b) By July 1 of each year, the Agency shall adopt mile-stones toward achievement of the goals specified in subsections (c) and (d). Milestones shall be adopted for each mode of transportation of the Municipal Railway, and for the Municipal Railway as a whole, with the goal of full achievement of the standards set in subsection (c).

(c) The standards for the Agency with respect to the services provided by the Municipal Railway shall include the following minimum standards for on-time performance and service delivery:

1. On-time performance: at least 85 percent of vehicles must run on-time, where a vehicle is considered on-time if it is no more than one minute early or four minutes late as measured against a published schedule that includes time points; and

2. Service delivery: 98.5 percent of scheduled service hours must be delivered, and at least 98.5 percent of scheduled vehicles must begin service at the scheduled time.

(d) The Board of Directors shall adopt Agency rules setting additional measurable standards for system reliability, system performance, staffing performance, and customer service, including:

1. Passenger, public, and employee safety and security;

2. Coverage of neighborhoods and equitable distribution of service;

3. Level of crowding;

4. Frequency and mitigation of accidents and breakdowns;

5. Improvements in travel time, taking into account adequate recovery and lay-over times for operators;

6. Vehicle cleanliness, including absence of graffiti;

7. Quality and responsiveness of customer service;

8. Employee satisfaction;

9. Effectiveness of the preventive maintenance program; and

10. Frequency and accuracy of communications to the public.

11. The Agency's duties related to parking and traffic functions and any other functions that may be added to the Agency's responsibilities.

(e) The Board of Directors shall adopt Agency rules setting forth the methods by which performance shall be measured with respect to each standard established pursuant to subsections (c) or (d) above in accordance with industry best practices to enhance the Agency's ability to compare its performance to that of other comparable transit systems. The Agency shall regularly publish reports documenting the Agency's performance for each standard. Each performance report shall note any changes in the rules governing the methods by which performance is measured so as to inform interpretation of performance trends over time. Nothing herein shall prohibit the Agency from using additional performance measures.

(f) The Agency shall issue a Climate Action Plan to the Board of Supervisors and the Commission on the Environment by January 1, 2009, and every two years thereafter. The plan shall describe measures taken and progress made toward the goal of reducing greenhouse gas emissions from San Francisco's transportation sector to 80% of 1990 levels by 2012 and shall further address progress toward the following goals:

1. Zero greenhouse gas emissions for Municipal Railway transit vehicles;

2. Lowering energy consumption in Agency facilities and by non-transit vehicles;

3. Maximizing waste reduction in Agency operations;

4. Increasing transit trips and reducing private vehicle trips within the City;

5. Increasing the use of bicycling and walking as alternate forms of transportation; and

6. Improving regional transit connections to reduce private vehicle use by commuters.

No later than January 1, 2010, and no less than every ten years thereafter, the Board of Supervisors shall adopt legislation setting goals for reducing greenhouse gas emissions from San Francisco's transportation sector, and other climate action measures set forth above, for periods after 2012.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.104. PERSONNEL AND MERIT SYSTEM.

(a) The Agency shall establish its own personnel/labor relations office. The Director of Transportation shall appoint a personnel/labor relations manager, who shall serve at the pleasure of the Director of Transportation and

shall establish regular meetings with labor to discuss issues within the scope of representation on terms to be determined through collective bargaining.

(b) Except as otherwise provided in this Section, the Agency shall be governed by the rules of the civil service system administered by the City and appeals provided in civil service rules shall be heard by the City's Civil Service Commission. Unless otherwise agreed by the Agency and affected employee organizations, appeals to the Civil Service Commission shall include only those matters within the jurisdiction of the Civil Service Commission which establish, implement, and regulate the civil service merit system as listed in Section A8.409-3.

(c) Effective July 1, 2000, except for the administration of health services, the Agency shall assume all powers and duties vested in the Department of Human Resources and the Director of Human Resources under Articles X and XI of this Charter in connection with job classifications within the Agency performing "service-critical" functions. Except for the matters set forth in subsection (f), the Department of Human Resources and the Director of Human Resources shall maintain all powers and duties under Articles X and XI as to all other Agency employees.

(d) On or before April 15, 2000, the Agency shall designate "service-critical" classifications and functions for all existing classifications used by the Municipal Railway; provided, however, that employees in classifications designated as "service-critical" shall continue to be covered by any Citywide collective bargaining agreement covering their classifications until the expiration of that agreement.

(e) For purposes of this Article, "service-critical" functions are:

1. Operating a transit vehicle, whether or not in revenue service;

2. Controlling dispatch of, or movement of, or access to, a transit vehicle;

3. Maintaining a transit vehicle or equipment used in transit service, including both preventive maintenance and overhaul of equipment and systems, including system-related infrastructure;

4. Regularly providing information services to the public or handling complaints; and

5. Supervising or managing employees performing functions enumerated above.

The Agency shall consult with affected employee organizations before designating particular job classifications as performing "service-critical" functions. If an employee organization disagrees with the Agency's designation of a particular job classification as "service-critical" pursuant to the above standards, the organization may, within seven days of the Agency's decision, request immediate arbitration. The arbitrator shall be chosen pursuant to the procedures for the selection of arbitrators contained in the memorandum of understanding of the affected employee organization. The arbitrator shall determine only whether the Agency's designation is reasonable based on the above standards. The arbitrator's decision shall be final and binding.

The Agency may designate functions other than those listed above, and the job classifications performing those additional functions, as "service-critical," subject to the consultation and arbitration provisions of this Section. In deciding a dispute over such a designation, the arbitrator shall decide whether the job functions of the designated classes relate directly to achievement of the goals and milestones adopted pursuant to Section 8A.103 and are comparable to the above categories in the extent to which they are critical to service.

(f) In addition, the Agency shall, with respect to all Agency employees, succeed to the powers and duties of the Director of Human Resources under Article X to review and resolve allegations of discrimination, as defined in Article XVII, against employees or job applicants, or allegations of nepotism or other prohibited forms of favoritism. To the extent resolution of a discrimination complaint or request for accommodation involves matters or employees beyond the Agency's jurisdiction, the Agency shall coordinate with and be subject to applicable determinations of the Director of Human Resources.

(g) The Agency shall be responsible for creating and, as appropriate, modifying Agency bargaining units for classifications designated by the Agency as "service-critical" and shall establish policies and procedures pursuant to Government Code sections 3507 and 3507.1 for creation and modification of such bargaining units. When the Agency creates or modifies a bargaining unit, employees in existing classifications placed in such bargaining unit shall continue to be represented by their current employee organizations.

(h) The Agency may create new classifications of Agency employees. Such classifications shall be subject to the civil service provisions of the Charter unless exempted pursuant to Section 10.104, or subsection (i).

(i) The Agency may create new classifications and positions in those classifications exempt from the civil service system for managerial employees in MTA bargaining units M and EM in addition to those exempt positions provided in Section 10.104; provided, however, that the total number of such exempt managerial positions within the Agency shall not exceed 2.75 percent of the Agency's total workforce, exclusive of the exempt positions provided in Section 10.104. This provision shall not be utilized to eliminate personnel holding existing permanent civil service managerial positions on November 2, 1999.

Persons serving in exempt managerial positions shall serve at the pleasure of the Director of Transportation. Such exempt management employees, to the extent they request placement in a bargaining unit, shall not be placed in the same bargaining units as non-exempt employees of the Agency.

(j) The Civil Service Commission shall annually review both exempt and non-exempt classifications of the Agency to ensure compliance with the provisions of subsections (h) and (i).

(k) Upon the expiration of labor contracts negotiated by the Department of Human Resources and approved by the Board of Supervisors, and except for retirement benefits, the wages, hours, working conditions, and benefits of the employees in classifications within the Municipal Railway designated by the Agency as "service-critical" shall be fixed by the Agency after meeting and conferring as required by the laws of the State of California and this Charter, including Sections A8.346, A8.404 and A8.409. These agreements shall utilize, and shall not alter or interfere with, the health plans established by the City's Health Service Board; provided, however, that the Agency may contribute toward defraying the cost of employees' health premiums. For any job classification that exists both as a "service-critical" classification in the Agency and elsewhere in City service, the base wage rate negotiated by the Agency for that classification shall not be less than the wage rate set in the Citywide memorandum of understanding for that classification.

(l) Notwithstanding subsection (k), the Agency may, in its sole discretion, utilize the City's collective bargaining agreements with any employee organization representing less than 10 percent of the Agency's workforce.

(m) In addition to the base pay established in collective bargaining agreements, agreements negotiated by the Agency relating to compensation for Agency managers and employees in classifications designated by the Agency as "service-critical" may provide incentive bonuses based upon the achievement of the service standards in Section 8A.103(c) and other standards and milestones adopted pursuant to Section 8A.103. Such agreements may also provide for additional incentives based on other standards established by the Board of Directors, including incentives to improve attendance. The Board of Directors may also establish a program under which a component of the compensation paid to the Director of Transportation and l exempt managers is based upon the achievement of service standards adopted by the Board of Directors. Notwithstanding any other provision of Article 8A, all such incentive programs shall be at the sole discretion of the Agency Board of Directors, subject to any bargaining obligation imposed by state law.

(n) For employees whose wages, hours and terms and conditions of employment are set by the Agency, the Agency shall exercise all powers of the City and County, the Board of Supervisors, the Mayor, and the Director of Human Resources under Sections A8.404 and A8.409. The mediation/arbitration board set forth in Section A8.409-4 shall consider the following additional factors when making a determination in any impasse proceeding involving the Agency: the interests and welfare of transit riders, residents, and other members of the public; the Agency's ability to meet the costs of the decision of the arbitration board without materially reducing service or requiring that the Agency raise fares in a manner inconsistent with Section 8A.108(b); and the Agency's ability to efficiently and effectively tailor work hours and schedules for transit system employees to the public demand for transit service. Notwithstanding the timelines described in Section A8.409-4, to be effective the beginning of the next succeeding fiscal year, all collective bargaining agreements must be submitted to the Board of Directors no later than June 15 for final adoption on or before June 30.

(o) The voters find that for transit system employees whose wages, hours and terms and conditions of employment are set by the Agency, the Agency's discretion in establishing and adjusting scheduling, deployment, assignment, staffing, sign ups, and the use and number of part-time transit system personnel based upon service needs is essential to the effective, efficient, and reliable operation of the transit system. In any mediation/arbitration

proceeding under Section 8.409-4 with an employee organization representing transit system employees, the employee organization shall have the burden of proving that any restrictions proposed on the Agency's ability to exercise broad discretion with respect to these matters are justified. To meet this burden, the employee organization must prove by clear and convincing evidence that the justification for such restrictions outweighs the public's interest in effective, efficient, and reliable transit service and is consistent with best practices. The mediation/arbitration board shall not treat the provisions of MOUs for transit system employees adopted prior to the effective date of this provision as precedential in establishing the terms of a successor agreement. The mediation/arbitration board's jurisdiction shall be limited to matters within the mandatory scope of bargaining under state law.

(p) The voters find that unscheduled employee absences adversely affect customer service. Accordingly, not later than January 1, 2001, the agency shall create a comprehensive plan for the reduction of unscheduled absences. In addition, the Agency shall take all legally permitted steps to eliminate unexcused absences. Neither the Agency nor an arbitrator shall have authority to approve or award any memorandum of understanding or other binding agreement which restricts the authority of the Agency to administer appropriate discipline for unexcused absences.

(q) In addition, the voters find that Agency service has been impaired by the existence of side-letters and reliance on "past practices" that have been treated as binding or precedential but have not been expressly authorized by the Board of Directors or the Director of Transportation, and have not been and are not subject to public scrutiny. Accordingly, for employees whose wages, hours and terms and conditions of employment are set by the Agency, no side-letter or practice within the scope of bargaining may be deemed binding or precedential by the Agency or any arbitrator unless the side-letter or practice has been approved in writing by the Director of Transportation or, where appropriate, by the Board of Directors upon the recommendation of the Director of Transportation and appended to the MOU of the affected employee organization or organizations subject to the procedures set out in this charter. No MOU or arbitration award approved or issued after the November 2010 general election shall provide or require that work rules or past practices remain unchanged during the life of the MOU, unless the specific work rules or past practices are explicitly set forth in the MOU. All side-letters shall expire no later than the expiration date of the MOU.

(r) Before adopting any tentative agreement with an employee organization covering matters within the scope of representation, the Agency shall, at a duly noticed public meeting, disclose in writing the contents of such tentative agreement, a detailed analysis of the proposed agreement, a comparison of the differences between the agreement reached and the prior agreement, an analysis of all costs for each year of the term of such agreement, and whether funds are available to cover these costs. Such tentative agreement between the Agency and employee organization shall not be approved by the Agency until 15 calendar days after the above disclosures have been made.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007; Proposition G, Approved 11/2/2010)

SEC. 8A.105. MUNICIPAL TRANSPORTATION FUND.

(a) There is hereby established a fund to provide a predictable, stable, and adequate level of funding for the Agency, which shall be called the Municipal Transportation Fund. The fund shall be maintained separate and apart from all other City and County funds. Monies therein shall be appropriated, expended, or used by the Agency solely and exclusively for the operation including, without limitation, capital improvements, management, supervision, maintenance, extension, and day-to-day operation of the Agency, including any division subsequently created or incorporated into the Agency and performing transportation-related functions. Monies in the Fund may not be used for any other purposes than those identified in this Section 8A.105.

(b) Beginning with the fiscal year 2000-2001 and in each fiscal year thereafter, there is hereby set aside to the Municipal Transportation Fund the following:

1. An amount (the "Base Amount") which shall be no less than the amount of all appropriations from the General Fund, including all supplemental appropriations, for the fiscal year 1998-1999 or the fiscal year 1999-2000, whichever is higher (the "Base Year"), adjusted as provided in subsection (c), below, for (1) the Municipal Railway; and (2) all other City and County commissions, departments and agencies providing services to the Municipal Railway, including the Department of Human Resources and the Purchasing Department, for the provision of those

services. The Base Amount for the Department of Parking and Traffic and the Parking Authority shall be established in the same fashion but using fiscal years 2000-2001 and 2001-2002 for the services being incorporated into the Agency.

2. Subject to the limitations and exclusions in Section 4.113, the revenues of the Municipal Railway, and, upon their incorporation into the Agency, the revenues of the Department of Parking and Traffic, and the Parking Authority; and

3. All other funds received by the City and County from any source, including state and federal sources, for the support of the Agency.

(c) The Base Amount shall initially be determined by the Controller. Adjustments to the Base Amount shall be made as follows:

1. The Base Amount shall be adjusted for each year after fiscal year 2000-2001 by the Controller based on calculations consistent from year to year, by the percentage increase or decrease in aggregate City and County discretionary revenues. In determining aggregate City and County discretionary revenues, the Controller shall only include revenues received by the City which are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. Additionally, in determining aggregate City and County discretionary revenues, the Controller shall not include revenues received by the City under the increased rates in Business and Tax Regulations Code Sections 953.1(g), 953.2(h), 953.3(h), 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general municipal election on November 3, 2020, and shall not include revenues received by the City under Article 36 of the Business and Tax Regulations Code adopted by the voters at the general municipal election on November 3, 2020. Errors in the Controller's estimate of discretionary revenues for a fiscal year shall be corrected by adjustment in the next year's estimate.

2. An adjustment shall also be made for any increases in General Fund appropriations to the Agency in subsequent years to provide continuing services not provided in the Base Year, but excluding additional appropriations for one-time expenditures such as capital expenditures or litigation judgments and settlements.

3. Commencing with the fiscal year beginning on July 1, 2015, the Controller shall also adjust the Base Amount annually by the percentage increase in the San Francisco population based on data from the source(s) the Controller, in his or her sole discretion, finds most reliable for the most recent available calendar year. The Controller's population growth adjustment shall be based on the greater of the increase in daytime or night-time population. For any year in which the Controller determines that neither the daytime nor night-time population has increased, the Controller shall make no adjustment under this subparagraph 3 to the Base Amount. For purposes of the initial adjustment for the year commencing July 1, 2015, the Controller shall adjust the Base Amount based on the increase in City daytime or night-time population for the most recent ten-year period for which data are available instead of the most recent available calendar year. The Agency shall use the amount of any increase in the Base Amount resulting from the adjustment required by this subparagraph 3 exclusively as follows: 75 per cent shall be used to make transit system improvements to the Municipal Railway to improve the system's reliability, frequency of service, capacity, and state of good repair, and 25 per cent shall be used for transportation capital expenditures to improve street safety for all users.

(d) The Treasurer shall set aside and maintain the amounts required to be set aside by this Section, together with any interest earned thereon, in the Municipal Transportation Fund, and any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward, together with interest thereon, to the next fiscal year for the purposes specified in this Article.

(e) It is the policy of the City and County of San Francisco to use parking-related revenues to support public transit. To that end, the following parking-related revenues deposited in the Transportation Fund shall be used to support the capital and operating expenses arising from the Agency's transit functions:

1. Revenues from parking meters, except those amounts collected from parking meters operated by the Recreation and Park Department and the Port Commission and except to the extent that they are required by law to be dedicated to other traffic regulation and control functions;

2. Revenues from off-street parking facilities under the jurisdiction of the Agency (excluding facilities owned by the Parking Authority), including facilities leased to private owners and non-profit corporations, except those

amounts generated from any parking on or below any land or facilities under the jurisdiction of the Recreation and Park Department and except those amounts obligated by contract executed before 1993 to pay debt service;

3. Revenues from fines, forfeited bail, or penalties for parking violations, except those amounts to be credited to the courthouse construction fund as provided in Administrative Code Section 10.100-353.

(f) In addition, there is hereby set aside from the general revenues of the City and County and deposited in the Transportation Fund to support the Agency's transit services an amount equivalent to 80 percent of the revenues received from the City's tax on occupation of parking spaces. Additional amounts appropriated as a result of this subsection after July 1, 2008 which were not previously available to support transit service shall be used exclusively to:

1. support implementation of the transit service improvements recommended by the Transit Effectiveness Project or any subsequent system-wide route and service evaluation, with first priority given to the hiring of full time on-going staff and expansion of training for Agency employees, supervisors and managers; and

2. support the creation of a Labor-Management Implementation and Service Improvement Committee consisting of the Director of Transportation and a designated representative of each union representing Agency employees. This committee shall meet quarterly to discuss implementation of this Section and ongoing system challenges.

(Added November 1999; amended by Proposition A, Approved 11/6/2007; Proposition B, Approved 11/4/2014; Proposition F, Approved 11/3/2020)

SEC. 8A.106. BUDGET.

The Agency shall be subject to the provisions of Article IX of this Charter except:

(a) No later than May 1 of each even-numbered year, after professional review, public hearing and after receiving the recommendations of the Citizens' Advisory Council, the Agency shall submit its proposed budget with annual appropriation detail in a form approved by the Controller for each of the next two fiscal years to the Mayor and the Board of Supervisors for their review and consideration. The Agency shall propose a budget that is balanced without the need for additional funds over the Base Amount, but may include fare increases and decreases, and reductions or abandonment of service. The Mayor shall submit the budget to the Board of Supervisors, without change. Should the Agency request additional general fund support over the Base Amount, it shall submit an augmentation request for those funds in the standard budget process and subject to normal budgetary review and amendment under the general provisions of Article IX.

(b) At the time the budget is adopted, the Agency shall certify that the budget is adequate in all respects to make substantial progress towards meeting the performance standards established pursuant to Section 8A.103 for the fiscal year covered by the budget.

(c) No later than August 1, the Board of Supervisors may allow the Agency's budget to take effect without any action on its part or it may reject but not modify the Agency's budget by a seven-elevenths' vote. Any fare change, route abandonment, or revenue measure proposed in the budget shall be considered accepted unless rejected by a seven-elevenths' vote on the entire budget. Should the Board reject the budget, it shall make additional interim appropriations to the Agency from the Municipal Transportation Fund sufficient to permit the Agency to maintain all operations through the extended interim period until a budget is adopted. Any request for appropriation of General Fund revenues in excess of the Base Amount shall be approved, modified, or rejected under the general provisions of Article IX.

(d) No later than May 1 of each odd-numbered year, the Agency shall submit any budget amendment that may be required to increase appropriations over those approved in the two year budget or as may be required by law, provided that such budget amendment shall establish a detailed plan with appropriation detail only for those anticipated revenues and expenditures exceeding those approved in the two year budget or as otherwise required by law. The Agency may submit to the Board of Supervisors such additional budget amendments or modifications during the term of the budget, including but not limited to amendments reflecting fare changes, route abandonments and revenue measures, as may be required in the discretion of the Agency. The Board of Supervisors may allow any

budget amendment to take effect without any action on its part or it may reject but not modify the budget amendment by a seven-elevenths' vote taken within 30 days after its submission to the Board of Supervisors.

(e) Notwithstanding any other provisions of this Charter or requirements of the Annual Salary Ordinance, the Controller may authorize the Agency to move funds within its budget and hire personnel without specific Controller approval so long as the Agency's periodic and verifiable projections of spending by the Agency show the Controller that the Agency's spending will be within the approved budget. However, should the projections show that the Agency spending is likely to exceed its budget, the Controller may impose appropriate controls in his or her discretion to keep the Agency within budget.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.107. MUNICIPAL TRANSPORTATION QUALITY REVIEW.

(a) The Agency shall biennially contract with a nationally recognized management or transportation consulting firm with offices in the City and County for an independent review of the quality of its operations. The contract shall be competitively bid and approved by the Controller and Board of Supervisors. The review shall contain:

1. A detailed analysis of the extent to which the Agency has met the goals, objectives, and performance standards it is required to adopt under Section 8A.103, and the extent to which the Agency is expected to meet those goals, objectives, and performance standards in the two fiscal years for which the review is submitted, and independent verification of the Agency's reported performance under the performance measures adopted pursuant to Section 4 of this measure; and

2. Such recommendations for improvement in the operation of the Agency as the firm conducting the review deems appropriate.

(b) The results of the review shall be presented promptly to the Citizens' Advisory Council, the Agency, the Board of Supervisors, and the Mayor by the reviewing firm; and the Citizens' Advisory Council, the Agency, and the Board of Supervisors shall each promptly hold at least one public hearing thereon.

(Added November 1999)

SEC. 8A.108. FARE CHANGES AND ROUTE ABANDONMENTS.

(a) Except as otherwise provided in this Section, any proposed change in fares or route abandonments shall be submitted to the Board of Supervisors as part of the Agency's budget or as a budget amendment under Section 8A.106, and may be rejected at that time by a seven-elevenths vote of the Board on the budget or budget amendment. Any changes in fares or route abandonments proposed by the Agency specifically to implement a program of service changes identified in a system-wide strategic route and service evaluation such as the Transit Effectiveness Project may only be rejected by a single seven-elevenths' vote of the Board of Supervisors on the budget or budget amendment.

(b) The Agency shall base any proposed change in Municipal Railway fares on the following criteria:

1. The Municipal Railway's need for additional funds for operations and capital improvements and optimal maintenance of assets.

2. The extent to which the increase is necessary to meet the goals, objectives, and performance standards previously established by the Agency pursuant to Section 8A.103.

3. The extent to which the Agency has diligently sought other sources of funding for the operations and capital improvements of the Municipal Railway.

4. The need to keep Municipal Railway fares low to encourage maximum patronage.

5. The need to increase fares gradually over time to keep pace with inflation and avoid large fare increases after extended periods without a fare increase.

(c) For purposes of this Article, a "route abandonment" shall mean the permanent termination of service along a particular line or service corridor where no reasonably comparable substitute service is offered. If the Agency proposes to abandon a route at any time other than as part of the budget process as provided in Section 8A.106, it shall first submit the proposal to the Board of Supervisors. The Board of Supervisors may, after a noticed public hearing, reject the proposed route abandonment by a seven-elevenths vote of its members taken within 30 days after the proposal is submitted by the Agency.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.109. ADDITIONAL SOURCES OF REVENUE.

(a) To the extent allowed by law, the Board of Supervisors may, by ordinance, dedicate to the Agency revenues from sources such as gas taxes, motor vehicle licensing taxes or other available motor vehicle-related revenue sources.

(b) The Mayor, the Board of Supervisors, and the Agency diligently shall seek to develop new sources of funding for the Agency's operations, including sources of funding dedicated to the support of such operations, which can be used to supplement or replace that portion of the Municipal Transportation Fund consisting of appropriations from the General Fund of the City and County. Unless prohibited by preemptive state law, the Agency may submit any proposal for increased or reallocated funding to support all or a portion of the operations of the Agency, including, without limitation, a tax or special assessment directly to the electorate for approval, or to the owners of property or businesses to be specially assessed, or to any other persons or entities whose approval may be legally required, without the further approval of the Mayor or the Board of Supervisors. The Agency shall be authorized to conduct any necessary studies in connection with considering, developing, or proposing such revenue sources.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.110. PLANNING AND ZONING.

The planning and zoning provisions of this Charter and the Planning Code, as they may be amended from time to time, shall apply to all real property owned or leased by the Agency but shall not impede the Agency's exclusive authority to set rates and other charges pursuant to Section 8A.102(b)(5).

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.111. CITIZENS' ADVISORY COUNCIL.

The Agency shall establish a Citizens' Advisory Council of fifteen members which shall consist of one person appointed by each member of the Board of Supervisors and four members appointed by the Mayor. Each member must be a resident of the City and County. No fewer than ten members of the Council must be regular riders of the Municipal Rail-way. At least two members must use the Municipal Railway's paratransit system, and at least three of the members must be senior citizens over the age of 60. The membership of the Council shall be reflective of the diversity and neighborhoods of the City and County. The Council may provide recommendations to the Agency with respect to any matter within the jurisdiction of the Agency and shall be allowed to present reports to the Agency's board of directors. The members of the Council shall be appointed to four-year terms and shall serve at the pleasure of their appointing power. Staggered terms for the initial appointees to the Council shall be determined by lot.

(Added November 1999)

SEC. 8A.112. PARKING AND TRAFFIC

(a) The Municipal Transportation Agency Board of Directors shall succeed to all powers and duties of the former Parking and Traffic Commission. including the power of members to serve ex officio as members of the Parking Authority Commission under Section 32657 of the Streets and Highways Code. The chair of the Agency's board of directors shall designate annually the directors to serve as members of the Parking Authority Commission. Any person may serve concurrently as a member of the Agency's board of directors and as a member of the Parking Authority Commission. It is the policy of the City and County that the Agency exercise all powers vested by State law in the Parking Authority.

(b) It shall be City policy that the offices of Director of Transportation and Parking Authority Executive Director are not incompatible offices, and the Director of Transportation may serve ex officio as Parking Authority Executive Director, but shall not receive any additional compensation for that service.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.113. PARKING AND TRAFFIC; GOVERNANCE.

(a) The Agency shall be responsible for management of parking and traffic functions within the City, so as to:

1. Provide priority to transit services in the utilization of streets, particularly during commute hours while maintaining the safety of passengers, pedestrians, cyclists and motorists;

2. Facilitate the design and operation of City streets to enhance alternative forms of transit, such as pedestrian, bicycle, and pooled or group transit (including taxis);

3. Propose and implement street and traffic changes that gives the highest priority to public safety and to impacts on public transit, pedestrians, commercial delivery vehicles, and bicycles;

4. Integrate modern information and traffic-calming techniques to promote safer streets and promote usage of public transit;

5. Develop a safe, interconnected bicycle circulation network; and

6. Ensure that parking policies and facilities contribute to the long term financial health of the Agency.

(b) It shall be City policy that the Agency manage the Parking Authority so that it does not acquire or construct new or expanded parking facilities unless the Agency finds that the costs resulting from such acquisition, construction, or expansion and the operation of such facilities will not reduce the level of funding to the Municipal Railway from parking and garage revenues under Section 16.110 to an amount less than that provided for fiscal year 1999-2000, as adjusted by the Controller for inflation; further provided that it shall be City policy that before approving the acquisition, construction or expansion of a parking garage, the Agency's Board of Directors shall make a finding that the operation of the garage will advance or be consistent with the City's Transit First Policy.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.114. CABLE CARS.

In the conduct of the public transportation system there shall be maintained and operated cable car lines as follows:

1. A line commencing at Powell and Market Streets; thence along Powell Street to Jackson Street; thence along Jackson Street to Mason Street; thence along Mason Street to Columbus Avenue; thence along Columbus Avenue to Taylor Street; thence along Taylor Street to a terminal at Bay Street; returning from Bay and Taylor Streets along

Taylor Street to Columbus Avenue; thence along Columbus Avenue to Mason Street; thence along Mason Street to Washington Street; thence along Washington Street to Powell Street; and thence along Powell Street to Market Street, the point of commencement.

2. A line commencing at Powell and Market Streets; thence along Powell Street to Jackson Street; thence along Jackson Street to Hyde Street; thence along Hyde Street to a terminal at Beach; returning from Beach and Hyde Streets along Hyde Street to Washington Street; thence along Washington Street to Powell Street; thence along Powell Street to Market Street, the point of commencement.

3. A line commencing at Market and California; thence along California Street to a terminal at Van Ness Avenue; returning from Van Ness Avenue along California Street to Market Street, the point of commencement.

To fully effectuate the intent of this section, these lines shall be maintained and operated at the normal levels of scheduling and service in effect on July 1, 1971; provided, however, that nothing herein contained shall prevent the increasing of the levels of scheduling and service.

(Amended by Proposition A, Approved 11/6/2007)

Editor's Note:

Formerly Sec. 16.100.

SEC. 8A.115. TRANSIT-FIRST POLICY.

(a) The following principles shall constitute the City and County's transit-first policy and shall be incorporated into the General Plan of the City and County. All officers, boards, commissions, and departments shall implement these principles in conducting the City and County's affairs:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.

2. Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile.

3. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.

4. Transit priority improvements, such as designated transit lanes and streets and improved signalization, shall be made to expedite the movement of public transit vehicles (including taxis and vanpools) and to improve pedestrian safety.

5. Pedestrian areas shall be enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot.

6. Bicycling shall be promoted by encouraging safe streets for riding, convenient access to transit, bicycle lanes, and secure bicycle parking.

7. Parking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation.

8. New transportation investment should be allocated to meet the demand for public transit generated by new public and private commercial and residential developments.

9. The ability of the City and County to reduce traffic congestion depends on the adequacy of regional public transportation. The City and County shall promote the use of regional mass transit and the continued development of an integrated, reliable, regional public transportation system.

10. The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway.

(b) The City may not require or permit off-street parking spaces for any privately-owned structure or use in excess of the number that City law would have allowed for the structure or use on July 1, 2007 unless the additional spaces are approved by a four-fifths vote of the Board of Supervisors. The Board of Supervisors may reduce the maximum parking required or permitted by this section.

(Amended by Proposition A, Approved 11/6/2007)

Editor's Note:

Formerly Sec. 16.102.

ARTICLE VIIIB:

PUBLIC UTILITIES

Sec. 8B.120	Preamble.
Sec. 8B.121	Public Utilities Commission.
Sec. 8B.122	Goals and Objectives Related to Water and Clean Water.
Sec. 8B.123	Planning and Reporting.
Sec. 8B.124	Water, Clean Water, and Power Revenue Bonds.
Sec. 8B.125	Rates.
Sec. 8B.126	Personnel and Merit System.
Sec. 8B.127	Contracting and Purchasing.

SEC. 8B.120. PREAMBLE.

The Public Utilities Commission operates the Water, Clean Water and Power Utilities of the City and County of San Francisco. Hetch Hetchy Water and Power System is an irreplaceable asset of the people of the City and County of San Francisco. The system is fundamental to the economic vitality of San Francisco and the Bay Area. The voters of the City and County of San Francisco are committed to preserving and protecting the system as well as safeguarding the extraordinary quality of the water from Yosemite and local watersheds. The voters find that the protection, maintenance and repair of the system are among their highest priorities.

San Francisco faces an unprecedented challenge: to restore its aging water system to ensure a reliable Bay Area water supply through the next century. Repairs must be accomplished as quickly as possible to avoid system outages, which could be caused by natural disasters such as earthquake. In planning for its future needs and those of its wholesale customers, the City must promote water conservation and responsible stewardship of its natural resources. The effectiveness of the City's Public Utilities Commission, which has jurisdiction over the system, is essential to achieving these goals.

In addition, San Francisco must upgrade and repair its clean water system to meet changes in state and federal water quality requirements, and to ensure reliability of the system, parts of which are outdated, aged or seismically vulnerable. The voters find that the operation of the clean water system should not unnecessarily place a disproportionate environmental burden on any community.

This measure is intended to enhance public confidence in the City's stewardship of public utilities by:

1. Clarifying that the Public Utilities Commission has exclusive control of water, clean water and power assets owned or maintained by the City and County of San Francisco;

2. Establishing rates sufficient to meet operation, maintenance and financial needs of the system based on costs and sound budgeting and auditing procedures to protect retail ratepayers and reduce interest paid on bonds and other indebtedness while ensuring public review;

3. Establishing the Public Utilities Commission as an independent revenue department not subject to undue financial pressures to contribute to the City's general fund;

4. Requiring the development of long term Capital, Financial and Strategic Plans to ensure that the utilities are operated efficiently in accordance with best public utility practice;

5. Authorizing the Public Utilities Commission to independently enter into certain contracts;

6. Giving the Public Utilities Commission the ability to finance needed capital improvements through revenue bonds or other financing methods consistent with the powers of other major public utilities in California; and

7. Promoting labor stability to ensure that the Capital Improvement Plan is completed expeditiously and efficiently.

(Added November 2002)

SEC. 8B.121. PUBLIC UTILITIES COMMISSION.

(a) Notwithstanding Charter section 4.112, the Public Utilities Commission shall have exclusive charge of the construction, management, supervision, maintenance, extension, expansion, operation, use and control of all water, clean water and energy supplies and utilities of the City as well as the real, personal and financial assets, that are under the Commission's jurisdiction or assigned to the Commission under Section 4.132.

(b) The Public Utilities Commission may enter into Joint Powers Agreements with other public entities in furtherance of the responsibilities of the Commission.

(c) Except to the extent otherwise provided in this Article, the Public Utilities Commission shall be subject to the provisions of Charter sections 4.100 et seq. generally applicable to boards and commissions of the City and County.

(d) The General Manager shall have the authority to organize and reorganize the department. The General Manager shall adopt rules and regulations governing all matters within the jurisdiction of the department subject to section 4.102 as applicable.

(e) Ownership or control of any public utility or any part thereof under the jurisdiction of the Public Utilities Commission may not be transferred or conveyed absent approval by the Public Utilities Commission and approval by a vote of the electors of the City at the election next ensuing not less than 90 days after the adoption of such ordinance, which shall not go into effect until ratified by a majority of the voters voting thereon. Voter approval shall not be required for sales or transfers of real property declared surplus to the needs of any utility by the Public Utilities Commission or to leases or permits for the use of utility real property approved by the Public Utilities Commission.

(Added November 2002)

SEC. 8B.122. GOALS AND OBJECTIVES RELATED TO WATER AND CLEAN WATER.

(a) The Commission shall develop, periodically update and implement programs to achieve goals and objectives consistent with the following:

(1) Provide water and clean water services to San Francisco and water service to its wholesale customers while maintaining stewardship of the system by the City;

(2) Establish equitable rates sufficient to meet and maintain operation, maintenance and financial health of the system;

(3) Provide reliable water and clean water services and optimize the systems' ability to withstand disasters;

(4) Protect and manage lands and natural resources used by the Commission to provide utility services consistent with applicable laws in an environ-mentally sustainable manner. Operate hydroelectric generation facilities in a manner that causes no reasonably anticipated adverse impacts on water service and habitat;

(5) Develop and implement priority programs to increase and to monitor water conservation and efficiency system-wide;

(6) Utilize state-of-the-art innovative technologies where feasible and beneficial;

(7) Develop and implement a comprehensive set of environmental justice guidelines for use in connection with its operations and projects in the City;

(8) Create opportunities for meaningful community participation in development and implementation of the Commission's policies and programs; and

(9) Improve drinking water quality with a goal of exceeding applicable drinking water standards if feasible.

(Added November 2002)

SEC. 8B.123. PLANNING AND REPORTING.

(A) Planning and Reporting

The Public Utilities Commission shall annually hold public hearings to review, update and adopt:

(1) A Long-Term Capital Improvement Program, covering projects during the next 10-year period; including cost estimates and schedules.

(2) A Long-Range Financial Plan, for a 10-year period, including estimates of operation and maintenance expenses, repair and replacement costs, debt costs and rate increase requirements.

(3) A Long-Term Strategic Plan, setting forth strategic goals and objectives and establishing performance standards as appropriate.

The Capital Improvement Program and Long-Range Financial Plan shall serve as a basis and supporting documentation for the Commission's capital budget, the issuance of revenue bonds, other forms of indebtedness and execution of governmental loans under this Charter.

(B) Citizens' Advisory Committee

The Board of Supervisors, in consultation with the General Manager of the Public Utilities Commission, shall establish by ordinance a Citizens' Advisory Committee to provide recommendations to the General Manager of the Public Utilities Commission, the Public Utilities Commission and the Board of Supervisors.

(Added November 2002)

SEC. 8B.124. WATER, CLEAN WATER, AND POWER REVENUE BONDS.

Notwithstanding, and in addition to, the authority granted under Charter Section 9.107, the Public Utilities Commission is hereby authorized to issue revenue bonds, including notes, commercial paper, or other forms of

indebtedness, when authorized by ordinance approved by a two-thirds vote of the Board of Supervisors, for the purpose of reconstructing, replacing, expanding, repairing, or improving water facilities, clean water facilities, power facilities, or combinations of water, clean water, and power facilities under the jurisdiction of the Public Utilities Commission or for any other lawful purpose of the water, clean water, or power utilities of the City in furtherance of the purposes herein provided. The Public Utilities Commission shall endeavor to finance new power facilities that increase delivery of clean energy, enhance reliability and safety, and increase sustainability by incorporating technologies like energy storage and electric vehicle charging, as well as other technologies that become available. In no event shall the Public Utilities Commission finance construction of a power plant that generates electricity using fossil fuels or nuclear energy.

Any legislation authorizing the issuance of revenue bonds (except for refunding bonds) under this section shall be subject to the referendum requirements of Section 14.102 of this Charter. The ordinance authorizing the issuance of such revenue bonds shall not become effective until 30 days after its adoption.

Notwithstanding any other provision of this Charter or of any ordinance of the City and County, the Board of Supervisors may take any and all actions necessary to authorize, issue and repay such bonds, including, but not limited to, modifying schedules of rates and charges to provide for the payment and retirement of such bonds, subject to the following conditions:

(a) Certification by an independent engineer retained by the Public Utilities Commission that:

(1) the projects to be financed by the bonds, including the prioritization, cost estimates and scheduling, meet utility standards; and

(2) that estimated net revenue after payment of operating and maintenance expenses will be sufficient to meet debt service coverage and other indenture or resolution requirements, including debt service on the bonds to be issued, and estimated repair and replacement costs.

(b) Certification by the San Francisco Planning Department that facilities under the jurisdiction of the Public Utilities Commission funded with such bonds will comply with applicable requirements of the California Environmental Quality Act.

Except as expressly provided in this Charter, all revenue bonds may be issued and sold in accordance with state law or any procedure provided for by ordinance of the Board of Supervisors.

(Added November 2002; amended by Proposition A, Approved 6/5/2018)

SEC. 8B.125. RATES.

Notwithstanding Charter sections 2.109, 3.100 and 4.102 or any ordinance (including, without limitation, Administrative Code Appendix 39), the Public Utilities Commission shall set rates, fees and other charges in connection with providing the utility services under its jurisdiction, subject to rejection – within 30 days of submission – by resolution of the Board of Supervisors. If the Board of Supervisors fails to act within 30 days the rates shall become effective without further action.

In setting retail rates, fees and charges the Commission shall:

1. Establish rates, fees and charges at levels sufficient to improve or maintain financial condition and bond ratings at or above levels equivalent to highly rated utilities of each enterprise under its jurisdiction, meet requirements and covenants under all bond resolutions and indentures, (including, without limitation, increases necessary to pay for the retail water customers' share of the debt service on bonds and operating expenses of any state financing authority such as the Regional Water System Financing Authority), and provide sufficient resources for the continued financial health (including appropriate reserves), operation, maintenance and repair of each enterprise, consistent with good utility practice;

2. Retain an independent rate consultant to conduct rate and cost of service studies for each utility at least every five years;

3. Set retail rates, fees and charges based on the cost of service;

4. Conduct all studies mandated by applicable state and federal law to consider implementing connection fees for water and clean water facilities servicing new development;

5. Conduct studies of rate-based conservation incentives and/or lifeline rates and similar rate structures to provide assistance to low income users, and take the results of such studies into account when establishing rates, fees and charges, in accordance with applicable state and federal laws;

6. Adopt annually a rolling 5-year forecast of rates, fees and other charges; and

7. Establish a Rate Fairness Board consisting of seven members: the City Administrator or his or her designee; the Controller or his or her designee; the Director of the Mayor's Office of Public Finance or his or her designee; two residential City retail customers, consisting of one appointed by the Mayor and one by the Board of Supervisors; and two City retail business customers, consisting of a large business customer appointed by the Mayor and a small business customer appointed by the Board of Supervisors.

The Rate Fairness Board may:

i. Review the five-year rate forecast;

ii. Hold one or more public hearings on annual rate recommendations before the Public Utilities Commission adopts rates;

iii. Provide a report and recommendations to the Public Utilities Commission on the rate proposal; and

iv. In connection with periodic rate studies, submit to the Public Utilities Commission rate policy recommendations for the Commission's consideration, including recommendations to reallocate costs among various retail utility customer classifications, subject to any outstanding bond requirements.

These provisions shall be effective January 3, 2003 for the setting of retail rates, fees and charges related to the clean water system. If the voters approve bonds for the Public Utilities Commission's Capital Improvement Program at the November 5, 2002 election then the provisions of this section shall take effect on July 2, 2006 for the setting of retail rates, fees and charges related to the water system. If the voters do not approve such bonds then this section will take effect on January 3, 2003.

(Added November 2002)

SEC. 8B.126. PERSONNEL AND MERIT SYSTEM.

(a) The General Manager shall be selected under the provisions of Charter sections 3.100 and 4.102. The General Manager may be employed under an individual contract. His or her compensation shall be comparable to the compensation of the chief executive officers of the public water, wastewater and/or power systems in the United States that the Commission, after an independent survey, determines most closely resemble the Public Utilities Commission in size, mission, and complexity. In addition, the Public Utilities Commission may provide an incentive compensation bonus plan for the General Manager based on performance goals established by the Commission.

(b) The General Manager may negotiate an individual contract with the employee appointed to perform the duties of general infrastructure management and oversight of the Capital Improvement Program subject to approval by the Commission and notwithstanding Charter Section A8.409 et seq.

(c) For purposes of approving individual employment contracts the Public Utilities Commission may exercise all powers of the City and County, the Board of Supervisors, the Mayor, and the Director of Human Resources under Article XI of this charter. Individual employment contracts shall utilize and shall not alter or interfere with, the Retirement or Vacation provisions of this Charter or the Health Plans established by the City's Health Service Board; provided however, that the Commission may contribute toward defraying the cost of the employee's health premiums and retirement pick-up.

(Added November 2002)

SEC. 8B.127. CONTRACTING AND PURCHASING.

Notwithstanding Charter Section 9.118 or any ordinance, the Public Utilities Commission shall have the sole authority to enter into agreements for the purchase of water; the sale of water to wholesale customers; and agreements necessary to implement Joint Powers Agreements with any wholesale water customer.

In order to promote labor stability and to ensure the Capital Improvement Program is completed expeditiously and efficiently, the Public Utilities Commission is authorized, to the extent legally appropriate, to enter into project labor agreements, with appropriate Building Construction and Trades Councils, covering significant capital projects.

ARTICLE IX:

FINANCIAL PROVISIONS

Sec. 9.100.	Budget Process Ordinances.
Sec. 9.101.	Proposed Biennial and Multi-Year Budgets.
Sec. 9.102.	Controller's Opinion on Revenue Estimates.
Sec. 9.103.	Adoption of Appropriation Ordinances.
Sec. 9.104.	Veto of Appropriations.
Sec. 9.105.	Modifications.
Sec. 9.106.	General Obligation Bonds.
Sec. 9.107.	Revenue Bonds.
Sec. 9.108.	Lease Financing.
Sec. 9.109.	Refunding Bonds.
Sec. 9.110.	Bond Election by Initiative.
Sec. 9.111.	General Authority.
Sec. 9.112.	Revenue Bonds of the Port Commission.
Sec. 9.113.	General Fiscal Provisions.
Sec. 9.113.5.	Rainy Day Reserves.
Sec. 9.114.	Mission-Driven Budget.
Sec. 9.115.	Departmental Budget Commitments.
Sec. 9.116.	Departmental Savings and Revenue Gains.
Sec. 9.117.	Establishment of Audit Committee of the Board of Supervisors.
Sec. 9.118.	Contract and Lease Limitations.
Sec. 9.119.	Five-Year Financial Plan.
Sec. 9.120.	Financial Policies.

SEC. 9.100. BUDGET PROCESS ORDINANCES.

(a) The fiscal year for the City and County shall commence on the first day of July of each year and shall end on the last day of June of the next succeeding year. The City's budgetary cycle shall be a rolling two-year cycle. Each

year the City shall adopt a new biennial budget that projects revenues and expenditures for the next two fiscal years. The budgetary cycle shall commence on the first day of July of each year and shall end on the last day of June twenty-four months later.

(b) On or before June 30 of each year, beginning on July 1, 2010 with respect to those non-general fund departments proposed by the Mayor and designated by the Board by ordinance for early implementation, and beginning on July 1, 2012 as to all other City departments, the Board of Supervisors shall, except for equipment and capital improvements, enact an interim biennial appropriation ordinance and not earlier than the 15th day of July, nor later than the first of August of each year, the Board of Supervisors shall adopt the proposed biennial budget as submitted or amended and shall adopt the biennial appropriation ordinance accordingly, which shall supersede the interim appropriation ordinance.

(c) The Mayor shall submit and the Board of Supervisors shall act on ordinances with respect to the following:

1. A schedule and procedures for the orderly preparation and submission of the biennial proposed budget and for the review and adoption of the necessary interim and final appropriations ordinances;

2. A description of the form of the proposed biennial budget and appropriation ordinance consistent with the financial records required by Section 3.105 of this Charter and containing information relating the type and extent of services to be delivered or revenues to be generated to proposed expenditures in a manner which, to the extent feasible, allows comparison of revenue trends as well as expected performance and expenditures between various fiscal years;

3. A procedure to include public participation in the budgetary process which shall include public hearings conducted by the com-missions, Mayor and the Board of Supervisors; and

4. The form, content and dates of submission of the City's Capital Improvements and Facilities Maintenance Budgets. The ordinance relating to Capital Improvement and Facilities Maintenance shall minimally:

(A) Require that such budgets be prepared for more than a single year;

(B) Clearly establish distinctions between major, long term construction, replacement and acquisition projects (Capital Improvements) and short term repair, minor replacement and maintenance projects (Facilities Maintenance);

(C) Be consistent as to the date of submission with the time requirements established for the submission of the budget and appropriation ordinance; and

(D) Provide information regarding the estimated completion schedule for Capital Improvements, the funding source for each and the estimated annual operating costs thereof.

(Amended by Proposition A, Approved 11/5/2009)

SEC. 9.101. PROPOSED BIENNIAL AND MULTI-YEAR BUDGETS.

(a) The Mayor shall submit to the Board of Supervisors each year a proposed biennial budget, ordinances and resolutions fixing wages and benefits for all classifications and related appropriation ordinances.

(b) The proposed biennial budget shall include:

1. Estimated revenues and surpluses from whatever sources, to the extent feasible, for the forthcoming two fiscal years and the allocation of such revenues and surpluses to various departments, functions and programs to support expenditures. Proposed expenditures may include such necessary and prudent reserves as recommended by the Controller; and

2. A summary of the proposed biennial budget with a narrative description of priorities, services to be provided and economic assumptions used in preparing the revenue estimates.

(c) The proposed biennial budget and appropriation ordinances shall be balanced for each fiscal year so that the proposed annual expenditures of each fund do not exceed the estimated annual revenues and surpluses of that fund. If the proposed budget contains new revenue or fees, the Mayor shall submit to the Board of Supervisors the relevant implementing ordinances at the same time the biennial budget is submitted.

(d) Until the appropriation ordinances are adopted by the Board of Supervisors, the Mayor may submit to the Board of Supervisors revisions to the proposed biennial budget, appropriation ordinances, and ordinances and resolutions fixing wages and benefits.

The Mayor may instruct the Controller to prepare the draft appropriation ordinances.

(e) The Mayor shall file a copy of the proposed biennial budget at the Main Library and shall give notice of the budget summary, including making copies available to the public. Upon final approval of the budget by both the Board and the Mayor, notice shall be given of the final budget summary.

(f) The Board of Supervisors by ordinance may require multi-year budget plans and other budget planning strategies to be performed by the several departments and offices of the City and County.

(g) No later than February 1 of any even-numbered fiscal year, the Mayor and the Board of Supervisors by resolution may determine that the upcoming budgetary cycle or cycles for some or all City departments and offices shall be a fixed budgetary cycle or cycles in which the biennial budget will remain in effect for two fiscal years. With respect to the designated City departments and offices, the Board will not adopt a new budget for the second fiscal year of such fixed budgetary cycle or cycles, except as provided in subsection (h), below. But the City shall adjust the biennial budget for the second year of any fixed budget cycle if certain conditions exist, using the following process:

1. If, during the first year of any fixed budgetary cycle, the Controller projects that the City will experience significant increases or decreases in revenues or expenditures during the second year of such budgetary cycle, the Controller shall submit a report to the Mayor and the Board of Supervisors identifying those increases or decreases.

2. The Mayor shall prepare and submit to the Board of Supervisors a proposed amendment to the biennial budget responding to the Controller's report. The Board may approve or amend the Mayor's proposed budget amendment subject to the limitations that apply to the approval of the budget in Section 9.103. The Mayor's proposed budget amendment shall be deemed approved by operation of law unless the Board finally adopts an amendment to the biennial budget on second reading no later than July 15.

3. The Board's resolution declaring that an upcoming budgetary cycle or cycles shall be fixed, shall include a definition of the term " significant increases or decreases in revenues or expenditures," a deadline for the Controller's submission of a report identifying such increases or decreases, and a deadline for the Mayor to submit to the Board a proposed amendment to the biennial budget in response to the Controller's report.

(h) Nothing in this section shall limit the ability of the Mayor or a member of the Board of Supervisors to introduce at his or her discretion an amendment to a biennial budget at any time during the budgetary cycle.

(Amended by Proposition A, Approved 11/5/2009)

SEC. 9.102. CONTROLLER'S OPINION ON REVENUE ESTIMATES.

The Mayor shall submit to the Controller for review the estimated revenues contained in the proposed biennial budget and any subsequent revisions. The Controller shall then provide the Board of Supervisors with an opinion regarding the accuracy of economic assumptions underlying the revenue estimates and the reasonableness of such estimates and revisions.

(Amended by Proposition A, Approved 11/5/2009)

SEC. 9.103. ADOPTION OF APPROPRIATION ORDINANCES.

The Board of Supervisors may amend the proposed biennial budget and appropriation ordinances as follows:

1. After review of the Controller's analysis of the Mayor's revenue estimates, the Board of Supervisors may reduce estimated revenues;

2. The Board of Supervisors may increase or decrease any proposed expenditure in the General Fund or any special, sequestered or other fund so long as the aggregate changes do not cause the expenditures from each fund to exceed the amount proposed for expenditures by the Mayor from any such fund; and

3. The Board of Supervisors may increase or decrease any proposed expenditure for Capital Improvements.

(Amended by Proposition A, Approved 11/5/2009)

SEC. 9.104. VETO OF APPROPRIATIONS.

The Mayor may reduce or reject any expenditure authorized by the Board of Supervisors, except appropriations for bond interest, redemption or other fixed charges, within ten days after the adoption of a final biennial or supplemental appropriations ordinance. Within ten days of receipt of the Mayor's veto message, the Board of Supervisors may reinstate, in whole or in part, any expenditure reduced or rejected by the Mayor by a vote of two-thirds of its members. In overriding any Mayoral veto, the Board of Supervisors shall not cause the aggregate expenditures for the General Fund or any special, sequestered or other fund in the appropriation ordinances to exceed the Mayor's revenue estimate as allocated to such funds.

(Amended by Proposition A, Approved 11/5/2009)

SEC. 9.105. MODIFICATIONS.

The Board of Supervisors may authorize the Controller, upon the request of the Mayor, other officials, boards or commissions of the City and County to transfer previously appropriated amounts within the same fund within the same governmental unit without approval of the Board of Supervisors.

Amendments to the appropriations ordinance, as finally adopted, may be initiated by the Mayor or a member of the Board of Supervisors and adopted in the same manner as other ordinances. No amendment to the appropriations ordinance may be adopted unless the Controller certifies availability of funds.

Any appropriation contained in an emergency ordinance shall be deemed to be an amendment to the final appropriations ordinance.

SEC. 9.106. GENERAL OBLIGATION BONDS.

The Board of Supervisors is hereby authorized to provide for the issuance of general obligation bonds in accordance with the Constitution of the State of California. General obligation bonds may be issued and sold in accordance with state law or any local procedure adopted by ordinance. There shall be a limit on outstanding general obligation bond indebtedness of three percent of the assessed value of all taxable real and personal property, located within the City and County.

SEC. 9.107. REVENUE BONDS.

The Board of Supervisors is hereby authorized to provide for the issuance of revenue bonds. Revenue bonds shall be issued only with the assent of a majority of the voters upon any proposition for the issuance of revenue bonds, except that no voter approval shall be required with respect to revenue bonds:

1. Approved by three-fourths of all the Board of Supervisors if the bonds are to finance buildings, fixtures or equipment which are deemed necessary by the Board of Supervisors to comply with an order of a duly constituted state or federal authority having jurisdiction over the subject matter;

2. Approved by the Board of Supervisors prior to January 1, 1977;

3. Approved by the Board of Supervisors if the bonds are to establish a fund for the purpose of financing or refinancing for acquisition, construction or rehabilitation of housing in the City and County;

4. Authorized and issued by the Port Commission for any Port-related purpose and secured solely by Port revenues, or authorized and issued for any Airport-related purpose and secured solely by Airport revenues;

5. Issued for the proposes of assisting private parties and not-for-profit entities in the financing and refinancing of the acquisition, construction, reconstruction or equipping of any improvement for industrial, manufacturing, research and development, commercial and energy uses or other facilities and activities incidental thereto, provided the bonds are not secured or payable from any monies of the City and County or its commissions.

6. Issued for the purpose of the reconstruction or replacement of existing water facilities or electric power facilities or combinations of water and electric power facilities under the jurisdiction of the Public Utilities Commission, when authorized by resolution adopted by a three-fourths affirmative vote of all members of the Board of Supervisors.

7. Approved and authorized by the Board of Supervisors and secured solely by an assessment imposed by the City.

8. Issued to finance or refinance the acquisition, construction, installation, equipping, improvement or rehabilitation of equipment or facilities for renewable energy and energy conservation.

Except as expressly provided in this Charter, all revenue bonds may be issued and sold in accordance with state law or any procedure provided for by ordinance.

(Amended November 2001)

SEC. 9.108. LEASE FINANCING.

The City and County may enter into lease financing agreements only with the assent of the majority of the voters voting upon any proposition for the authorization of the lease financing. As used in this section, lease financing shall mean any lease or sublease made between the City and County and any public agency or authority, a non-profit corporation or a retirement system for the purpose of financing the acquisition, construction or improvement by the City and County of real property or equipment.

The requirements of this section do not apply to:

1. Any lease financing which was approved in fact or in principle by a resolution or ordinance adopted by the Board of Supervisors prior to April 1, 1977; provided, that if the resolution or ordinance approved the lease financing only in principle, the resolution or ordinance must describe in general terms the public improvements or equipment to be financed; or

2. The amendment or the refunding of a lease financing which is expected to result in net savings in rental payments to the City and County on a present value basis, calculated as provided by ordinance; or

3. Lease financing involving a nonprofit corporation established for the purpose of this subsection for the acquisition of equipment, the obligations or evidence of indebtedness with respect to which shall not exceed in the aggregate at any point in time a principal amount of $20 million, such amount to be increased by five percent each fiscal year commencing with fiscal year 1990-1991; provided, however, that prior to each sale of such obligations or evidence of indebtedness, the Controller certifies that in his or her opinion the net interest cost to the City will be lower than other financings involving a lease or leases.

SEC. 9.109. REFUNDING BONDS.

The Board of Supervisors is hereby authorized to provide for the issuance of bonds of the City and County for the purpose of refunding any general obligation or revenue bonds of the City and County then outstanding. No voter approval shall be required for the authorization, issuance and sale of refunding bonds, which are expected to result in net debt service savings to the City and County on a present value basis, calculated as provided by ordinance.

SEC. 9.110. BOND ELECTION BY INITIATIVE.

Proceedings for the authorization and issuance of bonds for the acquisition, construction or completion of any public utility or utilities may be initiated by electors in the following manner: Whenever a petition, signed by qualified electors of the City and County equal in number to at least fifteen percent of the votes cast for all candidates for Mayor at the last proceeding general municipal election for Mayor, requesting the Board of Supervisors to submit to the voters of the City and County a proposition or propositions for incurring bonded indebtedness for the acquisition, construction or completion of any public utility or utilities shall be filed with the director of elections, the Board of Supervisors shall submit to the voters the proposition or propositions for incurring bonded indebtedness of the City and County for purpose or purposes set forth in that petition at the next general municipal, statewide or special municipal election.

SEC. 9.111. GENERAL AUTHORITY.

Except as otherwise expressly provided in this Charter, the City and County and its commissions shall have the authority to incur and refund indebtedness as provided by and pursuant to the general laws of the state as such laws are in force at the time any indebtedness is created or refunded by the City and County or its commissions. The Controller certifications required by Sections 3.105 and 9.113 shall not apply to any indebtedness, financing leases or agreements for an exchange of payments based upon interest rates which are entered into in connection with indebtedness or financing leases, provided that the Controller first certifies that sufficient unencumbered balances are expected to be available in the proper fund to meet all payments under such obligations as they become due.

(Amended June 2, 1998)

SEC. 9.111-1.

(Added June 2, 1998; repealed November 2002)

SEC. 9.112. REVENUE BONDS OF THE PORT COMMISSION.

The Port Commission shall have the exclusive power to perform or accomplish issuance of revenue bonds for Port-related purposes, as provided in Section B7.305 of this Charter.

SEC. 9.113. GENERAL FISCAL PROVISIONS.

(a) Unused and unencumbered appropriations or unencumbered balances existing at the close of any fiscal year in revenue or expense appropriations of the City and County for any such fiscal year, but exclusive of revenue or money required by law to be held in school, bond, bond interest, bond redemption, pension, trust, utility or other specific funds, or to be devoted exclusively to specified purposes other than biennial appropriations, and together with revenues collected or accruing from any source during such fiscal year, in excess of the estimated revenue from such source as shown by the biennial budget and the appropriation ordinance for such fiscal year, shall be transferred by the Controller, at the closing of such fiscal year, to the General Fund.

(b) In the event that funds are not available to meet authorized expenditures, the Treasurer, upon the recommendation of the Controller, is authorized to transfer monies among funds held by the Treasurer in the pooled funds of the City and County which are legally available for such a purpose, except a pension fund. The Treasurer and the Controller shall set the terms and conditions of the transfer, taking into account the requirements and nature of the fund from which the transfer was made. All monies transferred pursuant to this Section shall accrue interest at not less than the then current rate of interest earned by the Treasurer on the pooled funds of the City and County. In no event shall the Controller or the Treasurer cause any transfer of monies pursuant to this Section if said transfer would be inconsistent with the terms and conditions of any outstanding bonded indebtedness of the City and County, including any of its boards or commissions.

(c) In the event the Mayor or a member of the Board of Supervisors recommends a supplemental appropriation ordinance after the adoption of the budget for any budgetary cycle and prior to the close of the budgetary cycle containing any item which had been rejected by the Mayor in his/her review of departmental budget estimates for the budgetary cycle or which had been rejected by the Board of Supervisors in its consideration of the Mayor's proposed budget for the budgetary cycle, it shall require a vote of two-thirds of all members of the Board of Supervisors to approve such supplemental appropriation ordinance.

(d) No ordinance or resolution for the expenditure of money, except the biennial appropriation ordinance, shall be passed by the Board of Supervisors unless the Controller first certifies to the Board that there is a sufficient unencumbered balance in a fund that may legally be used for such proposed expenditure, and that, in the judgment of the Controller, revenues as anticipated in the appropriation ordinance for such budgetary cycle and properly applicable to meet such proposed expenditures will be available in the treasury in sufficient amount to meet the same as it becomes due.

(e) The Board of Supervisors shall have the power to borrow money by the issuance of tax anticipation notes, temporary notes, commercial paper, or any other short-term debt instruments in the manner provided by state law or City ordinance.

(f) Biennial appropriations shall expire at the end of the budgetary cycle, and the City shall have no authority to expend funds from such appropriations unless and until the Board of Supervisors adopts a new budget, interim budget, or supplemental appropriation for such expenditures.

(g) No City monies shall be drawn from the treasury of the City and County, nor shall any obligation for the expenditure of any money be incurred, except in pursuance of appropriations or transfers made as provided in the Charter and the Administrative Code.

(Amended November 2003; Amended by Proposition A, Approved 11/5/2009)

SEC. 9.113.5. RAINY DAY RESERVES.

(a) Beginning January 1, 2015, there shall be a City Rainy Day Reserve ("the City Reserve") and a School Rainy Day Reserve ("the School Reserve"), collectively referred to as the Rainy Day Reserves.

Allocations to the Reserves

(b) If the Controller projects that total General Fund revenues for the upcoming budget year will exceed total General Fund revenues for the current year by more than five percent, the budget shall allocate the anticipated General Fund revenues in excess of that five percent growth (the excess revenues) as follows:

1. 50 percent of the excess revenues to the Rainy Day Reserves, with 75 percent of that amount deposited to the City Reserve and 25 percent to the School Reserve;

2. 25 percent of the excess revenues to capital and other one-time expenditures; and,

3. 25 percent of the excess revenues to any lawful governmental purpose.

(c) Total monies in the City Reserve may not exceed 10 percent of actual total general fund revenues, as stated in the City's most recent independent annual audit. The budget shall allocate excess revenues that would otherwise be

allocated to the City Reserve above the 10 percent cap instead to capital and other one-time expenditures.

(d) The Mayor and the Board of Supervisors may, at any time, appropriate monies from the capital and other one-time expenditures allocation for capital projects or for expenditures such as, but not limited to, acquisition of equipment or information systems.

(e) The Mayor and the Board of Supervisors may, at any time, appropriate monies from the general purpose allocation for any lawful governmental purpose.

Withdrawals from the City Reserve

(f) If the Controller projects that total General Fund revenues for the upcoming budget year will be less than the current year's total General Fund revenues, or the highest of any other previous year's total General Fund revenues, the budget may appropriate up to 50 percent of the current balance in the City Reserve, but no more than the shortfall in total General Fund revenues, for any lawful governmental purpose in the upcoming budget year.

1. If the trigger for withdrawals from the City Reserve was not met in the current year, the Controller shall calculate the shortfall for the upcoming budget year by subtracting the total projected General Fund revenues for the upcoming budget year from the total projected General Fund revenues for the current year.

2. If the trigger for withdrawals from the City Reserve was met in the current year, the shortfall shall be calculated by subtracting the total projected General Fund revenues for the upcoming budget year from the highest of any previous year's total General Fund revenues, plus two percent for each intervening year.

(g) If the City made appropriations from the City Reserve in the current year and in the immediately preceding budget year pursuant to subsection (f), the City is not required to allocate any anticipated excess revenues to the Rainy Day Reserves or to capital and other one-time expenditures for the upcoming budget year.

(h) If the Controller projects that the Consumer Price Index for the upcoming budget year shall exceed the index for the current year by more than five percent, the trigger for allocations to the Reserve as set forth in Subparagraph (b) above shall instead be the percentage of growth in the index plus two percent. If the Controller projects that the Consumer Price Index for the upcoming budget year shall be less than the index for the current year, the trigger for withdrawals from the Reserve as set forth in Subparagraph (f) above shall instead be the percentage of negative growth in the index. The Controller shall use for these purposes the San Francisco All Items Consumer Price Index for All Urban Consumers (CPI-U), or its successor, as reported by the U.S. Department of Labor's Bureau of Labor Statistics.

(i) If the Board of Supervisors or the voters take an action that changes the amount of total General Fund revenues in any material manner, such as reducing a tax or imposing a new fee, the revenue changes caused by that action will not be counted as part of the triggers for allocations to the Rainy Day Reserves or withdrawals from the City Reserve during the year or years in which the action is first implemented.

(j) In conjunction with the year-end close of the budget, the Controller shall reconcile the revenue projections triggering any budgeted allocations to or withdrawals from the Rainy Day Reserves with actual revenue results, as stated in the City's independent annual audit for the years in question, and rebalance the Rainy Day Reserves, the capital and other one-time expenditures allocation, and the general purpose allocation accordingly.

Withdrawals from the School Reserve

(k) If the San Francisco Unified School District ("SFUSD") projects that inflation-adjusted per-pupil discretionary revenues for the upcoming fiscal year will be reduced and that a significant number of layoffs would be required to balance its budget, the SFUSD Board of Education may approve, by majority vote, a draw from the School Reserve of up to 50 percent of the current balance in the School Reserve but no more than the shortfall in inflation-adjusted per-pupil discretionary revenues, as determined by the SFUSD Board of Education. Such action shall be transmitted to the Controller, who upon certification of the SFUSD calculation shall transfer such funds to the SFUSD. For purposes of this Section, allocations provided from the City to the SFUSD through the Public Education Enrichment Fund shall not be deemed discretionary.

(l) If the triggers for withdrawal from the School Reserve were met in the current fiscal year, the decline in per-pupil discretionary spending shall be calculated by subtracting the inflation-adjusted per-pupil discretionary

revenues for the upcoming budget year from the highest of any previous year's inflation-adjusted per-pupil discretionary revenues.

(m) In conjunction with the year-end close of the SFUSD budget, the SFUSD shall reconcile the revenue projections triggering a budgeted withdrawal from the School Reserve with actual revenue results, as stated in the SFUSD's independent audit for the years in question. The SFUSD shall rebalance the withdrawal allocation and, if necessary, return funds required to rebalance the Reserve.

(n) Given possible changes in State school funding formulae, changes in local demographic or economic conditions, or other factors, the SFUSD may for a given fiscal year draw from the School Reserve amounts in excess of the limitations in subsection (k) or to offset revenue losses that are less than those that would otherwise permit a draw under subsections (k) and (l). Such action shall become operative for that fiscal year following approval of two-thirds of the SFUSD Board of Education and certification by the Controller of the Board of Education's action.

Transition to New Reserve Structure

(o) No later than January 1, 2015, the Controller shall transfer 50 percent of the Rainy Day Reserve existing as of that date to the City Reserve and 50 percent to the School Reserve.

Two-Year Budget

(p) The Controller shall promulgate procedures modifying the Rainy Day Reserve system, as necessary, to be consistent with the City's adoption of biennial rather than annual budgets.

(Added November 2003; amended November 2009; November 2014)

SEC. 9.114. MISSION-DRIVEN BUDGET.

Each departmental budget shall describe each proposed activity of that department and the cost of that activity. In addition, each department shall provide the Mayor and the Board of Supervisors with the following details regarding its budget:

1. The overall mission and goals of the department;
2. The specific programs and activities conducted by the department to accomplish its mission and goals;
3. The customer(s) or client(s) served by the department;
4. The service outcome desired by the customer(s) or client(s) of the department's programs and activities;
5. Strategic plans that guide each program or activity;
6. Productivity goals that measure progress toward strategic plans;
7. The total cost of carrying out each program or activity; and
8. The extent to which the department achieved, exceeded or failed to meet its missions, goals, productivity objectives, service objectives, strategic plans and spending constraints identified in subsections (1) through (6) during the prior year or prior budgetary cycle.

Departmental budget estimates shall be prepared in such form as the Controller, after consulting with the Mayor, directs in writing.

(Amended by Proposition A, Approved 11/5/2009)

SEC. 9.115. DEPARTMENTAL BUDGET COMMITMENTS.

It shall be the duty of each officer, department head, board or commission ultimately responsible for the management of each department to certify to the Mayor and the Board of Supervisors his/her commitment to perform the programs and activities with specified levels of performance for specified costs as outlined in the budget description and other information required by Section 9.114.

SEC. 9.116. DEPARTMENTAL SAVINGS AND REVENUE GAINS.

Within 30 days of the Controller's issuance of the combined annual financial report of the City and County, the Controller shall report to the Mayor and Board of Supervisors regarding the extent to which each department in the prior fiscal year has recovered additional revenues measured by the difference between projected and experienced revenues. It shall be City policy for the Mayor and Board of Supervisors, upon receipt of this report, through the supplemental appropriations process to give serious consideration to rewarding those departments that the Controller has certified pursuant to this section exceeded their revenue goals or met or exceeded departmental operational goals expending less than has been projected in the budget.

SEC. 9.117. ESTABLISHMENT OF AUDIT COMMITTEE OF THE BOARD OF SUPERVISORS.

On or before the operative date of this Charter and until this requirement is changed by the Board of Supervisors, the Board of Supervisors shall establish through its rules an Audit Committee.

The Audit Committee shall:

1. Maintain a direct and separate line of communication between the Board of Supervisors and the City and County's independent auditor;

2. Meet with the independent auditor to review the audited annual financial statement and the auditor's report on such matters as the quality and depth of management and compliance;

3. Recommend appropriate action to be taken by the Board of Supervisors to implement recommendations contained in the audit report;

4. Follow up, as necessary, to ensure that approved recommendations are promptly implemented; and

5. Perform other duties as assigned by the Board of Supervisors.

SEC. 9.118. CONTRACT AND LEASE LIMITATIONS.

(a) Unless otherwise provided for in this Charter, contracts entered into by a department, board or commission having anticipated revenue to the City and County of one million dollars or more, or the modification, amendment or termination of any contract which when entered into had anticipated revenue of one million dollars or more, shall be subject to approval of the Board of Supervisors by resolution.

(b) Unless otherwise provided for in this Charter, and with the exception of construction contracts entered into by the City and County, any other contracts or agreements entered into by a department, board or commission having a term in excess of ten years, or requiring anticipated expenditures by the City and County of ten million dollars, or the modification or amendments to such contract or agreement having an impact of more than $500,000 shall be subject to approval of the Board of Supervisors by resolution.

(c) Unless otherwise provided for in this Charter, any lease of real property for a period of ten or more years, including options to renew, or having anticipated revenue to the City and County of one million dollars or more; the modification, amendment or termination of any lease, which when entered into was for a period of ten or more years, including options to renew, or had anticipated revenue to the City and County of one million dollars or more;

and any sale or other transfer of real property owned by the City and County, shall first be approved by resolution of the Board of Supervisors. Leases of property under the jurisdiction of the Port Commission for maritime use shall be exempt from the requirements of this section.

(Amended November 1997)

SEC. 9.119. FIVE-YEAR FINANCIAL PLAN.

(a) No later than July 1, 2010, the City shall adopt a five-year financial plan for those non-general fund departments and offices proposed by the Mayor and designated by the Board by ordinance for early implementation. The City shall update that plan and combine it with a five-year financial plan for all other City departments and offices no later than July 1, 2011. By March 1st of each odd numbered year thereafter, the Mayor shall propose a five-year financial plan, and by May 1st of each such year the Board of Supervisors shall review, amend and adopt the five-year financial plan by resolution.

(b) The Mayor and the Board of Supervisors shall use the financial plan as a tool to plan for upcoming City budgets. The financial plan shall include a forecast of expenditures and revenues during the five-year period, and actions proposed to balance revenues and expenditures during each year of the plan. The plan shall include a summary of each department's strategic goals, resources allocated in the plan to meet these goals, and changes in service levels expected given investment levels proposed in the plan.

(Added by Proposition A, Approved 11/5/2009)

SEC. 9.120. FINANCIAL POLICIES.

(a) The Controller shall propose, and the City shall adopt, long-range financial policies that are consistent with generally recognized principles of public finance. The policies shall address, at a minimum, the following issues:

1. Creation and maintenance of adequate reserves;

2. Use of volatile revenues;

3. Issuance of debt; and

4. Institution of extraordinary financial and budgetary measures to facilitate the City's recovery from earthquake, fire, flood, or other physical calamity.

The City may not adopt a budget that the Controller determines is inconsistent with one or more of these policies.

(b) The Controller shall recommend an initial set of financial policies to the Mayor no later than March 1, 2010, and may recommend additional financial policies or amendments to existing policies no later than October 1 of any subsequent year. Within 60 days of such recommendation, the Mayor and the Board of Supervisors shall consider the recommended policies. The City shall adopt individual financial policies only upon the approval of both the Mayor and the Board of Supervisors by a two-thirds' vote. The adopted policies shall be framed as ordinances that shall be codified in the Administrative Code and identified as financial policies adopted under this Section.

(c) Upon a two-thirds' vote, the Board of Supervisors by resolution may suspend, in whole or in part, any ordinance containing these policies for the succeeding fiscal year.

(Added by Proposition A, Approved 11/5/2009)

ARTICLE X:

PERSONNEL ADMINISTRATION

Sec. 10.100. Civil Service Commission.
Sec. 10.101. General Powers and Duties.
Sec. 10.102. Department of Human Resources.
Sec. 10.103. Human Resources Director.
Sec. 10.104. Exclusions from Civil Service Appointment.
Sec. 10.105. Provisional Appointments.

SEC. 10.100. CIVIL SERVICE COMMISSION.

There is hereby established a Civil Service Commission which is charged with the duty of providing qualified persons for appointment to the service of the City and County.

The Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for six-year terms. Not less than two members of the Commission shall be women.

The persons so appointed shall, before taking office, make under oath and file in the office of the County Clerk the following declaration: "I am opposed to appointments to the public service as a reward for political activity and will execute the office of Civil Service Commissioner in the spirit of this declaration."

A commissioner may be removed only upon charges preferred in the same manner as in this Charter provided for elective officers.

The regular meetings of the Commission shall be open to the public and held at such a time as will give the general public and employees of the City and County adequate time within which to appear before the Commission after the regular daily working hours of 8:00 a.m. to 5:00 p.m. Such person or persons shall be given an opportunity to be heard by the Commission before final action is taken in any case involving such person or persons.

SEC. 10.101. GENERAL POWERS AND DUTIES.

The Civil Service Commission shall adopt rules, policies and procedures to carry out the civil service merit system provisions of this charter and, except as otherwise provided in this Charter, such rules shall govern applications; examinations; eligibility; duration of eligible lists; certification of eligibles; leaves of absence for employees and officers; appointments; promotions; transfers; resignations; lay-offs or reduction in force, both permanent and temporary, due to lack of work or funds, retrenchment or completion of work; the designation and filling of positions, as exempt, temporary, provisional, part-time, seasonal or permanent; status and status rights; probationary status and the administration of probationary periods, except duration; pre-employment and fitness for duty medical examinations, except for the conditions under which referrals for fitness for duty examinations will be made, and the imposition of new requirements; classification; conflict of interest; and such other matters as are not in conflict with this Charter; provided, however, that the minimum rule for the certification of eligibles shall be the Rule of Three Scores, and provided further that rules for leave due to illness or disability shall be approved by the Board of Supervisors. Changes to the rules may be proposed by members of the Commission, the Executive Assistant or the Human Resources Director and approved or rejected by the Commission. The Commission may, upon ten days' notice, make changes in the rules, which changes shall thereupon be printed and be in force; provided that no such changes in rules shall affect a case pending before the Commission.

The Commission shall have power to institute and prosecute legal proceedings for violations of any civil service merit system or Department of Human Resources provisions of this Charter.

The Commission shall establish an inspection service for the purpose of investigating the conduct or an action of appointees in all positions and of securing records of service for promotion and other purposes. All departments

shall cooperate with the Commission in making its investigations and any person hindering the Commission or its agents shall be subject to suspension.

The Commission shall by rule establish procedures to review and resolve allegations of discrimination as defined in Article XVII of this Charter or otherwise prohibited nepotism or favoritism appealed to it pursuant to this section. The determination reached under Commission procedures shall be final and shall forthwith be enforced by every employee and officer.

The Commission shall have the power to inquire into the operation of the civil service merit system to ensure compliance with merit principles and rules established by the Commission. After such inquiry, the Commission may direct the Human Resources Director to take such action as the Commission believes necessary to carry out the civil service provisions of this Charter. In any hearing conducted by the Commission or by any hearing officer it appoints pursuant to this section, the Commission or the hearing officer shall have the power to subpoena and require the attendance of witnesses and the production of records.

The Commission may require periodic reports from the Human Resources Director in a manner and form which it shall prescribe.

The Commission may hear appeals from an action of the Human Resources Director in accordance with its rules, including but not limited to:

1. Allegations of discrimination as defined in Article XVII of this Charter. Notwithstanding any other provisions of this Charter except the fiscal provisions hereof, the decision of the Commission regarding allegations of discrimination shall forthwith be enforced by every officer and employee;

2. Allegations of fraud; and

3. Allegations of conflict of interest.

No action by the Human Resources Director which is the subject of any appeal shall be stayed during the appeal process except by a majority vote of the Civil Service Commission.

The Commission shall have the power and it shall be its duty to appoint an executive assistant to be the administrative head of the affairs under its control who shall serve at its pleasure; provided, however, that any person who has Civil Service status in the position of executive assistant to the Commission on the effective date of this section as amended shall continue to have Civil Service status in the position of executive assistant under the Civil Service provisions of this Charter. The executive assistant shall periodically report to the Commission on operation of the civil service merit system and may make recommendations to the Civil Service Commission regarding its rules, policies and procedures.

SEC. 10.102. DEPARTMENT OF HUMAN RESOURCES.

The Department of Human Resources shall consist of a Human Resources Director and such employees as may be necessary to carry out its functions and duties.

Pursuant to and in accordance with policies, rules and procedures of the Civil Services Commission governing the merit system, the Department of Human Resources shall be the personnel department for the City and County and shall determine appointments on the basis of merit and fitness as shown by appropriate test and, except as specifically set forth in this Charter, shall perform all tests, duties and functions previously performed by the Civil Service Commission, including but not limited to authority to recruit, select, certify, appoint, train, evaluate, promote career development, classify positions, administer salaries, administer employee discipline, discharge and other related personnel activities in order to maintain an effective and responsive work force.

The Department of Human Resources shall be responsible for coordination of all state, local and federal health and safety mandates, programs and requirements relating to employees including but not limited to industrial hygiene programs, health and safety programs, OSHA compliance and return to work programs. Department heads shall coordinate such activities of employees under their jurisdiction with the Human Resources Director.

The Department of Human Resources shall be responsible for policy, management and administration of the worker's compensation program and shall review and determine all applications for disability leave.

Subject to Section 11.100 hereof, the Department of Human Resources shall be responsible for management and administration of all labor relations of the City and County.

Except for the purpose of inquiry, the Mayor shall deal with the administration of the civil service merit system solely through the Human Resources Director and the Civil Service Commission or their designees. The Mayor shall not dictate, suggest or interfere with the merit system activities of the Civil Service Commission or Human Resources Department. Administrative matters shall be dealt with only in the manner provided by this Charter, and any dictation, suggestion or interference herein prohibited shall constitute official misconduct; provided that nothing herein contained shall restrict the power of hearing and inquiry as provided in this Charter.

(Amended November 2004)

SEC. 10.103. HUMAN RESOURCES DIRECTOR.

A Human Resources Director shall be selected by the Mayor from candidates nominated by the Civil Service Commission and confirmed by vote of the Board of Supervisors. The Human Resources Director shall possess not less than ten years professional experience in personnel, human resources management, labor or employee relations at least five years of which must be in federal, state or local governmental personnel management and such other qualifications as determined by the Commission. Notwithstanding any other provisions of this Charter, the Human Resources Director shall be appointed by and serve at the pleasure of the Mayor, provided that the Mayor's removal of the Human Resources Director may be rejected by a four-fifths vote of the Commission. Failure of the Commission to act within 30 days shall be deemed approval of the Mayor's action. The nominee of the Mayor may be appointed acting Human Resources Director pending confirmation. The person so appointed shall, before taking office, make under oath and file in the Office of the County Clerk the following declaration: "I am opposed to appointments to the public service as a reward for political activity and will execute the Office of Human Resources Director in the spirit of this declaration."

The appointment of the Director of the Human Resources Department as of the effective date of this Charter shall be effective until July 1, 1996, after which time he may be reappointed to the position in accordance with the appointment method provided herein.

The Human Resources Director shall have full power to administer the affairs of the Department. He or she shall have all powers of a department head and may appoint a Director of Employee Relations, an executive assistant and one confidential secretary, each of whom shall be exempt from the civil service provisions of this Charter, to assist in the administration and management of the functions of the department.

The Human Resources Director shall review and resolve allegations of discrimination as defined in Article XVII of this Charter against employees or applicants, or otherwise prohibited nepotism or favoritism. Notwithstanding any other provisions of this Charter except the fiscal provisions hereof, the decision of the Human Resources Director shall forthwith be enforced by every employee and officer, unless the decision is appealed to the Commission in accordance with Section 10.101.

The Human Resources Director shall investigate all employee complaints concerning job-related conduct of City and County employees and shall promptly report to the source of the complaint.

The Human Resources Director shall promote effective and efficient management through personnel programs that encourage productivity, job satisfaction and exemplary performance.

The Human Resources Director shall provide a procedure for resolution of employee disputes which shall be consistent with other provisions of this Charter and shall be utilized by all department heads and appointing officers in the absence of an applicable grievance procedure in a binding labor agreement.

The Human Resources Director shall verify that all persons whose names appear on City and County payrolls have been legally appointed to or employed in positions legally established under this Charter. The Controller shall

not draw his or her warrant for any claim for salary, wages or compensation which has been disapproved by the Human Resources Director.

Consistent with the foregoing and other applicable provisions of this Charter, the Human Resources Director may delegate to the various appointing officers appropriate personnel responsibilities, and shall consult with appointing officers with respect to Civil Service Commission rules affecting their operations.

The Human Resources Director shall establish a system of job classification. The decision of the Human Resources Director regarding classification matters shall be final unless appealed to the Commission; provided, however, that nothing herein shall be construed to alter the scope of bargaining set forth in the following sections of the 1932 Charter: 8.400, 8.403, 8.404, 8.405, 8.407-1, 8.409 et seq. and 8.590-1 et seq.

The allocation or reallocation of a position shall not adversely affect the civil service rights of an occupant regularly holding such position. No person shall hold a position outside of the classification to which the person has been appointed, provided that every employee of any department or office shall discharge any of the duties pertaining to such department or office to which the employee's department head may temporarily assign the employee.

(Amended November 2004)

SEC. 10.104. EXCLUSIONS FROM CIVIL SERVICE APPOINTMENT.

All employees of the City and County shall be appointed through competitive examination unless exempted by this Charter. The following positions shall be exempt from competitive civil service selection, appointment and removal procedures, and the person serving in the position shall serve at the pleasure of the appointing authority:

1. All supervisory and policy-level positions within the office of the Mayor and the office of the City Administrator;

2. All elected officers of the City and County and their chief deputies or chief assistants;

3. All members of commissions, boards and advisory committees;

4. Not more than one commission secretary for each commission or board;

5. All heads of agencies and departments, unless otherwise provided for herein;

6. All non-uniformed deputy heads of departments;

7. All uniformed deputy heads of departments, police commanders and Fire Chiefs aides;

8. Not more than one confidential secretary and executive assistant in each department and agency;

9. The Clerk of the Board of Supervisors, legislative analyst and assistants to the members of the Board of Supervisors.

10. All paraprofessional aides of the Unified School District and teaching instructional aides of the Community College District;

11. Persons employed in positions outside the City and County upon construction work being performed by the City and County when such positions are exempted from the classified civil service by an order of the civil service commission;

12. Persons employed in positions in any department for expert professional temporary services, when such positions are exempted from said classified civil service for a specified period of said temporary service by order of the civil service commission.

The proportion of full-time employees in the above exempt categories to the total number of civil service employees of the City and County shall not be greater than such proportion as existed on July 1, 1994, unless modified by Civil Service Commission rule, approved by the Board of Supervisors.

13. All attorneys, including an attorney to the Sheriff and an attorney for the Tax Collector, City Attorney's and District Attorney's investigators, hospital chief administrators, physicians and dentists serving in their professional capacity (except those physicians and dentists whose duties are significantly administrative or supervisory);

14. The law librarian, assistant law librarians, bookbinder of the Law Library, purchaser, curators, Assistant Sheriff, Deputy Port Director, Chief of the Bureau of Maritime Affairs, Director of Administration and Finance of the Port, Port Sales Manager, Port Traffic Manager, Chief Wharfinger, Port Commercial Property Manager, Actuary of the Employee's Retirement System, Director of the Zoo, Chief Veterinarian of the Zoo, Director of the Arboretum and Botanical Garden, Director of Employee Relations, Health Service Administrator, Executive Assistant to the Human Services Director, and any other positions designated as exempt under the 1932 Charter, as amended;

15. Positions determined by the Controller and approved annually by the Board of Supervisors to be positions where the work or services can be practically performed under private contract at a lesser cost than similar work performed by employees of the City and County, except where such work or services are required to be performed by officers or employees of the City and County under the provisions of this Charter or other applicable law.

In addition, with the approval of the Civil Service Commission, exempt employees shall include:

16. Temporary and seasonal appointments not to exceed the equivalent of half-time during any fiscal year, except that such positions may be filled through regular civil service procedures;

17. Appointments, which shall not exceed two years and shall not be renewable, as substitutes for civil service employees on leave, except that such positions may be filled through regular Civil Service procedures;

18. Appointments, which shall not exceed three years and shall not be renewable, for special projects and professional services with limited term funding, except that such positions may be filled through regular civil service procedures; and

19. Entry level positions designated by an appointing officer with approval of the Civil Service Commission for persons who met minimum qualifications and are certified as blind or severely disabled; persons so appointed whose job performance is rated satisfactory by their appointing officer shall after one year of continuous service acquire Civil Service status.

SEC. 10.105. PROVISIONAL APPOINTMENTS.

Provisional appointments for classified positions for which no eligible list exists shall not exceed three years. Provisional appointments may only be renewed with the approval of the Board of Supervisors and upon certification by the Human Resources Director that for reasons beyond his or her control the Department has been unable to conduct examinations for these positions.

ARTICLE XI:

EMPLOYER-EMPLOYEE RELATIONS SYSTEM

Sec. 11.100. General.
Sec. 11.101. Employee Relations Office.

SEC. 11.100. GENERAL.

Subject to this Charter and consistent with state law, the Mayor through the Human Resources Director or his/her designee and in consultation with the Board of Supervisors shall be responsible for meeting and conferring with employees or their recognized employee organizations regarding salaries, working conditions, benefits and other terms and conditions of employment to be embodied in memoranda of understanding. The Human Resources Director shall assume day-to-day administration of all labor relations responsibilities previously vested in the Mayor or Board of Supervisors.

The Human Resources Director shall submit proposed memoranda of understanding including, where applicable, schedules of compensation, benefits and working conditions to the Mayor, who upon approval shall forward the proposed memoranda of understanding to the Board of Supervisors for determination by a majority vote. The Board of Supervisors shall have the power to accept or reject such memoranda of understanding. It shall be the duty of the Board of Supervisors, upon approval of any such memoranda of understanding to enact appropriate ordinances authorizing payment of any compensation or benefits or other terms and conditions of employment so approved.

Nothing in this section shall supersede any dates specified in Sections A8.409-4 and A8.590-5, or elsewhere in this Charter for fixing compensation, except that. should the Board of Supervisors reject any memorandum of understanding and/or schedule of compensation and benefits, the Board of Supervisors shall by motion simultaneously extend by 45 days from the date of rejection the date for final submission to the Board of Supervisors of ordinances approving or adopting salary, benefits and/or working conditions pursuant to such sections.

(Amended by Proposition A, Approved 11/5/2009)

SEC. 11.101. EMPLOYEE RELATIONS OFFICE.

The Human Resources Director shall:

1. Represent the City and County and/or its departments in the implementation of those provisions of Title I, Division 4, Chapter 10 of the Government Code applicable to the City and County, subject to the Mayor's authority under Charter Section 11.100;

2. Coordinate the meet and confer process between the City and County, its employees and/or their designated representatives;

3. Negotiate and administer memoranda of understanding; and

4. Perform related duties necessary to administer the employee relations functions of the City and County.

ARTICLE XII:

EMPLOYEE RETIREMENT AND HEALTH SERVICE SYSTEMS

Sec. 12.100. Retirement Board.
Sec. 12.101. Executive Director.
Sec. 12.102. Hearing Officer.
Sec. 12.103. Trust Fund.
Sec. 12.200. Health Service Board.
Sec. 12.201. Medical Director and Health Services Administrator.
Sec. 12.202. Membership in Health Service System.
Sec. 12.203. Health Service System Fund.

Sec. 12.204. Retiree Health Care Trust Fund.

SEC. 12.100. RETIREMENT BOARD.

The Retirement Board shall consist of seven members as follows: one member of the Board of Supervisors appointed by the President, three public members to be appointed by the Mayor pursuant to Section 3.100, and three members elected by the active members and retired persons of the Retirement System from among their number. The public members appointed by the Mayor shall be experienced in life insurance, actuarial science, employee pension planning or investment portfolio management, or hold a degree of doctor of medicine. There shall not be, at any one time, more than one retired person on the Board. The term of the members, other than the Board of Supervisors member, shall be five years, one term expiring on February 20th of each year. The three elected members need not be residents of the City and County. Vacancies on the Board shall be filled by the Mayor for the remainder of the unexpired term, except that in the case of elected employee members, a vacancy shall be filled by a special election within 120 days after the vacancy occurs unless the next regularly scheduled employee member election is to be held within six months after such vacancy occurred. Elections shall be conducted by the Director of Elections in a manner prescribed by ordinance.

The Board shall appoint and may remove an executive director and an actuary. The Board may employ a consulting actuary.

In accordance with Article XVI, Section 17, of the California Constitution, the Retirement Board shall have plenary authority and fiduciary responsibility for investment of monies and administration of the Retirement System.

The Board shall be the sole authority and judge, consistent with this Charter and ordinances, as to the conditions under which members of the Retirement System may receive and may continue to receive benefits under the Retirement System, and shall have exclusive control of the administration and investment of such funds as may be established.

The Retirement Board shall discharge its duties with respect to the system with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

The Board shall determine City and County and District contributions on the basis of a normal contribution rate which shall be computed as a level percentage of compensation which, when applied to the future compensation of the average new member entering the System, together with the required member contribution, will be sufficient to provide for the payment of all prospective benefits of such member. The portion of liability not provided by the normal contribution rate shall be amortized over a period not to exceed twenty years.

The Board may act by a majority of the members present at a meeting so long as a quorum is in attendance.

SEC. 12.101. EXECUTIVE DIRECTOR.

The executive director shall administer the Retirement System in accordance with the provisions of this Charter and the policies and regulations of the Retirement Board.

SEC. 12.102. HEARING OFFICER.

Any application for retirement or death allowance made pursuant to this Charter shall be heard by a hearing officer employed under contract by the Retirement Board and selected by procedures set forth in its rules, which shall include rules setting forth the qualifications and selection procedure necessary to appoint a qualified and unbiased hearing officer. Following public hearing, the hearing officer shall determine whether such application

shall be granted or denied. All expenses related to processing and adjudicating such applications shall be paid from the Trust Fund.

At any time within 30 days after the service of the hearing officer's decision, the applicant or any other affected party, including the Retirement System, may petition the hearing officer for a rehearing upon one or more of the following grounds and no other:

1. That the hearing officer acted without or in excess of the hearing officer's powers;

2. That the decision was procured by fraud;

3. That the evidence does not justify the decision; or

4. That the petitioner has discovered new material evidence which could not, with reasonable diligence, have been discovered and produced at the hearing.

The decision of the hearing officer shall be final upon the expiration of 30 days after the petition for rehearing is denied, or if the hearing is granted, upon the expiration of 30 days after the rendition of the decision. Such final decision shall not be subject to amendment, modification or rescission by the Board, but shall be subject to review by the Board only for the purpose of determining whether to seek judicial review.

SEC. 12.103. TRUST FUND.

The Retirement Fund shall be a trust fund to be administered by the Retirement Board in accordance with the provisions of this Charter solely for the benefit of the active members and retired members of the Retirement System and their survivors and beneficiaries. Administrative costs of the Retirement System, as adopted by the Board of Supervisors in the annual budget shall be paid from the accumulated contributions of the City and County.

The Fund is intended to qualify for tax deferred treatment under Section 401(a) of the Internal Revenue Code of 1986, as amended, and the Board is responsible for preserving the Fund's status.

SEC. 12.200. HEALTH SERVICE BOARD.

There shall be a Health Service Board which shall consist of seven members as follows: one member of the Board of Supervisors, to be appointed by the President of the Board of Supervisors; two members appointed by the Mayor pursuant to Section 3.100, one of whom shall be an individual who regularly consults in the health care field, and the other a doctor of medicine; one member nominated by the Controller and three members elected from the active and retired members of the System from among their number. Elections shall be conducted by the Director of Elections in a manner prescribed by ordinance. Elected members need not reside within the City and County.

Not later than April 1, 2013 the Controller shall nominate a candidate for appointment to the Health Services Board for a two-year term commencing on May 15, 2013. The Controller shall transmit a written notice of nomination to the Health Services Board. The Controller's nominee shall be subject to the approval of the Health Services Board. If the Health Services Board fails to calendar the Controller's nomination for consideration at a meeting to occur not later than 60 days after receipt of the Controller's written notice of nomination, the Controller's nominee shall be deemed approved. All subsequent appointments of Controller's nominees shall be for a five-year term and be subject to the same procedure. The Controller's nominee may not vote on his or her successor.

The terms of Health Service Board members, other than the ex officio members, shall be five years, and shall expire on May 15 of each year, with the exception that the term of the Board member that begins in May 2011 shall be three (3) years, and shall expire in May 2014, and the term of the Board member that begins in May 2013 term shall be two (2) years, and shall expire in May 2015.

The appointee nominated by the Controller shall succeed the elected member whose term expires at 12:00 noon on May 15, 2013. In the event the elected member whose term expires on May 15, 2013, leaves the Board prior to

that date, the Controller shall nominated a successor to fill the unexpired term according to the procedures set forth above.

A vacancy on the Board appointed by the Mayor shall be filled by the Mayor. A vacancy on the Board of an appointee nominated by the Controller shall be filled for the unexpired term according to the procedures set forth above for Controller's nominees. A vacancy in an elective office on the Board shall be filled by a special election within 90 days after the vacancy occurs unless a regular election is to be held within six months after such vacancy shall have occurred.

The Health Service Board shall:

1. Establish and maintain detailed historical costs for medical and hospital care and conduct an annual review of such costs;

2. Apply benefits without special favor or privilege;

3. Put such plans as provided for in Section A8.422 into effect and conduct and administer the same and contract therefor and use the funds of the System;

4. Make rules and regulations for the administration of business of the Health Service System, the granting of exemptions and the admission to the System of persons who are hereby made members, and such other officers and employees as may voluntarily become members with the approval of the Board; and

5. Receive, consider and, within 60 days after receipt, act upon any matter pertaining to the policies of, or appeals from, the Health Service System submitted to it in writing by any member or any person who has contracted to render medical care to the members.

Except as otherwise specifically provided, the Health Service Board shall have the powers and duties and shall be subject to the limitations of Charter Sections 4.102, 4.103 and 4.104.

Subject to the requirements of state law and the budgetary and fiscal provisions of the Charter, the Health Service Board may make provision for heath or dental benefits for residents of the City and County of San Francisco as provided in Section A8.421.

(Amended November 2004; Proposition F, Approved 11/2/2010; Proposition C, Approved 11/8/2011)

SEC. 12.201. MEDICAL DIRECTOR AND HEALTH SERVICES ADMINISTRATOR.

The Health Service Board may appoint a full-time or part-time medical director. He or she shall hold office at its pleasure. The medical director shall be responsible to the Board as a board, but not to any individual member or committee thereof. The Health Service Board shall appoint a full-time administrator with experience in administering health plans or in comparable work, who shall hold office at the Health Service Board's pleasure. The Health Services administrator shall administer the Health Service System in accordance with the provisions of this Charter and the rules, regulations and policies of the Health Service Board. The Board and each committee of the Board shall confine its activities to policy matters and to matters coming before it as an appeals board. The Board shall prepare its rules, regulations and policies so that they are clear, definite and complete and so that they can be readily administered by the Health Services administrator.

(Amended November 2004)

SEC. 12.202. MEMBERSHIP IN HEALTH SERVICE SYSTEM.

The members of the System shall consist of all officers and permanent employees of the City and County, the Unified School District, the Community College District, and such other officers, employees, dependents and retirees as provided by ordinance.

SEC. 12.203. HEALTH SERVICE SYSTEM FUND.

The Health Service System fund shall be a trust fund administered by the Health Service Board in accordance with the provisions of this Charter solely for the benefit of the active and retired members of the Health Service System and their covered dependents. The City and County, School District and Community College District shall each contribute to the Health Service System Fund amounts sufficient to efficiently administer the Health Service System.

SEC. 12.204. RETIREE HEALTH CARE TRUST FUND.

(a) The Retiree Health Care Trust Fund (RHCTF) shall be an irrevocable trust fund established under Section A8.432, and separate from the Health Service System trust fund described in Charter Sections 12.203 and A8.428, to provide a funding source to defray the cost of the City's, and other Participating Employers', obligations to pay for health coverage for retired persons and their survivors entitled to health coverage under Section A8.428. RHCTF assets shall be held for the sole and exclusive purpose of providing health coverage to eligible retired persons and their survivors, and to defray the reasonable expenses of administering the RHCTF, including but not limited to educational, actuarial, consulting, administrative support and accounting expenses associated with the RHCTF. Subject to the approval of the Board of Supervisors by resolution, the Retiree Health Care Trust Fund Board (Board) may, upon the adoption of a resolution, authorize specific payments for specific amounts enumerated in the resolution shall pay for such administrative costs from the RHCTF.

(b) The Board shall govern the RHCTF. The Board shall consist of the following five trustees: the City Controller, the City Treasurer, and the Executive Director of the San Francisco Employees' Retirement System, or their respective designees; and two trustees elected from among active employee and retired members of the City's Health Service System. One of the elected trustees shall be an active employee member and one shall be a retired member as of the date of their respective elections. Each elected trustee shall serve for a term of five years. No person may serve simultaneously as a trustee on the Board and as an elected or appointed member of the San Francisco Employees' Retirement System Board or the Health Service System Board.

(Amended by Proposition B, 6/3/2008; Proposition A, 11/5/2013)

ARTICLE XIII:

ELECTIONS

Sec. 13.100.	City and County Elections.
Sec. 13.101.	Terms of Elective Office.
Sec. 13.101.5.	Vacancies.
Sec. 13.102.	Instant Runoff Elections.
Sec. 13.103.	Special Municipal Elections.
Sec. 13.103.5.	Elections Commission.
Sec. 13.104.	Department of Elections.
Sec. 13.104.5.	Use of Other City Employees and Officers.
Sec. 13.105.	Nomination.
Sec. 13.106.	Qualification.
Sec. 13.107.	Election Material Mailed to Voters.
Sec. 13.107.5.	Posting of Ballot Counts at Polls.

Sec. 13.108. Determination of Election Results.
Sec. 13.109. Filing Fees.
Sec. 13.110. Election of Supervisors.
Sec. 13.111. Election of Board of Education.

SEC. 13.100. CITY AND COUNTY ELECTIONS.

The Board of Supervisors shall adopt an Elections Code consistent with the provisions of this Charter. Where not otherwise provided by this Charter or by ordinance, all City and County elections shall be governed by the provisions of applicable state laws.

SEC. 13.101. TERMS OF ELECTIVE OFFICE.

(a) Except in the case of an appointment or election to fill a vacancy, the term of office of each elected officer shall commence at 12:00 noon on the eighth day of January following the date of the election.

(b) Subject to the applicable provisions of Section 13.102, the elected officers of the City and County shall be elected as follows:

(1) At the general municipal election in 1995 and every fourth year thereafter, a Mayor, a Sheriff and a District Attorney shall be elected.

(2) At the general municipal election in 1996 and every fourth year thereafter, four members of the Board of Education and four members of the Governing Board of the Community College District shall be elected.

(3) At the general municipal election in 2013, and at the general municipal election in 2015 and every fourth year thereafter, a City Attorney and a Treasurer shall be elected. Notwithstanding any other provision of this Charter including Section 6.100, the term of office for the person elected City Attorney or Treasurer at the general municipal election in 2013 shall be two years.

(4) At the general municipal election in 2006 and every fourth year thereafter, an Assessor-Recorder and Public Defender shall be elected.

(5) At the general municipal election in 1998 and every fourth year thereafter, three members of the Board of Education and three members of the Governing Board of the Community College District shall be elected.

(6) The election and terms of office of members of the Board of Supervisors shall be governed by Section 13.110.

(Amended November 1996; March 2002; Proposition E, Approved 11/8/2005; Proposition D, Approved 11/6/2012)

SEC. 13.101.5. VACANCIES.

(a) If the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, or Member of the Board of Supervisors, Board of Education or Governing Board of the Community College District becomes vacant because of death, resignation, recall, permanent disability, or the inability of the respective officer to otherwise carry out the responsibilities of the office, the Mayor shall appoint an individual qualified to fill the vacancy under this Charter and state laws.

(b) If the Office of Mayor becomes vacant because of death, resignation, recall, permanent disability or the inability to carry out the responsibilities of the office, the President of the Board of Supervisors shall become Acting Mayor and shall serve until a successor is appointed by the Board of Supervisors.

(c) Any person filling a vacancy pursuant to subsection (a) or (b) of this Section shall serve until a successor is selected at the next election occurring not less than 120 days after the vacancy, at which time an election shall be held to fill the unexpired term, provided that (1) if an election for the vacated office is scheduled to occur less than one year after the vacancy, the appointee shall serve until a successor is selected at that election or (2) if an election for any seat on the same board as the vacated seat is scheduled to occur less than one year but at least 120 days after the vacancy, the appointee shall serve until a successor is selected at that election to fill the unexpired term.

(d) If no candidate receives a majority of the votes cast at an election to fill a vacated office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a municipal runoff election at the next regular or otherwise scheduled election occurring not less than five weeks later. If an instant runoff election process is enacted for the offices enumerated in this Section, that process shall apply to any election required by this Section.

(Added November 2001)

SEC. 13.102. INSTANT RUNOFF ELECTIONS.

(a) For the purposes of this section: (1) a candidate shall be deemed "continuing" if the candidate has not been eliminated; (2) a ballot shall be deemed "continuing" if it is not exhausted; and (3) a ballot shall be deemed "exhausted," and not counted in further stages of the tabulation, if all of the choices have been eliminated or there are no more choices indicated on the ballot. If a ranked-choice ballot gives equal rank to two or more candidates, the ballot shall be declared exhausted when such multiple rankings are reached. If a voter casts a ranked-choice ballot but skips a rank, the voter's vote shall be transferred to that voter's next ranked choice.

(b) The Mayor, Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder, Public Defender, and members of the Board of Supervisors shall be elected using a ranked-choice, or "instant runoff," ballot. The ballot shall allow voters to rank a number of choices in order of preference equal to the total number of candidates for each office; provided, however, if the voting system, vote tabulation system or similar or related equipment used by the City and County cannot feasibly accommodate choices equal to the total number of candidates running for each office, then the Director of Elections may limit the number of choices a voter may rank to no fewer than three. The ballot shall in no way interfere with a voter's ability to cast a vote for a write-in candidate.

(c) If a candidate receives a majority of the first choices, that candidate shall be declared elected. If no candidate receives a majority, the candidate who received the fewest first choices shall be eliminated and each vote cast for that candidate shall be transferred to the next ranked candidate on that voter's ballot. If, after this transfer of votes, any candidate has a majority of the votes from the continuing ballots, that candidate shall be declared elected.

(d) If no candidate receives a majority of votes from the continuing ballots after a candidate has been eliminated and his or her votes have been transferred to the next-ranked candidate, the continuing candidate with the fewest votes from the continuing ballots shall be eliminated. All votes cast for that candidate shall be transferred to the next-ranked continuing candidate on each voter's ballot. This process of eliminating candidates and transferring their votes to the next-ranked continuing candidates shall be repeated until a candidate receives a majority of the votes from the continuing ballots.

(e) If the total number of votes of the two or more candidates credited with the lowest number of votes is less than the number of votes credited to the candidate with the next highest number of votes, those candidates with the lowest number of votes shall be eliminated simultaneously and their votes transferred to the next-ranked continuing candidate on each ballot in a single counting operation.

(f) A tie between two or more candidates shall be resolved in accordance with State law.

(g) The Department of Elections shall conduct a voter education campaign to familiarize voters with the ranked-choice or, "instant runoff," method of voting.

(h) Any voting system, vote tabulation system, or similar or related equipment acquired by the City and County shall have the capability to accommodate this system of ranked-choice, or "instant runoff," balloting.

(i) Ranked choice, or "instant runoff," balloting shall be used for the general municipal election in November 2002 and all subsequent elections. If the Director of Elections certifies to the Board of Supervisors and the Mayor no later than July 1, 2002 that the Department will not be ready to implement ranked-choice balloting in November 2002, then the City shall begin using ranked-choice, or "instant runoff," balloting at the November 2003 general municipal election.

If ranked-choice, or "instant runoff," balloting is not used in November of 2002, and no candidate for any elective office of the City and County, except the Board of Education and the Governing Board of the Community College District, receives a majority of the votes cast at an election for such office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a runoff election held on the second Tuesday in December of 2002.

(Added March 2002)

(Former Section 13.102 added November 1996; repealed March 2002)

SEC. 13.103. SPECIAL MUNICIPAL ELECTIONS.

Special municipal elections may be called in accordance with state laws.

The date of any special municipal election shall be fixed by the Board of Supervisors not less than 105 nor more than 120 days from the date of calling such election; however, no special municipal election shall be held within 105 days of any general municipal or statewide election. The Board of Supervisors may consolidate a special municipal election with a general municipal or statewide election.

The Board of Supervisors shall maintain a fund sufficient to pay all costs and expenses of the City and County with respect to a special municipal election, and such fund shall be used solely to pay the costs of such an election. Upon payment of any such costs or expenses, an appropriation shall be made in the next succeeding annual appropriations ordinance sufficient to reimburse the fund.

SEC. 13.103.5. ELECTIONS COMMISSION.

An Elections Commission shall be established to oversee all public federal, state, district and municipal elections in the City and County. The Commission shall set general policies for the Department of Elections and shall be responsible for the proper administration of the general practices of the Department, subject to the budgetary and fiscal provisions of this Charter. These duties shall include but not be limited to approving written plans prior to each election, submitted by the Director of Elections, detailing the policies, procedures, and personnel that will be used to conduct the election as well as an assessment of how well the plan succeeded in carrying out a free, fair and functional election.

The Commission shall consist of seven members who shall serve five-year terms. No person appointed as a Commission member may serve as such for more than two successive five-year terms. Any person appointed as a Commission member to complete more than two and one-half years of a five-year term shall be deemed, for the purpose of this section, to have served one full term. No person having served two successive five-year terms may serve as a Commission member until at least five years after the expiration of the second successive term in office. Any Commission member who resigns with less than two and one-half years remaining until the expiration of the term shall be deemed, for the purposes of this section, to have served a full five-year term.

The Mayor, the Board of Supervisors, the City Attorney, the Public Defender, the District Attorney, the Treasurer, and the Board of Education of the San Francisco Unified School District each shall appoint one member of the Commission. The member appointed by the Mayor shall have a background in the electoral process. The member appointed by the City Attorney shall have a background in elections law. The member appointed by the Treasurer shall have a background in financial management. The members appointed by the District Attorney, Public Defender, the Board of Education of the San Francisco Unified School District, and the Board of Supervisors shall be broadly representative of the general public. In the event a vacancy occurs, the appointing authority who

appointed the member vacating the office shall appoint a qualified person to complete the remainder of the term. All members initially appointed to the Election Commission shall take office on the first day of January, 2002.

The initial terms of Commission members shall expire according to the following guidelines: the term of the members appointed by the Mayor and the Board of Education of the San Francisco Unified School District shall expire on January 1, 2003; the term of the members appointed by the Board of Supervisors and the Treasurer shall expire on January 1 2004; the term of the member appointed by the City Attorney shall expire January 1, 2005; the term of the member appointed by the Public Defender shall expire January 1, 2006; and the term of the member appointed by the District Attorney shall expire January 1, 2007.

Members of the Commission shall serve without compensation. Members of the Commission shall be officers of the City and County, and may be removed by the appointing authority only pursuant to Section 15.105. During his or her tenure, members and employees of the Elections Commission are subject to the following restrictions:

(a) Restrictions on Holding Office. No member or employee of the Elections Commission may hold any other City or County office or be an officer of a political party.

(b) Restrictions on Employment. No member or employee of the Elections Commission may be a registered campaign consultant or registered lobbyist, or be employed by or receive gifts or other compensation from a registered campaign consultant or registered lobbyist. No member of the Elections Commission may hold any employment with the City and County and no employee of the Elections Commission may hold any other employment with the City and County.

(c) Restrictions on Political Activities. No member or employee of the Elections Commission may participate in any campaign supporting or opposing a candidate or ballot measure that will appear on the San Francisco ballot, other than candidates seeking election to federal or statewide office. For purposes of this section, participation in a campaign includes but is not limited to making contributions or soliciting contributions to any committee, including general purpose committees; publicly endorsing or urging endorsement of any candidate or ballot measure; or participating in decisions by organizations to participate in a campaign.

If a person appointed to the Elections Commission is, at the time of appointment, an officer or employee, as prohibited by this section, that person shall be eligible to serve on the Elections Commission only if he or she resigns from his or her office or employment within thirty days of appointment.

(Added November 2001; amended November 2002)

SEC. 13.104. DEPARTMENT OF ELECTIONS.

A Department of Elections shall be established to conduct all public federal, state, district and municipal elections in the City and County. The department shall be administered by the Director of Elections, who shall be vested with the day-to-day conduct and management of the Department and of voter registration and matters pertaining to elections in the City and County. The Director shall report to the Elections Commission.

For purposes of this section, the conduct of elections shall include, but not be limited to: voter registration; the nomination and filing process for candidates to City and County offices; the preparation and distribution of voter information materials; ballots, precinct operations and vote count; the prevention of fraud in such elections; and the recount of ballots in cases of challenge or fraud.

The Director shall be appointed by the Elections Commission from a list of qualified applicants provided pursuant to the civil service provisions of this Charter. The Director shall serve a five-year term, during which he or she may be removed by the Elections Commission for cause, upon written charges and following a hearing. The Elections Commission shall present the written charges to the Director no less than thirty days before the hearing. If the Elections Commission votes to remove the Director, he or she shall have the right to appeal to the Civil Service Commission. On appeal, the Civil Service Commission shall be limited to consideration of the record before the Elections Commission; however, the Civil Service Commission may independently evaluate and weigh evidence and may in its discretion consider evidence proffered to the Elections Commission that the Commission excluded and may in its discretion exclude evidence that the Elections Commission considered. The term of the Director shall

expire five years after his or her appointment. No less than thirty days before the expiration of the Director's term, the Elections Commission shall appoint a Director for the next term, who may but need not be the incumbent Director. Subject to the civil service provisions of this Charter, the Director shall have the power to appoint and remove other employees of the Department of Elections.

In addition to any other conflict of interest provisions applicable to City employees, the Director of Elections and all other employees of the Department of Elections shall be subject to the conflict-of-interest provisions in Section 13.103.5. The Elections Commission, may upon the recommendation of the Director of Elections and a finding that the Department will not have adequate staffing to conduct an election, request from the Board of Supervisors a waiver of the conflict-of-interest provisions in Section 13.103.5 for employees working no more than thirty days in a single calendar year. The Board of Supervisors shall approve or deny such requests from the Elections Commission by motion.

(Amended November 2001)

SEC. 13.104.5. USE OF OTHER CITY EMPLOYEES AND OFFICERS.

Except as provided below, no City employee or officer, other than the Director of Elections, an appointee of the Director of Elections or a member of the Elections Commission, may in any capacity perform any function relating to the conduct of an election that this Charter places under the Department of Elections. This section prohibits City personnel from providing to the Department of Elections services that are unique to that department. This section does not prohibit City personnel from providing to the Department of Elections ordinary services that are unrelated to the conduct of an election and that are indistinguishable from services performed for other City departments. These general support services include, but are not limited to, services relating to human resources, personnel processing, payroll, workers compensation, budgeting, accounting, procurement, contracting, and the maintenance of telephone and voice mail systems. The Elections Commission may, upon the recommendation of the Director of Elections request from the Board of Supervisors a waiver of this prohibition so as to allow City employees and officers to assist the Department of Elections. The Board of Supervisors shall approve or deny such requests from the Elections Commission by motion.

The City Attorney shall serve as legal counsel to the Elections Commission and the Department of Elections. The Commission may, by a majority vote of its members. hire outside legal counsel to advise the Commission and the Department on matters that directly involve the election or campaign of the City Attorney, if the City Attorney is standing for election. All outside legal counsel hired pursuant to this Section shall be a member in good standing of the California State Bar. In selecting outside legal counsel, the Commission shall give preference to engaging the services of a City attorney's office, a County counsel's office or other public entity law office with an expertise regarding the subject-matter jurisdiction of the Elections Commission. In the event that the Commission concludes that private counsel is necessary, it may, by a majority vote, engage the services of a private attorney who has at least five years' experience in the subject-matter jurisdiction of the Elections Commission. Any private counsel retained pursuant to this Section shall be subject to the conflict of interest provisions of Section 13.103.5. Any contract for outside legal counsel authorized by this section shall be paid for by the Commission and shall be subject to the budgetary and fiscal provisions of this charter.

The Sheriff shall be responsible for transporting all voted ballots and all other documents or devices used to record votes from the polls to the central counting location and approving a security plan for the ballots until the certification of election results. This requirement shall not become operative following its adoption until the Sheriff has completed meeting and conferring required by state law. The Elections Commission shall send a copy of the approved transportation and security plan to the Board of Supervisors.

The Director of Elections shall develop and submit for the approval of the Elections Commission an alternative transportation and security plan if an incumbent sheriff is running for election or if there is a measure on the San Francisco ballot that would have a material, financial effect on the Sheriff or the uniformed personnel of the Sheriff's department as determined by the Ethics Commission. The Director of Elections shall invite the Secretary of State to comment on any alternative transportation and security plan. The Elections Commission shall send a copy of the approved alternative transportation and security plan to the Board of Supervisors. The Board of

Supervisors shall have the authority to enter into any contracts or take whatever actions are necessary to meet the alternative security requirements of this section.

(Added November 2001; amended November 2002)

SEC. 13.105. NOMINATION.

The City and County shall follow the nomination provisions for municipal elective offices in accordance with state laws, except as provided for by ordinance or this Charter.

SEC. 13.106. QUALIFICATION.

Each candidate for an elective office of the City and County shall be a resident of the City and County and an elector at the time that nomination papers are issued to the candidate, and each elected officer shall continue to be an elector during the term of the office.

SEC. 13.107. ELECTION MATERIAL MAILED TO VOTERS.

The Board of Supervisors shall, by ordinance, provide for the format of a voters' pamphlet including a sample ballot, candidates' statements, lists of sponsors, arguments for and against each ballot measure, any financial impact statements prepared by the Controller, and arguments for and against the recall of any officers. The voters' pamphlet shall be mailed to each elector so as to be received at least ten days prior to each general, runoff or special municipal election.

SEC. 13.107.5. POSTING OF BALLOT COUNTS AT POLLS.

After the closing of the polls, each precinct board shall cause to be posted outside of each polling place an accounting that includes the number of ballots delivered to that precinct board and the number of voted ballots, unused ballots, spoiled ballots, cancelled ballots, absentee ballots and provisional ballots returned to the Department of Elections by the precinct board at any time on election day. After the closing of the polls, each precinct board shall also post outside each polling place any computer record indicating the number of ballots cast for each candidate and for or against each ballot measure.

(Added November 2001)

SEC. 13.108. DETERMINATION OF ELECTION RESULTS.

The canvass of votes cast, and certification of elections shall be as prescribed by law. If a person elected fails to qualify or for any reason does not take office, the office shall be filled in the manner prescribed by state law for the filling of a vacancy in such office.

SEC. 13.109. FILING FEES.

The amount of fees to be charged for candidate filings, candidate statements, paid arguments and any other fees to be collected in the conduct of elections shall be proposed by the Director of Elections for approval by the Board of Supervisors on or before the second Monday in December immediately prior to the election in which the fees apply.

Signatures of registered voters in the City and County may be submitted in lieu of any filing fee. At the same time the Board of Supervisors approves the schedule of fees for the election, the Director of Elections, with the approval of the Board of Supervisors, shall establish the dollar value equivalent of each valid signature submitted.

SEC. 13.110. ELECTION OF SUPERVISORS.

(a) The members of the board of supervisors shall be elected by district as set forth in this section.

(b) The City and County shall be divided into 11 supervisorial districts as set forth in this section. Beginning with the general municipal election in 2000, and until new districts are established pursuant to this section, these districts shall be used for the election or recall of the members of the board of supervisors, and for filling any vacancy in the office of member of the board of supervisors by appointment. Once new districts are established, those districts shall be used for the same purposes. No change in the boundary or location of any district shall operate to abolish or terminate the term of office of any member of the board of supervisors prior to the expiration of the term of office for which such member was elected or appointed.

(c) [See editor's note following the concluding paragraph (f) of this section.]

(d) Within 60 days following publication of the decennial federal census in the year 2000 and every decennial federal census after that, the Director of Elections shall report to the Board of Supervisors on whether the existing districts continue to meet the requirements of federal and state law and the criteria for drawing districts lines set in the Charter.

The criteria for drawing districts lines are:

Districts must conform to all legal requirements, including the requirement that they be equal in population. Population variations between districts should be limited to 1 percent from the statistical mean unless additional variations, limited to 5 percent of the statistical mean, are necessary to prevent dividing or diluting the voting power of minorities and/or to keep recognized neighborhoods intact; provided, however, that the redistricting provided for herein shall conform to the rule of one person, one vote, and shall reflect communities of interest within the City and County. Census data, at the census block level, as released by the United States Census Bureau, statistically adjusted by the Bureau to correct the unadjusted census counts for any measured undercount or overcount of any subset of the population according to the bureau's Accuracy and Coverage Evaluation or other sampling method, shall be used in any analysis of population requirements and application of the rule of one person one vote. In the event such adjusted census data, at the census block level, are not released by the Bureau, population data, at the census block level, adjusted by the California Department of Finance for any measured undercount or overcount maybe used.

If it is determined that the districts are in compliance with all legal requirements, including the requirement that they be equal in population, the current districts as drawn will be valid for the next decade. If it is determined that any of the districts are not in compliance, the Board of Supervisors by ordinance shall convene and fund a nine-member elections task force. Three members shall be appointed by the Board of Supervisors, three members shall be appointed by the Mayor, and three members shall be appointed by the Director of Elections unless an Elections Commission is created in which case the appointments designated to the Director of Elections shall be made by the Elections Commission. Task Force shall be appointed by January 8, 2002 and following the publication of each decennial federal census thereafter, shall be appointed within sixty days after issuance of a report by the Director of Elections to the Board of Supervisors that the districts are not in compliance, pursuant to this subsection.

Members of the Task Force previously appointed by the Director of Elections shall serve on the Task Force until the Elections Commission, if established, appoints three members to the Task Force, whereupon the terms of the members appointed by the Director of Elections shall expire.

The Director of Elections shall serve ex officio as a non-voting member. The task force shall be responsible for redrawing the district lines in accordance with the law and the criteria established in this Section, and shall make such adjustments as appropriate based on public input at public hearings.

The Task Force shall complete redrawing district lines before the fifteenth day of April of the year in which the first election using the redrawn lines will be conducted. The Board of Supervisors may not revise the district boundaries established by the Task Force.

If the Task Force determines that the adjusted population data to which this subsection refers are not available a sufficient period of time before the fifteenth day of April in order to use the adjusted population data in redrawing the district lines for the following supervisorial election, and the adjusted population data demonstrate more than a five percent variance from the figures used in redrawing the district lines for the [sic] that supervisorial election, the Task Force shall by the fifteenth day of April immediately preceding the next supervisorial election redraw the district lines for that supervisorial election in accordance with the provisions of this section. The procedures for redrawing supervisorial lines following the publication of every subsequent decennial federal census shall follow the procedures established by this Section.

The City Attorney shall remove the description of district lines found in this subsection from the Charter after the Elections Task Force has completed redrawing the district lines as set forth above. Following each redrawing of the district lines thereafter, the City Attorney shall cause the redrawn district lines to be published in an appendix to this Charter.

(e) Each member of the board of supervisors, commencing with the general municipal election in November, 2000, shall be elected by the electors within a supervisorial district, and must have resided in the district in which he or she is elected for a period of not less than 30 days immediately preceding the date he or she files a declaration of candidacy for the office of supervisor, and must continue to reside therein during his or her incumbency, and upon ceasing to be such resident shall be removed from office.

(f) Notwithstanding any provisions of this section or any other section of the charter to the contrary, the respective terms of office of the members of the board of supervisors who shall hold office on the eighth day of January, 2001, shall expire at 12 o'clock noon on said date and the 11 persons elected as members of the board of supervisors at the general election in 2000 shall succeed to said offices on said eighth day of January, 2001. At that time, the clerk of the board of supervisors shall determine by lot whether the supervisors elected from the even- or odd-numbered supervisorial districts at the general municipal election in 2000 shall have terms of office expiring at noon on the eighth day of January, 2003, and which shall have terms of office expiring at noon on the eighth day of January, 2005; commencing, however, with the general municipal election in November, 2002, the terms of office of the supervisors elected from the even- or odd-numbered supervisorial districts, as the case may be, shall be for a term of four years and shall continue as such thereafter. Those members of the board of supervisors elected at the general election in 1998, and those elected at the general election in 2000 who only serve an initial two-year term, shall not be deemed to have served a full term for purposes of the term limit established in Section 2.101.

(Added November 1996; amended November 1999; November 2001)

Editor's Note:

Charter Section 13.100(c) originally contained boundaries and descriptions of the eleven supervisorial districts of the City and County of San Francisco. Charter Section 13.100(d) requires that once new district lines are drawn, those descriptions are to be removed and the new lines published in an appendix to this Charter. For the current district boundaries and descriptions, please see Appendix E of this Charter.

SEC. 13.111. ELECTION OF BOARD OF EDUCATION.

(a) **Manner of Election.**

(1) Beginning on January 1, 2017, and ending on the sunset date set forth in subsection (a)(2), elections for the Board of Education of the Unified School District shall be conducted in a manner that permits any San Francisco resident to vote who either:

(A) is a voter, as defined in Article XVII of this Charter, or

(B) is the parent, legal guardian, or caregiver (as defined in California Family Code Section 6550 or any successor legislation) of a child under age 19 residing in the San Francisco Unified School District, is the minimum

age required under this Charter to vote in a municipal election, and is not disqualified from voting under Article II Section 4 of the California Constitution or any implementing State statute, regardless of whether the person is a United States citizen.

The Board of Supervisors may adopt ordinances implementing this subsection (a)(1).

(2) Subsection (a)(1)(B) authorizing non-citizens to vote in Board of Education elections shall expire by operation of law on December 31, 2022, or on December 31 immediately following the third election for members of the Board of Education conducted in accordance with this Section 13.111, whichever is later. Thereafter, the Board of Supervisors may determine by ordinance whether non-citizens may vote in elections for members of the Board of Education.*

(b) **Limitations.** This Section 13.111 shall apply only to elections for members of the Board of Education of the San Francisco Unified School District. Nothing in this Section 13.111 shall affect the terms of office of members of the Board of Education, including incumbent members on the effective date of the Charter amendment enacting this Section. Nothing in this Section shall alter the definition of "elector" or "voter" set forth in Article XVII of this Charter.

(Added by Proposition N, Approved 11/8/2016)

***Editor's Note:**

Ordinance 206-21 (effective 12/13/2021, operative 1/1/2023) extends this provision beyond December 31, 2022.

ARTICLE XIV:

INITIATIVE, REFERENDUM AND RECALL

Sec. 14.100. General.
Sec. 14.101. Initiatives.
Sec. 14.102. Legislative Referendum.
Sec. 14.103. Recall.
Sec. 14.104. Petitions—Withdrawal of Signatures.

SEC. 14.100. GENERAL.

Except as otherwise provided in this Article, the voters of the City and County shall have the power to enact initiatives and the power to nullify acts or measures involving legislative matters by referendum.

SEC. 14.101. INITIATIVES.

An initiative may be proposed by presenting to the Director of Elections a petition containing the initiative and signed by voters in a number equal to at least five percent of the votes cast for all candidates for mayor in the last preceding general municipal election for Mayor. Such initiative shall be submitted to the voters by the Director of Elections upon certification of the sufficiency of the petition's signatures.

A vote on such initiative shall occur at the next general municipal or statewide election occurring at any time after 90 days from the date of the certificate of sufficiency executed by the Director of Elections, unless the Board of Supervisors directs that the initiative be voted upon at a special municipal election.

If the petition containing the initiative is signed by voters in a number equal to at least ten percent of the votes cast for all candidates for Mayor in the last preceding general municipal election for Mayor, and contains a request that the initiative be submitted forthwith to voters at a special municipal election, the Director of Elections shall promptly call such a special municipal election on the initiative. Such election shall be held not less than 105 nor more than 120 days from the date of its calling unless it is within 105 days of a general municipal or statewide election, in which event the initiative shall be submitted at such general municipal or statewide election.

No initiative or declaration of policy approved by the voters shall be subject to veto, or to amendment or repeal except by the voters, unless such initiative or declaration of policy shall otherwise provide.

SEC. 14.102. LEGISLATIVE REFERENDUM.

Prior to the effective date of an ordinance, a referendum on that ordinance may be proposed by filing with the Board of Supervisors a petition protesting the passage of that ordinance. Such petition shall be signed by voters in a number equal to at least ten percent, or in the case of an ordinance granting any franchise, at least five percent, of the votes cast for all candidates for Mayor in the last preceding general municipal election for Mayor.

Such ordinance shall then be suspended from becoming effective. The Board of Supervisors shall reconsider the ordinance. If it is not entirely repealed, the Board of Supervisors shall submit the ordinance to the voters at the next general municipal or statewide election or at a special municipal election. Such ordinance shall not become effective until approved by voters at such an election.

SEC. 14.103. RECALL.

(a) An elected official of the City and County, the City Administrator, the Controller, or any member of the Airports Commission the Board of Education, the governing board of the Community College District, the Ethics Commission or the Public Utilities Commission may be recalled by the voters as provided by this Charter and by the laws of the State of California, except that no recall petitions shall be initiated with respect to any officer who has held office for less than six months.

(b) Upon certifying the sufficiency of the recall petition's signatures, the Director of Elections shall immediately call a special municipal election on the recall, to be held not less than 105 nor more than 120 days from the date of its calling unless it is within 105 days of a general municipal or statewide election, in which event the recall shall be submitted at such general municipal or statewide election.

(Amended November 1996; Amended by Proposition E, 11/4/2008)

SEC. 14.104. PETITIONS – WITHDRAWAL OF SIGNATURES.

A person signing a petition for initiative, referendum or recall may withdraw his or her name from such petition by filing with the Director of Elections a verified revocation of that signature prior to the filing of such petition itself.

ARTICLE XV:

ETHICS

Sec. 15.100. Ethics Commission.
Sec. 15.101. Executive Director and Commission Staff.

Sec. 15.102. Rules and Regulations.
Sec. 15.103. Conflict of Interest.
Sec. 15.105. Suspension and Removal.
Sec. 15.107. Reporting of Campaign Financing.

SEC. 15.100. ETHICS COMMISSION.

The Ethics Commission shall consist of five members who shall serve six-year terms; provided that the first five commissioners to be appointed to take office on the first day of February, 2002 shall by lot classify their terms so that the term of one commissioner shall expire at 12:00 o'clock noon on each of the second, third, fourth, fifth and sixth anniversaries of such date, respectively; and, on the expiration of these and successive terms of office, the appointments shall be made for six-year terms.

The Mayor, the Board of Supervisors, the City Attorney, the District Attorney and the Assessor each shall appoint one member of the Commission. The member appointed by the Mayor shall have a background in public information and public meetings. The member appointed by the City Attorney shall have a background in law as it relates to government ethics. The member appointed by the Assessor shall have a background in campaign finance. The members appointed by the District Attorney and Board of Supervisors shall be broadly representative of the general public.

In the event a vacancy occurs, the officer who appointed the member vacating the office shall appoint a qualified person to complete the remainder of the term. Members of the Commission shall serve without compensation. Members of the Commission shall be officers of the City and County, and may be removed by the appointing authority only pursuant to Section 15.105.

No person may serve more than one six-year term as a member of the Commission, provided that persons appointed to fill a vacancy for an unexpired term with less than three years remaining or appointed to an initial term of three or fewer years shall be eligible to be appointed to one additional six-year term. Any term served before the effective date of this Section shall not count toward a member's term limit. Any person who completes a term as a Commissioner shall be eligible for reappointment six years after the expiration of his or her term. Notwithstanding any provisions of this Section or any other section of the Charter to the contrary, the respective terms of office of the members of the Commission who shall hold office on the first day of February, 2002, shall expire at 12 o'clock noon on said date, and the five persons appointed as members of the Commission as provided in this Section shall succeed to said offices on said first day of February, 2002, at 12 o'clock noon; provided that if any appointing authority has not made a new appointment by such date, the sitting member shall continue to serve until replaced the new appointee.

During his or her tenure, members and employees of the Ethics Commission are subject to the following restrictions:

(a) Restrictions on Holding Office. No member or employee of the Ethics Commission may hold any other City or County office or be an officer of a political party.

(b) Restrictions on Employment. No member or employee of the Ethics Commission may be a registered lobbyist or campaign consultant, or be employed by or receive gifts or other compensation from a registered lobbyist or campaign consultant. No member of the Ethics Commission may hold employment with the City and County and no employee of the Commission may hold any other employment with the City and County.

(c) Restrictions on Political Activities. No member or employee of the Ethics Commission may participate in any campaign supporting or opposing a candidate for City elective office, a City ballot measure, or a City officer running for any elective office. For the purposes of this section, participation in a campaign includes but is not limited to making contributions or soliciting contributions to any committee within the Ethics Commission's jurisdiction, publicly endorsing or urging endorsement of a candidate or ballot measure, or participating in decisions by organizations to participate in a campaign.

The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the Commission's duties or exercise of its powers.

(Amended November 2001; November 2002; November 2003)

SEC. 15.101. EXECUTIVE DIRECTOR AND COMMISSION STAFF.

The Commission shall appoint and may remove an Executive Director. The Executive Director shall have a background in campaign finance, public information and public meetings and the law as it relates to governmental ethics. The Executive Director shall be the chief executive of the department and shall have all the powers provided for department heads. Subject to the civil service provisions of this Charter, the Executive Director shall have the power to appoint and remove other employees of the Commission. In addition to any other conflict of interest provisions applicable to City employees, the Executive Director and all other employees of the Commission shall be subject to the conflict of interest provisions in Section 15.100, except that the post-employment restrictions contained therein shall apply only to the Executive Director and management-level employees.

(Amended November 2001)

SEC. 15.102. RULES AND REGULATIONS.

The Commission may adopt, amend and rescind rules and regulations consistent with and related to carrying out the purposes and provisions of this Charter and ordinances related to campaign finances, conflicts of interest, lobbying, campaign consultants and governmental ethics and to govern procedures of the Commission. In addition, the Commission may adopt rules and regulations relating to carrying out the purposes and provisions of ordinances regarding open meetings and public records. The Commission shall transmit to the Board of Supervisors rules and regulations adopted by the Commission within 24 hours of their adoption. A rule or regulation adopted by the Commission shall become effective 60 days after the date of its adoption unless before the expiration of this 60- day period two-thirds of all members of the Board of Supervisors vote to veto the rule or regulation.

The City Attorney shall be the legal advisor of the Commission.

Any ordinance which the Supervisors are empowered to pass relating to conflicts of interest, campaign finance, lobbying, campaign consultants or governmental ethics may be submitted to the electors at the next succeeding general election by the Ethics Commission by a four-fifths vote of all its members.

(Amended November 2001)

SEC. 15.103. CONFLICT OF INTEREST.

Public office is a public trust and all officers and employees of the City and County shall exercise their public duties in a manner consistent with this trust. The City may adopt conflict of interest and governmental ethics laws to implement this provision and to prescribe penalties in addition to discipline and removal authorized in this Charter. All officers and employees of the City and County shall be subject to such conflict of interest and governmental ethics laws and the penalties prescribed by such laws.

(Amended November 2003)

SEC. 15.104.

(Repealed November 2003)

SEC. 15.105. SUSPENSION AND REMOVAL.

(a) ELECTIVE AND CERTAIN APPOINTED OFFICERS. Any elective officer, and any member of the Airport Commission, Asian Art Commission, Civil Service Commission, Commission on the Status of Women, Golden Gate Concourse Authority Board of Directors, Health Commission, Human Services Commission, Juvenile Probation Commission, Municipal Transportation Agency Board of Directors, Port Commission, Public Utilities Commission, Recreation and Park Commission, Fine Arts Museums Board of Trustees, War Memorial and Performing Art Center Board of Trustees, Board of Education or Community College Board is subject to suspension and removal for official misconduct as provided in this section. Such officer may be suspended by the Mayor and the Mayor shall appoint a qualified person to discharge the duties of the office during the period of suspension. Upon such suspension, the Mayor shall immediately notify the Ethics Commission and Board of Supervisors thereof in writing and the cause thereof, and shall present written charges against such suspended officer to the Ethics Commission and Board of Supervisors at or prior to their next regular meetings following such suspension, and shall immediately furnish a copy of the same to such officer, who shall have the right to appear with counsel before the Ethics Commission in his or her defense. The Ethics Commission shall hold a hearing not less than five days after the filing of written charges. After the hearing, the Ethics Commission shall transmit the full record of the hearing to the Board of Supervisors with a recommendation as to whether the charges should be sustained. If, after reviewing the complete record, the charges are sustained by not less than a three-fourths vote of all members of the Board of Supervisors, the suspended officer shall be removed from office; if not so sustained, or if not acted on by the Board of Supervisors within 30 days after the receipt of the record from the Ethics Commission, the suspended officer shall thereby be reinstated.

(b) BUILDING INSPECTION COMMISSION, PLANNING COMMISSION, BOARD OF APPEALS, ELECTIONS COMMISSION, ETHICS COMMISSION, SHERIFF'S DEPARTMENT OVERSIGHT BOARD, AND ENTERTAINMENT COMMISSION. Members of the Building Inspection Commission, the Planning Commission, the Board of Appeals, the Elections Commission, the Ethics Commission, the Sheriff's Department Oversight Board, and the Entertainment Commission may be suspended and removed pursuant to the provisions of subsection (a) of this section except that the Mayor may initiate removal only of the Mayor's appointees and the appointing authority shall act in place of the Mayor for all other appointees.

(c) REMOVAL FOR CONVICTION OF A FELONY CRIME INVOLVING MORAL TURPITUDE.

(1) Officers Enumerated in Subsections (a) and (b).

(A) An appointing authority must immediately remove from office any official enumerated in subsections (a) or (b) upon:

(i) a court's final conviction of that official of a felony crime involving moral turpitude; and

(ii) a determination made by the Ethics Commission, after a hearing, that the crime for which the official was convicted warrants removal.

(B) For the purposes of this subsection, the Mayor shall act as the appointing authority for any elective official.

(C) Removal under this subsection is not subject to the procedures in subsections (a) and (b) of this section.

(2) Other Officers and Employees.

(A) At will appointees. Officers and employees who hold their positions at the pleasure of their appointing authority must be removed upon:

(i) a final conviction of a felony crime involving moral turpitude; and

(ii) a determination made by the Ethics Commission, after a hearing, that the crime for which the appointee was convicted warrants removal.

(B) For cause appointees. Officers and employees who by law may be removed only for cause must be removed upon:

(i) a final conviction of a felony crime involving moral turpitude; and

(ii) a determination made by the Ethics Commission, after a hearing, that the crime for which the appointee was convicted warrants removal.

(3) Penalty for Failure to Remove. Failure to remove an appointee as required under this subsection shall be official misconduct.

(d) DISQUALIFICATION.

(1) (A) Any person who has been removed from any federal, state, County or City office or employment upon a final conviction of a felony crime involving moral turpitude shall be ineligible for election or appointment to City office or employment for a period of ten years after removal.

(B) Any person removed from any federal, state, County or City office or employment for official misconduct shall be ineligible for election or appointment to City office or employment for a period of five years after removal.

(2) (A) Any City department head, board, commission or other appointing authority that removes a City officer or employee from office or employment on the grounds of official misconduct must invoke the disqualification provision in subsection (d)(1)(B) and provide notice of such disqualification in writing to the City officer or employee.

(B) Upon the request of any former City officer or employee, the Ethics Commission may, after a public hearing, overturn the application of the disqualification provision of subsection (d)(1)(B) if: (i) the decision that the former officer or employee engaged in official misconduct was not made after a hearing by a court, the Board of Supervisors, the Ethics Commission, an administrative body, an administrative hearing officer, or a labor arbitrator; and (ii) if the officer or employee does not have the right to appeal his or her restriction on holding future office or employment to the San Francisco Civil Service Commission.

(e) OFFICIAL MISCONDUCT. Official misconduct means any wrongful behavior by a public officer in relation to the duties of his or her office, willful in its character, including any failure, refusal or neglect of an officer to perform any duty enjoined on him or her by law, or conduct that falls below the standard of decency, good faith and right action impliedly required of all public officers and including any violation of a specific conflict of interest or governmental ethics law. When any City law provides that a violation of the law constitutes or is deemed official misconduct, the conduct is covered by this definition and may subject the person to discipline and/or removal from office.

(Amended November 2001; March 2002; November 2003; Proposition D, Approved 11/3/2020)

SEC. 15.106.

(Repealed November 2003)

SEC. 15.107. REPORTING OF CAMPAIGN FINANCING.

The Board of Supervisors shall, by ordinance, prescribe requirements for campaign contributions and expenditures and any limitations thereon with respect to candidates for elective office and ballot measures in the City and County.

SEC. 15.108.

(Repealed November 2003)

ARTICLE XVI:

MISCELLANEOUS PROVISIONS

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SEC. 16.100. RESERVED.

Editor's Note:

Former Sec. 16.100 was redesignated as Sec. 8A.114 by Proposition A, approved November 6, 2007.

SEC. 16.101. ACQUISITION OF PUBLIC UTILITIES.

It is the declared purpose and intention of the people of the City and County, when public interest and necessity demand, that public utilities shall be gradually acquired and ultimately owned by the City and County. Whenever the Board of Supervisors, as provided in Sections 9.106, 9.107 and 9.108 of this Charter, shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities by the City and County, or whenever the electors shall petition the Board of Supervisors, as provided in Sections 9.110 and 14.101 of this Charter, for the acquisition of any public utility or utilities, the Supervisors must procure a report from the Public Utilities Commission thereon.

SEC. 16.102. RESERVED.

Editor's Note:

Former Sec.16.102 was redesignated as Sec. 8A.115 by Proposition A, approved November 6, 2007.

SEC. 16.103. UTILITY REVENUES AND EXPENDITURES.

(a) Receipts from each utility operated by the Public Utilities Commission shall be paid into the City and County treasury and maintained in a separate fund for each such utility. Appropriations from such funds shall be made for the following purposes for each such utility in the order named:

1. For the payment of operating expenses, pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the Commission may establish or the Board of Supervisors may require;

2. For repairs and maintenance;

3. For reconstruction and replacements as hereinafter described;

4. For the payment of interest and sinking funds on the bonds issued by the Public Utilities Commission pursuant to this charter;

5. For extensions and improvements; and

6. For a surplus fund.

For any utility with outstanding bonds for which the indenture requires different payment priorities, the bond priorities will control over the priorities set forth in this section.

(b) For the purpose of providing funds for reconstruction and replacements due to physical and functional depreciation of each of the utilities under the jurisdiction of the Commission, the Commission must create and maintain a reconstruction and replacement fund for each such utility, sufficient for the purposes mentioned in this section, and in accordance with an established practice for utilities of similar character, which shall be the basis for the amount necessary to be appropriated annually to provide for said reconstruction and replacements.

(c) If, at the end of any fiscal year, the Controller certifies that excess surplus funds of a utility exist, from hydropower assets or water or clean water assets in excess of 25 percent of the total expenditures of such utility in the previous fiscal year for costs of operation, repair, maintenance and debt service coverage and required debt service reserves, the Public Utilities Commission may transfer that surplus revenue, in whole or in part, to any other utility system under the Commission's jurisdiction on the operative date of this section.

(d) Any surplus revenue which the Public Utilities Commission unanimously finds is not required for utility purposes pursuant to sections (a) and (b) of this section may be transferred to the General Fund by the Public Utilities Commission with the concurrence of three-fourths of the Board of Supervisors upon making all of the following findings of fact and judgment:

(a) That a surplus exists or is projected to exist after meeting the requirements of this section;

(b) That there is no unfunded operating or capital program or required reserve that by its lack of funding could jeopardize bond ratings, health, safety, water supply or power production;

(c) That there is no reasonably foreseeable operating contingency that cannot be funded without General Fund subsidy; and

(d) That such a transfer of funds in all other respects reflects prudent utility practice.

The Commission shall make such findings having received reports and an affirmative recommendation from the General Manager and a public hearing, which shall have received no less than 30 days of public notice.

(e) The provisions of subsection (c) above shall not be applied in a manner that would be inconsistent with the provisions of any outstanding or future indentures, resolutions, contracts or other agreements of the City and County relating to bonded indebtedness issued in connection with the utility, or with any applicable state or federal laws.

(Amended November 2002)

SEC. 16.104. AIRPORT REVENUE FUND.

Subject to the budget and fiscal provisions of this Charter:

(a) The entire gross revenue of the Airport Commission shall be set aside and deposited into a fund in the City and County treasury to be known as the "Airport Revenue Fund." All amounts paid into the Fund shall be maintained by the Treasurer separate and apart from all other City and County funds and shall be secured by the Treasurer's official bond or bonds.

Separate accounts shall be kept with respect to receipts and disbursements of each airport under the jurisdiction of the Commission.

(b) Monies in the Airport Revenue Fund including earnings thereon shall be appropriated, transferred, expended or used for the following purposes pertaining to the financing, maintenance and operation of airports and related facilities owned, operated or controlled by the Commission and only in accordance with the following priority:

1. The payment of operation and maintenance expenses for such airports or related facilities;

2. The payment of pension charges and proportionate payments to such compensation and other insurance or outside reserve funds as the Commission may establish or the Board of Supervisors may require with respect to employees of the Commission;

3. The payment of principal, interest, reserve, sinking fund and other mandatory funds created to secure revenue bonds hereafter issued by the Commission for the acquisition, construction or extension of airports or related facilities owned, operated or controlled by the Commission;

4. The payment of principal and interest on general obligation bonds heretofore or hereafter issued by the City and County for airport purposes;

5. Reconstruction and replacement as determined by the Commission or as required by any airport revenue bond ordinance duly adopted and approved;

6. The acquisition of land, real property or interest in real property for, and the acquisition, construction, enlargement and improvement of new and existing buildings, structures, facilities, utilities, equipment, appliances and other property necessary or convenient for the development or improvement of any airports and heliports owned, controlled or operated by the Commission in the promotion and accommodation of air commerce or navigation and matters incidental thereto;

7. The return and repayment into the General Fund of the City and County of any sums paid by the City and County from funds raised by taxation for the payment of interest on and principal of any general obligation bonds previously issued by the City and County for the acquisition, construction and improvement of the San Francisco International Airport;

8. For any other lawful purpose of the Commission including, but not limited to, transfer to the General Fund during each fiscal year of 25 percent, or such lesser percentage as the Board of Supervisors shall establish, of the non-airline revenues as a return upon the City and County's investment in the Airport. "Non-airline" revenues means all airport revenues from whatever source less revenues from airline rentals and charges to airlines for use of Airport facilities.

SEC. 16.105. CALIFORNIA ACADEMY OF SCIENCES.

All buildings and improvements erected by or under the authority of the California Academy of Sciences, in or on property owned or controlled by the City and County, including but not limited to the Steinhart Aquarium, the original Natural History Museum, the Simson African Hall and the additions housing, among other things, the Alexander F. Morrison Planetarium and Auditorium, are the property of the City and County. However, the buildings and improvements, and the activities and personnel therein shall be managed and controlled exclusively by the California Academy of Sciences, except that employees of the City and County shall be subject to the

personnel provisions of this Charter and their compensation fixed in accordance with this Charter and City and County funds are subject to the financial provisions of this Charter.

The California Academy of Sciences shall submit to the Mayor and Board of Supervisors an annual financial statement of its activities in connection with the operation of the buildings described in this section.

Nothing herein shall abrogate any trust by which any property of the California Academy of Sciences has been acquired.

SEC. 16.106. CULTURAL, EDUCATIONAL AND RECREATIONAL APPROPRIATIONS.

The Board of Supervisors shall annually appropriate:

1. To the Arts Commission, the revenue from a tax of one-eighth of one cent ($0.00125) per one hundred dollars ($100) of taxable assessed valuation in the City and County for maintaining a symphony orchestra;

2. To the Asian Art Commission, an amount sufficient for the purpose of maintaining, displaying, and providing for the security of the City and County's collection of Asian art;

3. To the California Academy of Sciences, funds necessary for the maintenance, operation and continuance of the Steinhart Aquarium; the Board of Supervisors shall have the power to furnish to the California Academy of Sciences such funds as the Board shall deem proper for the maintenance, operation and continuance of any or all other of the buildings and improvements placed under the control of the California Academy of Sciences;

4. To the Fine Arts Museums Board of Trustees, an amount sufficient for the purpose of maintaining, operating, providing for the security of, expanding and superintending the fine arts museums and for the purchase of objects of art, literary productions and other personal property;

5. To the War Memorial and Performing Arts Center Board of Trustees, an amount sufficient to defray the cost of maintaining, operating and caring for the War Memorial and Performing Arts Center;

6. To the Library Commission, the revenue from a minimum tax of one cent ($0.01) per hundred dollars ($100) of taxable assessed valuation for constructing, maintaining and improving the library system of the City and County;

7. To the Recreation and Park Commission, the revenue from a minimum tax of two and one-half cents ($0.025) per one hundred dollars ($100) of taxable assessed valuation for constructing, maintaining and improving parks and squares, and the revenue from a minimum tax of one and three quarter cents ($0.0175) per one hundred dollars ($100) of taxable assessed valuation for constructing, maintaining and improving playgrounds; and

8. To the Arts Commission, for the City and County-owned Community Cultural Centers, an amount sufficient for the purpose of maintaining, operating, providing for the security and superintending of their facilities and grounds, and for the purchase of objects of art, literary productions, and other property, and for their expansion and continuance in the City and County of San Francisco.

SEC. 16.107. PARK, RECREATION AND OPEN SPACE FUND.

(a) **Establishment of Fund.** There is hereby established the Park, Recreation and Open Space Fund ("Fund") to be administered by the Recreation and Park Department ("Department") as directed by the Recreation and Park Commission ("Commission"). Monies in the Fund shall be expended or used solely by the Department, subject to the budgetary and fiscal provisions of the Charter, to provide park and recreational services and facilities. The Department embraces socio-economic and geographic equity as a guiding principle and commits to expending the funds across its open space and recreational programs to provide park and recreational access to all of San Francisco's diverse neighborhoods and communities.

(b) **Annual Set-aside.** The City will continue to set aside from the annual tax levy, for a period of forty-five years starting with the fiscal year 2000-2001 and through and including fiscal year 2045-2046, an amount equivalent to an annual tax of two and one-half cents ($0.025) for each $100 assessed valuation. Beginning in fiscal year 2016-2017, revenues from the set-aside, together with interest, shall be deposited into the Park, Recreation and Open Space Fund. Revenues from the set-aside shall be in addition to the baseline appropriation required by subsection (c).

The Controller shall set aside and maintain such an amount, together with any interest earned thereon, in the Fund, and any amount unspent or uncommitted at the end of the fiscal year shall be carried forward to the next fiscal year and, subject to the budgetary and fiscal limitations of this Charter, shall be appropriated then or thereafter for the purposes specified in this Section 16.107.

(c) **Baseline Maintenance of Effort.** The annual set-aside shall be used exclusively to increase the aggregate City appropriations to and expenditures by the Recreation and Park Department for Department purposes. To this end, beginning in fiscal year 2016-2017 and thereafter through fiscal year 2045-2046, the City shall not reduce the baseline general fund support amount appropriated to the Department below the amount appropriated in fiscal year 2015-2016, as calculated by the Controller, except that the baseline amount shall be adjusted as follows:

(1) Each year in fiscal years 2016-2017 through 2025-2026, the City shall increase the baseline appropriation by $3 million over the prior year.

(2) Each year in fiscal years 2026-2027 through 2045-2046, the City shall adjust the baseline by the percentage increase or decrease in aggregate City discretionary revenues, as determined by the Controller, based on calculations consistent from year to year. In determining aggregate City discretionary revenues, the Controller shall only include revenues received by the City which are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. Additionally, in determining aggregate City discretionary revenues, the Controller shall not include revenues received by the City under the increased rates in Business and Tax Regulations Code Sections 953.1(g), 953.2(h), 953.3(h), 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general municipal election on November 3, 2020, and shall not include revenues received by the City under Article 36 of the Business and Tax Regulations Code adopted by the voters at the general municipal election on November 3, 2020. The Controller is authorized to increase or reduce budgetary appropriations as required by this subsection (c) to align the baseline amount to the amount required by formula based on actual revenues received during the fiscal year.

(3) The City may suspend growth in the baseline funding pursuant to subsection (c)(1) in fiscal year 2016-2017 if the City's projected budget deficit for that year at the time of the Joint Report or Update to the Five Year Financial Plan as prepared jointly by the Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget Analyst exceeds 200 million. For fiscal year 2017-2018 through fiscal year 2045-2046, the City may suspend growth in baseline funding pursuant to subsections (c)(1) and (c)(2) when the projected budget deficit for the upcoming fiscal year at the time of the Joint Report or Update to the Five Year Financial Plan as prepared jointly by the Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget Analyst exceeds $200 million adjusted annually by changes in aggregate City discretionary revenues.

(4) Monies from the baseline appropriation required by this subsection (c) shall not be appropriated or expended for services provided to the Recreation and Park Department by other City departments and agencies unless: (A) the City department or agency charged the Recreation and Park Department for that service in fiscal year 2015-2016 and the amount the Recreation and Park Department paid the City department or agency for that service was included in the baseline amount for fiscal year 2015-2016, although increases in the cost of such services may be paid out of the baseline appropriation, or (B) the Recreation and Park Department requests or agrees to a new service from a City department or agency.

(5) At the end of the fiscal year 2015-2016 and every year thereafter, any excess general fund Departmental revenue, including any Department expenditure savings or revenue surpluses deposited prior to fiscal year 2015-2016, shall be reserved to be used for one-time Departmental expenditures. "General fund Departmental revenue" is defined as all revenues credited to the Department's general fund budget other than the baseline contribution defined in subsection (c).

(d) The City shall implement its efforts to increase revenues in a manner consistent with the City's policy of charging City residents a lower fee than that charged nonresidents for the use and enjoyment of Department property.

(e) **Revenue Bond Authority.** Notwithstanding the limitations set forth in Sections 9.107, 9.108, and 9.109 of this Charter, the Commission may request, and upon recommendation of the Mayor the Board of Supervisors may authorize, the issuance of revenue bonds or other evidences of indebtedness, or the incurrence of other obligations, secured by the Park, Recreation and Open Space Fund for acquisition, construction, reconstruction, rehabilitation and/or improvement of real property and/or facilities and for the purchase of equipment.

(f) **Fund Expenditures on Commission Property.** Any real property acquired with monies from the Fund, including the proceeds of obligations issued pursuant to subsection (e), above, shall be placed under the jurisdiction of the Commission within the meaning of Section 4.113. Fund expenditures to improve, construct, reconstruct or rehabilitate real property shall be limited to property under the jurisdiction of the Commission or property under the jurisdiction of another City department or public agency and subject to an agreement with the Department for its use, management and maintenance.

(g) **Use and Allocation of the Fund.** Each year, the Commission shall adopt a budget for the allocation and expenditure of the Fund in compliance with the budget and fiscal provisions of the Charter. The annual budget for allocation of the Fund that is adopted by the Commission and submitted by the Mayor to the Board of Supervisors shall include:

(1) Allocations for after-school recreation programs, urban forestry, community gardens, volunteer programs, and a significant natural areas management program in the amounts allocated for each of those programs from the Park and Open Space Fund in the Department's fiscal year 2015-2016 budget, to the extent that such programs are not so funded in the Department's operating budget or in the budget of another City department.

(2) An allocation necessary to ensure that 3% of the monies to be deposited in the Fund during the upcoming fiscal year pursuant to subsection (b), above, be available at the start of the fiscal year as an undesignated contingency reserve. No later than September 1, 2017, the Commission shall adopt a policy for expenditures from the contingency reserve. Thereafter, the Commission shall submit a report to the Mayor and the Board of Supervisors on any expenditures from the contingency reserve during the previous budget cycle along with its proposed budget for allocation of the Fund.

(3) An allocation of not less than 5% of the monies to be deposited in the Fund during the upcoming fiscal year pursuant to subsection (b), above. These monies shall be dedicated to the acquisition of real property identified in the Capital Expenditure Plan discussed in subsection (h)(3), below. Any portion of these monies that remains unspent or uncommitted at the end of any fiscal year shall be carried forward, with interest thereon, to the next fiscal year for the purposes set forth herein.

(4) An allocation, as a separate line item, of funds required for preparation, monitoring, and evaluation of the plans required under subsection (h).

Prior to the adoption of the annual budget by the Recreation and Park Commission, the Department, in conjunction with the Parks, Recreation, and Open Space Advisory Committee ("Advisory Committee") discussed in subsection (i), below, shall conduct two public hearings in the evenings or on weekends to permit the public to comment on the Department's full budget and programming allocations.

The Board of Supervisors shall consider and apply the Planning and Reporting Measures, including equity metrics, required in subsection (h) when reviewing and approving the Department's budget.

(h) **Planning and Reporting Measures.** The Commission shall adopt several long-term plans that include, but are not limited to, the following:

(1) **Metrics.** The Department shall develop, and the Commission shall adopt, a set of equity metrics to be used to establish a baseline of existing Recreation and Park services and resources in low-income neighborhoods and disadvantaged communities, compared to services and resources available in the City as a whole. Following Commission approval, the Department shall submit its Equity Metrics to the Mayor and the Board of Supervisors.

(2) **Strategic Plan.** By February 1, 2017, and every five years thereafter, the Department shall prepare, for Commission consideration and approval, a five-year Strategic Plan that establishes or reaffirms the mission, vision, goals and objectives for the Department. The Strategic Plan shall include an equity analysis of Recreation and Park services and resources, using the equity metrics adopted under subsection (h)(1), and shall include strategies to mitigate any equity deficiencies identified in the Plan.

The Department shall submit the proposed Strategic Plan to the Parks, Recreation, and Open Space Advisory Committee for its review and comment before submitting the Plan to the Commission for its approval. Following Commission approval of the Strategic Plan, the Department shall submit the Strategic Plan to the Mayor and the Board of Supervisors. The Board of Supervisors shall consider and by resolution express its approval or disapproval of the Plan, but may not modify the Plan. If the Board expresses its disapproval of the Plan or makes recommendations regarding the Plan to the Department, the Department may modify and resubmit the Plan.

The Department will use the approved Strategic Plan to guide its work over each five-year period. Every two years after the approval of a Strategic Plan, the Department shall report to the Commission on the Department's progress under the Plan and, subject to the Commission's approval, may amend the Plan as appropriate. Following Commission approval of any amendments to the Strategic Plan, the Department may submit the amended Strategic Plan to the Mayor and the Board of Supervisors.

(3) **Capital Expenditure Plan.** By January 15, 2017 and for each annual or biennial budgetary cycle thereafter, as determined under Charter Section 9.101, the Department shall prepare, for Commission consideration and approval, an annual Capital Expenditure Plan that addresses the development, renovation, replacement and maintenance of capital assets, and the acquisition of real property projected during the life of the Department's five-year Strategic Plan. The Capital Expenditure Plan shall include an equity analysis of Recreation and Park capital expenditures, using the equity metrics adopted under subsection (h)(1), and shall include strategies to mitigate any equity deficiencies identified in the Plan. The Capital Expenditure Plan shall further address irrigation, water conservation, and urban forestry on park lands.

The Department shall submit the proposed Capital Expenditure Plan to the Parks, Recreation, and Open Space Advisory Committee for its review and comment before submitting the Plan to the Commission for its approval. Following Commission approval, the Department shall submit the Capital Expenditure Plan to the Mayor and the Board of Supervisors. The Board of Supervisors shall consider and by resolution express its approval or disapproval of the Plan, but may not modify the Plan. If the Board expresses its disapproval of the Plan or makes recommendations regarding the Plan to the Department, the Department may modify and resubmit the Plan.

The Department shall further cooperate in the development of the City's Capital Expenditure Plan under Administrative Code Section 3.20, as amended, or any successor legislation.

(4) **Operational Plan.** By February 1, 2017, and for each annual or biennial budgetary cycle thereafter, as determined under Charter Section 9.101, the Department shall prepare, for Commission consideration and approval, an Operational Plan. The Department shall base the Operational Plan on the then-current Strategic Plan, and the Operational Plan shall be in addition to the Department's budget. The Department shall include in the Operational Plan a statement of the objectives and initiatives within the Strategic Plan that the Department plans to undertake and/or accomplish during the next budgetary period, including performance indicators and targets. The Operational Plan shall include an equity analysis of Recreation and Park services and resources, using the equity metrics adopted under subsection (h)(1). Each Operational Plan shall further include an assessment of the Department's progress on the previous Operational Plan.

The Department shall submit the proposed Operational Plan to the Parks, Recreation, and Open Space Advisory Committee for its review and comment before submitting the Plan to the Commission for its approval. Following Commission approval, the Department shall submit the Operational Plan to the Mayor and the Board of Supervisors.

The Commission shall establish a community input process, which shall include the Parks, Recreation, and Open Space Advisory Committee discussed in section (i), below, through which citizens of the City and County of San Francisco will provide assistance to the Commission as it develops criteria and establishes the plans required by this subsection. Prior to the adoption of any Strategic Plan, the Department shall conduct at least five hearings in locations distributed geographically throughout the City to receive and to consider the public's comments upon the

plan. The Commission shall ensure that at least two of these hearings are held in the evenings or on weekends for the public's convenience.

In the fourth year of each Strategic Plan under subsection (h)(2), the Controller's City Services Auditor shall conduct a performance audit of the Department to assess the Department's progress under the Strategic Plan and to inform the development of the Department's next Strategic Plan. The audit shall include an analysis of the Department's compliance with the planning and reporting measures in this subsection (h). The costs of the audit may be charged to the baseline established in subsection (c).

If the audit finds that the Department has not complied with the requirements in this subsection (h), the Board of Supervisors may place up to 5% of the baseline appropriation under subsection (c) for the next fiscal year on reserve, pending subsequent release of the reserve by Board action upon finding progress toward these requirements. The preceding sentence is not intended to modify the Board's authority under the fiscal and budgetary provisions of the Charter.

The Commission may modify any deadlines contained in this subsection (h) by resolution adopted by a two-thirds vote of its members, and a resolution adopted by the Board of Supervisors and approved by the Mayor.

(i) **Parks, Recreation, and Open Space Advisory Committee.** The Board of Supervisors shall establish, by ordinance, a Parks, Recreation, and Open Space Advisory Committee, such as the committee established in Park Code Section 13.01, as amended, or any successor legislation.

(j) **Equity Fund.** The City shall establish an Equity Fund to accept and expend private gifts, grants, and donations received by the Department and intended to support initiatives and programs addressing unmet program and capital needs identified in the equity analyses required under subsection (h).

(k) **Environmental and Design Guidelines.** The Department shall maintain written environmental and design guidelines for new facilities, parks, and open spaces and the renovation or rehabilitation of existing facilities, parks, and open spaces.

(l) **Capital Projects.** Notwithstanding the provisions of Section 3.104 of this Charter, the Commission shall have the authority to prepare and approve the plans, specifications and estimates for all contracts and orders, and to award, execute and manage all contracts and orders, for capital projects on real property under its jurisdiction or management. Capital projects supported by the Fund, other than those projects identified by the Department as long-term projects, must be fully constructed within three years of the initial budget allocation for those projects. Long-term projects must be fully constructed within five years of the initial budget allocation. Any exceptions to this provision must be authorized by a two-thirds vote of the Commission.

(m) In addition to the requirements set forth by this Section 16.107, all expenditures from the Fund shall be subject to the budget and fiscal provisions of the Charter.

(n) This Section 16.107 shall expire by operation of law at the end of fiscal year 2045-2046 and the City Attorney shall cause it to be removed from future editions of the Charter unless the Section is extended by the voters.

(Amended March 2000, June 2016; Proposition F, Approved 11/3/2020)

SEC. 16.108. CHILDREN AND YOUTH FUND.

(a) **Preamble.**

(1) By overwhelmingly reauthorizing the Children's Fund in 2000 with 74 percent approval, the people of the City and County of San Francisco found and declared that the Children's Fund (now to be known as the Children and Youth Fund) is essential in ensuring the health and success of every San Francisco child.

(2) The previous investment of the Children and Youth Fund allowed for the Department of Children, Youth, and Their Families to serve over 56,000 youth in FY 2012-2013, focusing on the children with the most need.

(3) The Fund successfully stabilized and expanded services for children, youth, and their families, while leveraging other resources.

(4) Addressing the level of unmet need among children and youth remains a significant challenge. The needs of San Francisco's children have been increasing:

(A) One-third of San Francisco's African American and Latino children live below the poverty line. The number of San Francisco children in poverty has increased by 14% in the past 5 years.

(B) The federal poverty level for a family of four is $23,000; adjusted to San Francisco, it is $35,000. Self-sufficiency in San Francisco for a family of four is three times that amount, and over half of all families cannot meet the self-sufficiency standard. The Children and Youth Fund provides services that support families and opportunities for children and youth that are essential to meeting their needs and providing pathways out of poverty.

(C) State and federal cuts have significantly reduced children and youth services in San Francisco, including funding for child care, youth employment and high need disconnected transitional-aged youth.

(5) The reauthorization of the Children and Youth Fund will enable the Department of Children, Youth and Their Families (DCYF) to build on the previous success of the Fund and strengthen DCYF's capacity for the future, while fostering innovation and improving transparency and accountability.

(b) **Fund for Children and Youth Services.** Operative July 1, 2001, there is hereby established a fund to expand children's services, which shall be called the Children and Youth Fund ("Fund"). Monies in the Fund shall be expended or used only to provide services for children and youth as provided in this Section 16.108.

(c) **Goals.** The goals of expenditures from the Fund and the planning process created in this section of the Charter shall be:

(1) To ensure that San Francisco's children are healthy, ready to learn, succeed in school and live in stable, safe and supported families and communities;

(2) To ensure that San Francisco is a family-friendly city and to support families as an important part of the City population and civic culture;

(3) To focus on the prevention of problems and on supporting and enhancing the strengths of children, youth and their families;

(4) To complement the City's community development efforts;

(5) To strengthen a community-based network of services in all neighborhoods;

(6) To ensure that children and youth with the highest needs receive maximum benefit from the Fund and that equity is a guiding principle of the funding process;

(7) To distribute funds based on best practices, and successful and innovative models in order to ensure maximum impact;

(8) To the maximum extent feasible, to distribute funds equitably among services for all age groups – from infancy to transitional-aged youth;

(9) To ensure children are provided with gender-responsive and culturally-competent services;

(10) To strengthen collaboration around shared outcomes among all service providers for children, youth and their families, including collaboration among public agencies and non-profit organizations; and

(11) To fill gaps in services and leverage other resources whenever feasible.

(d) **Amount.** There is hereby set aside for the Fund, from the revenues of the property tax levy, revenues in an amount equivalent to an annual tax of three cents ($.03) per one hundred dollars ($100) of assessed valuation for each fiscal year beginning with July 1, 2001-June 30, 2002, and ending with July 1, 2014-June 30, 2015.

For Fiscal Year 2015-2016, there is hereby set aside for the Fund, from the revenues of the property tax levy, revenues in an amount equivalent to an annual tax of three and one-quarter cents ($.0325) per one hundred dollars ($100) of assessed valuation for each fiscal year.

For Fiscal Year 2016-2017, there is hereby set aside for the Fund, from the revenues of the property tax levy, revenues in an amount equivalent to an annual tax of three and one half cents ($.0350) per one hundred dollars ($100) of assessed valuation for each fiscal year.

For Fiscal Year 2017-2018, there is hereby set aside for the Fund, from the revenues of the property tax levy, revenues in an amount equivalent to an annual tax of three and three quarters cents ($.0375) per one hundred dollars ($100) of assessed valuation for each fiscal year.

For Fiscal Year 2018-2019, and every fiscal year thereafter through Fiscal Year 2040-2041, there is hereby set aside for the Fund, from the revenues of the property tax levy, revenues in an amount equivalent to an annual tax of four cents ($.04) per one hundred dollars ($100) of assessed valuation for each fiscal year.

The Fund shall be maintained separate and apart from all other City and County funds and appropriated by annual or supplemental appropriation.

(e) **New Services.** Monies in the Fund shall be used exclusively for the costs of services to children less than 18 years old provided as part of programs that predominantly serve children less than 18 years old and for Disconnected Transitional-Aged Youth 18 through 24 years old. "Disconnected Transitional-Aged Youth" are those who: are homeless or in danger of homelessness; have dropped out of high school; have a disability or other special needs, including substance abuse; are low-income parents; are undocumented; are new immigrants and/or English Learners; are Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning ("LGBTQQ"); and/or are transitioning from the foster care, juvenile justice, criminal justice or special education system. Monies from the Fund shall not be appropriated or expended for services that received any of the funds included in the higher of the Controller's baseline budget covering July 1, 2000-June 30, 2001 appropriations, or the Controller's baseline budget covering July 1, 1999-June 30, 2000 appropriations, whether or not the cost of such services increases. Nor shall monies from the Fund be appropriated or expended for services that substitute for or replace services included or partially included in the higher of the two baseline budgets, except and solely to the extent that the City ceases to receive federal, state or private agency funds that the funding agency required to be spent only on those services. The Controller's baseline budget shall mean the Controller's calculation of the actual amount of City appropriations for services for children that would have been eligible to be paid from the Fund but are paid from other sources.

(f) **Eligible Uses.** The City shall only use monies from the Fund for the following purposes:

(1) Services for children up to 18 years old and Disconnected Transitional-Aged Youth up to and including 24 years old, including:

(A) Affordable child care and early education;

(B) Recreation, cultural and after-school programs, including without limitation, arts programs;

(C) Health services, including prevention, education, and behavioral and mental health services;

(D) Training, employment and job placement;

(E) Youth empowerment and leadership development;

(F) Youth violence prevention programs;

(G) Youth tutoring and educational enrichment programs;

(H) Family and parent support services;

(I) Support for collaboration among grantees to enhance service delivery and provider capacity-building, and for community development efforts; and

(J) Services responsive to issues of gender, sexual orientation, and gender identification, including, but not limited to, services to address the needs of girls and LGBTQQ communities.

(2) Funding for the Department of Children, Youth and Their Families ("DCYF") and the Children, Youth and Their Families Oversight and Advisory Committee created in Section 16.108-1 ("Oversight and Advisory Committee").

(3) Administration of the Fund and evaluation of Fund goals and services.

(4) Technical assistance and capacity-building for service providers and community-based partners.

(g) **Excluded Services.** Notwithstanding subsection (f), services for children and Disconnected Transitional-Aged Youth paid for by the Fund shall not include:

(1) Services provided by the Police Department or other law enforcement agencies, courts, the District Attorney, Public Defender, City Attorney; or the Fire Department; detention or probation services mandated by state or federal law; or public transportation;

(2) Any service that benefits children and Disconnected Transitional-Aged Youth incidentally or as members of a larger population including adults;

(3) Any service for which a fixed or minimum level of expenditure is mandated by state or federal law, to the extent of the fixed or minimum level of expenditure;

(4) Acquisition of any capital item not for primary and direct use by children and Disconnected Transitional-Aged Youth;

(5) Acquisition (other than by lease for a term of ten years or less) of any real property or land, or capital expenditures, or predevelopment or construction costs for housing;

(6) Maintenance, utilities or any similar operating costs of any facility not used primarily and directly by children and Disconnected Transitional-Aged Youth, or of any recreation or park facility (including a zoo), library, hospital, or housing; or

(7) Medical health services, other than prevention, education, and behavioral and mental health support services.

(h) **Baseline.** The Fund shall be used exclusively to increase the aggregate City appropriations and expenditures for those services for children and Disconnected Transitional-Aged Youth that are eligible to be paid from the Fund (exclusive of expenditures mandated by state or federal law). To this end, the City shall not reduce the amount of such City appropriations for eligible services (not including appropriations from the Fund and exclusive of expenditures mandated by state or federal law) under this section below the amount so appropriated for the fiscal year 2000-2001 ("the base year") as set forth in the Controller's baseline budget, as adjusted ("the base amount").

The Controller shall calculate City appropriations made in fiscal year 2013-2014 for services for Disconnected Transitional-Aged Youth aged 18 through 24 years. Beginning with fiscal year 2014-2015, that amount shall be added to the base amount and adjusted as provided below. The City shall not reduce the amount of such City appropriations for services for Disconnected Transitional-Aged Youth (not including appropriations from the Fund and exclusive of expenditures mandated by state or federal law) under this section below the amount so appropriated for fiscal year 2013-2014, as adjusted.

The base amount shall be adjusted for each year after the base year by the Controller based on calculations consistent from year to year by the percentage increase or decrease in aggregate City and County discretionary revenues. In determining aggregate City and County discretionary revenues, the Controller shall only include revenues received by the City and County that are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. Additionally, in determining aggregate City and County discretionary revenues, the Controller shall not include revenues received by the City under the increased rates in Business and Tax Regulations Code Sections 953.1(g), 953.2(h), 953.3(h), 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general municipal election on November 3, 2020, and shall not include revenues received by the City under Article 36 of the Business and Tax Regulations Code adopted by the voters at the general municipal election on November 3, 2020. Errors in the Controller’s estimate of discretionary revenues for a fiscal year shall be corrected by an adjustment in the next year’s estimate. Within 90 days following the end of each fiscal year through Fiscal Year 2040-2041, the Controller shall calculate and publish the actual amount of City

appropriations for services for children and Disconnected Transitional-Aged Youth that would have been eligible to be paid from the Fund but are paid from other sources, separately identifying expenditures mandated by state or federal law.

(i) **Five-Year Planning Cycle.** The City shall appropriate monies from the Fund according to a five-year planning process. This process is intended to: (1) increase transparency, accountability, and public engagement; (2) provide time and opportunities for community participation and planning; (3) ensure program stability; and (4) maximize the effectiveness of the services funded.

(1) **Year 1 – Community Needs Assessment.** During every fifth fiscal year beginning with Fiscal Year 2015-2016, DCYF shall conduct a Community Needs Assessment (CNA) to identify services to receive monies from the Fund. The CNA should include qualitative and quantitative data sets collected through interviews, focus groups, surveys, or other outreach mechanisms to determine service gaps in programming for children, youth, and families. Subject to the budgetary and fiscal provisions of the Charter, DCYF may contract with consultants and outside experts for such services as the department may require to prepare the CNA. DCYF shall undertake a robust community process in every supervisorial district, soliciting input from a diverse cross-section of parents, youth, non-profit organizations, and other key stakeholders to develop the CNA:

(A) DCYF shall develop a plan for how to conduct the CNA. The CNA shall include an equity analysis of services and resources for parents, children, and youth. DCYF shall develop a set of equity metrics to be used to establish a baseline of existing services and resources in low-income neighborhoods and disadvantaged communities, compared to services and resources available in the City as a whole. The outreach for the CNA shall create opportunities for parents, youth, nonprofit agencies, and other members of the public, to provide input. By September 1, DCYF shall provide its plan for conducting the CNA to the Oversight and Advisory Committee, the Service Provider Working Group created in Section 16.108-1(e), and the Board of Supervisors. The plan shall be a public document.

(B) By March 1, DCYF shall complete a draft CNA and provide this draft to the Oversight and Advisory Committee and the Service Provider Working Group for review. DCYF shall also provide the draft CNA to interested City departments, including the First Five Commission, the Office of Early Care and Education (or any successor entity), the Recreation and Park Commission, the Health Commission, the Human Services Commission, the Youth Commission, the Juvenile Probation Commission, the Adult Probation Department, the Commission on the Status of Women, the Police Commission, the Library Commission, and the Arts Commission.

(C) By April 1, DCYF shall submit a final version of the CNA to the Oversight and Advisory Committee and the Board of Supervisors. The final version may incorporate any comments or suggestions made by the public or by the agencies that received copies of the draft CNA.

(D) By May 1, the Oversight and Advisory Committee shall provide input on, approve or disapprove the CNA. If the Oversight and Advisory Committee disapproves the report, DCYF may modify and resubmit the report.

(E) By June 1, the Board of Supervisors shall consider and approve or disapprove, or modify, the CNA. If the Board disapproves the CNA, DCYF may modify and resubmit the CNA, provided, however, that the City may not expend monies from the Fund until the Board of Supervisors has approved the CNA.

(2) **Year 2 – Services and Allocation Plan.** During every fifth fiscal year beginning with Fiscal Year 2016-2017, DCYF shall prepare a Services and Allocation Plan ("SAP") to determine services eligible to receive monies from the Fund. DCYF shall use the following process to prepare the SAP:

(A) DCYF shall prepare a draft SAP in consultation with interested City departments, including the First Five Commission, the Office of Early Care and Education (or any successor entity), the Recreation and Park Commission, the Health Commission, the Human Services Commission, the Youth Commission, the Juvenile Probation Commission, the Adult Probation Department, the Commission on the Status of Women, the Police Commission, the Library Commission, and the Arts Commission, as well as the San Francisco Unified School District, community-based service providers, parents, children, youth, and other members of the public. The SAP must:

(i) Demonstrate consistency with the CNA and with Citywide vision and goals for children and families;

(ii) Include all services for children and Disconnected Transitional-Aged Youth;

(iii) Be outcome-oriented and include goals and measurable and verifiable objectives and outcomes;

(iv) Include capacity-building and evaluation of services as separate funding areas;

(v) State how services will be coordinated and have specific amounts allocated towards specific goals, service models, populations and neighborhoods;

(vi) Include funding for youth-initiated projects totaling at least 3 percent of the total proposed expenditures from the Fund for the cycle;

(vii) Include evaluation data from the previous funding cycle and the details of the Children and Youth Baseline; and,

(viii) Incorporate strategies to coordinate and align all services for children funded by all governmental or private entities and administered by the City, whether or not those services are eligible to receive monies from the Fund.

(B) The SAP shall include an equity analysis of services and resources for parents, children and youth. Using the equity metrics developed for preparation of the CNA, the SAP shall compare proposed new, augmented, and coordinated services and resources for low-income neighborhoods and disadvantaged communities with services and resources available to the City as a whole.

(C) Subject to the budgetary and fiscal provisions of the Charter, DCYF may contract with consultants and outside experts for such services as the department may require to prepare the SAP, including the equity analysis of services and resources for parents, children and youth.

(D) By March 1, DCYF shall provide the draft SAP to the Oversight and Advisory Committee and the Service Provider Working Group. DCYF shall also provide the draft SAP to the San Francisco Unified School District and interested City departments, including the First Five Commission, the Office of Early Care and Education (or any successor entity), the Recreation and Park Commission, the Health Commission, the Human Services Commission, the Youth Commission, the Juvenile Probation Commission, the Adult Probation Department, the Commission on the Status of Women, the Police Commission, the Library Commission and the Arts Commission.

(E) By April 1, DCYF shall submit a final version of SAP to the Oversight and Advisory Committee and the Board of Supervisors. The final version may incorporate any comments or suggestions made by the public or by the agencies that received copies of the draft SAP.

(F) By May 1, the Oversight and Advisory Committee shall approve or disapprove the SAP. If the Oversight and Advisory Committee disapproves the SAP, DCYF may modify and resubmit the SAP.

(G) By June 1, the Board of Supervisors shall consider and approve or disapprove, or modify, the SAP. If the Board disapproves the SAP, DCYF may modify and resubmit the SAP, provided, however, that the City may not expend monies from the Fund until the SAP has been approved by the Board of Supervisors.

(H) During subsequent years of the planning cycle, DCYF, with the approval of the Oversight and Advisory Committee and the Board of Supervisors, may amend the SAP to address emerging needs.

(3) **Year 3 – Selection of Contractors.** During every fifth fiscal year beginning with Fiscal Year 2017-2018, DCYF shall conduct competitive solicitations for services to be funded from the Fund.

(4) **Year 4 – Service Cycle Begins.** Contracts for services shall start on July 1 of Year 4 of the planning cycle, beginning with Fiscal Year 2018-2019. During subsequent years of the planning cycle, DCYF, with the approval of the Oversight and Advisory Committee, may issue supplemental competitive solicitations to address amendments to the SAP and emerging needs. All expenditures for services from the Fund shall be consistent with the most recent CNA and SAP.

(5) DCYF may recommend, and the Oversight and Advisory Committee and the Board of Supervisors may approve, changes to the due dates and timelines provided in this subsection (i). The Board of Supervisors shall

approve such changes by ordinance.

(j) **Evaluation.** DCYF shall provide for the evaluation on a regular basis of all services funded through the Fund, and shall prepare on a regular basis an Evaluation and Data Report for the Oversight and Advisory Committee. Subject to the budgetary and fiscal provisions of the Charter, DCYF may contract with consultants and outside experts for such services as the department may require to conduct such evaluations and to prepare the Evaluation and Data Report.

(k) **Selection of Contractors.** The Oversight and Advisory Committee shall recommend standards and procedures for the selection of contractors to be funded from the Fund. It shall be the policy of the City to use competitive solicitation processes where appropriate and to give priority to the participation of non-profit agencies.

(l) **Implementation.**

(1) In implementation of this Section 16.108, facilitating public participation and maximizing availability of information to the public shall be primary goals.

(2) DCYF shall administer the Fund and prepare the CNA and the SAP pursuant to this Section 16.108.

(3) The Board of Supervisors may by ordinance implement this Section 16.108.

(m) **Effect of Procedural Errors.** No appropriation, contract or other action shall be held invalid or set aside by reason of any error, including without limitation any irregularity, informality, neglect or omission, in carrying out procedures specified in subsections (i) through (l) unless a court finds that the party challenging the action suffered substantial injury from the error and that a different result would have been probable had the error not occurred.

(Amended November 2000; November 2014; Proposition F, Approved 11/3/2020)

SEC. 16.108-1. CHILDREN, YOUTH AND THEIR FAMILIES OVERSIGHT AND ADVISORY COMMITTEE.

(a) **Creation.** There shall be a Children, Youth and Their Families Oversight and Advisory Committee ("Oversight and Advisory Committee") to review the governance and policies of the Department of Children, Youth and Their Families ("DCYF"), to monitor and participate in the administration of the Children and Youth Fund as provided in Charter Section 16.108 ("Fund"), and to take steps to ensure that the Fund is administered in a manner accountable to the community.

(b) **Responsibilities.**

(1) The Oversight and Advisory Committee shall develop recommendations for DCYF and the Fund regarding outcomes for children and youth services, the evaluation of services, common data systems, a process for making funding decisions, program improvement and capacity-building of service providers, community engagement in planning and evaluating services, leveraging dollars of the Fund and the use of the Fund as a catalyst for innovation. The Oversight and Advisory Committee shall promote and facilitate transparency in the administration of the Fund.

(2) As provided in Section 16.108, the Oversight and Advisory Committee shall review and approve the planning process for the Community Needs Assessment ("CNA") and the final CNA, the Services and Allocation Plan, and DCYF's overall spending plan (including, as separate items, approval of the departmental budget and of DCYF's proposed grants as a package), and shall review the annual Data and Evaluation Report. Nothing in this Section shall limit the authority of the Mayor and the Board of Supervisors to propose, amend, and adopt a budget under Article IX of the Charter.

(3) The Oversight and Advisory Committee shall participate in the evaluation of the Director of DCYF, assist in recruitment for the Director when the position is vacant, and may recommend candidates to the Mayor.

(4) The Oversight and Advisory Committee shall establish and maintain a Service Provider Working Group as provided in subsection (e).

(5) The Oversight and Advisory Committee shall meet at least six times a year.

(c) **Composition.** The Oversight and Advisory Committee shall have eleven members. The Mayor shall appoint members for Seats 1 through 6. The Board of Supervisors shall appoint members for Seats 7 through 11. The Mayor and the Board of Supervisors shall appoint the initial members of the Committee by July 1, 2015. The terms of the initial appointees to the Committee shall commence on the date of the first meeting of the Committee, which may occur when at least eight members have been appointed and are present.

(d) **Implementation.** The Board of Supervisors shall further provide by ordinance for the membership, structure, functions, appointment criteria, terms and support of the Oversight and Advisory Committee. The Board of Supervisors shall adopt such legislation to be effective by July 1, 2015.

(e) **Service Provider Working Group.** The Oversight and Advisory Committee shall create a Service Provider Working Group ("Working Group") to advise the Oversight and Advisory Committee on funding priorities, policy development, the planning cycle, evaluation design and plans, and any other issues of concern to the Working Group related to the Fund or the responsibilities of DCYF or other departments receiving monies from the Fund. The Working Group shall engage a broad cross-section of service providers in providing information, education and consultation to the Oversight and Advisory Committee. All members of the Working Group shall be actively providing services to children, youth and their families. The Working Group shall be supported by DCYF staff, and shall meet at least four times a year. The Oversight and Advisory Committee shall appoint two initial co-chairs of the Working Group, who shall be responsible for developing the structure of the Working Group and facilitating the meetings. After the terms of the initial co-chairs expire, the Working Group shall select its own chairs. Working Group meetings shall be open and encourage widespread participation.

(Added November 2014)

SEC. 16.109. LIBRARY PRESERVATION FUND.

(a) **Establishment of Fund.** There is hereby established the Library Preservation Fund ("the Fund") to be administered by the Library Department as directed by the Library Commission. Monies therein shall be expended or used solely by the Library Department, subject to the budgetary and fiscal provisions of the Charter, to provide library services and to construct, maintain and operate library facilities.

(b) **Annual Set-Aside.** The City will continue to set aside from the annual property tax levy, for a period of fifteen years starting with the fiscal year 2008-2009 an amount equivalent to an annual tax of two and one-half cents ($0.025) for each one hundred dollars ($100) assessed valuation ("Annual Set-Aside").

The Controller shall set aside and maintain such an amount, together with any interest earned thereon, in the Fund, Revenues obtained from the Annual Set-Aside shall be in addition to, and not in place of, any General Fund monies appropriated to the Library pursuant to subsection (c).

(c) **Baseline Maintenance of Effort.** The Annual Set-Aside shall be used exclusively to increase the aggregate City appropriations and expenditures for services, materials, facilities and equipment that will be operated by the Library for Library purposes. To this end, in any of the fifteen years during which funds are required to be set aside under this Section 16.109, the City shall not reduce the Baseline for the Library Department below the fiscal year 2006-2007 Required Baseline Amount (as calculated by the Controller), except that the Baseline shall be adjusted as provided below.

The Baseline shall be adjusted for each year after fiscal year 2006-2007 by the Controller based on calculations consistent from year to year, by the percentage increase or decrease in aggregate City and County discretionary revenues. In determining aggregate City and County discretionary revenues, the Controller shall only include revenues received by the City which are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. Additionally, in determining aggregate City and County discretionary revenues, the Controller shall not include revenues received by the City under the increased rates in Business and Tax Regulations Code Sections 953.1(g), 953.2(h), 953.3(h), 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general municipal election on November 3, 2020, and shall not include revenues received by the City under Article 36 of the Business and Tax Regulations Code adopted by the voters at the

general municipal election on November 3, 2020. Errors in the Controller's estimate of discretionary revenues for a fiscal year shall be corrected by adjustment in the next year's estimate. For purposes of this subsection (c), (i) aggregate City appropriations shall not include funds granted to the City by private agencies or appropriated by other public agencies and received by the City, and (ii) Library Department appropriations shall not include funds appropriated to the Library Department to pay for services of other City departments or agencies, except for departments or agencies for whose specific services the Library Department was appropriated funds in fiscal year 2006-2007. Within 180 days following the end of each fiscal year through fiscal year 2023-2024, the Controller shall calculate and publish the actual amount of City appropriations for the Library Department.

The Controller shall set aside and maintain such baseline amounts, together with any interest earned thereon, in the Fund.

At the end of each fiscal year, the Controller shall pro-rate any monies from the annual Baseline and the Annual Set-Aside that remain uncommitted in the Fund, and the Baseline portion of such amount shall be returned to the General Fund. The Annual Set-Aside portion of such amount shall be carried forward to the next fiscal year and shall be appropriated then or thereafter for the purposes specified in this Section.

Adjustments in the Controller's estimate of the Baseline, including any baseline changes required from increases or decreases to City revenues after budget adoption, along with adjustments to the Annual Set-Aside for a fiscal year shall be corrected by credits or adjustment to be carried forward and added to the annual City appropriation for next fiscal year and, subject to the budgetary and fiscal limitations of this Charter, shall be appropriated then or thereafter for the purposes specified in this Section.

(d) **Debt Authority.** Notwithstanding the limitations set forth in Sections 9.107, 9.108, and 9.109 of this Charter, the Library Commission may request, and upon recommendation of the Mayor the Board of Supervisors may authorize, the issuance of revenue bonds or other evidences of indebtedness or the incurrence of lease financing or other obligations (the "Debt Obligations"), the proceeds of which are to be used for the acquisition, construction, reconstruction, rehabilitation and/or improvement of real property and/or facilities that will be operated by the Library for Library purposes and for the purchase of equipment relating to such real property and/or facilities. Such Debt Obligations shall be secured by and/or repaid from any available funds pledged or appropriated by the Board of Supervisors for such purpose, which amount may include funds in the Fund allocated under subsection (e)(3) below. Funds appropriated to pay debt service on the Debt Obligations in such fiscal year under the terms of this Section shall be set aside in an account for such use until such payment is made.

(e) **Spending Priorities.** The Annual Set-Aside and monies carried over from prior fiscal years in the Fund shall be expended in accordance with the following priorities:

1. Such allocations as are necessary for the Library Department to operate the Main Library, which includes a library for the blind, no fewer than 27 neighborhood branch libraries, and an auxiliary technical services facility, with 1211 permanent service hours per week system wide and the permanent service hours at each neighborhood branch library as set by the Library Commission as of November 6, 2007, which may be modified only as provided by subsection (f).

2. Such allocations as are necessary to provide for library services and collections in all formats in order to meet the current and changing needs of San Francisco communities, as the Library Commission in its sole discretion shall approve.

3. Notwithstanding the priorities set forth in this subsection, a portion of the Annual Set-Aside may be used each fiscal year to pay debt service relating to Debt Obligations issued or incurred by the City under subsection (d) above. To ensure that debt service payments do not reduce overall funding available for other Library priorities from current levels, debt service may be payable from the Annual Set-Aside in any fiscal year in an amount no greater than:

A. the annual debt service that would be payable under a financing with the term and principal amount reflected in a Library Commission request for bond issuance under subsection (d) above; and

B. the aggregate growth of the Annual Set-Aside amount and the Baseline amount over the base fiscal year 2006-07.

Amounts on deposit in the Annual Set-Aside in excess of such annual debt service shall be used according to the other priorities of this subsection.

4. To the extent there are unexpended funds remaining in the Fund after the requirements of paragraphs 1 through 3 have been satisfied, such funds may be used for any lawful purpose of the Library Department; provided that no such funds shall be used for debt service payments in any fiscal year in excess of the amount allowed under clause (3) above.

(f) **Library Service Hours.** Except as provided below in paragraphs 3 and 4, the Library Commission shall maintain at least 1211 permanent service hours per week system wide and the permanent hours at any neighborhood branch Library until July 1, 2013. As of that date, the Library Commission may modify permanent service hours per week system wide and at specific neighborhood branch libraries for succeeding five-year intervals, or at shorter intervals as the Commission may adopt, and in accordance with the following procedures:

1. No later than March 1, 2013, and for each service hour interval thereafter, the Library Commission shall establish a community input process, which may include an informal survey of library users and meetings with the Library Citizens Advisory Committee, Council of Neighborhood Libraries and neighborhood groups, through which citizens of the City and County of San Francisco may provide assistance to the Library Commission as it develops criteria to set system wide and branch service hours for the upcoming interval. Prior to setting service hours for the next interval, the Library Department shall conduct at least one hearing in each supervisorial district to receive and consider the public's comments about existing and potential Library service hours. The Library Commission shall ensure that at least six of these hearings, distributed geographically throughout the City, are held in the evenings or on weekends for the public's convenience.

2. Following the hearings in Paragraph 1, and based on the public input, a comprehensive assessment of needs, and the anticipated adequacy of library resources, the Library Commission may, as of July 1, 2013, modify the system wide and individual neighborhood branch service hours for the next five-year interval or such shorter interval as the Library Commission may adopt. The Library Commission shall repeat this public process and set service hours at least once every five years for the duration of the Fund.

3. The service hours requirement set in subsection (e)(1) and any modifications thereto made pursuant to this subsection shall be temporarily reduced by the normal operating hours for any neighborhood branch temporarily closed for construction, renovation or maintenance purposes. In such cases, the Library Department shall add temporary services elsewhere by adding temporary hours at nearby branches, providing bookmobile services, securing programming partners in the affected neighborhoods, or similar means.

4. If library services at any branch or system wide are interrupted due to fire, earthquake or other emergency, the Library Department shall be relieved of these service hour requirements, provided that the Library Department shall provide service hours consistent with such exigent circumstances.

(g) **Unspent Funds.** All unspent funds in the Fund on November 6, 2007 shall continue to be held for the use and benefit of the Library Department. These monies shall be expended to construct, maintain and operate library facilities as provided herein.

(Amended by Proposition D, Approved 11/6/2007; Proposition F, Approved 11/3/2020)

SEC. 16.110. HOUSING TRUST FUND.

(a) **Creation of Fund.** There is hereby established a Housing Trust Fund to support creating, acquiring and rehabilitating affordable housing and promoting affordable home ownership programs in the City, as provided in this Section 16.110.

(b) **Definitions.** For purposes of this Section:

"First Responder" shall mean a City employee who responds first in cases of natural disaster or emergencies, including, but not limited to, all active uniformed, sworn members of the San Francisco Police and Fire Departments.

"General Fund Discretionary Revenues" shall mean revenues that the City receives and deposits in its treasury, that are unrestricted, and that the City may appropriate for any lawful City purpose.

"Household" shall mean any person or persons who reside or intend to reside in the same housing unit.

"Mayor's Office of Housing" shall mean the Mayor's Office of Housing and Community Development or any successor City agency.

(c) **Funding.**

(1) In the Fiscal Year 2013-2014 budget, the City shall appropriate to the Housing Trust Fund $20 million.

(2) For the next 11 fiscal years, in each of the annual budgets for Fiscal Year 2014-2015 through Fiscal Year 2024-2025, the City shall appropriate to the Housing Trust Fund an amount increasing by $2.8 million per year, until the annual appropriation required by this Section reaches $50.8 million in the Fiscal Year 2024-2025 budget.

(3) In the annual budgets for Fiscal Year 2025-2026 through Fiscal Year 2042-43, the City shall appropriate to the Housing Trust Fund an amount equal to the prior year's appropriation, adjusted by the percentage increase or decrease in General Fund Discretionary Revenues budgeted for the year compared to the prior year's original budgeted amount of General Fund Discretionary Revenues.

(4) Should the City adopt a fixed two-year budget under Charter Section 9.101, the adjustment for the Housing Trust Fund appropriation for the two years of the two-year budget shall be based on the amount of General Fund Discretionary Revenues estimated for the two-year period included in the budget.

(5) During Fiscal Years 2025-2026 through 2042-2043, if the Controller submits a revised estimate of General Fund Discretionary Revenues for a given Fiscal Year or two-year budget period that is lower than the amount originally budgeted for that period, then the Board may, by ordinance, reduce the appropriation to the Housing Trust Fund for that budget period in an amount that does not exceed the amount proportionate to the percentage shortfall in the discretionary revenue projection.

(6) The Controller's method of calculating the amount of and changes in General Fund Discretionary Revenues shall be consistent from fiscal year to fiscal year and with the Controller's method for calculating those figures under Charter Sections 8A.105, 16.108, and 16.109. Additionally, in determining General Fund Discretionary Revenues, the Controller shall not include revenues received by the City under the increased rates in Business and Tax Regulations Code Sections 953.1(g), 953.2(h), 953.3(h), 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general municipal election on November 3, 2020, and shall not include revenues received by the City under Article 36 of the Business and Tax Regulations Code adopted by the voters at the general municipal election on November 3, 2020. The Controller shall treat General Fund appropriations to the Housing Trust Fund as reductions in General Fund Discretionary Revenues when calculating other funding allocations that are tied to General Fund Discretionary Revenues, including funding allocations under Charter Sections 8A.105, 16.108, and 16.109. The Controller shall correct errors in the estimate of discretionary revenues for a fiscal year through an adjustment to the next fiscal year's estimate.

(7) In any year during the term of this Section, the City may, in its discretion, reduce its annual contribution to the Housing Trust Fund for that year by an amount equal to or less than 56.7% of the annual debt service required to service any SB2113 Affordable Housing Bonds issued after January 1, 2013. "SB2113 Affordable Housing Bonds" are bonds issued by the City to support the acquisition and creation of replacement affordable housing citywide using property tax increment from former Redevelopment project areas under California Health and Safety Code Section 33333.7

(8) The Controller shall set aside and maintain the amounts appropriated to the Housing Trust Fund under this Section, together with any interest earned thereon, and any amount unexpended or uncommitted at the end of the fiscal year shall be carried forward to the next fiscal year and, subject to the budgetary and fiscal limitations of this Charter, shall be appropriated for the purposes specified in this Section.

(d) **Uses of the Housing Trust Fund.** The City may disburse monies from the Housing Trust Fund through loans, grants or other types of payments, on terms determined by the Mayor's Office of Housing in its sole discretion. Any repayment of a loan or grant from the Fund that the City receives, or any interest from a loan from

the Fund that the City receives, will be returned to the Housing Trust Fund. The City, acting through the Mayor's Office of Housing, shall disburse the monies from the Housing Trust Fund for the following eligible expenditures:

(1) The creation, acquisition, and rehabilitation of rental and ownership housing affordable to Households earning up to 120% of the Area Median Income, including, without limitation, the acquisition of land for such purpose.

(2) No later than July 1, 2018, the City shall appropriate $15 million from the Housing Trust Fund to a program that provides loans to Households earning up to 120% of the Area Median Income and to Households including a First Responder (subject to Area Median Income limits designated by the Mayor's Office of Housing) for use as a down payment on the purchase of a housing unit ("the Down Payment Assistance Loan Program"). As soon as is practical, the Mayor's Office of Housing shall develop and implement a manual for the Down Payment Assistance Loan Program.

(3) No later than July 1, 2018, the City shall appropriate up to $15 million from the Housing Trust Fund to a program that provides funds to Households earning up to 120% of Area Median Income for use as assistance to reduce the risk to current occupants of a loss of housing and/or to help current occupants make their homes safer, more accessible, more energy efficient, and more sustainable (the "Housing Stabilization Program"). As soon as is practical, the Mayor's Office of Housing shall implement and develop a manual for the Housing Stabilization Program.

(4) The City may use monies in the Housing Trust Fund to operate and administer the Infrastructure Grant Program as described in subsection (e). The City may not allocate to the Infrastructure Grant Program in any fiscal year an amount exceeding the greater of $2 million or 10% of the amount appropriated to the Housing Trust Fund for that fiscal year under subsection (c).

(5) In any fiscal year, the City may allocate a sufficient amount from the Housing Trust Fund to pay for all legally permissible administrative costs of the Fund, including, without limitation, legal costs, associated with any use of the Housing Trust Fund.

(e) **Complete Neighborhoods Infrastructure Grant Program.** After conferring with the Director of Planning, the Director of the Mayor's Office of Housing shall design and administer a Complete Neighborhoods Infrastructure Grant Program ("Infrastructure Grant Program"). The purpose of the Infrastructure Grant Program is to accelerate the build-out of the public realm infrastructure needed to support increased residential density in the City's neighborhoods. The City may use monies from the Infrastructure Grant Program only for public facilities identified in the Community Facilities District law (Cal. Govt. Code §§*et seq.*, as amended), and shall give priority to the use of such monies by residential development project sponsors, community-based organizations, and City departments for public realm improvements associated with proposed residential development projects.

(f) **Bonding Authority.** Notwithstanding the limitations set forth in Sections 9.107, 9.108, and 9.109 of this Charter, upon recommendation of the Mayor, the Board of Supervisors may authorize the issuance, without limitation, of revenue bonds, lease financing, notes, or other evidences of indebtedness or other obligations ("Debt Obligations"), the proceeds of which are to be used for creating, acquiring, and rehabilitating rental and ownership housing affordable to Households earning up to 120% of the Area Median Income, including, without limitation, the acquisition of land for such purpose. Such Debt Obligations shall be secured by and/or repaid from any available funds pledged or appropriated by Board of Supervisors ordinance for such purpose, which amount may include funds in the Housing Trust Fund allocated under subsection (c). Debt Obligations authorized hereby shall be issued in accordance with the Mayor's Office of Housing policies, and upon the terms and conditions as the Board of Supervisors shall approve. Funds appropriated to pay debt service on the Debt Obligations in such fiscal year under the terms of this Section shall be set aside in an account for such use until such payment is made.

(g) **Legislation.**

(1) The City may enact an ordinance adopting inclusionary or affordable housing obligations, including definitions that differ from those set forth in subsection (b) of this Section 16.110. After any such ordinance becomes effective, the City Attorney shall cause to be removed from the Charter this subsection (g) of Section 16.110, and shall cause the subsequent subsections to be renumbered accordingly. Thereafter, the City may by ordinance set and change the minimum or maximum inclusionary or affordable housing obligations, and may adopt

definitions for inclusionary and affordable housing programs. In doing so, the City shall endeavor to meet affordable housing needs across a broad range of household incomes, family sizes and neighborhood conditions and may update the method of fee calculation based on different building types and sizes, and may set policies controlling conversion of rental units to ownership units, among other programmatic changes.

(2) Until the City enacts an ordinance amending the Planning Code, including but not limited to Section 415, adopting inclusionary or affordable housing obligations different from those called for in previously existing Charter subsections (g) and (h), the following requirements for inclusionary housing shall apply during such interim period for any housing development project that has not procured a final first discretionary development entitlement approval, which shall include approval following any administrative appeal to the relevant City board, or has not entered into a development agreement or other binding agreement with the City as of January 12, 2016:

(A) For housing development projects consisting of ten dwelling units or more, but less than twenty-five dwelling units, the requirements of the Planning Code, including but not limited to Section 415 *et seq.*, in effect on the date this Charter Amendment is adopted[1] by the voters shall apply.

(B) For housing development projects consisting of twenty-five dwelling units or more, the requirements of the Planning Code, including but not limited to Section 415 *et seq.*, in effect on the date this Charter Amendment is adopted by the voters shall apply, except that the amounts of the inclusionary housing requirement shall be modified as follows:

(i) **Fee.** The development project shall pay an affordable housing fee equivalent to a requirement to provide 33% of the units in the principal project as affordable units, using the method of fee calculation set forth in Planning Code Section 415.5(b). In the event the City's Nexus Analysis in support of the Inclusionary Affordable Housing program demonstrates that a lower affordable housing fee is lawfully applicable based on an analysis of all relevant impacts, the City may utilize the method of fee calculation supported by the Nexus Analysis in lieu of the 33% requirement set forth herein.

(ii) **On-Site Housing.** If the project sponsor elects and is eligible to construct units affordable to qualifying households on-site of the principal project as set forth in Planning Code Section 415.5(g), the project sponsor shall construct 25% of all units constructed on the project site as affordable housing units, with 15% of the units affordable to low- and very low-income households and 10% affordable to middle income households, and shall comply with all otherwise applicable requirements of Section 415.6.

(iii) **Off-Site Housing.** If the project sponsor of a housing development project elects and is eligible to provide units affordable to qualifying households off-site of the principal project as set forth in Planning Code Section 415.5(g), the project sponsor shall construct or cause to be constructed affordable housing units equal to 33% of all units constructed on the principal project site as affordable housing, with 20% of the units affordable to low- and very low-income households and 13% of the units affordable to middle-income households, and shall comply with all otherwise applicable requirements of Section 415.7.

(C) Interim definitions of "Lower Income" and "Middle Income" households. For purposes of the interim period before the City enacts an ordinance amending the Planning Code, including but not limited to Section 415 *et seq.*, "lower income" households shall be defined as households whose total household income does not exceed 55% of Area Median Income for purposes of renting an affordable unit, or 80% of Area Median Income for purposes of purchasing an affordable unit, and "middle income" households shall mean households whose total household income does not exceed 100% of Area Median Income for purposes of renting an affordable unit, or 120% of Area Median Income for purposes of purchasing an affordable unit.

(j)[2] **Disclaimer.** Nothing in this Section shall be construed to limit or restrict the ability of the City to adopt any fees or exactions related to public benefits other than affordable housing, including, but not limited to, transit infrastructure, streetscape, public realm improvement, or child care fees.

(k)[2] **Term.** Except as provided in subsection (l) below, this Section shall become inoperative on July 1, 2043, and after such date shall have no further force or effect and shall be repealed.

(l)[2] **Early Termination.** At any time before January 1, 2013, the Mayor, after consulting with his or her Budget Director and the Controller, and after taking into account the City's projected revenues and expenditures in the

City's financial plans, may terminate implementation of this Section by issuing a written notice to the Board of Supervisors and the Controller. The termination shall be irrevocable and apply to the entire Section 16.110. Upon the Mayor's signing of the notice, this Section shall become inoperative and after such date shall have no force or effect and shall be repealed.

Editor's Notes:

1. The phrase "the date this Charter Amendment is adopted" in division (g)(2)(A) was added to this section as part of the amendments adopted at the election of June 7, 2016.

2. The 2016 amendment to this section, among other things, deleted former divisions (g) and (h) in their entireties and redesignated former division (i) as current (g). That legislation did not, however, redesignate or otherwise alter previously existing divisions (j), (k), or (l). Accordingly, this section currently contains no divisions designated as (h) or (i).

(Added by Proposition C, Approved 11/6/2012; amended by Proposition C, Approved 6/7/2016 Effective 7/29/2016; Proposition F, Approved 11/3/2020)

(Former Sec. 16.110 repealed by Proposition A, Approved 11/6/2007)

SEC. 16.111. FRANCHISES.

The Board of Supervisors shall have the power by ordinance to grant to any person, firm or corporation, any franchise, including any renewal, extension, transfer or amendment thereof, for the use of any public right-of- way or public place within the boundaries of the City for the purpose of providing services to customers. Franchises may be granted only by a competitive process. Each franchise shall contain a specific and definite termination date which shall not be more than 25 years after its first effective date.

SEC. 16.112. CITIZEN PARTICIPATION; PUBLIC NOTICES, HEARINGS AND ACCESS TO PUBLIC DOCUMENTS.

The publication of and full public access to public documents, except for those subject to confidentiality, shall be as required by law.

Notice shall be published in a timely manner before any public hearing, and shall include a general description of said hearing.

Notice shall be given, and public hearings held before:

(a) Any facility used by the public, including but not limited to libraries and health facilities, shall be closed, eliminated, or its level of services reduced, or prior to the leasing, selling or transfer of management of said facility;

(b) Any significant change in the operating schedule or route of a street railway, bus line, trolley bus line or cable car line is adopted;

(c) Any fee, schedule of rates, charges or fares which affects the public is instituted or changed; should any such action be approved, the result shall also be noticed; or

(d) Any amendment to the general plan, change in zoning or change in land use is adopted.

In addition, notice shall be given for the following:

(e) Any sale, lease, rental, encumbrance or exchange of real property held by the City and County;

(f) Special assessment districts and protests of special assessment districts;

(g) Requests for bids or proposals for the purchase or lease of materials, supplies, equipment, services, construction, work or improvements involving expenditure of $50,000 or more; notice shall also be given after any such award is made; the Board may by ordinance reduce the dollar threshold for such notice; and

(h) Polling places and precinct officers for any election.

SEC. 16.113. SEVERABILITY.

If any provision of this Charter, or its application to any person or circumstances is held invalid, the remainder of this Charter, and the application of such provision to other persons or circumstances, shall not be affected.

SEC. 16.114. POWERS OF INQUIRY AND REVIEW.

The Mayor, the City Administrator, the Controller, or any board or commission appointed by the Mayor, relative solely to the affairs under its control, may require such periodic or special reports of departmental costs, operations and expenditures, examine the books, papers, records and accounts of, and inquire into matters affecting the conduct of any department or office of the City and County, and for that purpose may hold hearings, subpoena witnesses, administer oaths and compel the production of books, papers, testimony and other evidence. The Board of Supervisors shall have the same powers of inquiry and review, including the power to issue subpoenas and compel the production of evidence, with respect to matters affecting the conduct of any department or office of the City and County.

SEC. 16.115. HEADING AND CAPTIONS.

The headings and captions in this Charter shall have no bearing on the meaning of the text, which shall be the exclusive source for interpretation and construction.

SEC. 16.116. APPENDIX A – EMPLOYMENT PROVISIONS.

The following sections of the Charter of 1932, as amended, shall remain in effect as a part of this Charter as "Appendix A Employment Provisions," except that in instance of conflict or inconsistency between these sections of the Charter of 1932 and the body of this Charter, this Charter shall prevail, and subject to the following limitations and amendments:

1. All references to sections of "the Charter" or "this Charter" shall be construed to refer to the Charter of 1932, as defined above;

2. All definitions or descriptions included through such references shall remain in force, unless in conflict or inconsistent with definitions or descriptions in this Charter, or unless amended by the Board of Supervisors; and

3. Effective upon adoption of this Charter, references to "wife," "surviving spouse," "widow" or "widower" shall be construed to include "spouse," or "surviving spouse."

The following sections from the Charter of 1932, as amended, shall be included in Appendix A with full force and effect, and each shall be designated with a prefix "A":

7.204	Contractors' Working Conditions
8.329	Certification of Eligibles
8.341	Removal or Discharge of Permanent, Non-Probationary Employees
8.342 - 8.344	Disciplinary Suspensions; Police and Fire Department Suspensions; Exoneration of Charges
8.345 - 8.346	Disciplinary Action-Strikes
8.364	Catastrophic Sick Leave

8.400 - 8.406	Salaries and Wages for Teachers, Muni, Police, Fire and Miscellaneous Employees
8.409 - 8.409-6	Collective Bargaining
8.410 - 8.411	Expenses
8.420 - 8.429	Health Service SystemBenefits
8.430 [1st ¶]	"Medical Care" Defined
8.431 - 8.432	Health Service System Benefits
8.440 - 8.441	Vacations
8.450 - 8.452	Hours and Tours of Duty
8.500 - 8.517	Retirement System
8.518 - 8.588-15	Retirement System
8.590-1 - 8.590-7	Collective Bargaining for Fire, Police and Airport Police

The provisions of Appendix A may be amended only pursuant to the provisions of state law governing charter amendments.

SEC. 16.117. APPENDIX B – PORT AGREEMENTS.

The following sections from the Charter of 1932, as amended, shall be included in Appendix B with full force and effect, and each shall be designated with a prefix "B":

3.581 - 3.585	Port Transfer Agreement
6.406	Harbor Revenues and Expenditures
7.305	Revenue Bonds of the Port Commission

The provisions of Appendix B may be amended only pursuant to the provisions of state law governing charter amendments.

SEC. 16.118. APPENDIX C – ETHICS PROVISIONS.

The following sections of the Charter of 1932, as amended, shall be included in Appendix C with full force and effect, and each shall be designated with a prefix "C":

3.699-10 - 3.699-16	Ethics Commission Procedures

The provisions of Appendix C may be amended only pursuant to the provisions of state law governing charter amendments.

(Amended November 2003)

SEC. 16.119. APPENDIX D – BUILDING INSPECTION PROVISIONS.

The following sections from the Charter of 1932, as amended, shall be included in Appendix D with full force and effect, and each shall be designated with a prefix "D":

3.750 - 3.750-8	Department of Building Inspection

The provisions of Appendix D may be amended only pursuant to the provisions of state law governing charter amendments.

SEC. 16.120. CUSTOMER SERVICE PLAN.

Each department of the City and County shall adopt an annual Customer Service Plan, in a format to be determined by the Board of Supervisors by ordinance. The Board may excuse a department from particular requirements of the ordinance where compliance would be inappropriate or impractical. Each department shall file its Customer Service Plan with the Board of Supervisors no later than February 1st of each year, along with a report on how the department met the previous year's Plan, if any.

(Added November 1998)

SEC. 16.122. RIGHT TO VOTE ON ANY PROJECT THAT WOULD PLACE 100 ACRES OR MORE OF FILL IN SAN FRANCISCO BAY.

(a) The qualified electors of the City and County shall have the right to vote on any Project of the City and County that would place 100 acres or more of fill in San Francisco Bay.

(b) Notwithstanding any contrary provisions of the Charter, the approval of any Project that would place 100 acres or more of fill in San Francisco Bay shall be conditioned upon the affirmative vote of a majority vote of the electorate.

(c) Within three (3) business days of such conditional approval by any department, board, commission, or other unit of government of the City and County, including any board, commission or other unit of government of the City and County of San Francisco established by state or federal law that is subject to the provisions of the San Francisco Charter, of any Project that would place 100 acres or more of fill in San Francisco Bay, the approving entity shall provide written notice thereof to the Director of Elections who shall place the measure required by this Section on the ballot at the first general municipal or statewide election which occurs at least one hundred and twenty (120) days after said notice is received by the Director.

(d) Ballot measures generated and placed on the ballot pursuant to this Section are not exempt from the California Environmental Quality Act nor any other federal, state or local environmental laws and regulations to which the Project may be subject. Before any action is taken by the City and County to approve a Project that is required by this Section to be submitted to the electorate, the Project must comply with the California Environmental Quality Act. If compliance requires the preparation, consideration and certification of an Environmental Impact Report, that process shall be finalized prior to project approval and the information contained in the final certified Environmental Impact Report shall be made publicly available to the electorate for its consideration prior to the election.

(e) The general statement of the ballot measure to be voted on, pursuant to this Section, shall read as follows:

Shall the voters approve (insert name of project) that would fill in (insert number) acres of San Francisco Bay? Yes or No

The name of the Project to be inserted into the general statement shall be determined by the City Attorney pursuant to Section 510 of the San Francisco Elections Code, or any subsequent amended or renumbered version of Section 510.

(f) Definitions. Words and phrases used in this Section shall have the meanings specified in the San Francisco Charter, except that the following words and phrases as used in this Section shall have the following meanings:

"Project" or "Project of the City and County" shall mean any activity proposed, sponsored, initiated, or funded by any department, board, commission, or other unit of government of the City and County of San Francisco including any board, commission or other unit of government of the City and County of San Francisco established by state or federal law that is subject to provisions of the San Francisco Charter.

"Place fill" or "fill in" shall mean to introduce, or cause to be introduced, earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods.

(g) If any part or provision of this Section, or the application thereof to any person or circumstance is held invalid, the remainder of this Section, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Section are severable.

(Added November 2001)

SEC. 16.123. CIVILIAN POSITIONS WITHIN THE POLICE DEPARTMENT.

(a) Positions in the Police Department may only be converted from sworn to civilian as they become vacant. No sworn officer shall be laid off in order to convert a position to civilian personnel.

(b) If the Mayor or any member of the Board of Supervisors proposes to convert positions in the Police Department from sworn officers to civilian personnel through the budget process, the Controller and the Chief of Police shall report on whether the reduction would decrease the number of police officers dedicated to neighborhood community policing, patrol, and investigations or would substantially interfere with the delivery of City public safety services, including services to protect the public in the event of an emergency. In preparing the report required by this subsection (b), the Chief of Police shall solicit input from the Police Commission.

(Added March 2004; amended by Proposition E, Approved 11/3/2020)

[THE PUBLIC EDUCATION ENRICHMENT FUND AMENDMENT OF 2014]

SEC. 16.123-1. PUBLIC EDUCATION ENRICHMENT FUND; PREAMBLE.

(a) The people of the City and County of San Francisco find and declare that:

(1) San Francisco Unified School District ("SFUSD") schools are one of the City's most valuable public assets and every San Francisco student has the right to a quality public education that prepares them to pursue higher education, be competitive in a diversity of job markets, and ultimately contribute to the future health and vitality of San Francisco;

(2) City funding for SFUSD public schools is an essential and valuable investment in our youth, as validated by San Francisco voters who overwhelmingly passed (by 71 percent) the ballot measure creating the Public Education Enrichment Fund ("PEEF") in 2004;

(3) The State of California is currently 49th in per pupil spending, and without the PEEF, SFUSD would fall to fifth place in per pupil spending among comparable California school districts;

(4) Urban public schools have the greatest need for comprehensive educational programs – including preschool programs, arts and music programs, sports activities, and after school programs – but often have the fewest resources to provide them;

(5) In the last decade, the PEEF enabled all San Francisco public school students to benefit from once-underfunded and diminishing critical programs and services including but not limited to: quality physical education

and athletics programs, fully functioning libraries at every school staffed by credentialed librarians, arts and music teachers and programs, wellness and behavioral support staffing and translation and interpretation services;

(6) In the last decade, critical PEEF funding for sports, libraries, arts and music ensured that every San Francisco public school has a librarian, all elementary schools offer art classes and engagement opportunities, physical education courses are equipped and staffed by credentialed teachers, and sports teams have more coaches and officials along with upgraded uniforms and equipment;

(7) The Preschool for All program, initially established by the ballot measure that adopted the PEEF in 2004, successfully served over 18,000 children since the program's creation, with enrollment increasing year to year;

(8) Studies have shown that children who participated in Preschool for All demonstrated significantly higher academic achievement than children who did not participate;

(9) While the Preschool for All program made great strides in closing the opportunity gap for low-income early age children, the current need far exceeds the current level of services that the City is able to provide;

(10) The general education portion of the PEEF enabled SFUSD to triple the number of students enrolled in grades K-8 receiving individual and/or group health and mental health services through student support professionals over the past five years, with the number of high school students receiving five or more counseling sessions at the Wellness Center more than doubling in the last 10 years;

(11) The general education portion of the PEEF enabled SFUSD to nearly double the number of high schools seniors completing two City College of San Francisco courses;

(12) PEEF enabled the Human Capital Support program to recruit and retain a diversity of quality teachers to SFUSD. In the year the program began, there were approximately 46 teacher vacancies on the first day of school, whereas there were only three teacher vacancies on the first day of school in FY 2012-2013;

(13) SFUSD has seen a resurgence in enrollment in recent years and recognition of the opportunities now available to the young people of San Francisco;

(14) The choices businesses make about where to locate are impacted by the quality of public services the City provides, including public safety, transportation and education; a free quality public education can serve as a key factor for businesses to attract and retain workers in our community;

(15) Since 2000, SFUSD has made strong improvements in achievement measures and financial management; and during the past decade, SFUSD has built an exemplary record for effective and responsible management of voter-approved parcel taxes and bond measures. Financial and programmatic reviews of PEEF expenditures conducted by the Controller's Office have verified that expenditures were spent in accordance with SFUSD's spending plans and Charter requirements; and

(16) As the economy begins to recover, now is the time to continue to invest in our children's future to maintain and grow thriving public schools, before declines begin to erode the progress the SFUSD has made.

(b) This measure may be referred to as "The Public Education Enrichment Fund Amendment of 2014."

(Added March 2004; amended November 2014)

SEC. 16.123-2. PUBLIC EDUCATION ENRICHMENT FUND.

(a) **Creating the Fund.** There shall be a Public Education Enrichment Fund. The City shall each year appropriate monies to the Public Education Enrichment Fund according to subsections (b), (c), and (d), below.

(b) **Baseline Appropriations.** The Fund shall be used exclusively to increase the aggregate City appropriations to and expenditures for the San Francisco Unified School District. To this end, the City shall not reduce the amount of such City appropriations (not including appropriations from the Fund and exclusive of expenditures mandated by state or federal law) in any year during which funds are required to be set aside under this Section 16.123-2 below the amount so appropriated for Fiscal Year 2002-2003 ("the base year"). These baseline appropriations shall be separate from the City's annual contributions to the Public Education Enrichment Fund under subsection (c), and shall be appropriated by the City to the School District each year through and including Fiscal Year 2040-2041.

The amount of the City's baseline appropriations to the School District shall be adjusted for each year after the base year by the Controller based on calculations consistent from year to year by the percentage increase or decrease in City and County discretionary General Fund revenues. In determining City and County discretionary General Fund revenues, the Controller shall only include revenues received by the City and County that are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. Additionally, in determining aggregate City and County discretionary General Fund revenues, the Controller shall not include revenues received by the City under the increased rates in Business and Tax Regulations Code Sections 953.1(g), 953.2(h), 953.3(h), 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general municipal election on November 3, 2020, and shall not include revenues received by the City under Article 36 of the Business and Tax Regulations Code adopted by the voters at the general municipal election on November 3, 2020. Errors in the Controller's estimate of discretionary revenues for a fiscal year shall be corrected by an adjustment in the next year's estimate. Using audited financial results for the prior fiscal year, the Controller shall calculate and publish the actual amount of City appropriations that would have been required under this baseline for the School District.

(c) **Annual Contributions to the Fund FY 2005-2006 through FY 2009-2010.** In addition to the annual baseline appropriation provided above, the City shall, for years two through six of this measure, contribute the following amounts to the Public Education Enrichment Fund:

Fiscal Year 2005-06 $10 million

Fiscal Year 2006-07 $20 million

Fiscal Year 2007-08 $30 million

Fiscal Year 2008-09 $45 million

Fiscal Year 2009-10 $60 million

(d) **Annual Contributions to the Fund – FY 2010-11 and Thereafter.** For Fiscal Years 2010-11 and thereafter, the City's annual contribution to the Public Education Enrichment Fund shall equal its total contribution for the prior year, beginning with Fiscal Year 2009-2010, adjusted for the estimated increase or decrease in discretionary General Fund revenues for the year. In determining the increase or decrease in discretionary General Fund revenues, the Controller shall not include revenues received by the City under the increased rates in Business and Tax Regulations Code Sections 953.1(g), 953.2(h), 953.3(h), 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general municipal election on November 3, 2020, and shall not include revenues received by the City under Article 36 of the Business and Tax Regulations Code adopted by the voters at the general municipal election on November 3, 2020.

(e) **Audit Requirements.** All disbursements from the Fund and from the baseline appropriations shall be subject to periodic audit by the Controller. The San Francisco Unified School District and the Office of Early Care and Education, or any successor entity ("OECE") shall agree to such audits as a condition of receiving disbursements from the Fund.

(Added March 2004; amended November 2014; Proposition F, Approved 11/3/2020)

SEC. 16.123-3. ARTS, MUSIC, SPORTS, AND LIBRARY PROGRAMS.

Each year during the term of this measure, the City shall appropriate one-third of the money in the Public Education Enrichment Fund to the San Francisco Unified School District for arts, music, sports, and library programs in the schools.

(Added March 2004)

SEC. 16.123-4. UNIVERSAL ACCESS TO EARLY EDUCATION.

(a) **Universal Access to Early Education.** It shall be the goal of the City and County of San Francisco to provide all children between the ages of three and five years who are City residents the opportunity to attend quality early education programs, giving priority to four year old children. It is the goal of the people in adopting this measure to expand such access beginning no later than September 1, 2015, building upon the work of the City's

existing Preschool for All program. This portion of the Fund may also be used to support the development of services for children from birth to three years old.

(b) **Planning Process.** No later than January 1, 2016, the OECE, in consultation with the San Francisco Child Care Planning and Advisory Council, the First Five Commission, the San Francisco Unified School District, the San Francisco Human Services Agency, the San Francisco Department of Children, Youth and Their Families, and community stakeholders, shall submit to the Board of Supervisors a proposal for expanding quality universal early education for San Francisco. The Board of Supervisors shall approve the plan by resolution; if the Board does not approve the plan, it may refer the plan back to the OECE for revision.

In preparing the plan, the OECE may consult with the First Five Commission to develop universal early education funding guidelines consistent with the findings of the 2012-2013 Child Care Planning and Advisory Council's San Francisco Child Care Needs Assessment, the 2012 San Francisco Citywide Plan for Early Education, First 5 San Francisco's 2013 Evaluations of the Preschool for All program, the San Francisco Unified School District's 2014 Kindergarten Readiness Data, and the Office of Early Care and Education's 2014 Financing Study.

The plan shall include goals for the quality of early care and education programs, shall align with emerging developments in state and/or federal early care and education policy, and shall address the professional development needs of center-based and family child care providers. "Professional development" as used in this Section 16.123-4 includes education, technical assistance and coaching, training, and supports, and shall be aligned with the City's goals for early care and education program quality. Additionally, in preparing the plan, the OECE shall develop guidelines designed to meet neighborhood-specific needs, including school readiness, subsidy availability, children's dual language development, facility development, parent engagement and education, inclusion of children with special needs, and provider support for both family child care homes and child care centers. Such funding guidelines also shall address the unmet need for universal early education and child care slots in specific City neighborhoods.

The plan shall also include an equity analysis of services and resources for children and families. The OECE Citizens' Advisory Committee shall develop a set of equity metrics to be used to compare existing services and resources in low-income and disadvantaged communities with services and resources available in the City as a whole.

Following the Board of Supervisors' approval of the plan, the OECE, in collaboration with the San Francisco Unified School District and First Five Commission, shall develop an evaluation plan for tracking the results of the City's investments in early care and education.

(c) **Annual Disbursements.** For Fiscal Year 2014-2015, the City shall appropriate one-third of the money in the Public Education Enrichment Fund to the First Five Commission for universal preschool programs administered by the Commission. Beginning July 1, 2015, the City each year shall appropriate one-third of the money in the Public Education Enrichment Fund to the OECE for early education programs to be administered by that office or entity or its successor.

(d) **Citizens Advisory Committee.** No later than March 1, 2015, the Board of Supervisors shall establish, by ordinance, a Citizens Advisory Committee to provide recommendations to the OECE on universal access to early education and the funds appropriated under this Section.

(Added March 2004; amended November 2014)

SEC. 16.123-5. DIRECT FINANCIAL SUPPORT FOR THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT.

(a) **Annual Disbursements.** Each year through and including Fiscal Year 2040-2041, the City shall appropriate one-third of the money in the Public Education Enrichment Fund to the San Francisco Unified School District as direct financial support.

(b) **Permissible Uses.** The San Francisco Unified School District may expend funds provided as direct financial support under this Section for any educational or support purpose provided under law, including, but not limited to, gifted and talented programs, magnet programs, literacy programs, dual-language immersion programs, special education, employee compensation, career and college centers at high schools, teacher mentoring or master teacher

programs, or other instructional purposes. The City recognizes that in providing such programs and services, a well-run school district requires both certificated and classified staff, and urges the San Francisco Unified School District to hire both certificated and classified staff to carry out the purposes of this measure.

(Added March 2004; amended November 2014)

SEC. 16.123-6. EXPENDITURE PLANS.

(a) No later than April 1 of each year during the term of this measure, the San Francisco Unified School District and the OECE shall each submit an expenditure plan for funding to be received from the Public Education Enrichment Fund for the upcoming fiscal year to the Mayor and the Board of Supervisors, in response to the Controller's March fund estimate for the coming fiscal year.

(b) The plans shall include a budget for the expenditures, descriptions of programs and services, performance goals, target populations, hiring and recruitment plans for personnel, plans for matching or other additional funding, operating reserves, and any other matters that the District and the OECE deem appropriate or the Mayor or the Board requests.

(c) The Mayor and the Board of Supervisors may request further explanation of items included in the plans, and the District and the OECE shall respond in a timely manner to such inquiries. The Board may place appropriations provided for under this measure on reserve until it has received adequate responses to its inquiries.

(Added March 2004; amended November 2014)

SEC. 16.123-7. [RESERVED.]

(Added March 2004; repealed November 2014)

SEC. 16.123-8. ADJUSTMENTS.

(a) **Audit Recommendations.** The Mayor and the Board of Supervisors may suspend the City's disbursements from the baseline appropriations or the Public Education Enrichment Fund under Sections 16.123-3, 16.123-4, or 16.123-5 in whole or in part for any year where the Controller certifies that the San Francisco Unified School District or the OECE has failed to adopt audit recommendations made by the Controller.

As part of the audit function, the Controller shall periodically review performance and cost benchmarks developed by the School District and the OECE, including:

(1) Fund dollars spent for services, materials, and supplies permitted under the Charter;

(2) Fund dollars spent as reported to the City;

(3) Supporting documentation of Fund expenditures; and,

(4) Progress towards established workload, efficiency and effectiveness measures.

(b) **Reserve Policies.** The Mayor and the Board of Supervisors may suspend the City's disbursements from the baseline appropriations or the Public Education Enrichment Fund under Sections 16.123-2, 16.123-4, or 16.123-5 in whole or in part for any year where the Controller certifies that the San Francisco Unified School District or the OECE has failed to adopt reserve policies recommended by the Controller.

(c) **Transfer and Use of Suspended Distributions.** If the Mayor and the Board of Supervisors suspend City distributions from the baseline appropriations or the Public Education Enrichment Fund under subsections (a) or (b), the City shall transfer the amount that would otherwise be distributed from the baseline appropriations or the Public Education Enrichment Fund for that year to the Children and Youth Fund established in Charter Section 16.108, or any successor legislation, for the provision of substantially equivalent services and programs.

(d) **New Local Revenues.** The Board of Supervisors may, by ordinance, proportionally reduce the contribution to the Public Education Enrichment Fund and the disbursements to the San Francisco Unified School District and the OECE required by Sections 16.123-1 through 16.123-10 if the voters of San Francisco adopt new, dedicated

revenue sources for the School District or the OECE, and the offsetting reduction in disbursements is specifically authorized by the local revenue measure.

(e) **New State Revenues.** Following full implementation of the per-student funding targets outlined for SFUSD in the State's Local Control Funding Formula ("LCFF"), as adopted in 2013, the Board of Supervisors may, by ordinance, proportionally reduce the contribution to the Public Education Enrichment Fund and the disbursements to the San Francisco Unified School District required by this measure if the percentage increase in per-pupil LCFF funding provided by the State of California to the San Francisco Unified School District in any subsequent fiscal year exceeds the percentage increase in the City's cost of living during the previous fiscal year.

The Board of Supervisors may, by ordinance, proportionally reduce the contribution to the Public Education Enrichment Fund and the disbursements to the OECE if the State of California provides funding to the City for universal preschool, provided that such disbursements are not required to match state and/or other funding.

(Added March 2004; amended November 2014)

SEC. 16.123-9. STATE REDISTRIBUTION OF LOCAL EDUCATION REVENUES.

(a) The people of the City and County of San Francisco find and declare that major urban school districts, such as San Francisco, serve an ethnically and economically diverse student population that requires more resources than currently provided under state guidelines. In adopting this measure, the people of San Francisco choose to provide additional City resources to complement, and not supplant, state funding for the San Francisco Unified School District.

(b) Consistent with subsection (a), the people of the City and County of San Francisco specifically find that their contributions to and disbursements from the baseline appropriations and the Public Education Enrichment Fund are discretionary expenditures by the City for the direct benefit of the children of San Francisco, their families, and the community at large. In the event that the State attempts, directly or indirectly, to redistribute these expenditures to other jurisdictions or to offset or reduce State funding to the School District because of these expenditures, the City shall transfer said monies that would otherwise be distributed to the School District each year to the City's Children's Fund established in Charter Section 16.108, for the provision of substantially equivalent services and programs.

(Added March 2004)

SEC. 16.123-10. SUNSET.

The provisions of Sections 16.123-1 through 16.123-10 shall expire at the end of Fiscal Year 2040-2041, unless extended by the voters.

(Added March 2004; amended November 2014)

SEC. 16.124. BOARD OF SUPERVISORS AUTHORIZED TO RESPOND TO CERTAIN ORDERS OR REQUESTS FOR THE PRODUCTION OF CITY RECORDS.

(a) The Board of Supervisors may, by resolution, designate as a "watch law" any state or federal law or regulation that calls for, authorizes, or requires the production by any City officer, employee, agency, department or office of information, records, or other tangible things held by the City, the disclosure of which could violate the rights of any individuals under the State or Federal Constitutions.

(b) The Board of Supervisors may provide, by ordinance, that it shall respond on behalf of the City and County of San Francisco to all orders or requests for the production of information, records or other tangible things served on the City and County under any law designated as a watch law.

(c) The Board may adopt procedures for expedited consideration of orders or requests for production where necessary to comply with legal deadlines for responding. Prior to acting by resolution of the full Board of Supervisors, the Board may refer the order or request to a committee of its members for a recommendation to the

full Board, after consultation with the City Attorney, on an appropriate course of action. To the extent federal or state law would prohibit public disclosure of information that the Board of Supervisors needs to discuss in order to discharge its powers under this Section, the Board may meet in closed session for the limited purpose of discussing that information.

(Added March 2004)

SEC. 16.125. DOMESTIC PARTNERSHIP.

The Board of Supervisors may, by a vote of three-fourths of its members, amend or repeal the voter approved Domestic Partnership Ordinance, as codified in Chapter 62 of the San Francisco Administrative Code, as it deems necessary (1) to eliminate any residency requirement for establishing a Domestic Partnership by filing with the County Clerk, (2) to recognize domestic partnerships formed in other jurisdictions to the same extent as marriages formed in other jurisdictions, and (3) to afford domestic partners, to the fullest extent legally possible, the same rights, benefits, responsibilities, obligations and duties as spouses.

(Added March 2004)

[OUR CHILDREN, OUR FAMILIES COUNCIL]

SEC. 16.127-1. OUR CHILDREN, OUR FAMILIES COUNCIL; PREAMBLE.

(a) San Francisco has historically shown great concern and compassion for its most vulnerable residents – its children. The City and the community have demonstrated this commitment through the adoption of progressive, innovative and creative ideals supporting the well-being of San Francisco's children and families.

(b) To continue its legacy as a champion of children, it is imperative for San Francisco to further invest in the City's children and families.

(c) The people of the City and County of San Francisco previously supported the passage of the unprecedented Children's Amendment in 1991 and 2000 and the Public Education Enrichment Fund in 2004. While these initiatives dedicated funding to services, the level of unmet needs in providing critical programming and services still falls short.

(d) In order to advance a Citywide vision and long-term set of goals, City leaders, departments, the San Francisco Unified School District ("SFUSD"), and community partners must come together to align needs with services, coordinate across agencies, and develop a strategy.

(e) The Our Children, Our Families Council, comprised of department heads from the City and SFUSD, and community stakeholders, will build a platform that will place children and families at the center of every policy decision.

(f) With the renewal of the Children and Youth Fund and the Public Education Enrichment Fund in November 2014, the City must seize this opportunity to develop a long-term Citywide vision, create a set of strategies, coordinate services, and identify shared goals to not only ensure that all children and families already here are able to thrive, but to encourage other families to live here.

(g) The percentage of children under the age of 18 in San Francisco has steadily declined. As of 2010, 13.4 percent of the City's total population was under the age of 18, the lowest percentage of any major city nationwide.

(h) Families continue to leave San Francisco, especially those families in the low to moderate income brackets.

(i) San Francisco's children population is declining, with over 10 percent of 1 to 4 year olds moving out of the City annually and fewer children moving in.

(j) The declining numbers of children and families in the City cost the community financially as less money is spent on the local economy.

(k) This measure will put in place a collaborative approach around the following points of unity:

(1) Ensuring equity, and giving priority to children and youth with the highest needs;

(2) Empowering parents, youth, and community stakeholders by giving them a voice in the implementation of this Citywide vision; and,

(3) Building public trust through transparency and accountability meeting the needs of children and families.

(Added November 2014)

SEC. 16.127-2. OUR CHILDREN, OUR FAMILIES COUNCIL; CREATION.

There shall be an Our Children, Our Families Council ("the Council") to advise the City on the unmet needs, services, and basic needs infrastructure of children and families in San Francisco through the creation of a Children and Families Plan for the City.

(Added November 2014)

SEC. 16.127-3. OUR CHILDREN, OUR FAMILIES COUNCIL; PURPOSE.

In order to advance a Citywide vision centered on the needs of children and families, City leaders and departments, SFUSD, and community partners must come together to coordinate their efforts across agencies and develop a strategy for achieving shared goals. The purpose of the Children and Families Plan to be developed by the Council will be to create an aligned and connected system of programs and services, in order to strengthen the City's ability to best serve children, youth and their families, with the specific goals of promoting coordination among and increased accessibility to such programs and services, and enhancing their overall effectiveness.

(Added November 2014)

SEC. 16.127-4. OUR CHILDREN, OUR FAMILIES COUNCIL; COMPOSITION.

The Mayor shall chair the Council, and shall invite the Superintendent of SFUSD to serve as co-chair of the Council. Other members of the Council shall include the heads of City departments with responsibilities for services to children and families, members of the community, and stakeholders. The Mayor shall also invite the heads of SFUSD divisions identified by the Superintendent to serve as members of the Council.

(Added November 2014)

SEC. 16.127-5. OUR CHILDREN, OUR FAMILIES COUNCIL; RESPONSIBILITIES.

(a) In order to ensure that all children in every neighborhood, especially those neighborhoods with the greatest needs, have access to the resources to achieve, the Council will be responsible for developing a Citywide vision, Citywide shared priorities, Citywide program goals, and Citywide best practices for addressing those needs.

(b) **The San Francisco Children and Families Plan.** The Council shall craft a San Francisco Children and Families Plan ("the Plan") and identify relevant goals and strategies to align and coordinate the services to children and families provided by City departments, SFUSD, and community partners and to maximize support for children and families. The Plan shall consider the following elements:

(1) Ease of access for children, youth and families in receiving services;

(2) Educational milestones developed by SFUSD and youth development milestones developed by the Department of Children, Youth, and Their Families ("DCYF") and the Council;

(3) Existing quality of service benchmarks established by City and SFUSD departments;

(4) Framework for a basic needs infrastructure, including, but not limited to, housing, transit, and job placement resources; and

(5) Fairness in prioritizing the delivery of services to the children and families with the most need.

The Plan shall also include an equity analysis of services and resources for children, youth, and families. The Council shall develop a set of equity metrics to be used to compare existing services and resources in low-income and disadvantaged communities with services and resources available in the City as a whole. The Council may draw upon metrics used by departments including DCYF and the Office of Early Care and Education (or any successor agency).

(c) No later than May 1, 2016, and every fifth year thereafter, the Council shall develop and adopt a set of proposed Citywide outcomes for services to children and families, including an outcomes framework responsive to the evolving needs of the community. No later than July 1, 2016, and every fifth year thereafter, the Council shall prepare and adopt a Children and Families Plan for the City, which shall include a comprehensive assessment of City policies and programs, both public and private, addressing the needs of children and families in San Francisco, and policy-level recommendations for making the City more supportive of children and families. The Council shall emphasize solicitation and incorporation of community input in the development of the initial Plan and subsequent Plans.

(d) No later than October 1, 2017, and each year thereafter, the Board of Supervisors shall conduct a noticed public hearing to review the Council's performance and the City's overall progress under the current Plan and to update interested parties on the status of the next Plan.

(e) All City Departments shall consider the Plan in developing their own strategic plans to make the City more supportive of children and families.

(f) **Planning.** Following the adoption of implementing legislation under Section 16.126-7[1] , the Mayor shall appoint members to the Council and the Council shall convene to make initial decisions regarding staffing, organization, and implementation. The Council shall also begin planning for the start of the five-year planning cycle in Fiscal Year 2016-2017. The Council may recommend, and the Board of Supervisors may approve by ordinance, changes to the due dates and timelines provided in this Section 16.127-5.

(g) **Coordination of Stakeholders.** The Council shall ensure that various community groups, agencies, and organizations responsible for providing support, including the City, SFUSD, and community partners, work together in aligned, coherent, and effective ways.

(h) **Coordination of Departments.** The Council shall facilitate cooperation and coordination between relevant departments of the City and SFUSD to maximize alignment and improve outcomes for children and youth. The Council shall oversee development and implementation of a data-sharing agreement between SFUSD and relevant City departments. The Council, in cooperation with the Board of Supervisors, the San Francisco Board of Education, and community groups, shall work to ensure that funds spent to benefit children and families are targeted to those most in need of specific services and that the funds are used strategically to leverage and complement existing and anticipated federal, state, and local resources.

(i) **Continued Autonomy of City and SFUSD.** The Council will be a policy coordinating body dedicated to improving coordination between the City and its departments, SFUSD and its departments, and community-based organizations funded by those agencies. While the Council will make recommendations to the City and SFUSD, the City and SFUSD will each retain its full independence and authority regarding programmatic and funding decisions.

(j) **Evaluation.** Every five years, the Controller shall review the Council's operations and the Plan. The Controller shall submit the results of the review to the Council, the Board of Supervisors, and the Board of Education. The Council shall consider the results of the Controller's review in the preparation of the next Plan. The Council shall also report to the general public on the Council's efforts and achievements through the creation of an annual San Francisco Children and Families First Progress Report. The Progress Report shall provide the results of the efforts of the City, SFUSD, and the community to serve children and families under the Plan, measured against quantifiable standards and metrics and in light of the Council's previously-adopted goals and priorities.

(Added November 2014)

CODIFICATION NOTE

1. So in Proposition C, approved November, 2014.

SEC. 16.127-6. OUR CHILDREN, OUR FAMILIES COUNCIL; STAFFING.

(a) **Staffing Support.** Subject to the fiscal and budgetary provisions of the Charter, the City shall provide staff to the Council ("Council Staff") for administrative, organizational, policy, and research support. Funding for Council Staff shall come from the General Fund; provided, however, that SFUSD, participating City departments, and members of the public may provide additional support and contributions.

(b) **Staff Roles and Responsibilities.** Subject to the direction of the Council, Council Staff shall:

(1) Provide administrative, organizational, policy, planning, and research support to the Council and its outcomes framework;

(2) Engage department heads from the City and SFUSD to coordinate the implementation of services;

(3) Provide support for the Council, including developing a joint data-sharing agreement between the City and SFUSD, monitoring the planning cycle, providing technical support, and developing policy briefs on key issues relevant to implementation of the Plan;

(4) Support the development of an inventory of all Citywide services for children and youth, including state and federally funded programs; and,

(5) Support the development of the Children and Families First Progress Report.

(c) **Funding.** It shall be the policy of the City to provide sufficient funding and administrative support for the Council and Council Staff to perform these functions. Funding for administrative support for the Council shall come from the General Fund; provided, however, that SFUSD, participating City departments, and members of the public may provide additional support and contributions.

(Added November 2014)

SEC. 16.127-7. OUR CHILDREN, OUR FAMILIES COUNCIL; IMPLEMENTATION.

The Board of Supervisors shall further provide by ordinance for the membership, structure, functions and support of the Council, consistent with the provisions of Sections 16.126-1 through 16.126-6[1] .

(Added November 2014)

CODIFICATION NOTE

1. So in Proposition C, approved November, 2014.

[DIGNITY FUND]

SEC. 16.128-1. DIGNITY FUND; PREAMBLE.

(a) There is hereby established a fund, which shall be called the Dignity Fund (“Fund”), to be administered by the Department of Disability and Aging Services (“DAAS”), or any successor agency. Monies in the Fund shall be used or expended by DAAS, subject to the budgetary and fiscal provisions of the Charter, solely to help Seniors and Adults with Disabilities secure and utilize the services and support necessary to age with dignity in their own homes and communities. For purposes of Section 16.128-1 through 16.128-12, “Senior” shall mean a person 60 years old or older, and “Adult with a Disability” shall mean a person 18 years old or older with a disability as defined under the Americans With Disabilities Act.

(b) The Dignity Fund is needed to ensure the health and well-being of Seniors and Adults with Disabilities for the following reasons:

(1) DAAS and the San Francisco Long Term Care Coordinating Council have advanced a vision and set of long-term goals that highlight best practices, strengthen access to services, coordinate across agencies and City departments, and develop a unified strategy.

(2) Important safety net services to Seniors and Adults with Disabilities such as adult day programs and/or other state-funded services directed to low-income populations have suffered significant losses in funding due in part to the reorganization of California's health and long-term care services.

(3) San Francisco non-profit community based organizations are the City's most valuable public assets in terms of supporting Seniors and Adults with Disabilities to age with dignity in their own homes and communities.

(4) Seniors and Adults with Disabilities are valuable contributors to the City's vitality and must stay connected to friends and family who can help them age in place with dignity.

(5) Because a majority of the City's Seniors and Adults with Disabilities live on fixed incomes, the growing economic divisions in the City are putting them increasingly at risk of poor health outcomes and institutionalization.

(6) San Francisco has the highest percentage of Seniors and Adults with Disabilities of any urban area in California and the number of Seniors continues to steadily increase, especially for those over the age of 85. Over 40% live alone with inadequate support networks, in part because their families have been forced to seek more affordable housing or employment elsewhere, or because they have no children or they lack supportive families.

(7) The constant increase in economic pressure and lack of support for Seniors and Adults with Disabilities has impacted the cultural and ethnic diversity of the City.

(8) As of 2015, over 19,200 people 55 years of age and older were living in San Francisco with Alzheimer's disease or dementia. This number is projected to increase to 26,868 by 2030 – a 40% increase in 15 years.

(9) Over 70% of veterans in the City are over the age of 55 and 28% of those have disabilities. As of 2015, 40% of all veterans rely on Veterans Administration health care with the remainder reliant on outside agencies to provide care, representing a massive undertaking by community based organizations.

(10) As of 2015, approximately 60% of people with HIV in San Francisco were over 50 years old. In 2020, it is estimated, 70% of people with HIV in San Francisco will be over 50 years old.

(11) In 2013, the Insight Center determined that a single person 65 years of age or older needed a monthly income of $2,526 to rent housing and meet his or her basic needs in San Francisco. At that time, the fair market rent for a one-bedroom apartment was $1,500 a month and 62% of all Seniors could not afford that rent. As of 2016, the fair market monthly rent for the same apartment is $1,635. Many apartments have higher rents. The median rent for a one bedroom apartment in San Francisco is now approximately $3,600 per month.

(Added by Proposition I, Approved 11/8/2016; Amended by Proposition B, Approved 11/5/2019)

SEC. 16.128-2. GOALS OF THE DIGNITY FUND.

The goals of expenditures from the Fund and the planning process created in Charter Sections 16.128-1 through 16.128-12, shall be:

(a) To ensure that San Francisco's Seniors and Adults with Disabilities are provided the opportunity to age with dignity and with affordable, quality services and support.

(b) To ensure San Francisco is an aging- and disability-friendly city, helping individuals age with dignity in communities as an important part of the City population and civic culture.

(c) To focus on the prevention of problems and on supporting and enhancing the strengths of older adults, people with disabilities, and their hands-on care providers.

(d) To complement the City's housing and community development efforts by providing needed long-term services and support in housing to keep individuals in their homes and communities.

(e) To strengthen a community-based network of services and support in all neighborhoods.

(f) To ensure that Seniors and Adults with Disabilities receive maximum benefit from the Fund and that equity is a guiding principle of the funding process.

(g) To distribute funds based on best practices, the highest need, and successful and innovative models in order to ensure maximum impact.

(h) To the maximum extent feasible, to distribute funds equitably among services for all eligible groups, regardless of race, ethnicity, sexual orientation, or gender identity or other identifying characteristics.

(i) To ensure Seniors and Adults with Disabilities are provided with gender responsive and culturally competent services.

(j) To strengthen collaboration around shared and agreed upon outcomes among service providers for Seniors and Adults with Disabilities and their hands-on care providers, including collaboration among public agencies and non-profit organizations.

(k) To fill gaps in services.

(l) To leverage other resources whenever feasible.

(m) To support programs that prioritize:

(1) Stabilizing people, through food, homecare, transportation, and case management services;

(2) Stabilizing housing to permit people to age in place successfully, through eviction protection, housing preservation, and accessibility improvements to existing housing;

(3) Preventive health care and healthy aging;

(4) Supporting transitions to the best home and community care and support, through ombudsman services, transitional care programs, and navigation assistance; and

(5) Caregiver support.

(Added by Proposition I, Approved 11/8/2016)

SEC. 16.128-3. ANNUAL CONTRIBUTIONS TO THE FUND.

(a) **Annual Baseline Contributions to the Fund.** Each year during the term of Charter Section 16.128-1 *et seq.*, the City shall make an annual baseline contribution to the Fund in the amount of $38 million, representing the amount the City spent in fiscal year 2016-2017 to provide eligible services as identified in Section 16.128-4 to Seniors and Adults with Disabilities.

(b) **Additional Contributions for FY 2017-2018 through FY 2026-2027.** For fiscal year 2017-2018, the City shall increase its contribution to the Fund over the baseline amount in subsection (a) by $6 million. For each fiscal year from 2018-2019 through 2026-2027, the City shall increase its additional contribution to the Fund under this subsection (b) by $3 million over the prior year.

(c) **Projected Budget Deficits.** Notwithstanding the provisions of subsection (b), the City may freeze the City's annual contribution to the Fund for any fiscal year 2017-2018 through 2026-2027 at the then-current amount when the City's projected budget deficit for the upcoming fiscal year at the time of the Joint Report or Update to the Five Year Financial Plan as prepared jointly by the Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget Analyst exceeds $200 million, adjusted annually beginning with fiscal year 2017-2018 by the percentage increase or decrease in aggregate City discretionary revenues, as determined by the Controller, based on calculations consistent from year to year. In determining aggregate City discretionary revenues, the Controller shall only include revenues received by the City that are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose.

(d) **Additional Contributions for FY 2027-2028 through FY 2036-2037.** For fiscal years 2027-28 through 2036-2037, the City's annual contribution to the Fund shall equal its total contribution, including the baseline amount under subsection (a), for the prior year, beginning with Fiscal Year 2026-2027, adjusted by the percentage increase or decrease in aggregate City discretionary revenues, as determined by the Controller, based on calculations consistent from year to year. In determining aggregate City discretionary revenues, the Controller shall not include revenues received by the City under the increased rates in Business and Tax Regulations Code Sections

953.1(g), 953.2(h), 953.3(h), 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general municipal election on November 3, 2020, and shall not include revenues received by the City under Article 36 of the Business and Tax Regulations Code adopted by the voters at the general municipal election on November 3, 2020. For purposes of this subsection (d), the "additional contribution" for these years shall mean the amount in excess of the baseline amount.

(e) The City may in any year contribute more to the Fund than the amounts required under subsections (a) through (d), but those increases shall not alter or affect the amounts of the City's required contributions for subsequent years.

(f) The Controller shall maintain the Fund separate and apart from all other City funds. Any amount in the Fund unspent or uncommitted at the end of the fiscal year shall be carried forward to the next fiscal year and, subject to the budgetary and fiscal limitations of this Charter, shall be appropriated then or thereafter for the services and purposes specified in Section 16.128-4.

(Added by Proposition I, Approved 11/8/2016; amended by Proposition F, Approved 11/3/2020)

SEC. 16.128-4. ELIGIBLE SERVICES.

The City shall only use monies from the Fund for the following categories of services and purposes, to benefit Seniors and Adults with Disabilities:

(a) **Home and Community Based Long Term Care and Support:** Home care, adult day health care, adult social day care, IHSS emergency homecare, short term interim housing options, housing stabilization and support services, respite care, transitional housing for those leaving institutional care, related transportation (not already mandated or funded), accessible transportation programs, and other similar services funded through the City's Disability and Aging Services Community Living Fund, or any successor legislation.

(b) **Food and Nutrition Programs:** Nutrition programs, including group meals, home-delivered meals, home-delivered groceries, food stamps outreach, and related education and outreach programs such as chronic disease self-management programs.

(c) **Consumer and Caregiver Education, Empowerment, and Support:** Programs including computers and digital learning, peer support programs, employment and training programs not otherwise mandated, senior companions, information and assistance programs, health insurance counseling and advocacy counseling, service connection programs, including resource centers supporting those with Alzheimer's disease and dementia, and family caregiver support programs.

(d) **Senior/Disabled Community and Service Centers:** Programs including senior centers, neighborhood-based village projects and similar programs, case management and care coordination, housing-based service connection programs, and other community-building activities that lead to more aging- and disability-friendly neighborhoods.

(e) **Empowerment, Self-Advocacy and Legal Services Programs:** Programs including benefits counseling and advocacy, eviction prevention, housing advocacy, long term care consumer rights, ombudsman programs, naturalization services, legal services and support, and IHSS/Supplemental Security Income ("SSI")/Medi-Cal advocacy, including strengthening share of cost options.

(f) **Health and Wellness Promotion:** Programs including abuse and fraud prevention, grief counseling and suicide prevention, telephone reassurance, medication management, money management, and behavioral health not otherwise funded or mandated, health promotion and screening, and other activities that promote well-being and decrease social isolation.

(g) **Targeted Services:** Outreach, planning and targeted services and support to LGBT seniors, veterans, ethnic communities, people with disabilities and chronic conditions, their caregivers and other high-need groups as strong and integrated components of the service categories above.

(h) Funding for the Department of Disability and Aging Services to staff the Oversight and Advisory Committee created in Section 16.128-11 ("Oversight and Advisory Committee"), and to support planning and evaluation processes, and facilitate funding allocation;

(i) Administration of the Fund and evaluation of Fund goals and services;

(j) Technical assistance and capacity-building for service providers and community-based partners; and,

(k) Services that supplement, expand, or enhance existing programs for Seniors or Adults with Disabilities.

(Added by Proposition I, Approved 11/8/2016; Amended by Proposition B, Approved 11/5/2019)

SEC. 16.128-5. EXCLUDED SERVICES.

Notwithstanding Section 16.128-4, services paid for by the Fund shall not include:

(a) Services provided by the Police Department or other law enforcement agencies, courts, the District Attorney, Public Defender, City Attorney, the Fire Department, and detention or probation services mandated by state or federal law;

(b) Any service that benefits Seniors or Adults with Disabilities incidentally or only as members of a larger population of adults;

(c) Any service realigned by the State or for which a fixed or minimum level of expenditure is mandated and funded by state or federal law, to the extent of the level of funding provided;

(d) Acquisition of any capital item unless for the primary and direct use by Seniors and Adults with Disabilities and that is necessary for the expansion of services and support;

(e) Acquisition, other than by lease for a term of ten years or less, of any real property or land, or capital expenditures, or predevelopment or construction costs for housing;

(f) Maintenance, utilities, or any similar operating costs of any facility not used primarily and directly by Seniors and Adults with Disabilities or of any recreation or park facility, library, hospital, or housing;

(g) Medical health services, other than prevention, education, and behavioral and mental health support services; or

(h) Services provided by hospitals and long-term care institutions.

(Added by Proposition I, Approved 11/8/2016)

SEC. 16.128-6. PLANNING CYCLE.

(a) The City shall appropriate the additional contributions to the Fund under Section 16.128-3(b) and (d) according to a four-year planning process. This process is intended to: (1) increase transparency, accountability, and public engagement; (2) provide time and opportunities for community participation and planning; (3) ensure program stability; and (4) maximize the effectiveness of the services funded.

(b) **Year 1 – Community Needs Assessment.** Beginning in fiscal year 2017-2018 and during every fourth fiscal year thereafter, DAAS shall conduct a Community Needs Assessment (CNA) to identify services to receive monies from the Fund. The CNA shall include qualitative and quantitative data sets collected through interviews, focus groups, surveys, or other outreach mechanisms to determine service gaps and unmet needs. In conducting the CNA, DAAS shall also review needs assessments prepared by community and other governmental entities. Subject to the budgetary and fiscal provisions of the Charter, DAAS may contract with consultants and outside experts for such services as it may require to prepare the CNA. DAAS shall undertake a robust community process to solicit input from Seniors and Adults with Disabilities, in consultation with the Mayor's Office on Disability or any successor agency.

DAAS shall, in consultation with the Oversight and Advisory Committee, develop a plan for how to conduct the CNA with the Oversight and Advisory Committee. The CNA shall include a gap analysis comparing actual performance with potential or desired performance and an equity analysis of services and resources for Seniors, Adults with Disabilities, and their caregivers.

DAAS shall develop a set of equity metrics to be used to establish a baseline of existing services and resources for Seniors and Adults with Disabilities in low-income neighborhoods and disadvantaged communities, compared

to services and resources available in the City as a whole. This equity analysis shall include an examination of eligibility for existing programs and will seek to provide more services and support for those low and modest income residents who are not currently eligible for assistance with home and community-based services.

The outreach for the CNA shall create opportunities for a robust cross-section of stakeholders, including Seniors, Adults with Disabilities, their caregivers, nonprofit agencies, and other members of the public, to provide input. By September 1, DAAS shall provide its plan for conducting the CNA to the Oversight and Advisory Committee, the Service Provider Working Group created in Section 16.128-11(e), the Disability and Aging Services Commission and the Board of Supervisors. The plan shall be a public document.

By March 1, DAAS shall complete a draft CNA and provide this draft to the Oversight and Advisory Committee and the Service Provider Working Group for review. DAAS shall also provide the draft CNA to interested City departments and commissions, including but not limited to the Disability and Aging Services Commission, the Mayor's Office on Disability, the Long Term Care Coordinating Council, the Human Services Commission, the Health Commission, the Recreation and Park Commission, the Adult Probation Department, the Veterans Affairs Commission, the Commission on the Status of Women, the Police Commission, the Library Commission, and the Arts Commission. The CNA shall include an Executive Summary and clear description of the categories of services provided and unmet needs to be addressed.

By April 1, DAAS shall submit a final version of the CNA to the Disability and Aging Services Commission and the DAAS Advisory Council. The final version of the CNA may incorporate any comments or suggestions made by the Oversight and Advisory Committee, the public, or the agencies that received copies of the draft CNA. The Disability and Aging Services Commission and the Oversight and Advisory Committee shall hold a joint public hearing to review the CNA.

By May 1, the Disability and Aging Services Commission shall provide input on and approve or disapprove the CNA. If the Disability and Aging Services Commission disapproves the report, DAAS may modify and resubmit the report.

By June 1, the Board of Supervisors shall consider and approve or disapprove, or modify, the CNA. If the Board disapproves the CNA, DAAS may modify and resubmit the CNA, provided, however, that the City may not expend monies from the Fund until the Board of Supervisors has approved the CNA.

(c) **Year 2 – Services and Allocation Plan.** Beginning in fiscal year 2018-2019 and during every fourth fiscal year thereafter, DAAS, in consultation with the Oversight and Advisory Committee, shall prepare a Services and Allocation Plan ("SAP") to determine services that will receive monies from the Fund. All services identified in Section 16.128-4 are potentially eligible to receive funding, but DAAS is not required to classify allocations according to the service categories in that section. DAAS shall use the following process to prepare the SAP:

(1) DAAS shall disseminate a draft SAP to interested City departments and commissions, including but not limited to the Disability and Aging Services Commission, the Mayor's Office on Disability, the Long Term Care Coordinating Council, the Human Services Commission, the Health Commission, the Recreation and Park Commission, the Adult Probation Department, the Commission on the Status of Women, the Police Commission, the Library Commission, and the Arts Commission. In preparing the draft SAP, DAAS shall confer with the Department of Children, Youth and Their Families to coordinate funding for services for Transitional-Aged Youth, as defined in Charter Section 16.108(e), with Disabilities from both the Dignity Fund and the Children and Youth Fund.

The SAP must:

(A) Demonstrate consistency with the CNA and with Citywide vision and goals for the Fund;

(B) Include all services for Seniors and Adults with Disabilities to secure and utilize the services and support necessary to age with dignity in their own homes and communities;

(C) Be outcome-oriented and include goals and measurable and verifiable objectives and outcomes;

(D) Include capacity-building and evaluation of services as separate funding areas;

(E) State how services will be coordinated and have specific amounts allocated towards specific goals, service models, populations, and neighborhoods;

(F) Include funding for neighborhood-initiated projects totaling at least 3% of the total proposed expenditures from the Fund for the four-year planning cycle established in this Section 16.128-6;

(G) Include funding for pilot programs to develop and test new and innovative programs, in an amount not to exceed 3% of the total proposed expenditures from the Fund for the cycle;

(H) Include funding for an undesignated contingency reserve, in an amount not to exceed 2% of the total proposed expenditures from the Fund for the cycle;

(I) Include, as a separate line item, an allocation of funds required for the preparation, monitoring, and evaluation of the CNA and SAP required under this Section 16.128-6 and the Evaluation and Data Report required under Section 16.128-7;

(J) Include evaluation data from the previous funding cycle; and

(K) Incorporate strategies to coordinate and align services for Seniors and Adults with Disabilities funded by all governmental or private entities and administered by the City, whether or not those services are eligible to receive monies from the Fund.

(2) The SAP shall reference the gap analysis and equity analysis of services and resources for Seniors, Adults with Disabilities, and their caregivers included in the CNA. Using the equity metrics developed for preparation of the CNA, the SAP shall compare proposed new, augmented, and coordinated services and resources for low-income and moderate-income neighborhoods and disadvantaged communities with services and resources available to the City as a whole.

(3) Subject to the budgetary and fiscal provisions of the Charter, DAAS may contract with consultants and outside experts for such services as the Department may require to prepare the SAP, including the equity analysis of services and resources for Seniors, Adults with Disabilities, and their caregivers.

(4) The Board of Supervisors shall by ordinance outline the timeline for the development of the Services and Allocation Plan. Prior to completion of the first SAP and while the first planning cycle is in process, DAAS, in consultation with the Oversight and Advisory Committee, may expend monies from the Fund based on existing needs assessment analysis.

(d) **Years 3 and 4 – Selection of Contractors.** Beginning with Fiscal Years 2019-2020 and 2020-2021 and during every fourth fiscal year thereafter, DAAS shall conduct competitive solicitations for services to be funded from the Fund. Requests for proposals will be grouped by issue area and spread out on a schedule known in advance to provide for a smooth and efficient timeline. The Human Services Agency and the Department of Disability and Aging Services shall work together and manage resources so that the RFP process will keep to the schedule and contract awards will be made within a reasonable time.

(e) **Years 3 and 4 – Service Cycle Begins.** Contracts for services shall start on July 1, beginning with Fiscal Year 2019-2020. During subsequent years of the four-year planning cycle established in this Section 16.128-6, DAAS, with the consultation and input of the Oversight and Advisory Committee, may issue supplemental competitive solicitations to address amendments to the SAP and emerging needs.

(f) DAAS may recommend, and the Oversight and Advisory Committee and the Board of Supervisors may approve, changes to the due dates and timelines provided in this Section 16.128-6. The Board of Supervisors shall approve such changes by ordinance.

(Added by Proposition I, Approved 11/8/2016; Amended by Proposition B, Approved 11/5/2019)

SEC. 16.128-7. EVALUATION.

DAAS shall provide for the evaluation on a regular basis of all services funded through the Fund, and shall prepare on a regular basis an Evaluation and Data Report for the Oversight and Advisory Committee. Subject to the budgetary and fiscal provisions of the Charter, DAAS may contract with consultants and outside experts for such services as the Department may require to conduct such evaluations and to prepare the Evaluation and Data Report.

This evaluation process is intended to be reasonable in scope and to build on and strengthen existing program evaluations.

(Added by Proposition I, Approved 11/8/2016)

SEC. 16.128-8. SELECTION OF CONTRACTORS.

The Oversight and Advisory Committee shall recommend standards and procedures for the selection of contractors to be funded from the Fund. It shall be the policy of the City to use competitive solicitation processes where appropriate and to give priority to the participation of non-profit agencies.

(Added by Proposition I, Approved 11/8/2016)

SEC. 16.128-9. IMPLEMENTATION.

(a) The Board of Supervisors may by ordinance implement Sections 16.128-1 through 16.128-12.

(b) In implementing Sections 16.128-1 through 16.128-12, primary goals shall include facilitating public participation and maximizing availability of information to the public.

(Added by Proposition I, Approved 11/8/2016)

SEC. 16.128-10. EFFECT OF PROCEDURAL ERRORS.

No appropriation, contract, or other action shall be held invalid or set aside by reason of any error, including without limitation any irregularity, informality, neglect, or omission, in carrying out procedures specified in Sections 16.128-1 through 16.128-12, unless a court finds that the party challenging the action suffered substantial injury from the error and that a different result would have been probable had the error not occurred.

(Added by Proposition I, Approved 11/8/2016)

SEC. 16.128-11. ADVISORY COMMITTEE.

(a) **Creation.** There shall be a Dignity Fund Oversight and Advisory Committee ("Oversight and Advisory Committee") to monitor and participate in the administration of the Dignity Fund as provided in Charter Sections 16.128-1 *et seq.*, and to take steps to ensure that the Fund is administered in a manner accountable to the community.

(b) **Responsibilities.**

(1) The Oversight and Advisory Committee shall develop recommendations for DAAS and the Fund regarding outcomes for services to Seniors and Adults with Disabilities, the evaluation of services, common data systems, a process for making funding decisions, program improvement and capacity-building of service providers, community engagement in planning and evaluating services, leveraging dollars of the Fund, and the use of the Fund as a catalyst for innovation. The Oversight and Advisory Committee shall promote and facilitate transparency and accountability in the administration of the Fund and in the planning and allocation process.

(2) As provided in Section 16.128-6, the Oversight and Advisory Committee shall provide input into the planning process for the Community Needs Assessment ("CNA") and the final CNA, the Services and Allocation Plan, and the over-all spending plan for the Fund to be presented to the Disability and Aging Services Commission, and shall review the annual Data and Evaluation Report. Nothing in this Section 16.128-11 shall limit the authority of the Mayor and the Board of Supervisors to propose, amend, and adopt a budget under Article IX of the Charter.

(3) The Oversight and Advisory Committee shall establish and maintain a Service Provider Working Group as provided in subsection (e).

(4) The Oversight and Advisory Committee shall meet at least six times a year.

(c) **Composition.** The Oversight and Advisory Committee shall have 11 members. The Disability and Aging Services Commission shall appoint two of its members to the Oversight and Advisory Committee. The Advisory Council to the Department of Disability and Aging Services shall appoint three of its members to the Oversight and Advisory Committee. And the Long Term Care Council shall appoint three of its members to the Oversight and

Advisory Committee. The Mayor shall appoint the remaining three at-large members of the Oversight and Advisory Committee, subject to rejection by the Board of Supervisors within 30 days following transmittal of the Notice of Appointment.

The appointing authorities shall appoint the initial members by February 1, 2017. The terms of the initial appointees to the Committee shall commence on the date of the first meeting of the Committee, which may occur when at least eight members have been appointed and are present.

(d) **Implementation.** The Board of Supervisors shall further provide by ordinance for the membership, structure, functions, appointment criteria, terms, and administrative and clerical support of the Oversight and Advisory Committee. The Board of Supervisors shall adopt such legislation to be effective by January 1, 2017.

(e) **Service Provider Working Group.** The Oversight and Advisory Committee shall create a Service Provider Working Group ("Working Group") to advise the Oversight and Advisory Committee on funding priorities, policy development, the planning cycle, evaluation design and plans, and any other issues of concern to the Working Group related to the Fund or the responsibilities of DAAS or other departments receiving monies from the Fund. The Working Group shall engage a broad cross-section of service providers in providing information, education, and consultation to the Oversight and Advisory Committee. All members of the Working Group shall be actively providing services to Seniors, Adults with Disabilities, and their caregivers. DAAS staff shall provide administrative and clerical support to the Working Group. The Working Group shall meet at least four times a year. The Oversight and Advisory Committee shall appoint two initial co-chairs of the Working Group, who shall be responsible for developing the structure of the Working Group and facilitating the meetings. After the terms of the initial co-chairs expire, the Working Group shall select its own chairs. Working Group meetings shall be open to the public and encourage widespread participation.

(Added by Proposition I, Approved 11/8/2016; Amended by Proposition B, Approved 11/5/2019)

SEC. 16.128-12. SUNSET.

The provisions of Sections 16.128-1 through 16.128-12 shall expire at the end of Fiscal Year 2036-37.

(Added by Proposition I, Approved 11/8/2016)

SEC. 16.128-13. CONFORMING AMENDMENTS.

(a) The City Attorney shall cause all references in the Municipal Code to the Aging and Adult Services Commission, the Department of Aging and Adult Services, and the Aging and Adult Services Community Living Fund to be amended to refer to the Disability and Aging Services Commission, the Department of Disability and Aging Services, and the Disability and Aging Services Community Living Fund, respectively.

(b) Upon completion of the amendments required by subsection (a), the City Attorney shall cause this Section 16.128-13 to be removed from the Charter.

(Added by Proposition B, Approved 11/5/2019)

SEC. 16.129. STREET TREE MAINTENANCE.

(a) **Definitions.** For purposes of this Section 16.129:

"City" shall mean the City and County of San Francisco.

"Maintenance" (and its root "Maintain") shall mean those actions necessary to promote the life, growth, health, or beauty of a Tree. Maintenance includes both routine maintenance and major maintenance. Routine maintenance includes adequate watering to ensure the Tree's growth and sustainability; weed control; removal of Tree-well trash; staking; fertilizing; routine adjustment and timely removal of stakes, ties, Tree guards, and Tree grates; bracing; and Sidewalk repairs related to the Tree's growth or root system. Major maintenance includes structural pruning as necessary to maintain public safety and to sustain the health, safety, and natural growth habit of the Tree; pest and disease-management procedures as needed and in a manner consistent with public health and ecological diversity; and replacement of dead or damaged Trees. Pruning practices shall be in compliance with International Society of

Arboriculture Best Management Practices and ANSI Pruning Standards, whichever is more protective of Tree preservation, or any equivalent standard or standards selected by the Director of the Department of Sanitation and Streets.

"Planting" shall mean putting or setting into the ground or into a container to grow, and irrigating until self-sufficient.

"Removal" shall mean any intentional or negligent moving, carrying away, elimination, or taking away of part or all of a Tree.

"Sidewalk" shall mean the area between the curbing and the abutting private property lot line, whether paved or unpaved, as legislated by the Board of Supervisors and as reflected in the official maps of the Department of Public Works.

"Street Tree" shall mean any Tree growing within the public right-of-way, including unimproved public streets and Sidewalks, and any Tree growing on land under the jurisdiction of the Department of Public Works or the Department of Sanitation and Streets. "Street Tree" does not include any other forms of landscaping.

"Tree" shall mean any perennial, woody or fibrous plant species or cultivar, which reaches a height exceeding 10 feet at maturity, and which supports a branched or un-branched leaf canopy.

(b) **City Responsibility to Maintain Street Trees.** Beginning on July 1, 2017, and except as otherwise required by supervening law, the City shall be responsible for Maintaining Street Trees, including Street Trees planted both before and after July 1, 2017. The City may not adopt any ordinance making it the duty of owners of lots or portions of lots immediately abutting on, fronting on, or adjacent to any Street Tree to Maintain such Street Tree on or after July 1, 2017. Any such ordinance in existence on July 1, 2017, shall, to the extent it conflicts with this Section 16.129, be void.

(c) **Limitations of Transfer of Responsibility.** Nothing in this Section 16.129 shall: (1) affect the rights or responsibilities of the City or property owners with respect to the Removal, establishment, or relocation of a Street Tree; (2) prevent the City from entering into voluntary agreements with third parties for them to assume responsibility for Street Tree Maintenance or continuing to abide by any such prior agreement; (3) prevent the City from imposing any legally permitted penalties or fees on persons who injure, damage, or destroy Trees; or (4) relieve abutting property owners from their responsibility for the care and Maintenance of the Sidewalk and Sidewalk areas adjacent to any Street Tree, other than the responsibility for Sidewalk repairs related to the Tree's growth or root system, which shall be the responsibility of the City.

(d) **Limitation of Liability.** Beginning on July 1, 2017, any local law imposing liability on property owners that do not Maintain Street Trees for injury or property damage shall not apply to the extent that the injury or property damage occurred on or after July 1, 2017, and was proximately caused by the City's failure to Maintain a Street Tree under this Section 16.129, but shall otherwise remain applicable. Nothing in this Section 16.129 shall be construed to impose liability on the City for injury or property damage that occurred as a result of the property owner's responsibility to Maintain a Street Tree prior to July 1, 2017. To the extent that the Maintenance of a Street Tree requires that the City access private property, the City shall attempt in good faith to obtain permission from the owner of the private property. If the owner refuses to grant the City permission to access the private property for the purpose of Maintaining the Street Tree, the City shall have no liability for any damages related to the Maintenance of that Street Tree, and the property owner shall be subject to liability for such damages.

(e) No later than April 1, 2017, the Department of Public Works shall submit to the Board of Supervisors recommended amendments to Public Works Code Article 16, including but not limited to Section 805, to conform to this Section 16.129.

(f) **Creating the Street Tree Maintenance Fund; Annual City Contributions.** There shall be a Street Tree Maintenance Fund (the "Fund"). Each fiscal year, beginning in fiscal year 2017-2018, the City shall contribute $19 million to the Fund. The Fund shall also include any other monies appropriated or allocated to the Fund. Beginning in fiscal year 2018-2019, the Controller shall adjust the amount of the City's annual $19 million contribution to the Fund under this subsection (f) by the percentage increase or decrease in aggregate City discretionary revenues, as determined by the Controller, based on calculations consistent from year to year. In determining aggregate City discretionary revenues, the Controller shall only include revenues received by the City that are unrestricted and may

be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. Additionally, in determining aggregate City discretionary revenues, the Controller shall not include revenues received by the City under the increased rates in Business and Tax Regulations Code Sections 953.1(g), 953.2(h), 953.3(h), 953.4(e), 953.5(d), 953.6(f), 953.7(d), and 953.8(i) adopted by the voters at the general municipal election on November 3, 2020, and shall not include revenues received by the City under Article 36 of the Business and Tax Regulations Code adopted by the voters at the general municipal election on November 3, 2020. The change in aggregate discretionary revenues will be adjusted following the end of the fiscal year when final revenues are known. The Controller is authorized to increase or reduce budgetary appropriations as required under this subsection (f) to reflect changes in aggregate discretionary revenues following the end of the fiscal year when final revenues are known. The Controller shall set aside and maintain the above amounts, together with any interest earned thereon, in the Fund, which shall be subject to appropriation. Any amount unspent or uncommitted at the end of the fiscal year shall be deemed to have been devoted exclusively to a specified purpose within the meaning of Charter Section 9.113(a), shall be carried forward to the next fiscal year, and, subject to the budgetary and fiscal limitations of this Charter, shall be appropriated then or thereafter for the purposes set forth in this Section 16.129.

(g) Beginning in fiscal year 2018-2019, the City may suspend growth in the City's $19 million contribution to the Fund under subsection (f) of this Section 16.129 if the City's projected budget deficit for the upcoming fiscal year at the time of the Joint Report or Update to the five-year financial plan as prepared jointly by the Controller, the Mayor's Budget Director, and the Board of Supervisors' Budget Analyst exceeds $200 million adjusted annually by changes in aggregate discretionary revenues as defined in subsection (f) of this Section 16.129.

(h) **Administration and Use of the Fund.** The Department of Sanitation and Streets shall administer the Fund. Monies in the Fund shall only be used for the following purposes:

(1) Maintenance and Removal of Street Trees;

(2) Necessary costs of administering the Fund; and

(3) Making grants totaling up to $500,000 annually to the San Francisco Unified School District exclusively to fund Maintenance and Removal of Trees on School District property.

Monies in the Fund shall not be used for Planting new Street Trees, or for grants to the San Francisco Unified School District for the Planting of new Trees on School District property, but may be used to pay the costs of Maintaining and Removing Street Trees that were planted before or after July 1, 2017, and to make grants to the School District to Maintain and Remove Trees that were planted before or after July 1, 2017.

(i) **Annual Reports.** Commencing with a report filed no later than January 1, 2019, covering the fiscal year ending June 30, 2018, the Department of Sanitation and Streets shall file annually with the Board of Supervisors, by January 1 of each year, a report containing the amount of monies collected in and expended from the Fund during the prior fiscal year, and such other information as the Director of the Department of Sanitation and Streets, in the Director's sole discretion, shall deem relevant to the operation of this Section 16.129.

(j) **Early Termination.** At any time before January 1, 2017, the Mayor, after consulting with his or her Budget Director and the Controller, and after taking into account the City's projected revenues and expenditures in the City's financial plans, may terminate implementation of this Section 16.129 by issuing a written notice to the Board of Supervisors and the Controller. The termination shall be irrevocable and apply to this entire Section. Upon the Mayor's submittal of the notice to the Controller and the Board of Supervisors, this Section 16.129 shall, by operation of law, become inoperative, and the City Attorney shall cause this Section to be removed from the Charter.

(Added by Proposition E, Approved 11/8/2016; amended by Proposition B, Approved 11/3/2020; Proposition F, Approved 11/3/2020)

SEC. 16.130. PRIVACY FIRST POLICY.

(a) The principles stated in subsection (e) of this Section 16.130 constitute the Privacy First Policy of the City and County of San Francisco ("City") and are intended to provide guidance to the City when considering the adoption of privacy-protective laws, regulations, policies, and practices for the City; the City's contractors, lessees,

and grantees; third parties receiving permits, licenses, or other entitlements from the City; and persons (including businesses and other entities) within the regulatory authority of the City.

(b) All parts of City government, including but not limited to boards, commissions, departments, other bodies, and officials, are authorized to implement any or all of these principles consistent with other provisions of the Charter, including this Section 16.130, and City law.

(c) Notwithstanding subsection (b), and notwithstanding any other provision of the Charter, the Board of Supervisors shall have authority by ordinance to implement these principles as it deems appropriate. This authority includes imposing requirements that implement any or all of these principles on any or all City boards, commissions, departments, other entities, and officials, and on any or all contractors, lessees, grantees, third parties receiving permits, licenses, or other entitlements, or others, within the jurisdiction of said boards, commissions, departments, other entities, and officials.

(d) For purposes of the Privacy First Policy, "Personal Information" means any information that identifies, relates to, describes, or is capable of being associated with, a particular individual. Personal Information includes, but is not limited to, an individual's name, signature, social security number, physical characteristics or description, address, geolocation data, IP address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, genetic and biometric data, or health insurance information.

(e) When considering the adoption of privacy-protective laws, regulations, policies, and practices, the City shall:

(1) Engage with and inform individuals and communities likely to be impacted by the collection, storage, sharing, or use of their Personal Information prior to authorizing and prior to any change regarding the collection, storage, sharing, or use of their Personal Information.

(2) Ensure that Personal Information is only collected, stored, shared, or used pursuant to a lawful and authorized purpose.

(3) Allow individuals to access Personal Information about themselves that has been collected, and provide access and tools to correct any inaccurate Personal Information.

(4) Solicit informed consent to the collection, storage, sharing, or use of Personal Information, and provide alternative and equal access to goods and services for those who deny or revoke consent.

(5) Discourage the collection, storage, sharing, or use of Personal Information, including Personal Information that may identify an individual's race, religion or creed, national origin, gender, sexual orientation, age, physical or mental disability, or other potentially sensitive demographic information, unless necessary to accomplish a lawful and authorized purpose.

(6) De-identify data sets, when collected for research, statistical, or other analytical purposes, thereby removing the ability to connect personal characteristics with specific individuals, and implement technical safeguards to prevent re-identification of information.

(7) Adopt and make public, or cause to be made public, policies and practices for responding to requests or demands for Personal Information from governmental entities.

(8) Allow individuals to move and organize throughout the City without being tracked or located in a manner that subjects them to collection of Personal Information without their consent.

(9) Evaluate and mitigate bias or inaccuracy in the collection, storage, sharing, or use of Personal Information, and anticipate potential bias in secondary uses of and algorithms used in connection with Personal Information.

(10) Retain Personal Information for only as long as necessary to accomplish a lawful and authorized purpose.

(11) Secure Personal Information against unauthorized or unlawful processing or disclosure; unwarranted access, manipulation, or misuse; and accidental loss, destruction, or damage.

(f) In furtherance of the Privacy First Policy, the City Administrator, by May 31, 2019, shall propose for consideration by the Board of Supervisors an ordinance establishing criteria and rules that the City shall adhere to (1) in the City's own practices for the collection, storage, sharing, and use of Personal Information; (2) when entering into contracts, grants, or leases with third parties that are, or may in the future be, in a position to collect, store, share, or use Personal Information in connection with or generated by the contract, grant, or lease; and (3) when issuing permits, licenses, or other entitlements that involve, or may in the future involve, collection, storage, sharing, or use of Personal Information in connection with or generated by the permit, license, or other entitlement. The proposed ordinance may also address criteria and rules regarding collection, storage, sharing, and use of Personal Information by persons (including businesses and other entities) within the City's regulatory authority. This subsection (f) shall not be construed to restrict the authority of the Board of Supervisors at any time to adopt an ordinance concerning the subjects that are or could be addressed by the City Administrator in the proposed ordinance.

(g) No less frequently than every three years following the submission under subsection (f) of the City Administrator's proposed ordinance, the City Administrator shall provide to the Board of Supervisors and the Mayor a written report describing the City's implementation of the Privacy First Policy; describing new dimensions of collecting, storing, sharing, and using Personal Information that may present a threat to privacy; and making such recommendations as the City Administrator deems appropriate, including but not limited to recommendations to adopt or amend ordinances regarding the collection, storage, sharing, or use of Personal Information.

(h) The principles in subsection (e) underlying the Privacy First Policy are not binding or self-executing but rather are intended as a guide to City boards, commissions, departments, other bodies, and officials, and to the Board of Supervisors, when considering the adoption of privacy-protective laws, regulations, policies, and practices.

(i) The Privacy First Policy may not be implemented in a manner that is inconsistent with voter-approved ordinances regarding privacy, open meetings, or public records. Notwithstanding any other provision of the Charter, the Board of Supervisors is authorized by ordinance to amend voter-approved ordinances regarding privacy, open meetings, or public records, provided that any such amendment is not inconsistent with the purpose or intent of the voter-approved ordinance.

(j) The Privacy First Policy is not intended in any manner to limit the power of the City to protect privacy by adopting laws, regulations, policies, and practices within the City's power, whether specified or not specified in this Section 16.130.

(k) This Section 16.130 shall not apply to the extent, if any, its application is preempted by federal or state law.

(Added by Proposition B, Approved 11/6/2018)

ARTICLE XVII:

DEFINITIONS

For all purposes of this Charter, the following terms shall have the meanings specified below:

"Business day" shall mean any day other than a Saturday, Sunday or holiday on which governmental agencies are authorized by law to close.

"Confirm" or "confirmation" shall mean the approval by a majority of the members of the Board of Supervisors.

"Discrimination" shall mean violations of civil rights on account of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, ancestry, marital or domestic partners status, gender identity, parental status, other non-merit factors, or any category provided for by ordinance.

"Domestic partners" shall mean persons who register their partnerships pursuant to the voter-approved Domestic Partnership Ordinance.

"Elector" shall mean a person registered to vote in the City and County.

"For cause" shall mean the issuance of a written public statement by the Mayor describing those actions taken by an individual as a member of a board or commission which are the reasons for removal, provided such reasons constitute official misconduct in office.

"General municipal election" shall mean the election for local officials or measures to be held in the City and County on the Tuesday immediately following the first Monday in November in every year until and including 2015. Thereafter, "general municipal election" shall mean the election for local officials or measures to be held in the City and County on the Tuesday immediately following the first Monday in November in all even-numbered years and in every fourth year following 2015.

"Initiative" shall mean (1) a proposal by the voters with respect to any ordinance, act or other measure which is within the powers conferred upon the Board of Supervisors to enact, any legislative act which is within the power conferred upon any other official, board, commission or other unit of government to adopt, or any declaration of policy; or (2) any measure submitted to the voters by the Mayor or by the Board of Supervisors, or four or more members of the Board.

"Notice" shall mean publication (as defined by ordinance), and a contemporaneous filing with the Clerk of the Board of Supervisors or other appropriate office.

"One-third," "a majority" or "two-thirds" of the Board of Supervisors or any other board or commission of the City and County shall mean one-third, a majority or two-thirds of all members of such board or commission.

"Published" shall have the meaning ascribed to the term by the Board of Supervisors by ordinance. The Board of Supervisors shall seek a recommendation from the Clerk of the Board of Supervisors before adopting such an ordinance.

"Referendum" shall mean the power of the voters to nullify ordinances involving legislative matters except that the referendum power shall not extend to any portion of the annual budget or appropriations, annual salary ordinances, ordinances authorizing the City Attorney to compromise litigation, ordinances levying taxes, ordinances relative to purely administrative matters, ordinances necessary to enable the Mayor to carry out the Mayor's emergency powers, or ordinances adopted pursuant to Section 9.106 of this Charter.

"Special municipal election" shall mean, in addition to special elections otherwise required by law, the election called by (1) the Director of Elections with respect to an initiative, referendum or recall, and (2) the Board of Supervisors with respect to bond issues, election of an official not required to be elected at the general municipal election, or an initiative or referendum.

"Statewide election" shall mean an election held throughout the state.

"Voter" shall mean an elector who is registered in accordance with the provisions of state law.

(Amended November 2003; Proposition A, Approved 11/5/2009; Proposition D, Approved 11/6/2012)

ARTICLE XVIII:

TRANSITION PROVISIONS

Sec. 18.100.	Effective Date of this Article XVIII.
Sec. 18.101.	Operative Date of this Charter; Effect of Enactment on Existing Law.
Sec. 18.102.	Obligations of Contract Not Impaired.
Sec. 18.103.	Transfer of 1932 Charter Sections to Ordinance and Initiative Ordinances.

Sec. 18.104.	Transfer of Functions, Powers and Duties.
Sec. 18.105.	Changes in Offices and Positions.
Sec. 18.106.	Official Fidelity Bonds.
Sec. 18.107.	Rules, Regulations and Administrative Code.
Sec. 18.108.	Status of Incumbent Officer and Employees.
Sec. 18.109.	Exempt Positions.
Sec. 18.110.	Provisional Appointments.
Sec. 18.111.	Asian Art Museum Status.
Sec. 18.112.	Preparation and Indexing of this Charter.
Sec. 18.113.	Mission-Driven Budget Phase-In.
Sec. 18.114.	Commission Terms.
Sec. 18.115.	Deletion of Ordinances Regulating Conflicts of Interest and Transfer of Charter Sections Regulating Conflicts of Interest into the Campaign and Governmental Conduct Code.

SEC. 18.100. EFFECTIVE DATE OF THIS ARTICLE XVIII.

This Article XVIII shall take effect upon the filing of this Charter with the Secretary of State of the State of California. This Article, and each individual section, shall expire and go out of existence when the last act, required to be done in this Article, or individual section, has been completed; and, thereafter, the Clerk of the Board of Supervisors shall secure its removal from the next printing of this Charter.

SEC. 18.101. OPERATIVE DATE OF THIS CHARTER; EFFECT OF ENACTMENT ON EXISTING LAW.

This Charter shall be operative July 1, 1996, and on that date shall supersede the Charter of 1932. Any authority vested in the Mayor to remove commissioners and department heads not granted in the Charter of 1932 shall be effective July 1, 1997. All references in this Article to the "Charter of 1932" shall be to the Charter of 1932, as recodified in 1971, and as amended as of December 31, 1995.

To the extent the provisions of this Charter are the same in terms or in effect as provisions of the Charter of 1932, they shall be construed and applied as a continuation of those provisions.

All provisions of local law relating to or affecting the City and County in force when this Charter becomes operative are hereby repealed and superseded only to the extent they are inconsistent with the provisions of this Charter.

Any amendments to the Charter of 1932 adopted at the November 7 1995, election shall be incorporated into this Charter and shall supersede any conflicting provisions, even if the amendments receive fewer votes than this Charter. The Clerk of the Board of Supervisors, in consultation with the City Attorney, shall conform the format and terminology of the amendments to this Charter.

In adopting this revised Charter, the voters do not intend to amend or otherwise affect the provisions of any initiative ordinance in effect on the date this revision is adopted, including the Initiative Refuse Collection and Disposal Ordinance, adopted November 8, 1932, as amended, except that the City Administrator and the General Manager of Public Utilities shall succeed to the functions of the Chief Administrative Officer and the Manager of Utilities, respectively, as specified in that Initiative Ordinance.

The Retirement Board shall continue to exercise powers of management and control of workers' compensation programs until those functions are transferred pursuant to previously adopted ordinances to the Department of

Human Resources.

SEC. 18.102. OBLIGATIONS OF CONTRACT NOT IMPAIRED.

All rights, claims, actions, orders, obligations, proceedings, bond authorizations and contracts existing on the operative date of this Charter shall not be affected by the adoption of this Charter, except that where functions, powers and duties have been reassigned, the office, agency or department to which the assignment is made shall have charge of the matter.

SEC. 18.103. TRANSFER OF 1932 CHARTER SECTIONS TO ORDINANCE AND INITIATIVE ORDINANCES.

The following sections of the Charter of 1932 shall be deemed enacted into ordinance and may be amended by the Board of Supervisors on the operative date of this Charter; provided, however, that in the instance of conflict or inconsistency between the ordinance or a portion of the ordinance and this Charter, this Charter shall prevail:

1.103

2.101

2.203

2.203-3

3.100, paragraph 8, sentences 5 – 6

3.201

3.301 – 3.303, inclusive

3.402

3.501

3.502

3.523

3.529

3.531

3.533 – 3.535, inclusive

3.537 – 3.539, inclusive

3.540 – 3.547, inclusive

3.551 – 3.552

3.560

3.570 – 3.572, inclusive

3.590 – 3.599, inclusive

3.601

3.621 – 3.624, inclusive

3.631, 3.632, and 3.634

3.640 – 3.641, inclusive

3.642, second sentence only

3.680, third paragraph only

3.691 – 3.694, inclusive

3.698.1 – 3.698.3, inclusive

3.699-2

3.707

6.207

6.300 – 6.304, inclusive

6.306 – 6.310, inclusive

6.312 – 6.313

6.400 – 6.403, inclusive

6.407 – 6.408, inclusive

6.410

7.100 – 7.104, inclusive

7.200 – 7.203, inclusive

7.205 – 7.206, inclusive

7.304

7.306

7.308

7.400 – 7.405, inclusive

7.600 – 7.606, inclusive

7.701 – 7.703, inclusive

8.104

8.106

8.311

8.410 – 8.411

9.104, fifth paragraph only

9.113 – 9.115, inclusive

Ordinances and policy declarations adopted by the voters shall not be published as part of this Charter, in an appendix or otherwise, but shall be published as provided in this Charter for other ordinances, and shall be included in any codification of ordinances as provided in this Charter and be designated as initiative ordinances.

SEC. 18.104. TRANSFER OF FUNCTIONS, POWERS AND DUTIES.

On the operative date of this Charter, all offices, agencies and departments of the City and County then in existence under the Charter of 1932 shall continue to perform their functions, exercise their authority and fulfill their responsibilities, as they existed immediately before this Charter's becoming operative subject to the provisions of this Article. Not later than 90 days after the operative date of this Charter, each such office, agency and department for which this Charter does not provide shall cease to exist, and its functions, powers and duties shall be transferred to the appropriate governmental unit created by this Charter or under the authority of this Charter. The Board of Supervisors and the Mayor shall take all action necessary to provide for the orderly transfer of functions, authority and responsibility on or before the date of such transfer.

SEC. 18.105. CHANGES IN OFFICES AND POSITIONS.

The Chief Administrative Officer and the Controller serving on November 7, 1995, shall be appointed to the offices, respectively, of City Administrator and Controller. These offices shall have the functions, powers and duties assigned by this Charter, and their initial terms of office in effect immediately prior to the date of this Charter shall remain unchanged, except that the term of office of the City Administrator shall be five years from the incumbent's appointment as Chief Administrative Officer.

The Clerk of the Board of Supervisors serving on November 7, 1995, shall be appointed as Clerk of the Board of Supervisors. This position shall remain a classified position as long as the person holding the position on November 7, 1995, remains in this position.

The Secretary-General Manager of the Retirement System serving on November 7, 1995, shall succeed to the position of executive director. This position shall remain a classified position as long as the person holding the position on November 7, 1995, remains in this position.

The General Manager of the Department of Social Services shall succeed to the position of executive director of the Department of Human Services.

The offices of Assessor and Recorder shall be consolidated no earlier than July 1, 1997. Prior to that date, the functions, powers and duties of the Recorder shall continue to be performed by the Recorder-County Clerk, as that office is established in the Charter of 1932. After July 1, 1997, the functions, powers and duties of the County Clerk shall be transferred to the City Administrator and the functions, powers and duties of the Recorder shall be transferred to the Assessor-Recorder. The person holding office as Recorder-County Clerk at the time of the transfer shall become a deputy department head to the Assessor-Recorder, and shall maintain his or her classified status.

The Social Services Commission shall succeed to the Human Services Commission.

On the operative date of this Charter, the City Administrator shall be responsible for the following functions until they are reassigned by the Mayor, with approval by the Board of Supervisors, or by operation of this Charter: Department of Public Works, Government Services, Purchasing, Real Estate, Electricity and Telecommunication, Public Guardian, Convention Facilities, Animal Control, County Clerk/Recorder, County Agriculture, Weights and Measures and Registrar of Voters/Department of Elections; Medical Examiner; and all projects previously assigned by ordinance to the Chief Administrative Office, including but not limited to: George R. Moscone Center Project, Clean Water program, Publicity and Advertising Fund, Risk Management, Beautification project, EIPSC, Waterfront project and Solid Waste Management.

SEC. 18.106. OFFICIAL FIDELITY BONDS.

The Board of Supervisors shall determine the initial fidelity bond requirements under this Charter within 90 days after the operative date of this Charter. Until the Board of Supervisors determines such requirements for officials of the City and County, the bonds existing on the operative date of this Charter shall be maintained.

SEC. 18.107. RULES, REGULATIONS AND ADMINISTRATIVE CODE.

Each officer, department, agency, board and commission responsible for rules and regulations of the City and County under this Charter shall, within 90 days of the operative date of this Charter, review all rules and regulations for which it is responsible and amend and adopt rules and regulations consistent with this Charter.

SEC. 18.108. STATUS OF INCUMBENT OFFICERS AND EMPLOYEES.

The changes in and transfers of functions, powers and duties which occur at the time this Charter becomes operative shall not affect or impair the rights or privileges of permanent civil service officers or employees of the City and County relating to appointment, rank, grade, compensation, tenure of office, promotion, discipline, removal, pensions and retirement, except as provided in this Charter.

Whenever a position previously within the classified municipal civil service is, pursuant to this Charter, designated exempt from the civil service provisions of this Charter, the permanent civil service incumbent in such position at the time this Charter becomes operative shall continue to have civil service status in that position under the civil service provisions of this Charter.

If by the terms of this Charter, or action taken by authority of this Charter:

1. All or substantially all of the duties of any position exempt from the civil service provisions of the Charter of 1932 are transferred to another office, agency or department, that position shall be transferred to that office, agency or department and the person holding the position on the operative date of this Charter shall be transferred with the position.

2. All or substantially all of the duties of any civil service position are transferred to another office, agency or department, that position shall be transferred to that office, agency or department and the permanent civil service appointee holding the position on the operative date of this Charter shall be transferred with the position.

SEC. 18.109. EXEMPT POSITIONS.

The Board of Supervisors and the Mayor, through the budget for the fiscal year ending June 30, 1996, shall designate the positions exempt from civil service, within the categories provided in Article X of this Charter.

SEC. 18.110. PROVISIONAL APPOINTMENTS.

Unless their appointments are renewed pursuant to the provisions of Section 10.105, the employment of all provisional employees, appointed under the Charter of 1932, whose appointment does not meet the provisions of this Charter, shall be terminated within three years of the operative date of this Charter in accordance with the rules and regulations governing layoffs. Such provisional employees may qualify for certification as eligibles under rules and regulations expressly authorized by civil service rules approved by the Board of Supervisors. Such rules may establish special credit for civil service examinations for years of service or, through other methods, recognize the service of such employees who have held such employment for more than six months at the operative date of this Charter.

SEC. 18.111. ASIAN ART MUSEUM STATUS.

During such time as the Asian Art Museum is located in a wing of the M. H. de Young Memorial Museum, the Commission shall control and manage the collections housed in that wing as provided for in the July 2, 1969

Management Agreement between the Committee of Asian Art and Culture and the Board of Trustees of the de Young Museum, a copy of which is on file with the Clerk of the Board of Supervisors.

SEC. 18.112. PREPARATION AND INDEXING OF THIS CHARTER.

The City Attorney shall correct typographical errors and prepare an index prior to the operative date and publication of this Charter.

SEC. 18.113. MISSION-DRIVEN BUDGET PHASE-IN.

The mission-driven budget process shall be phased in over a three-year period with the Mayor identifying for each of the three years approximately one-third of the City departments that shall thenceforth be required to comply with the requirements of Sections 9.114, 9.115 and 9.116.

SEC. 18.114. COMMISSION TERMS.

Whenever a new board or commission is created in this Charter, or additional members are added to an existing board or commission, the Mayor shall appoint the initial members to staggered terms.

SEC. 18.115. DELETION OF ORDINANCES REGULATING CONFLICTS OF INTEREST AND TRANSFER OF CHARTER SECTIONS REGULATING CONFLICTS OF INTEREST INTO THE CAMPAIGN AND GOVERNMENTAL CONDUCT CODE.

(a) On the effective date of this Charter Amendment, Section 1.50 of the Administrative Code and Section 1.200; Article III, Chapter 2 and Section 3.200; Article III, Chapter 3 and Section 3.300; Article III, Chapter 4 and Sections 3.400 and 3.405; Article III, Chapter 5 and Sections 3.500, 3.505, 3.510. 3.515, 3.520, 3.525, 3.530, 3.535, 3.540, 3.545; Article III, Chapter 6 and Section 3.600; and Article III, Chapter 7 and Sections 3.700, 3.705, 3.710, 3.715, 3.720, 3.725, 3.730, 3.735, and 3.740 of the Campaign and Governmental Conduct Code shall be deemed repealed, and the City Attorney is authorized and directed to take appropriate steps to remove them from future editions of published codes.

(b) On the effective date of this Charter Amendment, Charter Sections C9.101 - C9.127 shall be deemed enacted into ordinance, and the City Attorney is directed and authorized to codify Section C9.101 as Administrative Code Section 1.50; Section C9.102 as Campaign and Governmental Conduct Code Section 1.200; Section C9.103 as Campaign and Governmental Conduct Code Section 3.1-102.5; Section C9.127 in a new Chapter 3 of the Campaign and Governmental Conduct Code titled "Ethics Commission" as Section 3.300; and the remaining sections in a new Chapter 2 of the Campaign and Governmental Conduct Code titled "Conflict of Interest and Other Prohibited Activities" as follows: Section C9.104 as Section 3.200; Section C9.105 as Section 3.202; Section C9.106 as Section 3.204; Section C9.107 as Section 3.206; Section C9.108 as Section 3.208; Section C9.109 as Section 3.210; Section C9.110 as Section 3.212; Section C9.111 as Section 3.214; Section C9.112 as Section 3.216; Section C9.113 as Section 3.218; Section C9.114 as Section 3.220; Section C9.115 as Section 3.222; Section C9.116 as Section 3.224; Section C9.117 as Section 3.226; Section C9.118 as Section 3.228; Section C9.119 as Section 3.230; Section C9.120 as Section 3.232; Section C9.121 as Section 3.234; Section C9.122 as Section 3.236; Section C9.123 as Section 3.238; Section C9.124 as Section 3.240; Section C9.125 as Section 3.242; and Section C9.126 as Section 3.244.

These sections may be amended by the Board of Supervisors if (a) the amendment serves the purposes of the Ordinance; (b) the Ethics Commission approves the proposed amendment by at least a four-fifths vote of all its

members; (c) the proposed amendment is available for public review at least 30 days before the amendment is considered by the Board of Supervisors; and (d) the Board of Supervisors approves the proposed amendment by at least a two-thirds vote of all its members.

(Added November 2003)

CHARTER APPENDICES

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A7.204 CONTRACTORS' WORKING CONDITIONS

Every contract for any public work or improvement to be performed at the expense of the City and County, or paid out of moneys deposited in the treasury, whether such work is to be done directly under contract awarded, or indirectly by or under subcontract, subpartnership, day labor, station work, piece work, or any other arrangement whatsoever, must provide:

(a) that in the performance of the contract and all work thereunder, eight hours shall be the maximum hours of labor on any calendar day, except that hours of labor in excess of eight hours per day may be permitted when conditions so warrant upon the approval of the department head responsible for the supervision of the contract, provided that compensation for all hours worked in excess of eight hours per day conforms to the requirements of the Labor Code of the State of California and all applicable federal laws;

(b) that any person performing labor thereunder shall be paid not less than the highest general prevailing rate of wages in private employment for similar work; however, the Board of Supervisors may by resolution exempt from the prevailing wage requirement any contract where the work is to be performed by a non-profit organization that provides job training and work experience for disadvantaged individuals in need of such training and experience, and either (1) has a board of directors which is appointed by the Mayor, or (2) exists primarily to design and build urban gardens, yards and play areas;

(c) that any person performing labor in the execution of the contract shall be a citizen of the United States;

(d) that all laborers employed in the execution of any contract within the limits of the City and County shall have been residents of the City and County for a period of one year immediately preceding the date of their engagements to perform labor thereunder; provided, however, that the officer empowered to award any such contract may, upon application of the contractor, waive such residence qualifications and issue a permit specifying the extent and terms of such waiver whenever the fact be established that the required number of laborers and mechanics possessing qualifications required by the work to be done cannot be engaged to perform labor thereunder.

The term "public work" or "improvement," as used in this section shall, include the fabrication, manufacturing or assembling of materials in any shop, plant, manufacturing establishment or other place of employment, when the said materials are of unique or special design, or are made according to plans and specifications for the particular work or improvement and any arrangement made for the manufacturing, fabrication or assembling of such materials shall be deemed to be a contract or a subcontract subject to the provisions of this section.

The Board of Supervisors shall have full power and authority to enact all necessary ordinances to carry out the terms of this section and may by ordinance provide that any contract for any public work or improvement or for the purchase of materials which are to be manufactured, fabricated or assembled for any public work or improvement, a preference in price not to exceed 10 percent shall be allowed in favor of such materials as are to be manufactured, fabricated or assembled within the City and County of San Francisco as against similar materials which may be manufactured, fabricated or assembled outside thereof. When any such materials are to be fabricated, assembled or manufactured by any subcontractor or materialman for the purpose of supplying the same to any contractor bidding on or performing any contract for any public work or improvement, said sub-contractor or materialman manufacturing, fabricating, assembling or furnishing said materials manufactured, assembled or fabricated within the City and County of San Francisco shall be entitled to the same preferential as would any original contractor or materialman furnishing the same if the Board of Supervisors by ordinance so provide. When any ordinance shall so provide any officer, board or commission letting any contract may in determining the lowest responsible bidder for the doing or performing of any public work or improvement add to said bid or sub-bid an amount sufficient not exceeding 10 percent in order to give preference to materials manufactured, fabricated or assembled within the City and County of San Francisco.

A8.329 CERTIFICATION OF ELIGIBLES

Whenever a position controlled by the civil service provisions of this Charter is to be filled, the appointing officer shall make a requisition to the department of human resources for a person to fill it. Thereupon, the department shall certify to the appointing officer the names and addresses of all those persons meeting the certification rule established for that classification. The Civil Service Commission shall establish certification rules. Certification rules shall not be more restrictive than the certification of all candidates receiving the three highest scores on the list of eligibles for such positions. The appointing officer shall fill the position by the appointment of one of the persons certified. In making such certification, sex shall be disregarded except when a statute, rule of the commission or the appointing officer specifies sex; provided however, the appointing officer shall give due consideration to applicable civil service equal employment opportunity (EEO) goals so as to maximize diversity at all levels of City

employment. The Mayor and the Board of Supervisors shall annually review each department's performance in meeting its civil service EEO obligations.

From the requisition of the appointing officer or otherwise, the department shall determine whether the position is, in character, temporary, seasonal or permanent, and shall notify the candidate in accordance therewith to the end that the candidate may have knowledge of the probable duration of employment. The department shall provide for such waiver of temporary or seasonal employment as it may deem just to candidates.

Notwithstanding anything to the contrary in this or any other provision of the Charter, an employee who has been certified from a regularly adopted eligible list to a non-permanent position in a civil service classification shall be entitled to appointment to a permanent position within that same classification before the department certifies to the appointing officer the names and addresses of persons standing higher on the list of eligibles who are not then current employees, subject to a demonstration of satisfactory job performance in the non-permanent position for a period and in the manner provided by rule of the commission. The provisions of this section as herein amended shall only be applicable to requisitions for permanent positions filled from and after January 1, 1980.

A8.341 REMOVAL OR DISCHARGE OF PERMANENT, NON-PROBATIONARY EMPLOYEES

A. Any person employed under the civil service provisions of this Charter, exclusive of members of the uniformed ranks of the police and fire departments as provided under Section 8.343 hereof, in a position defined by the commission as "permanent" may be removed or discharged by the appointing officer for just cause, after being provided with written notice of the charges, copies of all documentation upon which the charges are based and after an opportunity to respond to the charges before the appointing officer or his or her designee. Pending investigation of conduct involving misappropriation of public funds or property, misuse or destruction of public property, drug addiction or habitual intemperance, mistreatment of persons, immorality, acts which would constitute a felony or misdemeanor involving moral turpitude, or acts which present an immediate danger to the public health and safety the appointing officer may place the accused person on unpaid administrative leave for no more than 30 days unless the investigation shall be delayed beyond such time by the act of the accused person. When the appointing officer imposes discharge or removal he or she shall, in writing, notify the person removed or discharged of the right to appeal the discharge or removal by mailing such statement to his last known address. The employee shall have thirty days from the date of mailing of the notice to file an appeal of the matter in writing with the appointing officer. Upon receipt of a timely appeal, the appeal shall be conducted forthwith by a qualified and unbiased hearing officer who shall be employed under contract by the City and County and selected by procedures set forth in the rules of the civil service commission. The hearing officer shall publicly hear and determine the appeal, and may approve the discharge or removal, or exonerate, or suspend the accused.

If the employee is exonerated the hearing officer may, at his or her discretion, order payment of salary to the employee for the period of the discharge or removal or unpaid administrative leave, and the report of such period of discharge or removal or unpaid administrative leave shall thereupon be expunged from the record of service of such employee.

The civil service commission shall immediately be notified of the charges when made, of the action of the appointing officer to remove or discharge, of the appeal, and of the finding thereon. The finding of the hearing officer shall be final.

The civil service commission may remove or discharge an employee for any charge filed by a citizen or by any member of or authorized agent of the commission when the appointing officer neglects or refuses to take such action against the employee within 30 days of notification to the department head of the occurrence or event giving rise to the charge. Removal or discharge may be made for any cause after the employee is provided with written notice of the charges, copies of all documentation upon which the charges are based and after the employee has had the opportunity to respond to the charges before the civil service commission or its designee. The decision of the civil service commission shall be final.

Nothing in this section shall limit or restrict rules adopted by the commission governing dismissal of probationary employees, lay-offs or reduction in force or providing for the removal of any appointee who has

abandoned his or her position as defined by civil service commission rule.

B. Notwithstanding the provisions of Subsection A above, a recognized employee organization and any affected City department may agree to alternative procedures, including final and binding arbitration by a neutral arbitrator jointly selected by the employee organization and the City, to deal with charges brought against individual employees, the resolution of such charges and the appropriate discipline, if any, to be imposed on the employee. Said alternative procedures shall be included in a Memorandum of Understanding between the City and the employee organization which shall be effective when ratified by the Board of Supervisors.

A8.342 DISCIPLINARY SUSPENSIONS

The appointing officer may, for disciplinary purposes, suspend a subordinate for a period not exceeding 30 days; and suspension shall carry with it the loss of salary for the period of suspension. The suspended employee shall be notified in writing of the reason for such suspension, and if the suspension be for more than five days the employee shall, at his request, be given a hearing by the appointing officer. The decision of the appointing officer in all cases of suspension for disciplinary purposes shall be final.

A8.343 FINE, SUSPENSION AND DISMISSAL IN POLICE AND FIRE DEPARTMENTS

Members of the uniformed ranks of the fire or the police department guilty of any offense or violation of the rules and regulations of their respective departments, shall be liable to be punished by reprimand, or by fine not exceeding one month's salary for any offense, or by suspension for not to exceed three months, or by dismissal, after trial and hearing by the commissioners of their respective departments; provided, however, that the chief of each respective department for disciplinary purposes may suspend such member for a period not to exceed 10 days for violation of the rules and regulations of his department. Any such member so suspended shall have the right to appeal such suspension to the fire commission or to the police commission, as the case may be, and have a trial and hearing on such suspension. Written notice of appeal must be filed within 10 days after such suspension and the hearing of said appeal must be held within 30 days after the filing of said notice of appeal. If the commission shall reverse or alter the finding of the chief, it shall order that the member affected be paid salary for the time of the suspension received or altered. In the event the chief should exercise such power of suspension, the member involved shall not be subject to any further disciplinary action for the same offense; provided, that where the Department of Police Accountability has sustained a complaint and recommended discipline in excess of a 10-day suspension, the Chief of Police may not exercise his or her power of suspension under this section without first meeting and conferring with the Director of the Department of Police Accountability and affording the Director an opportunity to verify and file charges with the Police Commission pursuant to Section 4.136. If the Director of the Department of Police Accountability verifies and files charges, the Police Commission shall conduct a trial and hearing thereon, and the Chief of Police may not suspend the member pending the outcome of the Police Commission proceedings on the charges except as provided in Section A8.344.

Subject to the foregoing, members of the uniformed ranks of either department shall not be subject to dismissal, nor to punishment for any breach of duty or misconduct, except for cause, nor until after a fair and impartial trial before the commissioners of their respective departments, upon a verified complaint filed with such commission setting forth specifically the acts complained of, and after such reasonable notice to them as to time and place of hearings as such commission may, by rule, prescribe. The accused shall be entitled, upon hearing, to appear personally and by counsel; to have a public trial; and to secure and enforce, free of expense, the attendance of all witnesses necessary for his defense.

(Amended November 2003; Proposition G, Approved 11/8/2016)

A8.344 TEMPORARY SUSPENSION PENDING COMMISSION HEARING; EXONERATION OF CHARGES

In the circumstances listed in Section A8.341 the chief of the police department and the chief of the fire department may temporarily suspend a member of the respective department pending a hearing before the police or fire commission on disciplinary charges against the member, and the member shall be entitled to a prompt administrative hearing to determine if he or she should remain suspended pending the outcome of the commission proceedings. If a member of the uniformed ranks of the police and fire departments is suspended by the chief of the respective department pending hearing before the police or fire commission for charges filed against him and subsequently takes a voluntary leave of absence without pay pending his trial before the commission, and, if after such trial he is exonerated of the charges filed against him, the commission shall order payment of salary to such member for the time under suspension and may, in its discretion, order payment of salary to such member for the time on voluntary leave of absence without pay, and the report of such suspension and leave of absence without pay shall thereupon be expunged from the record of service of such member.

(Added November 2003)

A8.345 DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES

The people of the City and County of San Francisco hereby find that the instigation of, or participation in, strikes against said City and County by any member of the uniformed forces of the police or fire departments constitutes a serious threat to the lives, property and welfare of the citizens of said City and County and hereby declares as follows:

No uniformed member of the police and fire departments employed under the civil service provisions of this Charter shall instigate, participate in, or afford leadership to a strike against the City and County, or engage in any picketing activity in furtherance of such a strike. In the event of any such strike against the City and County, it shall be the duty of the appropriate appointing officer of the City and County to ascertain the identity of any officer or employee of the City and County under his jurisdiction who is in violation of the provisions of this section and to initiate dismissal proceedings against said officer or employee in accordance with the provisions of Section 8.341 of this chapter. Any citizen of the City and County may file written charges against an officer or employee in violation of the provisions of this section and the appropriate appointing officer shall receive and investigate, without delay, any such written charge, and forthwith inform said citizen of findings and action, or proposed action, thereon.

If the appointing officer, after a hearing, determines that the charges are supported by the evidence submitted, said appointing officer shall dismiss the employee involved and said employee shall not be reinstated or returned to City and County of San Francisco employment except as a new employee who is employed in accordance with the regular employment practices of the City and County in effect for the particular position of employment.

In the event any appointing officer determines that he shall be unable to meet constitutional due process requirements in providing a timely hearing to any officer or employee charged hereunder, he may, subject to the budget and fiscal provisions of the Charter, engage the services of one or more qualified hearing officers to conduct hearings hereunder. In conducting said hearings, any hearing officer shall have the same powers as granted to an appointing officer hereunder.

No officer, board or commission of the City and County shall have the power to grant amnesty to any person charged with a violation of any of the provisions of this section.

In order to bring the provisions of this section to the attention of any person who may be affected thereby, each member of the uniformed force of the police department and each member of the uniformed force of the fire department on the effective date of this section, and each person appointed to the position of Q2 police officer or the position of H2 fireman on or after the effective date of this section shall be furnished a copy of the provisions of this section and shall make under oath and file in the office of the civil service commission the following declaration: "I hereby acknowledge receipt of a copy of the provisions of Section 8.345 of the Charter of the City and County of San Francisco and hereby declare that during the term of my employment in either the Police

Department or the Fire Department of said City and County, I shall neither instigate, participate in or afford leadership to a strike against said City and County nor engage in any picketing activity in furtherance of such a strike."

A dismissal imposed pursuant to this section (8.345) shall not be appealable to the civil service commission.

A8.346 DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES OTHER THAN MEMBERS OF POLICE AND FIRE DEPARTMENT

The people of the City and County of San Francisco hereby find that the instigation of or participation in, strikes against said City and County by any officer or employee of said City and County constitutes a serious threat to the lives, property, and welfare of the citizens of said City and County and hereby declare as follows:

(a) As used in this section the word "strike" shall mean the willful failure to report for duty, the willful absence from one's position, any concerted stoppage or slowdown of work, any concerted interruption of operations or services by employees, or the willful abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in the conditions of employment; provided, however, that nothing contained in this section shall be construed to limit, impair, or affect the right of any municipal employee to express or communicate a view, grievance, complaint, or opinion on any matter related to the conditions or compensation of municipal employment or their betterment, so long as the same is not designed to and does not interfere with the full, faithful, and proper performance of the duties of employment.

(b) No person holding a position by appointment or employment under the civil service provisions of this Charter, exclusive of uniformed members of the police and fire departments as provided under Section 8.345 of this Charter, which persons are hereinafter referred to as municipal employees, shall strike, nor shall any municipal employee cause, instigate, or afford leadership to a strike against the City and County of San Francisco. For the purposes of this section, any municipal employee who willfully fails to report for duty, is willfully absent from his or her position, willfully engages in a work stoppage or slowdown, willfully interrupts City operations or services, or in any way willfully abstains in whole or in part from the full, faithful, and proper performance of the duties of his or her employment because such municipal employee is "honoring" a strike by other municipal employees, shall be deemed to be on strike.

(c) No person exercising any authority, supervision, or direction over any municipal employee shall have the power to authorize, approve, or consent to a strike by any one or more municipal employees, and such person shall not authorize, approve, or consent to such strike. No officer, board, commission or committee of the City and County of San Francisco shall have the power to grant amnesty to any person who has violated any of the provisions of this section, and such officer or bodies shall not grant amnesty to any person who has violated any of the provisions of this section.

(d) Notwithstanding any other provision of law, a person violating any of the provisions of this section may subsequent to such violation be appointed or reappointed, employed or re-employed as a municipal employee of the City and County of San Francisco, but only on the following conditions:

(1) such person shall be appointed or reappointed, employed or re-employed as a new appointee or employee, who is appointed or employed in accordance with all Charter provisions, ordinances, rules or regulations of said City and County in effect for new employees at the time of appointment, reappointment, employment or re-employment;

(2) the compensation of such person shall not be increased by virtue of any previous employment with said City and County.

(e) In the event of a strike, or if the Mayor with the concurrence of a majority of the Board of Supervisors determines that a strike is imminent, a special committee shall convene forthwith, which special committee shall consist of the presidents of the airports commission, civil service commission, fire commission, police commission, public transportation commission and public utilities commission. The president of the civil service commission shall serve as chairman of the special committee. Notwithstanding any other provision of law, it shall be the duty of

the special committee to dismiss in accordance with the provisions of this section any municipal employee found to be in violation of any provisions of this section. Any person may file with the special committee written charges against a municipal employee or employees in violation of any of the provisions of this section and the special committee shall receive and investigate, without undue delay, and where necessary take appropriate actions regarding any such written charge(s), and forthwith inform that person of its findings and action, or proposed action thereon.

In the event of a strike or determination of imminent strike as specified above, each appointing officer shall deliver each day no later than 12:00 o'clock noon to the chairman of the special committee a record of the absence of each employee under his or her authority for the prior day and a written report describing incidents of and the participant(s) in violations of this section wherever the identity of the participant(s) is known to him or her and the participant(s) is (are) under his or her authority.

In addition each appointing officer shall provide to the special committee, whenever it has been convened under authority of law, any other information determined by the special committee to be necessary for the discharge of its duties. The failure of an appointing officer to discharge any of the duties imposed upon him or her by this section shall be official misconduct.

(f) An employee charged by the special committee with a violation of this section shall be notified of the time and place of the hearing on the charges and of the nature of the charges against him or her. Said employee shall be given such other information as is required by due process. Said employee shall respond to said charges by a sworn affidavit, signed by him or her, and by such other information and documentation and in such a manner as is prescribed by the special committee. An employee failing to provide the responses required by this section or in any way failing to comply with the procedural time limitations and information requirements imposed by the special committee shall be immediately suspended and shall not be entitled to a hearing until he or she has fully complied with the aforementioned requirements.

If the special committee, after a hearing, determines that the charges against the employee are supported by the preponderance of the evidence submitted, said special committee shall dismiss the employee involved and said employee shall not be reinstated or returned to City and County service except as specified in Subsection (d). A dismissal or suspension invoked pursuant to the provisions of this section shall not be appealable to the civil service commission.

(g) The special committee shall discharge its duties in a timely manner while preserving the due process rights of employees with the objective of obtaining immediate sanctions against striking employees. The willful failure of any member of this special committee faithfully and fully to discharge his or her duties in a timely manner and to accord absolute priority to the performance of those duties shall be deemed official misconduct.

In the event the special committee determines that it shall be unable to comply with constitutional due process requirements that a timely hearing be provided or that it shall be unable to comply with its obligations fully and in a timely manner to investigate and hear all violations of this section, then the special committee may, subject to the budget and fiscal provisions of the Charter, engage the administrative and clerical personnel, investigators, and one or more hearing officers to conduct hearings hereunder. In conducting hearings, the hearing officers shall have the same powers of inquiry and disposition as the special committee.

(h) In order to provide for the effective operation of this section in the event of a strike or determination of imminent strike, the president of the civil service commission, not later than 30 days after this section becomes effective, shall convene the special committee which shall adopt rules, regulations, and procedures for the investigation, hearing and disposition of all violations of this section.

(i) In order to bring the provisions of this section to the attention of any person who may be affected thereby, each municipal employee on the effective date of this section, exclusive of members of the uniformed forces of the police and fire departments as provided in Section 8.345 hereof, and each person appointed or employed as a municipal employee pursuant to the civil service provisions of this Charter, exclusive of persons appointed to the entrance positions in the uniformed forces of the police and fire departments as provided in Section 8.345 hereof, on or after the effective date of this section shall be furnished a copy of this section and shall acknowledge such receipt in writing. The signed, written receipt shall be filed in the office of the civil service commission and maintained therein for the term of his or her employment with the City and County of San Francisco.

(j) The provisions of Sections 3.100 and 3.100-1, relating to the emergency powers of the Mayor, shall not be applicable to the provisions of this section.

(k) If any clause, sentence, paragraph, subsection, or part of this section shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subsection, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

A8.364 AUTHORIZATION TO TRANSFER UNUSED SICK LEAVE

(a) Employees of the City and County of San Francisco may transfer their unused accumulated sick leave to other employees of the City and County of San Francisco who have been determined to be catastrophically ill, and who have exhausted their vacation allowance, sick leave and compensatory time off, provided that such determination and such transfer may be made only in compliance with the terms and conditions established by ordinance adopted by the Board of Supervisors.

(b) Notwithstanding Sections 8.360 and 8.363 of this Charter, within sixty (60) days of the effective date of this section, the Health Commission, Civil Service Commission, and Retirement Board shall conduct a joint hearing to consider and develop recommendations for submission to the Board of Supervisors. The Board of Supervisors shall adopt an ordinance, as provided in subsection (a), and establish any rules necessary to administer, interpret, and regulate the provisions of this section, provided that all such rules shall be approved, amended, or rejected by resolution by the Board of Supervisors.

(Amended November 1999)

A8.365 COMPENSATION DURING PARENTAL LEAVE

Under federal, state and local law, employees are entitled to take an unpaid leave of absence in the event of pregnancy disability or to care for a child after birth or placement for adoption or foster care. But employees may not have the financial resources to take advantage of this leave. This section provides compensation to supplement state disability insurance payments, paid sick leave, compensatory time, and other forms of paid leave, to ensure that an employee will receive the equivalent of the employee's salary for 12 weeks, or, if the employee is temporarily disabled by pregnancy, up to 16 weeks, while on approved leave.

In accordance with this section, eligible employees on approved Parental Leave shall receive Supplemental Compensation as set forth herein.

Nothing in this section shall be construed to expand, reduce or otherwise affect the total amount of leave time available to employees under federal, state, or local law, Civil Service Commission rules, or applicable memoranda of understanding between the City and County of San Francisco and employee organizations. This section is intended to supplement other available sources of income during specified periods of leave to which the employee is otherwise eligible. Except for leave mandated by law, requests for leave continue to be subject to the approval of the appointing officer.

(Added November 2002; amended November 2015)

A8.365-1 DEFINITIONS

The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning:

"Domestic Partner" shall have the same meaning as set forth in Administrative Code Section 62.1 *et seq*.

"Employee" shall mean any person who is appointed to a position created by or which is under the jurisdiction of the City and County, whose compensation is paid by the City and County, and who is under the control of the City and County as to employment, direction and discharge and does not include persons who occupy classified or

certificated positions with the San Francisco Unified School District or the Community College District or who work for the City as independent contractors.

"Paid Leave" shall mean all paid time-off provided by the Charter, the Administrative Code, the Civil Service Rules or through a collective bargaining agreement and shall include but not be limited to vacation, sick leave, compensatory time, administrative or executive leave and floating holidays. For purposes of this section, "Paid Leave" shall not include statutory holidays.

"Parental Leave" shall mean (a) Family Medical Leave as defined below; (b) Temporary Pregnancy Disability Leave as defined below:

(a) "Family Medical Leave" shall mean leave taken pursuant to the Family and Medical Leave Act, the California Family Rights Act, or Civil Service Commission Rules, where such leave is taken after the birth of a child to the Employee, the Employee's spouse or the Employee's Domestic Partner or for placement of a child with the Employee's family for adoption or foster care, and has been requested and approved in accordance with the procedures set forth in those respective statutes or rules, except to the extent that those statutes, rules, or any associated regulations allow an employer to limit leave to a combined total maximum duration if more than one employee qualifies to take leave for the birth or placement of the same child. Charter Sections A8.365 through A8.365-4 are intended to provide each Employee the maximum duration of Parental Leave to which he or she would otherwise be entitled under its provisions, regardless of the amount of leave taken by another Employee for the birth or placement of the same child.

(b) "Temporary Pregnancy Disability Leave" shall mean disability leave taken in accordance with State law or the Civil Service Commission Rules because of an Employee's inability to work, as certified by a health care provider, for reasons of pregnancy, childbirth, or related conditions, as defined by the California Fair Employment and Housing Act, Govt. Code Section 12945.

"Supplemental Compensation" shall mean compensation paid by the City to eligible Employees on Parental Leave. The amount of Supplemental Compensation shall be the Employee's regular base wage less (1) all accrued Paid Leave from the City with the exception of40 hours of sick leave and (2) any payments received by the Employee from a federal, state or other local government agency in lieu of compensation.

(Added November 2002; amended November 2015)

A8.365-2 ELIGIBILITY

The following Employees shall be eligible to receive compensation as set forth herein:

(a) Permanent, provisional, and exempt Employees whose normal work week is not less than 20 hours upon completion of six months of continuous service; and

(b) All other Employees of the City and County of San Francisco, including "as needed" Employees, who have worked 1040 hours in the 12 months prior to the beginning of the Parental Leave and whose average work week is not less than 20 hours.

(Added November 2002; amended November 2015)

A8.365-3 DURATION

Employees shall receive Supplemental Compensation as set forth herein for a period not to exceed 12 weeks while on approved Family Medical Leave. Employees who take approved Temporary Pregnancy Disability Leave shall receive up to an additional 4 weeks of compensation. Such compensation shall be subject to the conditions set forth in Section A8.365-4.

(Added November 2002; amended November 2015)

A8.365-4 SUPPLEMENTAL COMPENSATION

(a) Employees shall receive their regular base wage while on approved Parental Leave subject to the following conditions;

(1) Employees on approved Parental Leave shall first exhaust all accrued Paid Leave, with the exception of 40 hours of sick leave, before receiving any Supplemental Compensation. Alternatively, if an Employee chooses not to exhaust accrued leaves as required by the previous sentence, the total amount of Supplemental Compensation for which the Employee would otherwise be eligible will be reduced by the total amount of accrued Paid Leave the Employee chooses to retain, with the exception of 40 hours of accrued sick leave.

(2) The amount of Supplemental Compensation shall be reduced by any payments received by the Employee from a federal, state or other local government agency while on Parental Leave.

(3) Supplemental Compensation shall be provided for no more than 12 weeks, in the case of Employees taking Family Medical Leave, or 16 weeks, in the case of Employees who take Temporary Pregnancy Disability Leave. For Employees eligible for both Family Medical Leave and Temporary Pregnancy Disability Leave, Supplemental Compensation shall be provided for no more than 16 weeks total. The 12 or 16 week period shall be reduced by any Paid Leave taken by the Employee: (A) after the birth of a child to the Employee, the Employee's spouse, or the Employee's Domestic Partner; (B) after placement of a child with the Employee's family for adoption or foster care; or (C) for temporary pregnancy disability, within 12 months prior to the commencement of Parental Leave as defined herein.

(4) Under no circumstance shall an Employee receive from the City Supplemental Compensation which would result in an Employee receiving total compensation while on Parental Leave which is greater than the Employee's regular base wage.

(b) During Parental Leave, the City shall continue to pay the contributions required by this Charter for retirement and health benefits, and any employer-paid Employee retirement and health contributions required under the memorandum of understanding or unrepresented ordinance covering the Employee. Retirement contributions shall be based on the actual amount of City pay received during the period of Parental Leave.

(c) The amendment of this Section A8.365-4 approved at the November 3, 2015 election shall apply only to Employees who have not yet begun Parental Leave on the effective date of the amendment, or who have begun Parental Leave but have not yet exhausted all of their accrued sick leave on the effective date of the amendment.

(Added November 2002; amended November 2015)

A8.365-5 REIMBURSEMENT

Any individual receiving compensation pursuant to this section shall execute an agreement providing that if the individual voluntarily separates from City service prior to returning to work for at least six months, the compensation described in Section A8.365-4 shall be treated as a loan payable with interest at a rate equal to the greater of (i) the rate received for the concurrent period by the Treasurer's Pooled Cash Account or (ii) the minimum amount necessary to avoid imputed income under the Internal Revenue Code of 1986, as amended from time to time, and any successor statute. Unless an alternative repayment schedule is agreed to by the City and the individual, such loan shall be payable in equal monthly installments over a period not to exceed 5 years, commencing 30 days following the individual's separation from City employment.

(Added November 2002)

A8.365-6 NON-VESTED BENEFIT

This Charter section creates no vested benefits. The voters expressly reserve the right to review the City's parental leave policy and the benefits provided in this section and may alter or repeal such benefits for any or no reason.

A8.365-7 RULES FOR ADMINISTRATION, INTERPRETATION AND REGULATION OF PARENTAL LEAVE

Within 120 days of approval by the voters of this Amendment, the Department of Human Resources shall develop any procedures necessary to administer, interpret, and regulate the provisions of this section, provided that all such rules shall be approved, amended, or rejected by ordinance by the Board of Supervisors.

The amendments of this section contained in the proposition therefor submitted to the electorate on November 5, 2002 shall be effective July 1, 2003.

(Added November 2002)

A8.400 GENERAL RULES FOR ESTABLISHING AND PAYING COMPENSATION

(a) The Board of Supervisors shall have power and it shall be its duty to fix by ordinance from time to time, as provided in Section 8.401, all salaries, wages and compensations of every kind and nature, except pension or retirement allowances, for the positions, or places of employment, of all officers and employees of all departments, offices, boards and commissions of the City and County in all cases where such compensations are paid by the City and County.

(b) The Board of Supervisors shall have power by ordinance to provide the periods when salaries and wages earned shall be paid provided, that until such ordinance becomes effective, all wages and salaries shall be paid semi-monthly. No salary or wage shall be paid in advance. It shall be official misconduct for any officer or employee to present or approve a claim for full-time or continuous personal service other than in the manner provided by this Charter.

(c) All personal services shall be paid by warrants on the basis of a claim, bill, timeroll or payroll approved by the head of the department or office employing such service. The claims, bills or payrolls, hereinafter designated as payrolls, for salaries, wages or compensation for personal services of all officers, assistants and employees of every class or description, without regard to the name or title by which they are known, for each department or office of the City and County shall be transmitted to the department of human resources before presentation to the controller.

(d) The human resources director shall verify that all persons whose names appear on payrolls have been legally appointed to or employed in positions legally established under this Charter. In performing such verification said director may rely upon the results of electronic data processing. Said director shall direct his attention to exception reports produced by such processing; he shall approve or disapprove each item thereon and transmit said exception reports to the controller. The controller shall not draw his warrant for any claim for personal services, salary, wages or compensation which has been disapproved by the said director.

(e) For the purpose of the verification of claims, bills, timerolls, or payrolls, contractual services represented by teams or trucks hired by any principal executive or other officer of the City and County shall be considered in the same manner as personal service items and shall be included on payrolls as approved by said principal executive or other officers, and shall be subject to examination and approval by the human resources director and the controller in the same manner as payments for personal services.

(f) The salary, wage or other compensation fixed for each officer and employee in, or as provided by this Charter, shall be in full compensation for all services rendered, and every officer and employee shall pay all fees and other moneys received by him, in the course of his office or employment, into the City and County treasury.

(g) No officer or employee shall be paid for a greater time than that covered by his actual service; provided, however, that the basic amount of salary, wage or other compensation, excluding premium pay differentials of any type whatsoever of any officer or employee who may be called upon for jury service in any municipal, state or federal court, shall not be diminished during the term of such jury service. There shall, however, be deducted from the amount of basic salary, wage or other compensation, excluding any pay premium differentials of any type whatsoever payable by the City and County to the officer or employee for such period as such officer or employee may be absent on account of jury service, any amounts which the officer or employee may receive on account of such jury service. Any absence from regular duty or employment while on jury duty shall be indicated on timerolls by an appropriate symbol to be designated by the controller.

(h) Notwithstanding any other limitation in the Charter to the contrary, and subject to meet and confer obligations of state law, the Mayor may request that the Board of Supervisors enact, and the Board shall then have the power to so enact, an ordinance entitling City officers or employees called to active duty with a United States military reserve organization to receive from the City the following as part of the individual's compensation: for a period to be specified in the ordinance, the difference between the amount of the individual's military pay and the amount the individual would have received as a City officer or employee had the employee worked his or her

normal work schedule, including any merit raises which otherwise would have been granted during the time the individual was on active duty. Any such ordinance shall be subject to the following limitations and conditions:

1. The individual must have been called into active service for a period greater than 30 consecutive days.

2. The purpose for such call to active service shall be extraordinary circumstances and shall not include scheduled training, drills, unit training assemblies, or similar events.

3. The amounts authorized pursuant to such an ordinance shall be offset by amounts required to be paid pursuant to any other law in order that there be no double payments.

4. Any individual receiving compensation pursuant to such an ordinance shall execute an agreement providing that if such individual does not return to City service within 60 days of release from active duty, or if the individual is not fit for employment at that time, within 60 days of return to fitness for employment, then that compensation shall be treated as a loan payable with interest at a rate equal to the greater of (i) the rate received for the concurrent period by the Treasurer's Pooled Cash Account or (ii) the minimum amount necessary to avoid imputed income under the Internal Revenue Code of 1986, as amended from time to time, and any successor statute. Such loan shall be payable in equal monthly installments over a period not to exceed 5 years, commencing 90 days after the individual's release from active service or return to fitness for employment, as the case may be.

5. Such an ordinance shall not apply to any active duty served voluntarily after the time that the individual is called to active service.

6. Such ordinance shall not be retroactive.

(Amended March 2004)

A8.401 EARLY RETIREMENT BENEFITS TARGETED TO MITIGATE LAYOFFS

A8.401-1 PURPOSE

The current fiscal crisis requires the City and County to lay off employees to balance its budget. The need for such layoffs is expected to continue through fiscal years 2003-2004 and 2004-2005. The purpose of this early retirement measure is to: (1) encourage employees in classifications identified for layoff, due to cuts in City and County services or functions, to take early retirement, (2) minimize the effects of layoffs on employees already laid off from these classifications by increasing the possibility of return from holdover lists, (3) achieve good labor relations by extending the benefits to eligible employees who were laid off after March 1, 2003, but before the date this measure was enacted, (4) limit early retirement benefits to employees in classifications identified for layoffs, (5) provide for certification by the Controller that the number of employees selected for early retirement benefits in each classification shall not exceed the number of employees separated due to layoff, and (6) provide for participation by the School District and the Community College District.

(Added November 2003)

A8.401-2 EARLY RETIREMENT BENEFITS

The following criteria govern those employees eligible to receive the early retirement benefit set forth in Section A8.522 of the Charter.

(Added November 2003)

A8.401-3 AUTHORITY

During fiscal years 2003-2004 and 2004-2005, the Mayor shall identify, subject to confirmation by the Controller and the Director of the Department of Human Resources ("Director"):

(A) City and County services or functions that have been terminated or reduced during the fiscal year because of budget constraints, and

(B) The classifications of positions that have been eliminated in the budget for the fiscal year because of the termination or reduction of City and County services or functions ("Identified Classifications").

(Added November 2003)

A8.401-4 SCHEDULE

The determinations made by the Mayor, Controller and the Director under Section A8.401-3, above, shall be made after the Board of Supervisors has enacted the budget for the fiscal year or adopted a supplemental change to the budget.

(Added November 2003)

A8.401-5 ELIGIBILITY

The Director shall develop procedures according to the following criteria and limitations to identify those employees eligible to receive early retirement benefits due to layoffs in Identified Classifications.

(A) The Director shall identify employees eligible for early retirement benefits in the following order:

1. Permanent civil service employees

a. In order of seniority, employees currently employed in an Identified Classification and employees laid off between March 1, 2003 and June 30, 2005 from an Identified Classification.

b. In order of seniority, employees currently employed in classifications that have been near-listed to an Identified Classification.

The Director shall determine seniority at the time of notification using the Civil Service Commission rules on layoff. A current employee who has not received notice that he or she will be separated from employment due to layoff shall be eligible for early retirement benefits only if his or her retirement would result in the retention or return to employment of an employee who has received notice of separation or been separated from employment due to layoff.

2. Exempt and provisional employees.

Exempt and provisional employees, employed under Charter Sections 10.104 or 10.105, shall be eligible for early retirement benefits only if they have been involuntarily separated from employment due to layoff between March 1, 2003 and June 30, 2005 from an Identified Classification.

(B) The number of employees who receive early retirement benefits in each Identified Classification shall not exceed the number of employees noticed for separation or separated from employment due to layoffs in the Identified Classification. The Controller shall certify the names of the employees identified, and that the number of employees identified for early retirement benefits in each Identified Classification does not exceed the number of employees separated from employment due to layoffs in the Identified Classification.

(Added November 2003)

A8.401-6 NOTIFICATION PROCEDURE

The Director shall notify in writing those employees eligible for early retirement benefits, with a copy to the Retirement System, and shall set a deadline for the employees to retire, not to exceed 30 days after notification.

(Added November 2003)

A8.401-7 EXTENSION

This program may be extended by a three-fourths vote of the Board of Supervisors. The Board may authorize an extension limited to fiscal years 2005-2006 and 2006-2007.

(Added November 2003)

A8.401-8 COSTS

The City and County, not the Retirement System, shall bear the costs of identifying and giving notice, as described in this section, to employees eligible for the early retirement benefit.

(Added November 2003)

A8.401-9 SCHOOL AND COMMUNITY COLLEGE DISTRICTS

For the purpose of offering early retirement benefits to their eligible employees, the San Francisco Unified School District and the San Francisco Community College District, through their authorized officials, shall exercise the authority granted in Section A8.401-3 to identify classifications of positions, held by employees enrolled in the San Francisco Retirement System, that meet the criteria in Section A8.401-3. Any offer of early retirement benefits to School District or Community College District employees shall be governed by the criteria, limitations and procedures set forth in Sections A8.401-3 through A8.401-8 above. The determinations made in Section A8.401-3 by the School District or the Community College District shall be made after the governing bodies of the School District or Community College District, as appropriate, have adopted the budget for the fiscal year or adopted a supplemental change to the budget.

(Added November 2003)

A8.401-10 NON-VESTED BENEFIT

This Section and Section A8.522 do not create vested rights in any employee who has not yet retired under this Section. The voters expressly reserve the right to alter or repeal for any reason the early retirement benefits provided in this Section and Section A8.522.

(Added November 2003)

A8.401-11 DISCRETIONARY AUTHORITY

The determinations made under this Section are within the sole discretion of the City and County, School District and Community College District. In adopting this Charter amendment the voters intend to grant broad discretion to City and County officials, including the Director and the Controller, as well as appropriate School District and Community College District officials. The voters intend that courts grant deference to these officials' interpretations and applications of the provisions of this Charter amendment. The voters intend that courts defer to the decisions of these officials unless they are devoid of any conceivable basis in reason. The voters do not intend to impose any duties on the City and County, or its officials, including the Director and Controller, or on the School District, Community College District, or their officials, for breach of which any aggrieved party may recover damages, attorneys fees or costs.

(Added November 2003)

A8.402 COMPENSATION OF TEACHERS, PART-TIME EMPLOYEES AND CERTAIN OTHER GROUPS

Compensations of the teaching and other technical forces of the school department and employees of the Steinhart Aquarium and law library departments, construction employees engaged outside of the City and County, part-time employees, and inmate and institutional help receiving less than $50 per month, shall be fixed by the department head in charge thereof, with the approval of the board or commission, if any, in charge of the department concerned and subject to the budget and appropriation provisions of this Charter; provided that part-time employees shall be recorded as such by a principal executive, only with approval of the civil service commission and, when so recorded, shall be noted as part-time on payrolls, budget estimates, salary ordinance and similar documents.

A8.403 COMPENSATION FOR REGISTERED NURSE CLASSIFICATIONS

The salary, conditions and benefits of employment of the various classifications of nurses required to possess a registered nurse license issued by the State of California as provided for in this section as compensation shall be

determined and fixed annually as follows:

(a) On or before May 1, 1982, and each year thereafter, the civil service commission shall certify to the Board of Supervisors for the acute care staff nurse classification the highest prevailing salary schedule in effect on April 15 of that year, and salary adjustments, if any, to be effective during the City and County's next succeeding fiscal year, granted by collective bargaining agreement to comparable registered nurse employees in public and private employment in the counties of Alameda, Contra Costa, Marin, San Mateo, San Francisco and Santa Clara. Rates of pay for other registered nurse classifications shall reflect not less than the same relationships to the benchmark registered nurse classification that those classifications had in fiscal year 1980-1981 to the then benchmark classification.

(b) The Board of Supervisors shall on or before June 1, 1982, and each year thereafter, fix a salary schedule for each classification which shall not be in excess of the schedules certified by the civil service commission, for each such classification, except as provided in Subsection (f) below, and provided, further, that no employee's basic rate of pay shall be reduced to conform to the highest prevailing salary schedule except as provided for in Section 8.406;

(c) The rates of pay fixed for each classification shall become effective at the beginning of the next succeeding fiscal year;

(d) The terms "salary schedule" and "salary schedules" wherever used in this section are hereby defined and intended to include only the maximum rate of pay provided in each such salary schedule; the term "salary adjustments" shall mean an increase or decrease to the maximum rate of pay;

(e) At the time the Board of Supervisors fixes the salary schedule as provided in (b) above, the Board of Supervisors may fix as conditions and benefits of employment other than salaries as compensation for each classification, conditions and benefits not to exceed the intent of those conditions and benefits granted by collective bargaining agreements to comparable classifications by the employer used for certification of the highest prevailing salary schedule by the civil service commission. The Board of Supervisors may establish such conditions and benefits notwithstanding other provisions or limitations of this Charter, with the exception that such conditions and benefits shall not involve any change in the administration of or benefits of the Retirement System, health service system or vacation allowances provided elsewhere in this Charter. Conditions and benefits of employment existing prior to July 1, 1982 may be continued by the Board of Supervisors;

(f) When the employer used for certification in Subsection (a) above, provides rates of pay during the current fiscal year in excess of those fixed by the Board of Supervisors for said current fiscal year, or vacation and health service benefits greater than such similar benefits provided by this Charter for the staff nurse classification, the civil service commission shall certify to the Board of Supervisors an amount not to exceed the difference of such salary and benefits converted to dollar values and the Board of Supervisors may provide additional salary, conditions and benefits of employment at a cost not to exceed said dollar value.

A8.404 SALARIES AND BENEFITS OF CARMEN

(a) The wages, conditions and benefits of employment of the various classifications of employment of platform employees and coach or bus operators of the municipal railway as compensation shall be determined pursuant to Charter section A8.409 et seq. as modified by Charter section 8A.104.

(b) In the first MOU negotiated or awarded through arbitration pertaining to transit operators covered by this section after the November 2010 general election, the Agency's contribution for active employee health coverage shall not be less than the City contribution for the majority of other employees covered by section A8.409 et seq. for the employee only, and at each level of dependent coverage provided under the Health Service System. This subsection may be waived upon the mutual consent of the Agency and the employee organization representing transit operators.

(Amended by Proposition A, Approved 11/6/2007; Proposition G, Approved 11/2/2010)

A8.404-1 FY 2009-2010 INTERIM ECONOMIC PROVISIONS

Notwithstanding any other provision of Charter Section A8.404, for the fiscal year commencing July 1, 2009, and ending on June 30, 2010, all economic provisions (including but not limited to wages, premium pay rates, overtime, any employer pickup of the employees' retirement contribution, paid time off, and other compensation, but not including any trust fund contributions required under Section A8.404(f)) shall not be increased for miscellaneous City and County platform employees, and coach or bus operators of the municipal railway, above the levels set in, place as of close of business June 30, 2009, nor may new economic provisions be added.

(Added by Proposition B, 6/3/2008)

A8.405 SALARIES OF UNIFORMED FORCES IN THE POLICE AND FIRE DEPARTMENTS

(a) Not later than the first day of August of each year, the civil service commission shall survey and certify to the Board of Supervisors rates of compensation paid police officers or patrol officers employed in the respective police departments in all cities of 350,000 population or over in the State of California, based upon the latest federal decennial census. For the purpose of the civil service commission's survey and certification the rates contained in said certification shall be the average of the maximum rates paid to each police officer or patrol officer classification performing the same or essentially the same duties as police officers or patrol officers in the City and County of San Francisco.

Thereupon the Board of Supervisors shall have the power, and it shall be its duty, by ordinance, to fix rates of compensation for the members of the police department whose annual compensations are set forth in Section 3.531 of this Charter and said rates shall be in lieu of said annual compensations and shall be effective from the first day of July of the current fiscal year.

The rates of compensation, fixed in said ordinance,

(1) for the fourth year of service and thereafter for police officers, police patrol drivers and women protective officers the compensation shall be fixed at a rate which is the average maximum wage paid to police officer or patrol officer classifications in regular service in the cities included in the certified report of the civil service commission. "Average wage" as used in this paragraph shall mean the sum of the maximum averages certified by the civil service commission divided by the number of police officer classifications in cities in said certification;

(2) for the first, second and third year of service for police officers, police patrol drivers and women protective officers shall be established in accordance with the general percentage differential between seniority steps found in the salary ranges included in the cities certified by the civil service commission for the same class;

(3) for said members of the police department other than police officers, police patrol drivers and women protective officers shall include the same percent of adjustment as that established by said ordinance for police officers in the fourth year of service; and

(4) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The rates of compensation set forth in the budget estimates, the budget and the annual salary ordinance shall be those fixed by the Board of Supervisors as in this section provided and appropriations therefor shall be based thereon.

The expression "rates of compensation," as used in this section in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other City by way of holidays, vacations, other permitted absences of any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation."

Working benefits and premium pay differential of any type shall be allowed or paid to members of the police department referred to herein only as is otherwise provided in this Charter.

For all purposes of the Retirement System, the expression "rates of compensation" as used in this section, shall mean "salary attached to the rank" as used in Section 166 of the Charter of 1932, as amended, and with the addition of fifteen dollars ($15) per month now provided in Subsection (b) with respect to members assigned to two-wheel motorcycle duty, shall also mean "compensation earnable" as used in Section 8.549.

The term "police officers or patrol officers" as used in this section shall mean the persons employed in the police departments of said cities of 350,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by police officers, police patrol drivers and women protective officers in the San Francisco Police Department.

In determining years of service necessary for a police officer, woman protective officer and police patrol driver to receive the annual compensation as provided for herein, service rendered prior to the effective date of this amendment shall be given full credit and allowed.

The absence of any police officer, woman protective officer or police patrol driver on military leave, as defined by Section 8.361 of this Charter, shall be reckoned a part of his service under the City and County, for the purpose of computing years of service in gaining added compensation as provided for herein.

On the recommendation of the chief of police, the commission may reward any member of the department for heroic or meritorious conduct. The form or amount of said reward to be discretionary with the commission, but not to exceed one month's salary in any one instance.

If any member of the department appointed as an assistant inspector is a sergeant at the time of the appointment or is appointed a sergeant thereafter, such member shall receive the rate of compensation attached to the rank of sergeant.

(b) Not later than first day of August of each year the civil service commission shall survey, and certify to the Board of Supervisors, additional rates of pay paid to members assigned to all two-wheel motorcycle duty in the respective police departments of all cities of 350,000 population or over in the State of California, based upon the latest decennial census. For the purpose of the civil service commission's survey and certification the additional rates for two-wheel motorcycle duty shall include the average additional amount paid to members assigned to two-wheel motorcycle duty in the cities surveyed.

Thereupon the Board of Supervisors shall have the power, and it shall be its duty, by ordinance, to fix the additional rate of pay for the members of the police department who are assigned two-wheel motorcycle duty. The additional rate of pay will be determined by the average additional wage paid to members in regular service in the cities included in the certified report of the civil service commission who are assigned to two-wheel motorcycle duty. "Average wage" as used in this paragraph shall mean the sum of the additional rates of pay certified by the civil service commission divided by the number of cities in said certification. Said additional rates shall be in lieu of said annual compensations and shall be effective from the first day of July of the current fiscal year.

Said rate of pay shall be in addition to the rate of compensation provided for in Subsection (a).

In no event shall the additional rate so fixed be less than fifteen dollars ($15) per month.

(c) Not later than the first day of August of each year, the civil service commission shall survey and certify to the Board of Supervisors rates of compensation paid firefighters employed in the respective fire departments of all cities of 350,000 population or over in the State of California, based upon the latest federal decennial census. For the purpose of the civil service commission's survey and certification the rates contained in said certification shall be the average of the maximum rates paid to each firefighter classification performing the same or essentially the same duties as firefighters in the City and County of San Francisco.

Thereupon, the Board of Supervisors shall have the power, and it shall be its duty, by ordinance, to fix rates of compensation for the members of the fire department whose annual compensations are set forth or otherwise provided in Section 3.542 of this Charter, and said rates shall be in lieu of said annual compensations and shall be effective from the first day of July of the current fiscal year.

The rates of compensation, fixed in said ordinance,

(1) for the fourth year of service and thereafter the rate of compensation shall be fixed at a rate which is the average of the maximum compensation paid firefighter classifications in regular service in the cities included in the certified report of the civil service commission. "Average wage" as used in this paragraph shall mean the sum of the maximum averages certified by the civil service commission divided by the number of firefighter classifications in cities in said certification;

(2) for the first, second and third year of service for firefighters shall be established in accordance with the general percentage differential between seniority steps found in the salary ranges included in the cities certified by the civil service commission for the same class;

(3) for said members of the fire department other than firefighters shall include the same percent of adjustment as that established by said ordinance for firefighters in the fourth year of service; and

(4) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The expression "rates of compensation" as used in this section, in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other City by way of holidays, vacations, other permitted absences for any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation."

Working benefits and premium pay differentials of any type shall be allowed or paid to members of the fire department referred to herein only as is otherwise provided in this Charter.

For all purposes of the Retirement System, the expression "rates of compensation," as used in Subsections (c) and (d) of this section shall mean "salary attached to the rank" as used in Section 169 of the Charter of 1932, as amended and "compensation earnable" as used in Section 8.549.

The term "firefighters" as used in this section shall mean the persons employed, in the fire departments of said cities of 350,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by drivers, stokers, tillermen, truckmen, or hosemen, in the San Francisco Fire Department.

The expression "members of the fire department" does not include members of the fire commission.

The absence of any officer or member of the fire department on military leave of absence, as defined by Section 8.361 of this Charter shall be reckoned a part of such member's service under the City and County, for the purpose of computing years of service in gaining added compensation as provided in this Charter.

On the recommendation of the chief of department, the commission may reward any officer or member of the department for heroic or meritorious conduct, the form or amount of said award to be discretionary with the fire commission, but not to exceed one month's salary in any one instance.

The rates of compensation for the ranks of captain, bureau of fire prevention and public safety, and lieutenant, bureau of fire investigation, shall be thirteen percent (13%) above the compensation established for the ranks of captain and lieutenant as provided for in this section. The rates of compensation for the ranks of inspector, bureau of fire prevention and public safety, and investigator, bureau of fire investigation, shall be ten percent (10%) above the compensation established for the rank of chief's operator as provided for in this section. The rate of compensation shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this subsection, half dollars being taken to the next higher dollar amount.

(d) The rates of compensation fixed pursuant to the provisions of Subsection (a)(1), (2) and (3) and the rates of compensation fixed pursuant to the provisions of Subsection (c)(1), (2) and (3) shall be the same. Such rates shall not exceed the highest average rate of compensation fixed pursuant to Subsections (a)(1), (2) and (3) and (c)(1), (2) and (3) above, whether it be paid to police officers, patrol officers or firefighters; provided, further, that the

minimum rate of compensation attached to the rank of sergeant in the police department shall be equal to the rate of compensation attached to the rank of lieutenant in the fire department.

(e) Not later than the 25th day of August the Board of Supervisors shall have the power and it shall be its duty, subject to the fiscal provisions of the Charter but without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance as necessary to include the provisions of paying the rates of compensation fixed by the Board of Supervisors as in this section provided for uniformed members of the police and fire departments for the then current fiscal year.

Notwithstanding any other Charter provision, the rates of compensation for police officers and firefighters shall be annually further increased as follows:

(1) In the event that any City of 350,000 population or over in the State of California as defined in subsections (a) and (c) of this section has not finalized, fixed, or reached agreement as to the rates of compensation prior to the 25th day of August, the date for further and additional fixing of the rates of compensation and for further and additional amending of the annual appropriation ordinance and annual salary ordinance to provide for the paying of additional rates of compensation to police officers and firefighters shall extend to the 30th day of June of the following year.

(2) Should any City as defined in subsections (a) and (c) of this section finalize, fix or reach agreement as to the rates of compensation after the 25th day of August but prior to the 30th day of June of the following year, the Board of Supervisors shall have the power, and it shall be its duty, subject to the fiscal provisions of the Charter, by ordinance, within 30 calendar days of said finalizing, fixing, or reaching agreement, further to fix the rates of compensation for the uniformed members of the police and fire departments and to further amend the annual appropriation ordinance and the annual salary ordinance to include provisions for paying the rates of compensation as so further fixed pursuant to subsections (a), (b) and (c) of this section, and said rate of compensation shall be effective retroactive to the effective date of the agreement or legislation designated in subsections (a) and (c), but in no event prior to July 1 of the current fiscal year.

(f) Not later than the first day of August of each year, the civil service commission shall determine and certify to the Board of Supervisors the percentage of increase or decrease in the cost of living during the 12-month period ending March 31st of that same year as shown by the Consumer Price Index, All Items San Francisco, and the percentage of increase or decrease in the cost of living during the same period as shown by the Consumer Price Index, All Items, in the cities included in the certified report of said commission. The Consumer Price Index referred to herein is defined as that certain index issued by the U. S. Bureau of Labor Statistics and published in the Monthly Labor Review or a successor publication. In the event the U. S. Bureau of Labor Statistics discontinues the compilation and publication of said indexes, the Board of Supervisors shall have the power, and it shall be its duty, to appoint a statistical fact finding committee to determine the same data pursuant to the methods theretofore used by the U. S. Bureau of Labor Statistics. The cost of living adjustments as hereinafter provided shall be based upon the percentage of such increases or decreases. The Board of Supervisors may, in addition to the rates of compensation as established herein, and at the same time said rates of compensation are established, increase said rates of compensation by an amount equal to the difference between the average cost of living increase of the cities included in the certified report of the civil service commission and the actual cost of living increase for San Francisco. In the event the Board of Supervisors elects not to grant such cost of living increase in any year in which any such increase might be granted, the Board of Supervisors shall, upon a written request filed with the clerk of the Board of Supervisors not later than the 10th day of September of said year by representatives of the uniformed members of the police and fire departments, as designated by the police and fire commissions, respectively, submit the question of said cost of living increase to the qualified electors of the City and County at the next succeeding Citywide election. In the event said cost of living increase is approved by a majority of the qualified electors voting thereon, said cost of living increase shall be effective as of the first day of the then current fiscal year.

(g) Notwithstanding any of the provisions contained in this section, no uniformed member of the police or fire department employed before July 1, 1976, whose compensation is fixed pursuant to the formula contained herein, shall suffer a salary reduction by the application of any new compensation schedules, and the rates for fiscal year 1975-76 shall continue until such time as the new schedules equal or exceed the current salary increment schedules, provided, however, that such time shall not be extended beyond June 30, 1982, and provided further that this

prohibition against reduction of compensation for the designated employees shall not be deemed to supersede the provisions of Section 8.406 of this Charter.

(h) Notwithstanding any of the provisions contained in this section, no uniformed member of the police or fire department, whose compensation is fixed pursuant to the formula contained herein, shall suffer a salary reduction by the application of the compensation schedules provided for herein. Provided, however, that this prohibition against reduction of compensation for the designated employees shall not be deemed to supersede the provisions of Section 8.406 of this Charter.

(i) This amendment shall become effective immediately upon certification of election results and its provisions shall pertain to fixing rates of pay for police officers and firefighters during fiscal year 1986-87.

A8.406 SALARY DEDUCTIONS

Whenever, in the judgment of the Mayor and the Board of Supervisors, extraordinary economic conditions actually exist due to unemployment, fire, earthquake, flood or other calamity, which adversely affect the life, health and welfare of the citizens of the City and County or of any considerable portion thereof, the Board of Supervisors, by a three-fourths vote of all of its members, with the concurrence of the Mayor, shall have power as follows, to-wit:

(a) To officially declare that a public emergency exists, and to fix the approximate anticipated time during which said emergency shall continue, provided that no such emergency shall be anticipated to continue beyond the end of the fiscal year during which the same is declared, unless such emergency be declared subsequent to the first day of January of said year, in which event the said emergency may be anticipated to continue until the end of the next succeeding fiscal year.

(b) To provide that while said emergency as declared shall continue to exist there shall be deducted from the gross salaries and compensations, exclusive of pension and retirement allowances, of each officer and employee of the City and County of San Francisco, including officers and employees of the board of education, not more than the respective amounts hereinafter set forth. Said deductions shall be made on the basis of the salary and compensation rate of said several officers and employees which were in effect during the calendar month immediately preceding the month during which said emergency was declared and not reduced by this section.

If said salary and compensation deductions are not reflected in the annual budget and appropriation ordinances, as set forth in Subsection (c) of this section, the amount of said deductions shall be used for the purpose of meeting or alleviating the emergency which has been declared, or to balance any deficiency existing in the general funds of the City arising by reason of the delinquency in the payment of taxes or other revenue as compared with the anticipated revenues over the same period. Provided that where salaries or compensations are paid out of bond funds, utility funds, or other trust funds, which are not provided from the revenues of the City, all deductions made shall revert to the respective funds from which said salaries or compensations are paid.

The maximum deductions from the salary or compensation of each officer or employee heretofore referred to shall be as follows, to-wit:

(1) From the salaries or compensation of officers or employees whose gross earnings exceed $100 per month and do not exceed $120 per month, three percent of the amount of the gross monthly earnings of each of said officers or employees.

(2) From the salaries or compensations of officers or employees whose gross earnings exceed the sum of $120 per month and do not exceed the sum of $150 per month, seven percent of the gross monthly earnings of each of said officers or employees.

(3) From the salaries or compensations of officers or employees whose gross earnings exceed the sum of $150 per month, and do not exceed the sum of $185 per month, 10 percent of the gross monthly earnings of each of said officers or employees.

(4) From the salaries or compensations of all officers or employees whose gross earnings exceed the sum of $185 per month, and do not exceed the sum of $275 per month, 12½ percent of the gross monthly earnings of each of said officers or employees.

(5) From the salaries or compensations of all officers or employees whose gross earnings exceed the sum of $275 per month, and do not exceed the sum of $600 per month, 15 percent of the gross monthly earnings of said officers or employees.

(6) From the salaries or compensations of all officers or employees whose gross earnings exceed the sum of $600 per month, and do not exceed the sum of $834 per month, 18 percent of the gross monthly earnings of each of said officers or employees.

(7) From the salaries or compensations of all officers or employees whose gross earnings exceed the sum of $834 per month, 20 percent of the gross monthly earnings of each of said officers or employees.

(8) Provided, however, that no more than 5-1/2 percent of the gross monthly earnings of per diem employees whose compensations are fixed on the basis of a five-day week shall be deducted from the salaries or earnings of any such employee.

Said deductions shall be made from said earnings or compensations in monthly or semi-monthly installments according to the time at which said salaries or compensations are paid; provided that where the earnings of any officer or employee are on an hourly or per diem basis deductions based on his total earnings for the month shall be deducted from the installment of said earnings paid for the last half of the month.

(c) Should any such emergency declared as herein provided be anticipated to continue into the next fiscal year following the one during which said emergency has been declared, the controller and the Mayor in preparing or submitting their respective annual budget estimates shall base and estimate the net salaries and compensations to be paid at amounts not to exceed the said salaries and compensations as reduced by the above-mentioned percentages on the above-mentioned salary and compensation rates, and the annual appropriation and salary ordinance shall fix said net salaries and compensation accordingly. When any emergency is declared after the annual budget is prepared or adopted, or after the annual appropriation or salary ordinances are enacted, and before the annual tax rate is fixed as provided by law, said budget and said appropriation and salary ordinances may be revised or reenacted, so that the deductions herein authorized to be made may be reflected in the amount of the tax levy.

(d) All of such deductions, whether made after the passing of the annual budget appropriation and salary ordinance or included therein, shall be deemed as temporary deductions from the salaries and compensations of said officers and employees, and shall be continued only during the anticipated period for which said emergency has been declared.

(e) In making the deductions herein provided for, the value of board, room and laundry or other maintenance furnished by the City and County to any officer or employee, when the same is made a part of his compensation by the civil service commission, shall be added to the monetary salary or compensation paid to said employee, and the amount of deductions from said salary or compensation shall be based on said monetary salary plus the value of said board, room and laundry or other maintenance, provided that no deduction shall be made for quarters furnished to any officer or member of the fire department.

(f) During the period that any emergency shall exist after being so determined as hereinbefore provided, the controller, with the approval of the Mayor and the Board of Supervisors, may reallocate any unencumbered balance, or any part thereof, to the credit of any department or office exclusive of monies or appropriations made or required to be made to any bond, bond interest, bond redemption, pension, utility, or trust fund, so that the same shall be available to meet the necessities of said emergency, irrespective as to whether the amount allocated to said department or office is fixed by this Charter or is the result of a tax provided by said Charter to be levied for said department. Should the period during which said emergency is anticipated to exist extend beyond the end of the fiscal year in which the same was declared to exist, the Mayor, with the approval of the Board of Supervisors, may reduce the amount of any mandatory appropriation provided to be allocated to any office or department; or may reduce the amount of any tax provided by the Charter to be levied for the support or maintenance of any department or office. Provided that no such deduction in appropriation, provided by this Charter to be made to any department, or in the reallocation of funds, or reduction in the amount of said tax otherwise provided to be levied to produce

funds for any department, shall be greater than is necessary to reflect the deductions in salaries provided in the section to be made by reason of said emergency.

The provisions of this section shall have precedence over conflicting provisions of this Charter, but nothing herein contained shall adversely affect the rights of the officers and employees as set forth in Section 8.400 (h) of the Charter, during the period when no public emergency exists. Contributions by the City and County and by members of the San Francisco City and County Employees' Retirement System to, and benefits, pension payments and allowances under said Retirement System, shall be calculated on the basis of gross salaries and compensations of such members in the same manner and amounts as if no deductions from said gross salaries and compensations were made under this section.

Should any emergency be declared pursuant to the provisions of this section, which, in the judgment of the Board of Supervisors, will necessitate deductions from the salaries of the officers and employees of the City and County, over and above the amounts herein provided for, the Board of Supervisors by unanimous vote of all of its members, and with the approval of the Mayor may authorize a further deduction from the salaries and compensations of any of said officers and employees by increasing the maximum deductions in this section provided for, up to and including an amount not to exceed 25 percent of said respective salaries or compensations as the same existed before any deduction by authority of this section.

A8.409 DECLARATION OF POLICY

It is hereby declared to be the policy of the City and County of San Francisco that strikes by City employees are not in the public interest and that, in accordance with Government Code Section 3507(e), a method should be adopted for peacefully and equitably resolving disputes. It is the further purpose and policy of the City and County of San Francisco that the procedures herein adopted, except as otherwise provided herein, shall supersede and displace all other formulae, procedures and provisions relating to wages, hours, benefits and other terms and conditions of employment found in this Charter, in the ordinances and resolutions of the City and County of San Francisco, or in the rules, regulations or actions of boards or commissions of the City and County of San Francisco.

If any officer or employee covered by this part engages in a strike as defined by section A8.346(a) of this Charter against the City and County of San Francisco, said employee shall be dismissed from his or her employment pursuant to Charter section A8.346.

In accordance with applicable state law, nothing herein shall be construed to restrict any legal City rights concerning direction of its work force, or consideration of the merits, necessity, or organization of any service or activity provided by the City. The City shall also have the right to determine the mission of its constituent departments, officers, boards and commissions; set standards of services to be offered to the public; and exercise control and discretion over the City's organization and operations. The City may also relieve City employees from duty due to lack of work or funds, and may determine the methods, means and personnel by which the City's operations are to be conducted.

However, the exercise of such rights does not preclude employees from utilizing the grievance procedure to process grievances regarding the practical consequences of any such actions on wages, hours, benefits or other terms and conditions of employment whenever memoranda of understanding providing a grievance procedure are in full force and effect.

It is the declared intent of the voters that the state statutes referenced in this part be those in effect on the effective date of this part.

(Amended March 2004)

A8.409-1 EMPLOYEES COVERED

These Sections A8.409 through A8.409-6, inclusive, shall apply to all miscellaneous officers and employees except as set forth in Section A8.590-1 et seq. and including employees of San Francisco Unified School District and San Francisco Community College District to the extent authorized by state law. The provisions of Charter sections A8.400(h), A8.401-1, and A8.407 are hereby repealed and shall be of no further force and effect.

Employee organizations representing employees in classifications covered by section A8.403 and A8.404 of this Charter may elect to include those classifications within the coverage of this part as a separate bargaining unit, provided however, that the election shall not become effective without the written approval of the Mayor and Board of Supervisors. The election shall be irrevocable and such employees shall not thereafter be subject to the provisions of section A8.403 and A8.404.

Employees in classifications not represented by a recognized employee organization shall be entitled to represent themselves with the City and County over wages, hours and other terms and conditions of employment to the extent required by state law and shall not be subject to the arbitration provisions of Section A8.409-4 of this Charter. The Mayor annually shall propose all forms of compensation for unrepresented employees including salaries, hours, benefits, and other terms and conditions of employment subject to approval or disapproval of the Board of Supervisors. Consistent with other provisions of this Charter, the civil service commission may adopt rules and procedures relating to said unrepresented employees.

Except as otherwise provided by this Charter the Civil Service Commission shall set the wages and benefits of all elected officials of the City and County of San Francisco as follows: The Commission shall conduct a salary survey of the offices of chief executive officer, county counsel, district attorney, public defender, assessor-recorder, treasurer, and sheriff, in the counties of Alameda, Contra Costa, Marin, San Mateo, and Santa Clara. The Commission shall then average the salaries for each of those offices to determine respectively the base five-year salaries for the Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff.

If any of the aforementioned counties do not have an office of public defender, that county shall be omitted from the salary survey for purposes of determining the base five-year salary of the Public Defender. Among the aforementioned counties, any freestanding county assessor's office or any county office in which the assessor's function is combined with other county functions, shall be deemed comparable to the office of Assessor-Recorder for purposes of determining the base five-year salary of the Assessor-Recorder. If any of the aforementioned counties do not have a comparable county office of treasurer, the county office whose functions most closely resemble the Treasurer's functions in San Francisco shall be deemed comparable to the office of Treasurer for purposes of determining the base five-year salary of the Treasurer.

The initial base five-year salary determination for the respective salaries of the Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff shall apply to the period from July 1, 2007 through June 30, 2012. Subsequent base five-year salary determinations for those offices shall apply to subsequent five-year periods, for example, July 1, 2012 through June 30, 2017.

For the second, third, fourth, and fifth years of the period for which any base five-year salary has been set, the Commission shall annually adjust the respective salaries of the Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff, to account for upward annual movement in the Consumer Price Index during the prior calendar year; provided, that whenever the upward movement in the Consumer Price Index during the prior calendar year exceeds 5%, the cost-of-living adjustment shall not be the actual increase in the Consumer Price Index for the prior calendar year but instead shall be 5%. The annual cost-of-living adjustment shall take effect July 1 of the second, third, fourth, and fifth years of the period for which the base five-year salary has been set.

Except as noted below, in setting the initial and subsequent base five-year salary determinations for the offices of Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff, the Commission may not reduce the respective salaries of any of those offices. If implementation of the process for setting the base five-year salary would otherwise result in a salary reduction for any of those offices, the base five-year salary for the affected office or offices shall be the existing salary for the office.

If the City and County of San Francisco and employee organizations agree to amend the compensation provisions of existing memoranda of understanding to reduce costs, the Commission shall review and amend the respective salaries of the Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff as necessary to achieve comparable cost savings in the affected fiscal year or years.

The Commission shall annually set the benefits of elected officials, to take effect July 1 of each year. Benefits of elected officials may equal but may not exceed those benefits provided to any classification of miscellaneous officers and employees as of July 1 of each year, except, after January 7, 2012, the City and County shall not pay

the required employee contributions of said officials into the San Francisco Employees' Retirement System trust fund or into the Retiree Health Care Trust Fund..

In addition, subject to the approval or disapproval of the Board of Supervisors, the Mayor may create, for employees designated as management, a management compensation package that recognizes and provides incentives for outstanding managerial performance contributing to increased productivity and efficiency in the work force. In formulating such a package, the Mayor shall take into account data developed in conjunction with the civil service commission regarding the terms of executive compensation in other public and private jurisdictions.

(Amended March 2004; Proposition C, Approved 11/7/2006; Proposition C, Approved 11/8/2011)

A8.409-2 INTERIM PROVISIONS

Notwithstanding the provisions of section 8.407 of this Charter, from January 3, 1992 through March 31, 1992, in return for acceptance of a wage freeze for fiscal year 1991-1992, all recognized employee organizations representing classifications electing to remain within the coverage of Charter sections 8.401 and 8.407 may, on a one time only basis, elect to bargain for no more than two additional paid training or furlough days per year to be effective only in fiscal years 1992-93, 1993-94 and 1994-95, and a dental plan, in recognition of the wage freeze for 1991-92. Such bargaining shall not be subject to the impasse procedures provided herein or any other provision of the Charter, ordinance, or state law.

A8.409-3 OBLIGATION TO BARGAIN IN GOOD FAITH

Notwithstanding any other ordinances, rules or regulations of the City and County of San Francisco and its departments, boards and commissions, the City and County of San Francisco, through its duly authorized representatives, and recognized employee organizations representing classifications of employees covered by this part shall have the mutual obligation to bargain in good faith on all matters within the scope of representation as defined by Government code section 3504, relating to the wages, hours, benefits and other terms and conditions of City and County employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of any agreement, and including agreements to provide binding arbitration of discipline and discharge; provided, however that, except insofar as they affect compensation, those matters within the jurisdiction of the civil service commission which establish, implement and regulate the civil service merit system shall not be subject to bargaining under this part: the authority, purpose, definitions, administration and organization of the merit system and the civil service commission; policies, procedures and funding of the operations of the civil service commission and its staff; the establishment and maintenance of a classification plan including the classification and reclassification of positions and the allocation and reallocation of positions to the various classifications; status rights; the establishment of standards, procedures and qualifications for employment, recruitment, application, examination, selection, certification and appointment; the establishment, administration and duration of eligible lists; probationary status and the administration of probationary periods, except duration; pre-employment and fitness for duty medical examinations except for the conditions under which referrals for fitness for duty examinations will be made, and the imposition of new requirements; the designation of positions as exempt, temporary, limited tenure, part-time, seasonal or permanent; resignation with satisfactory service and reappointment; exempt entry level appointment of the handicapped; approval of payrolls; and conflict of interest. As to these matters, the Civil Service Commission shall continue to be required to meet and confer pursuant to state law.

Unless and until agreement is reached through bargaining between authorized representatives of the City and County of San Francisco and authorized representatives of recognized employee organizations for the employee classifications covered by this part, or a determination is made through the procedure set forth in section A8.409-4 hereinafter provided, no existing wages, written terms or conditions of employment, fringe benefits, or long-standing past practices for said employees shall be altered, eliminated or changed except in cases of emergency. This paragraph shall be effective only until the approval of the first memorandum of understanding with a covered employee organization or six months from the effective date of this part whichever occurs sooner.

During the term of an MOU, disputes regarding changes in wages, hours, benefits and other terms and conditions of employment shall not be subject to the impasse procedures provided in this part, but may be subject to grievance arbitration.

No bargaining unit may be included in more than one memorandum of understanding with the City and County of San Francisco. Consistent with Charter sections 3.100-2 and 3.103 and subject to the prior written approval of the Human Resources Director which shall not be unreasonably withheld, appointing officers shall have the authority to negotiate agreements with recognized employee representatives. Appointing officers shall consult and coordinate such negotiations with the Human Resources Director. Such memoranda of understanding shall be restricted to non-economic items within the jurisdiction of the department appointing officer which do not conflict with a City-wide memorandum of understanding. Such memoranda of understanding shall come into full force and effect only upon approval by the Mayor and thereafter by a majority vote of the Board of Supervisors or other appropriate governing body. Upon such approval, departmental memoranda of understanding shall be attached as appendices to the employee organization's City-wide memorandum of understanding as negotiated under this part. No memorandum of understanding negotiated pursuant to this paragraph during the term of a City-wide memorandum of understanding shall be subject to the arbitration provisions of this part until re-negotiation of the employee organization's City-wide memorandum of understanding.

Agreements reached pursuant to this part by the authorized representatives for the City and County of San Francisco, on behalf of its departments, boards and commissions, and the authorized representatives of recognized employee organizations, once adopted by ordinance of the Board of Supervisors, shall be binding on the City and County of San Francisco, and on its departments, boards, commissions, officers and employees and on the recognized employee organizations and their successors, and all employees in classifications they represent. Except as specifically set forth in this part, said agreements shall supersede any and all other conflicting procedures, provisions and formulae contained in this Charter, in the ordinances of the Board of Supervisors, or in the rules or regulations of the City and County of San Francisco, relating to wages, hours, or other terms and conditions of employment.

(Amended March 2004)

A8.409-4 IMPASSE RESOLUTION PROCEDURES

(a) Subject to Section A8.409-4(g), disputes pertaining to wages, hours, benefits or other terms and conditions of employment which remain unresolved after good faith bargaining between the City and County of San Francisco, on behalf of its departments, boards and commissions, and a recognized employee organization representing classifications of employees covered under this part shall be submitted to a three-member Mediation/Arbitration Board ("the Board") upon the declaration of an impasse either by the authorized representative of the City and County of San Francisco or by the authorized representative of the recognized employee organization involved in the dispute; provided, however, that the arbitration procedures set forth in this part shall not be available to any employee organization that engages in a strike unless the parties mutually agree to engage in arbitration under this Section. Should any employee organization engage in a strike either during or after the completion of negotiations and impasse procedures, the arbitration procedure shall cease immediately and no further impasse resolution procedures shall be required.

(b) Not later than January 20 of any year in which bargaining on an MOU takes place, representatives designated by the City and County of San Francisco and representatives of the recognized employee organization involved in bargaining pursuant to this part shall each select and appoint one person to the Board. The third member of the Board shall be selected by agreement between the City and County of San Francisco and the recognized employee organization, and shall serve as the neutral chairperson of the Board.

In the event that the City and County of San Francisco and the recognized employee organization involved in bargaining cannot agree upon the selection of the chairperson within ten (10) days after the selection of the City and County and employee organization members of the Board, either party may then request the American Arbitration Association or California State Mediation Service to provide a list of the seven (7) persons who are qualified and experienced as labor interest arbitrators. If the City and County and the employee organization cannot agree within three (3) days after receipt of such list on one of the seven (7) persons to act as the chairperson, they shall randomly determine which party strikes first, and shall alternately strike names from the list of nominees until one name remains and that person shall then become the chairperson of the Board.

(c) Any proceeding convened pursuant to this Section shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure. The Board may hold public hearings, receive evidence from the parties and, at the request of either party, cause a transcript of the proceedings to be

prepared. The Board, in the exercise of its discretion, may meet privately with the parties to mediate or mediate/arbitrate the dispute. The Board may also adopt other procedures designed to encourage an agreement between the parties, expedite the arbitration hearing process, or reduce the cost of the arbitration process.

(d) In the event no agreement is reached prior to the conclusion of the arbitration hearings, the Board shall direct each of the parties to submit, within such time limit as the Board may establish, a last offer of settlement on each of the remaining issues in dispute. The Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds by a preponderance of the evidence presented during the arbitration most nearly conforms to those factors traditionally taken into consideration in the determination of wages, hours, benefits and terms and conditions of public and private employment, including, but not limited to: changes in the average consumer price index for goods and services; the wages, hours, benefits and terms and conditions of employment of employees performing similar services; the wages, hours, benefits and terms and conditions of employment of other employees in the City and County of San Francisco; health and safety of employees; the financial resources of the City and County of San Francisco, including a joint report to be issued annually on the City's financial condition for the next three fiscal years from the Controller, the Mayor's budget analyst and the budget analyst for the Board of Supervisors; other demands on the City and County's resources including limitations on the amount and use of revenues and expenditures; revenue projections; the power to levy taxes and raise revenue by enhancements or other means; budgetary reserves; and the City's ability to meet the costs of the decision of the Arbitration Board. In addition, the Board shall issue written findings on each and every one of the above factors as they may be applicable to each and every issue determined in the award. Compliance with the above provisions shall be mandatory.

(e) After reaching a decision, the Board shall serve by certified mail or by hand delivery a true copy of its decision to the parties. The decision and findings of the Arbitration Board shall not be publicly disclosed until ten (10) days after it is delivered to the parties. During that ten (10) day period the parties shall meet privately, attempt to resolve their differences, and by mutual agreement amend or modify the decision and findings of the Arbitration Board. At the conclusion of the ten (10) day period, which may be extended by mutual agreement between the parties, the decision and findings of the Arbitration Board, as it may be modified or amended by the parties, shall be publically disclosed for a period of fourteen (14) days after which time the decision shall be final and binding. Except as otherwise provided by this part, the arbitration decision shall supersede any and all other relevant formulae, procedures and provisions of this Charter relating to wages, hours, benefits and terms and conditions of employment, and it shall be final and binding on the parties to the dispute. However, the decision of the Board may be judicially challenged by either party.

Thereafter, the City and County of San Francisco, its designated officers, employees and representatives and the recognized employee organization involved in the dispute shall take whatever action necessary to carry out and effectuate the final decision.

(f) The expenses of any proceedings convened pursuant to this part, including the fee for the services of the Chairperson of the Board, the costs of preparation of the transcript of the proceedings and other costs related to the conduct of the proceedings, as determined by the Board, shall be borne equally by the parties. All other expenses which the parties may incur are to be borne by the party incurring such expenses.

(g) The impasse resolution procedures set forth in Section A8.409-4, or in any other provision of the Charter, ordinance or state law shall not apply to any rule, policy, procedure, order or practice which relates or pertains to the purpose, goals or requirements of a consent decree, or which is necessary to ensure compliance with Federal, State or local laws, ordinances or regulations. In the event the City acts on a matter it has determined relates to or pertains to a consent decree, or in the event the City acts to ensure compliance with Federal, State, or local laws, ordinances or regulations, and the affected employee organization disputes said determination, that determination or action shall not be subject to arbitration, but may be challenged in a court of competent jurisdiction.

(h) The impasse resolution procedures set forth in Section A8.409-4, or in any other section of the Charter, shall not apply to any proposal pertaining to the right to strike.

(i) Charter Sections A8.590-1 through A8.590-7 shall remain in full force and effect; provided, however, that the wages and other economic benefits and compensation of all classifications of employees covered by these sections shall be frozen for fiscal year 1995-96 at the rates in effect on June 30, 1995, except that wages and other economic benefits and compensation of all classifications of Airport Police shall be frozen for the fiscal year following

expiration of the Memorandum of Understanding covering those classifications in effect on the effective date of this amendment.

(j) Subject to the election provisions of Section A8.409-1, Charter Sections A8.403 and A8.404 shall remain in full force and effect; provided, however, that the wages and other economic benefits and compensation of all classifications of employees covered by section A8.404 shall be frozen for fiscal year 1995-96 at the rates in effect on June 30, 1995.

(k) An agreement reached between the designated representatives for the City and the representatives of a recognized employee organization that is submitted to the Board of Supervisors on or before May 15, or a decision of the Arbitration/Mediation Board that is submitted to the Board of Supervisors on or before May 10, or May 15 if the parties waive the 10-day period between the Board's decision and public disclosure of the decision, shall be effective on July 1 of the same calendar year upon adoption by the Board of Supervisors. An agreement submitted to the Board of Supervisors after May 15, or a decision of the Arbitration/Mediation Board that is submitted to the Board of Supervisors after May 10, or May 15 if the parties waive the 10-day period between the Board's decision and public disclosure of the decision, shall become effective no earlier than July 1 of the next calendar year upon approval of the Board of Supervisors. But an agreement reached during the term of an existing memorandum of understanding that results in a net reduction, or results in no net increase, in the cost to the City, during the current fiscal year, of existing economic provisions in the existing memorandum of understanding may become effective at any time upon approval by the Board of Supervisors. Economic provisions include, but are not limited to, wages, premium pay rates, overtime, any employer pickup of the employees' retirement contribution, paid time off, and other compensation.

(Amended March 2004; Amended by Proposition A, Approved 11/5/2009)

A8.409-5 RETIREMENT BENEFITS

Notwithstanding any other provision of this part, retirement and death allowances shall continue to be set and adjusted pursuant to Chapter Five of this Article.

However, death benefits and survivor allowances, retirement allowances, adjustments to retirement allowances and adjustments to continuant allowances payable by the Retirement System and based on fiscal year 1991-1992 wages and salaries covered by Charter section 8.407, shall be calculated for all employees covered by Charter sections 8.401 and 8.407 based on the rates certified by the civil service commission to the Board of Supervisors as though the 1991-1992 salary standardization ordinance vetoed by the Mayor had become law. No such payment shall exceed the maximum amount permitted by Section 415 of the Internal Revenue Code of 1986, as amended from time to time, or the maximum amount which would still permit the Retirement System to preserve its tax-qualified status under Section 401 of the Internal Revenue Code of 1986, as amended from time to time.

A8.409-6 EMPLOYEE RELATIONS RULES

Within sixty (60) days of adoption of this amendment, the Mayor shall appoint a panel which after consultation with all parties of interest, shall review the current employee relations ordinance and make recommendations to the Board of Supervisors for such changes as may be necessary to effectuate the purposes of this part.

Such changes shall include the creation of an employee relations board. The duties of the employee relations board shall include hearing and making determinations concerning unfair labor practice charges, disputes regarding representation matters, and unit determinations.

A8.409-7 RETIREE HEALTH CARE TRUST FUND

Notwithstanding any other provision of Charter Sections A8.409 through A8.409-8, the provisions and operation of the Retiree Health Care Trust Fund, including employee contributions to the fund, shall be determined pursuant to Charter Sections 12.204 and A8.432, and shall not be subject to the dispute resolution procedures contained in Charter Section A8.409-4. Nothing in this section shall prevent the City and County of San Francisco and a recognized employee organization from agreeing to, or an arbitration panel formed pursuant to A8.409-4 from awarding, an adjustment in employee contributions into the Retiree Health Care Trust Fund that results in contributions greater than the contributions required under A8.432 for any and all City employees. In no event shall the City and County of San Francisco and a recognized employee organization agree to, or an arbitration panel

formed pursuant to A8.409-4 award any, reduction in contributions below the minimum level of contributions required under A8.432.

(Added by Proposition B, Approved 6/3/2008; amended by Proposition C, Approved 11/8/2011)

A8.409-8 FY 2009-2010 ECONOMIC PROVISIONS AND FUTURE PROCEEDINGS

Notwithstanding any other provision of Charter Sections A8.409 through A8.409-7, for the fiscal year commencing July 1, 2009, and, ending on June 30, 2010, all economic provisions (including, but not limited to, wages, premium pay rates, overtime, any employer pickup of the employees' retirement contribution, paid time off, and other compensation) shall remain unchanged for miscellaneous City and County officers and employees at the levels set in place as of close of business June 30, 2009, and no new economic provisions may be added. For the fiscal year commencing July 1, 2009, and ending on June 30, 2010, economic provisions shall not be subject to the dispute resolution procedures contained in Charter Section A8.409-4. Notwithstanding any other provision of Charter Section A8.409-4, for the fiscal year commencing July 1, 2010, and ending on June 30, 2011, and every year thereafter, in any mediation/arbitration proceeding under A8.409-4, the mediation/arbitration board shall recognize as wages the ongoing economic expenditures made by the City and County beginning, during and continuing beyond fiscal year 2009-2010, as a result of this Charter Amendment submitted to the voters at the June 3, 2008 election when evaluating any economic proposals contained in a last offer of settlement by either party. However, City and County contributions to the Retiree Health Care Trust Fund under Section A8.432 shall not be considered or relied on by the mediation/arbitration board as a wage or other payment to employees for the purposes of evaluating the proposals contained in the last offers of settlement of either party. Likewise, in evaluating the proposals contained in the last offers of settlement of either party, the mediation/arbitration board shall not take into account or otherwise consider or rely on any mandatory employee contributions to the Retiree Health Care Trust Fund required under Charter Sections 12.204 and A8.432.

(Added by Proposition B, Approved 6/3/2008)

A8.409-9 MISCELLANEOUS EMPLOYEES NOT IN THE RETIREMENT SYSTEM

It is the intent of the voters that Officers and employees of the City and County of San Francisco who are not members of the San Francisco Employees' Retirement System negotiate cost-sharing provisions that produce comparable savings and costs to the City and County as are produced through the Charter's employee contribution rate adjustment formulae. Notwithstanding any other provision of Charter Sections A8.409 through A8.409-8, for any officer or employee who is not a member of the Retirement System, the parties in any proceeding under Section A8.409-4 may make proposals, to the extent allowable by law, to effect this principle of equitable participation. If no agreement on this issue is reached, in deciding whichever last offer of settlement should be selected, in addition to the other factors specified by A8.409-4, the Board shall consider (i) the additional amounts such officers and employees would pay to the Retirement System, or the reduction in the rate of their employee contribution which would apply, if they were members of the Retirement System for the term of the agreement; and (ii) the cost of the City and County's contracts with the Public Employees' Retirement System of the State of California compared to the cost of providing retirement benefits for similarly situated officers and employees through the San Francisco Employees' Retirement System.

Charter Section A8.409-9 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses sentences, or provisions of Charter Section A8.409-9 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, or provisions of Charter Sections A8.409-9. If any words, phrases, clauses, sentences, or provisions of Charter Section A8.409-9 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Charter Section A8.409-9 which can be given effect. Charter Section A8.409-9 shall be broadly construed to achieve its stated purpose.

(Added by Proposition C, Approved 11/8/2011)

A8.410 REIMBURSEMENT OF EXPENSES

Except in the discharge of routine duties, traveling and payment of expenses therefor shall be authorized only by ordinance; provided, that allowances therefor shall not exceed cost of transportation, including Pullman charges, if any, and a reasonable amount per diem for necessary expenses, which per diem shall be fixed annually by ordinance and shall be applicable to all officers and employees.

A8.411 PAYMENT FOR REPAIR OR REPLACEMENT OF EQUIPMENT

Notwithstanding the provisions of Sections 8.400(a) and (c) through (g), 8.401, 8.402, 8.403, 8.405(a) and 8.405(c), or any other provision of this Charter, the Board of Supervisors may provide by ordinance for the payment of the costs of replacing or repairing equipment, property, or prostheses of any uniformed officer or employee of the police department, fire department, sheriff's office or municipal railway, such as, but not confined to eyeglasses, hearing aids, dentures, watches, or articles of clothing necessarily worn or carried by such employee when any such items are damaged in the line of duty without fault of the employee. If the items are damaged beyond repair, the actual value of such items may be paid. The value of such items shall be determined as of the time of the damage thereto.

The board by a three-fourths vote of all of its members may make similar provision in relation to any other officer or employee where it finds that the damage or loss was occasioned by unusual circumstances or the occurrence of an extraordinary event.

The board is authorized to enact any and all ordinances necessary to carry out the provisions of this section.

A8.420 ESTABLISHMENT OF AND MEMBERSHIP IN HEALTH SERVICE SYSTEM

A health service system is hereby established. Said system shall be administered by the human resources department subject to the approval of the health service board. The members of the system shall consist of all permanent employees, which shall include officers of the City and County, of the San Francisco Unified School District, and of the Parking Authority of the City and County of San Francisco and such other employees as may be determined by ordinance, subject to such conditions and qualifications as the Board of Supervisors may impose, and such employees as may be determined by collective bargaining agreement. Any employee who adheres to the faith or teachings of any recognized religious sect, denomination or organization and, in accordance with its creed, tenets or principles, depends for healing upon prayers in the practice of religion shall be exempt from the system upon filing annually with the human resources department an affidavit stating such adherence and dependence and disclaiming any benefits under the system. The human resources department shall have the power to exempt any person whose compensation exceeds the amount deemed sufficient for self coverage and any person who otherwise has provided for adequate medical care. Any claim or request for exemption denied by the human resources department may be appealed to the health services board.

A8.421 ADOPTION OF PLANS FOR RESIDENTS.

Subject to the requirements of state law and the budgetary and fiscal provisions of the Charter, the Health Service Board is authorized by a two-thirds vote of the entire membership of the Health Service Board to adopt a plan or plans or make other provision for health or dental benefits for residents of the City and County of San Francisco. Such plan or plans shall not become effective until approved by an ordinance of the Board of Supervisors adopted by three-fourths of its members. Residents shall not by virtue of enrolling in such plan or plans become members of the Health Service System. The Health Service System Fund shall not be used to provide any benefits under this section. The Health Service Board shall adopt rules and regulations to administer this section.

The determinations made under this section, including but not limited to whether to adopt a plan or plans, what benefits to offer, determination of eligibility, and the fixing and allocation of the cost of any plan or plans, are within the sole discretion of the City and County and its officials.

(Amended November 2004)

A8.422 ADOPTION OF PLANS FOR MEMBERS

The board shall have power and it shall be its duty by a majority vote of the entire membership of the health service board to adopt a plan or plans for rendering medical care to members of the system, or for the indemnification of the cost of said care, or for obtaining and carrying insurance against such costs or for such care.

Such plan or plans as may be adopted, shall not become effective until approved by ordinance of the Board of Supervisors, adopted by three-fourths of its members.

The Board of Supervisors shall secure an actuarial report of the costs and effect of any proposed change in the benefits of the health service system or rates of contribution before enacting an ordinance or before voting to submit any proposed Charter amendment providing for such change.

(Amended November 2004; Proposition C, Approved 11/8/2011)

A8.423 REVISION OF SCHEDULES AND COMPENSATION

In January of each year, or at such other time consistent with the Plan Year set by the health service board, or at such other time consistent with the Plan Year set by the Health Service Board, at a public hearing, the Health Service Board shall review and determine the adequacy of medical care provided for members of the system and the adequacy of fee schedules and the compensation paid for all services rendered and it may make such revisions therein as it deems equitable but such revisions shall not become effective until approved by ordinance of the Board of Supervisors adopted by three-fourths of its members.

Commencing in 1973, the Health Service Board shall, prior to the second Monday in January in each year, or at such other time consistent with the Plan Year set by the Health Service Board, conduct a survey of the 10 counties in the State of California, other than the City and County of San Francisco, having the largest populations to determine the average contribution made by each such county toward the providing of health care plans, exclusive of dental care, for each employee of such county. The Health Service Board may promulgate rules and regulations for the survey to allow for unavoidable gaps in survey data and to insure a consistent methodology from year to year. In accordance with said survey, the Health Service Board shall determine the average contribution made with respect to each employee by said 10 counties toward the health care plans provided for their employees and on or before the second Monday in January of each year, or at such other time consistent with the Plan Year set by the Health Service Board, the Health Service Board shall certify to the Board of Supervisors the amount of such average contribution. For the purposes of Section A8.428, the amount of such average contribution shall be "the average contribution."

The Health Service Board shall have the responsibility to obtain and disseminate information to its members with regard to plan benefits and costs thereof. All expenses in connection with obtaining and disseminating said information, the investment of such fund or funds as may be established, including travel and transportation costs, member wellness programs, actuarial expenses and expenses incurred to reduce health care costs, shall be borne by the system from reserves in the health service fund but only upon adoption of a resolution by the Health Service Board approving such expenses.

(Amended November 2004; Proposition C, Approved 11/8/2011)

A8.424 SPECIFICITY REQUIRED

Each plan for medical care shall make detailed and specific provision for the benefits to be provided thereunder and for the rates of contribution required to support the plan.

A8.425 PERSONS COVERED

Each plan may make provision for the participation in the benefits of the system by the dependents of members, retired City and County employees, temporary City and County employees, such other dependents of deceased and retired City and County employees as the Board of Supervisors may authorize by ordinance, teachers and other employees of the San Francisco Unified School District retired under the San Francisco City and County Employees' Retirement System and resigned employees of the City and County and resigned teachers and employees of the school district whose resignations occur after June 15, 1955, and within 30 days immediately prior to the date on which, but for their resignations, they would have become retired members of the said Retirement System, on whose relinquishment of retirement allowances as permitted by the Charter occurs after such date and resigned employees of the San Francisco Unified School District not otherwise included. A resigned employee or teacher is one whose employment has terminated other than by retirement, discharge or death or who has relinquished retirement allowances. The purpose of empowering the health service board to make provision for the participation in the benefits of the system to the aforementioned resigned teachers and employees of the San Francisco Unified School District is to enable them, subject to the health service board's exercise of its power, to participate in the benefits of the system after transferring to the State Teachers' Retirement System from the San Francisco City and County Employees' Retirement System. The purpose of empowering the health service board to make provision for participation in the benefits of the system by the aforementioned resigned employees of the City and County and other resigned employees of San Francisco Unified School District is to permit the health service board to have power to treat them the same as it treats resigned teachers and employees of the San Francisco Unified School District.

As used in this section, and for the purpose of this section, the terms "City and County employees" and "employees of the City and County" shall include officers and employees of the Parking Authority of the City and County of San Francisco.

In addition to "the average contributions" in Subsection (b) of Section A8.428, the Board of Supervisors may provide by ordinance for additional funds from the City and County to pay the full cost of any plan for medical benefits adopted under Sections A8.422 or A8.423 for current members of the Board of Supervisors. The Board of Supervisors may also provide by ordinance for the continuation in any plan by former supervisors who agree to and do pay the full cost of such benefit.

(Amended March 2000)

A8.426 RIGHT OF SELECTION

No member of the health service system shall be required to accept the services or medical supplies of any physician (physician includes physicians and surgeons, optometrists, dentists, chiropodists and osteopathic and chiropractic practitioners licensed by California State Law and within the scope of their practice as defined by California State Law), person licensed to treat human diseases without the use of drugs, nurse, pharmacist or hospital selected by the health service board, but, subject to rules and regulations of that board, every member shall have the right to select, of his or her own choice, a duly licensed physician, as defined herein, person licensed to treat human diseases without the use of drugs, nurse, pharmacist, hospital or other agency of medical care as herein defined, who or which is made available through health service system plans; and the health service board shall make provision for the exercise of such selection; and is hereby expressly prohibited from entering into any exclusive contract for the rendering of said service.

A duly licensed physician, as defined herein, person licensed to treat human diseases without the use of drugs, nurse, pharmacist, hospital or other agency of medical care shall have the right to furnish such services or medical supplies at uniform rates of compensation to be fixed by the health service board.

(Amended by Proposition C, Approved 11/8/2011)

A8.427 EFFECT OF OTHER CHARTER PROVISIONS

Except as otherwise specifically provided herein, all provisions of the Charter shall be fully applicable to the health service board, the health service system and its administrator, medical director and employees in the same manner that they apply to other boards, commissions, and departments of the City and County.

(Amended November 2004)

A8.428 HEALTH SERVICE SYSTEM TRUST FUND

There is hereby created a health service system trust fund. The costs of the 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 of the City and County of San Francisco because of its members and Retired Persons, the San Francisco Unified School District because of its members and Retired Persons and the San Francisco Community College District because of its members and Retired Persons.

(a) **Definitions.**

"Credited Service" means years of employment with the Employers or the former Redevelopment Agency of the City and County of San Francisco (the "Redevelopment Agency") or the Successor Agency to the Redevelopment Agency of the City and County of San Francisco (the "Successor Agency"), provided that for any employee of the Redevelopment Agency or Successor Agency, the employee became an employee of the Redevelopment Agency before September 1, 2010 and became an employee of the City and County without a break in service after January 31, 2012 and before March 1, 2015.

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

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

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

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

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

or treated as a domestic partnership under this Section unless and until the domestic partnership is registered or certified.

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

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

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

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

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

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

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

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

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

(b) **Employer Contributions.**

The City and County, the School District and the Community College District shall each contribute to the health service fund amounts sufficient for the following purposes, and subject to the following limitations:

(1) All funds necessary to efficiently administer the health service system.

(2) The City and County, the School, District and the Community College District shall contribute to the health service system fund with respect to each of their members an amount equal to the lesser of "the average contribution," as certified by the health service board in accordance with the provisions of Section A8.423, or the cost of the plan selected by the member.

(3) **Retired Employees Who Were Hired on or Before January 9, 2009.**

For Retired Persons identified in A8.428 Subsections (a)(1), (a)(2) and (a)(3), the Employers shall contribute to the health service fund, amounts subject to the following limitations: Monthly contributions required from Retired Persons and the surviving spouses and surviving domestic partners of active employees and Retired Persons participating in the system shall be equal to the monthly contributions required from members in the system for

health coverage excluding health coverage or subsidies for health coverage paid for active employees as a result of collective bargaining, with the following modifications:

(i) the total contributions required from Retired Persons who are also covered under Medicare shall be reduced by an amount equal to the amount contributed monthly by such persons to Medicare;

(ii) because the monthly cost of health coverage for Retired Persons may be higher than the monthly cost of health coverage for active employees, the City and County, the School District and the Community College District shall contribute funds sufficient to defray the difference in cost to the system in providing the same health coverage to Retired Persons and the surviving spouses and surviving domestic partners of active employees and Retired Persons as is provided for active employee members excluding health coverage or subsidies for health coverage paid for active employees as a result of collective bargaining;

(iii) after application of Subsections (3), (3)(i) and (3)(ii), the City and County, the School District and the Community College District shall contribute 50% of Retired Persons' remaining monthly contributions.

(4) **Retired Employees Who Were Hired on or After January 10, 2009 - Categories of Employees Eligible for 100% Employer Contribution.**

For Retired Persons identified in A8.428 Subsections (a)(4), (a)(5) and (a)(6), the Employers shall contribute 100% of the employer contribution established in A8.428 Subsection (b)(3) for:

(i) A Retired Employee who was Hired on or After January 10, 2009, with 20 or more years of Credited Service with the Employers; and their surviving spouses or surviving domestic partners:

(ii) The surviving spouses or surviving domestic partners of active employees hired on or after January 10, 2009, with 20 or more years of Credited Service with the Employers;

(iii) Retired Persons who retired for disability; and their surviving spouses or surviving domestic partners; and

(iv) The surviving spouses or surviving domestic partners of active employees who died in the line of duty where the surviving spouse or surviving domestic partner is entitled to a death allowance as a result of the death in the line of duty.

(5) **Retired Employees Who Were Hired on or After January 10, 2009 - Categories of Employees Eligible for 50%-75% Employer Contribution.**

For Retired Persons identified in A8.428 Subsections (a)(4), (a)(5) and (a)(6), the Employers shall contribute:

(i) 50% percent of the employer contribution established in A8.428 Subsection (b)(3) for a Retired Employee who was Hired on or After January 10, 2009, with, at least 10 but less than 15 years of Credited Service with the Employers: their surviving spouses or surviving domestic partners: and the surviving spouses or surviving domestic partners of active employees hired on or after January 10, 2009, with at least 10 but less than 15 years of Credited Service with the Employers; and

(ii) 75% percent of the employer contribution established in A8.428 Subsection (b)(3) for a Retired Employee who was Hired on or After January 10, 2009, with at least 15 but less than 20 years of Credited Service with the Employers; their surviving spouses or surviving domestic partners; and the surviving spouses or surviving domestic partners of active employees hired, on or after January 10, 2009, with at least 15 but less than 20 years of Credited Service with the Employers.

(6) **Retired Employees Who Were Hired on or After January 10, 2009 - Categories of Employees Eligible for Access to Retiree Medical Benefits Coverage.**

An employee hired on or after January 10, 2009, and retired under the Retirement System or PERS with five (5) or more years Credited Service with the Employers, shall be eligible to receive health benefits as a member of the health service system, provided that he or she makes monthly contributions equal to one hundred percent, (100%) of the total premiums for health coverage as established by the Health, Service Board, including the total cost for dependent coverage. At such time as he or she becomes eligible to receive benefits under A8.428

Subsection (a)(4), the Employers shall contribute the amounts established in A8.428 Subsections (b)(4), (b)(5), and (c), as applicable.

(7) **Chart Summarizing Employer Contributions Under A8.428 Subsections (b)(4), (b)(5) and (b)(6) For Employees Hired on or After January 10, 2009.**

Years of Credited Service At Retirement	***Percentage of Employer Contribution Established in A8.428 Subsection (b)(3)***
1. Less than 5 years of Credited Service with the Employers (except for the surviving spouses or surviving domestic partners of active employees who died in the line of duty)	No Retiree Medical Benefits Coverage
2. At least 5 but less than 10 years of Credited Service with the Employers; or greater than 10 years of Credited Service with the Employers but not eligible to receive benefits under Subsections (a)(4), (b)(4) and (b)(5) **(A8.428 Subsection (b)(6))**	0% Access to Retiree Medical Benefits Coverage, Including Access to Dependant Coverage, But No Employer Contribution; Employee Pays Health Insurance Premium
3. At least 10 but less than 15 years of Credited Service with the Employers **(A8.428 Subsection (b)(5))**	50%
4. At least 15 but less than 20 years of Credited Service with the Employers **(A8.428 Subsection (h)(5))**	75%
5. At least 20 years of Credited Service with the Employers; Retired Persons who retired for disability; surviving spouses or surviving domestic partners of active employees who died in the line of duty **(A8.428 Subsection (b)(4))**	100%

The above chart is a simplified summary of Employer contributions under A8.428 Subsections (b)(4), (b)(5) and (b)(6) for employees hired on or after January 10, 2009. The express language of Subsections (b)(4), (b)(5) and (b)(6), and not the summary chart or its content, shall determine Employer contributions.

(8) **Employees Who Separated From Employment on or Before June 30, 2001, and Who Retired on or After January 7, 2012.**

Notwithstanding any other provisions of A8.428 for Retired Persons who separated from employment on or before June 30, 2001, and who retired on or after January 7, 2012, the monthly contributions required from such Retired Persons, and the surviving spouses and surviving domestic partners of active employees and such Retired Persons participating in the system, shall be equal to the monthly contributions required from members in the system for health coverage, excluding health coverage or subsidies for health coverage paid for employees as a result of collective bargaining, with the following modifications:

(i) the total contributions required from Retired Persons who are also covered under Medicare shall be reduced by an amount equal to the amount contributed monthly by such persons to Medicare; and

(ii) because the monthly cost of health coverage for Retired Persons may be higher than the monthly cost of health coverage for active employees, the City and County, the School District and the Community College District shall contribute funds sufficient to defray the difference in cost to the system in providing the same health coverage to Retired Persons and the surviving spouses and surviving domestic partners of active employees and Retired Persons as is provided for active employee members excluding health coverage or subsidies for health coverage paid for active employees as a result of collective bargaining.

(c) The City and County, the San Francisco Unified School District and the San Francisco Community College District shall contribute to the health service system fund 50% of the monthly contributions required for the first dependent of Retired Persons in the system. Except as hereinbefore set forth, the City and County, the School District and the Community College District shall not contribute to the health service system fund any sums on account of participation in the benefits of the system by members' dependents, except surviving spouses and surviving domestic partners, Retired Persons' dependents, except surviving spouses and surviving domestic partners, persons who retired and elected not to receive benefits from the Retirement System; resigned employees and teachers defined in Section A8.425, and any employee whose compensation is fixed in accordance with Sections A8.401, A8.403, or A8.404 of this Charter and whose compensation therein includes an additional amount for health and welfare benefits or whose health service costs are reimbursed through any fund established for said purpose by ordinance of the Board of Supervisors. Notwithstanding any other provision of Charter Section A8.428, the City and County, the San Francisco Unified School District and the San Francisco Community College District shall not contribute to the health service system fund any contributions for the first dependent of a Retired Person who separated from employment on or before June 30, 2001, and who retired on or after January 7, 2012.

(d) It shall be the duty of the Board of Supervisors, the Board of Education and the Governing Board of the Community College District annually to appropriate to the health service system fund such amounts as are necessary to cover the respective obligations of the City and County, the School District and the Community College District hereby imposed. Contributions to the health service system fund of the City and County, of the School District and of the Community College District shall be charged against the general fund or the school, utility, bond or other special fund concerned.

(e) To the extent the Superior Court elects to participate in the City's Health Service System for the provision of active and retiree health care benefits, Superior Court employees shall be treated the same as City employees for the purposes of vesting, employer contribution rates, and benefit levels, in accordance with the Trial Court Employment Protection and Governance Act and applicable State law. The Superior Court shall pay all administrative and health care costs related to the Superior Court's covered employees or retirees as a participating Employer. The Superior Court may withdraw from participation in the City's Health Service System at any time, which shall not require an amendment to this Charter.

(f) Notwithstanding the retiree health care eligibility requirements set forth above, a former employee of the Redevelopment Agency Hired on or Before January 9, 2009 must have been employed by the City and County after January 9, 2009 to be eligible for retiree health care coverage under this section. In adopting the Charter amendment revising Sections A8.428 and A8.432 on November 4, 2014 the voters do not intend that it affect the rights of former employees of the Redevelopment Agency Hired on or Before January 9, 2009, who were already eligible for retiree health care coverage as of November 4, 2014.

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

(Amended November 1984; November 2000; November 2004; Proposition B, Approved 6/3/2008; Proposition C, Approved 11/8/2011; Proposition D, Approved 11/4/2014)

A8.429 CONTRIBUTIONS TO FUND

The health service board shall determine and certify to the controller the amount to be paid monthly by the members of the system to the health service system fund for the purposes of the system hereby created. The

controller shall deduct said sums from the compensation of the members and shall deposit the same with the treasurer of the City and County to the credit of the health service system fund.

Such deductions shall not be deemed to be a reduction of compensation under any provision of this Charter.

The health service board shall have control of the administration and investment of the health service system fund, provided that all investments shall be of the character legal for insurance companies in California. Disbursements from the fund shall be made only upon audit by the controller and the controller shall have and exercise the accounting and auditing powers over the health service system fund which are vested in him by this Charter with respect to all other municipal boards, officers and commissions.

A8.430 "MEDICAL CARE" DEFINED

The term "medical care" shall be defined by the health service board. All acts performed and services rendered under the provisions of this section shall be performed in accordance with the provisions as to professional conduct prescribed by the statutes of the State of California regulating such professional conduct and services.

A8.431 LIMITATION OF CLAIMS BY MEMBERS

Except as herein provided, members of the system shall have and possess no claim or recourse against any of the funds of the municipality by virtue of the adoption or operation of any plan for rendering medical care, indemnifying costs of said care or carrying insurance against such costs, but except as herein provided, the claim and recourse of any such member shall be limited solely to the funds of the system. All expenses of the system shall be paid exclusively from the health service system fund, and, except as herein provided, the City and County and the San Francisco Unified School District shall not appropriate or contribute funds in any manner for the purposes of the system hereby established and provided.

A8.431-1 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Charter Sections 12.200 through 12.203 or A8.420 through A8.431, or with any part thereof, shall be superseded by the contents of Charter Sections 12.200 through 12.203 or A8.420 through A8.431. Charter Sections 12.200 through 12.203 or A8.420 through A8.431 shall be interpreted to be consistent with all federal and state laws, rules and regulations. If any of the words, phrases, clauses, sentences, subsections, or provisions of Charter Sections 12.200 through 12.203 or A8.420 through A8.431 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, or provisions of Charter Sections 12.200 through 12.203 or A8.420 through A8.431. If any words, phrases, clauses, sentences, subsections, or provisions of Charter Sections 12.200 through 12.203 or A8.420 through A8.431 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Charter Sections 12.200 through 12.203 or A8.420 through A8.431 which can be given effect. Charter Sections 12.200 through 12.203 or A8.420 through A8.431 shall be broadly construed to achieve their stated purpose.

(Added by Proposition C, Approved 11/8/2011)

A8.432 RETIREE HEALTH CARE TRUST FUND

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

(a) **Employees Who Commenced Employment on or After January 10, 2009**

Active officers and employees of the City and County and of other Participating Employers who Commenced Employment on or after January 10, 2009, shall contribute their respective Employer's Normal Cost to the RHCTF. The annual active officer and employee RHCTF contribution rate for each Employer shall be that Employer's Normal Cost, as determined by that Employer's respective Governmental Accounting Standards Board (GASB) Actuary, computed as a percentage of compensation not to exceed 2% of pre-tax compensation for each officer and employee. Each Employer's GASB Actuary shall determine that Employer's respective Normal Cost on a biannual basis.

The City and County and Participating Employers shall each contribute 1% of compensation for officers and employees who Commenced Employment on or after January 10, 2009. Once an Employer's GASB Actuary has determined that an Employer's sub-trust is Fully Funded, and that the Employer is subject to no Unfunded Actuarial Accrued Liability, that Employer's 1% RHCTF contribution shall cease. Thereafter, that Employer and its active officers and employees who Commenced Employment on or after January 10, 2009, shall instead each contribute 50% of the Normal Cost, as determined by that Employer's GASB Actuary, except that the contribution rate for officers and employees shall not exceed 2% of pre-tax compensation. In the event that the contribution rates set forth above do not cover the entire Normal Cost, the Employer shall contribute the balance into the RHCTF.

(b) **Employees Who Commenced Employment on or Before January 9, 2009**

Notwithstanding any other provision of Charter Sections A8.409 through A8.409-9, and A8.590-1 through A8.590-9, starting July 1, 2016, all active officers and employees of the City and County and Participating Employers who Commenced Employment on or before January 9, 2009, shall contribute 0.25% of pre-tax compensation into the RHCTF. Starting on July 1 of each subsequent year, all active officers and employees of the City and County and Participating Employers, who Commenced Employment on or before January 9, 2009, shall contribute an additional 0.25% of pre-tax compensation up to a maximum of 1%. Notwithstanding the foregoing, the contributions for officers and employees who Commenced Employment on or before January 9, 2009, shall not exceed their Employer's Normal Cost as determined by each Employer's respective General Accounting Standards Board (GASB) Actuary on a bi-annual basis.

Starting July 1, 2016, the Employers shall contribute 0.25% of compensation into the RHCTF for each officer and employee who Commenced Employment on or before January 9, 2009. Starting on July 1 of each subsequent year, the Employers shall contribute an additional 0.25% of compensation, up to a maximum of 1%, for each officer and employee who Commenced Employment on or before January 9, 2009.

Once an Employer's GASB Actuary has determined that an Employer's sub-trust is Fully Funded, and that the Employer is subject to no Unfunded Actuarial Accrued Liability, that Employer's 1% contribution shall cease. Thereafter, that Employer and its active officers and employees who Commenced Employment on or before January 9, 2009, shall instead each contribute 50% of the Normal Cost as determined by that Employer's GASB Actuary, except that the contribution rate for officers and employees shall not exceed 1% of pre-tax compensation. In the event that the contribution rates set forth above do not cover the entire Normal Cost, the Employer shall contribute the balance into the RHCTF.

(c) **Segregation of Retiree Health Care Trust Fund Assets**

The Board shall segregate RHCTF contributions from the City and County, and its officers and employees, and from each Participating Employer, and its officers and employees, into separate sub-trusts for each Employer. The Board may authorize expenditures from each Employer sub-trust only to defray the respective Employer's obligations to pay for its retiree health care costs under Section A8.428, and to pay for the respective Employer's share of administrative expenses. The Board may pool sub-trust funds for investment purposes only.

(d) **Disbursement of Retiree Health Care Trust Fund Assets**

(1) In order to ensure a long-term and sustainable funding source to defray the cost of the City's obligation to pay for health coverage for retired persons and their survivors entitled to health coverage under Section A8.428, the Board may authorize disbursements from the City's sub-trust, other than disbursements to defray the reasonable expenses of administering the RHCTF, only during periods when the City's GASB Actuary has determined that the City's sub-trust is Fully Funded. When the City's sub-trust is Fully Funded, the Board may disburse sub-trust assets

to defray the cost of the City's obligation to pay for health coverage for its retired persons and their survivors entitled to health care coverage under Section A8.428. The Board shall determine the amount and frequency of such disbursements in consultation with the City's GASB Actuary.

(2) Notwithstanding Section A8.432(d)(1) above, and in order to stabilize City contributions during the transition period until the City's sub-trust is Fully Funded, when the Controller projects that total City retiree health care costs for the upcoming fiscal year will exceed ten percent (10%) of City payroll costs, and upon the recommendation of the Controller, after consultation with the City's GASB Actuary, to the Board that it make disbursements from the City's sub-trust to defray the City's retiree health care obligations under Section A8.428, and subject to approval by the Mayor and by resolution of the Board of Supervisors, the Board may authorize stabilization disbursements but only to the extent necessary to limit the City's retiree health care costs to ten percent (10%) of City payroll costs. Stabilization disbursements may not exceed ten percent (10%) of the audited prior year City sub-trust balance. For the purposes of this Section A8.432(d)(2), total City retiree health care costs shall include the City's employer contributions into the RHCTF under Section A8.432 and the City's retiree health care premium contributions under Section A8.428.

(3) Upon a recommendation of the Controller, after consultation with the City's GASB Actuary, approval of the Mayor, and approval of the Board of Supervisors by a two-thirds vote, the Board may adopt disbursement limitations different from the limitations set forth in Sections A8.432(d)(1) and A8.432(d)(2) above. The Mayor, the Board of Supervisors and the Board may approve or reject, but not alter, the Controller's recommended changes to the disbursement limitations set forth in Sections A8.432(d)(1) and A8.432(d)(2) above. Such recommended changes must effectively balance the City's goal of attaining and maintaining a Fully Funded trust with the City's overall financial obligations.

(4) For Participating Employers other than the City and County of San Francisco, the Board may not make any disbursements from a Participating Employer's sub-trust until the Participating Employer's governing body, after consultation with the Participating Employer's GASB Actuary, has recommended to the Board by a two-thirds vote, and the Board has approved, disbursement limitations that effectively balance the Participating Employer's goal of attaining and maintaining a Fully-Funded trust against the Participating Employer's overall financial obligations.

(e) **Additional Contributions to the Retiree Health Care Trust Fund**

As set forth in A8.409-7 and A8.590-8, nothing in this section shall prevent the City and County of San Francisco and a recognized employee organization from agreeing to, or an arbitration panel formed pursuant to A8.409-4 or A8.590-5 from awarding, an adjustment in employee contributions into the RHCTF that results in contributions greater than the contributions required under A8.432 for any and all City employees. In no event shall the City and County of San Francisco and a recognized employee organization agree to, or an arbitration panel formed pursuant to A8.409-4 or A8.590-5 award, any reduction in contributions below the minimum level of contributions required under A8.432.

(f) **Definitions**

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

"Commenced Employment on" as used in this section, shall refer to the time an employee starts employment with the City and County, or with a Participating Employer, for the first time, or the time an employee starts employment with the City and County, or with a Participating Employer, on a subsequent occasion after a prior separation from employment with the City and County or any Participating Employer, whichever date is later. For purposes of this Section A8.432, an employee of the City and County who was employed by the former Redevelopment Agency of the City and County of San Francisco (the "Redevelopment Agency") or the Successor Agency to the Redevelopment Agency of the City and County of San Francisco (the "Successor Agency"), and started working for the City and County before March 1, 2015 without a break in service shall be deemed to have commenced employment with the City and County on the date the employee commenced employment with the Redevelopment Agency or the Successor Agency, except that any such former employee of the Redevelopment Agency or the Successor Agency who subsequently separates from employment with the City and County and returns as an employee of the City and County or a Participating Employer at a later date (the "Return Date") shall be deemed to have commenced employment on the Return Date.

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

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

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

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

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

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

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

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

(g) **Severability**

The contents of Charter Sections 12.204 or A8.432 shall supersede any Section or part of any Section in this Charter, insofar as such Section or part should conflict with the provisions of Charter Sections 12.204 or A8.432, or with any part thereof. Charter Sections 12.204 or A8.432 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Charter Sections 12.204 or A8.432 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of Charter Sections 12.204 or A8.432. If any words, phrases, clauses, sentences, subsections, or provisions of Charter Sections 12.204 or A8.432 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Charter Sections 12.204 or A8.432 which can be given effect. Charter Sections 12.204 or A8.432 shall be broadly construed to achieve their stated purpose.

Notwithstanding Charter Section A8.432, the Board of Supervisors shall adopt, by a majority vote, such ordinances as are necessary to create and administer the Retiree Health Care Trust Fund, and such further ordinances as may be necessary to establish and maintain the purpose described in Sections 12.204 and A8.432.

(Amended by Proposition B, Approved 6/3/2008; Proposition D, Approved 6/8/2010; Proposition C, Approved 11/8/2011; Proposition A, Approved 11/5/2013; Proposition D, Approved 11/4/2014)

A8.432-1 ADDITIONAL CONTRIBUTIONS TO RETIREE HEALTH CARE TRUST FUND

Beginning on July 1, 2011, in each year when the contribution to the Retirement System required under Section A8.510 is less than the Retirement System employer normal cost rate; (1) the City and County shall deposit the difference into the Retiree Health Care Trust Fund; and (2) the Participating Employers shall deposit the difference into the Retiree Health Care Trust Fund only upon resolution by their respective governing boards.

(Added by Proposition D, Approved 6/8/2010)

A8.440 ANNUAL VACATIONS OF EMPLOYEES

(a) Every person employed in the City and County service shall be allowed a vacation with pay annually, as long as he continues in his employment, as follows:

(1) After one year's continuous service, 10 working days.

(2) After five years' continuous service, 15 working days.

(3) After 15 years' continuous service, 20 working days.

(b) Employees may elect not to take their entire vacation in any one year and in such event may accumulate the days allowable and not taken for use at some future time, provided, however, that no employee may accumulate unused vacation allowance in excess of 30 working days regardless of length of service.

(c) In computing vacation pay, no employee shall be considered to work more than five days each week. Vacation pay for employees working less than a five-day week shall be computed proportionately.

(d) If a holiday occurs during such employee's vacation, and the employee would as a matter of law have been entitled to said day as a regular day off, such holiday shall not be considered a day of vacation chargeable to the employee's vacation allowance.

(e) The time when vacations are to be taken shall be at the convenience of the principal executive, with due regard for seniority.

(f) An employee with one year or more of service who ceases to be employed by the City and County and who has neither received nor waived his current annual vacation allowance shall receive a pro-rata payment for all service performed since January 1 of the calendar year in which he ceases to be employed, together with an amount equivalent to any accumulated vacation allowances due him.

(g) The Board of Supervisors shall enact any and all ordinances necessary to administer, interpret and regulate the provisions of Subsections (a) through (f) of this section.

(h) Every employee of the City and County of San Francisco whose rate of compensation is fixed pursuant to the provisions of Sections 8.403 and 8.404 of this Charter shall be entitled to receive an annual vacation at the time, with the pay and of the duration specified in this section and no section of the Charter nor any provision of any collective bargaining agreement nor any street railway or bus wage schedule shall be construed in any manner or for any purpose to increase, reduce or otherwise affect the time or duration of, or pay for, vacations provided by this section nor shall any employee be deemed to have any vacation rights other than or in excess of the vacation rights specified in this section.

(i) The vacation rights granted by this section, or contained in any collective bargaining agreements, or in any street railway or bus wage schedules, as any of said terms are referred to in Sections 8.403 and 8.404 of this Charter, shall in no way increase, reduce or otherwise affect or be deemed to affect the wage or pay rate or schedule determinations made pursuant to the provisions of said Sections 8.403 and 8.404.

A8.441 AUTHORIZATION TO TRANSFER VACATION CREDITS

(a) Employees of the City and County of San Francisco may transfer their vested vacation allowance credits to other employees of the City and County of San Francisco who have been determined to be catastrophically ill by the employee's head of department, in accord with the definition of catastrophic illness to be provided by the Health Commission, and who have exhausted their vacation allowance, sick leave and compensatory time off, provided that such transfer may be made only in compliance with the terms and conditions established by the Board of Supervisors.

By ordinance, the Board of Supervisors may extend such vacation credit transfer rights to City employees for use as family leave to care for catastrophically-ill spouses, domestic partners or other dependents as defined in the Internal Revenue Code (26 U.S.C. sec. 152), as amended from time to time.

(b) The Board of Supervisors is hereby empowered to enact any and all ordinances necessary to administer, interpret and regulate the provisions of this section.

(Amended November 1999)

A8.450 MUNICIPAL RAILWAY

Persons employed as platform men or bus operators in the operating department of the municipal railway system shall be subject to the following conditions of employment: The basic hours of labor shall be eight hours, to be completed within 10 consecutive hours, and there shall be two days off, consecutive where practicable, in each week. All labor performed in excess of eight hours in any one day, or after a spread of 10 consecutive hours in any one day, or five days in any one week, shall be paid for at the rate of time and one-half.

Conductors and motormen may be assigned to duty as bus operators and while assigned to such duty they shall receive the compensation fixed for such service. Such assignment shall be governed by seniority of service, subject to a qualifying test by the railroad management as to competency and to state laws as to qualifications and licensing.

A8.451 POLICE DEPARTMENT

(a) The word "member" or "members" as used in this section shall mean the members in the police department set forth in Section 3.531 of this Charter.

(b) The basic week of service for each member shall be 40 hours and the annual compensation set forth in Section 3.531 of this Charter shall be based upon said basic week of service.

(c) Each member shall be entitled to at least two days off during each week, except as hereinafter provided.

(d) Whenever in the judgment of the chief of police public interest or necessity requires the services of any member to serve in excess of the basic week of service during any week, the chief of police may permit said service, and said member shall be compensated therefor or shall receive equivalent time credited to him in lieu thereof in accordance with this subsection. For service performed in excess of the basic week, member shall, as requested by the member, be compensated on the basis of time and one-half in accordance with the ratio which said excess service bears to the basic week of service and the annual compensation provided therefor in Section 3.531 or in lieu thereof equivalent time off duty with pay at the rate of time and one-half.

(e) Nothing contained in this section shall be deemed to interfere with a vacation, as provided for in Section 8.440 of this Charter, or the normal days off per week; provided, however, that when in the judgment of the chief of police public interest or necessity requires the services of any member to serve on his vacation, or part thereof, or normal days off, the chief of police may permit said member to serve during said vacation, or part thereof, or normal days off and he shall receive additional compensation for the period so served. Said additional compensation shall be computed on the basis of time and one-half in accordance with the ratio which said extra service performed bears to the basic week of service and the annual compensation provided therefor in Section 3.351.

(f) Nothing in this section shall abridge or limit in any way the provisions of Section 301, Part 1, of the San Francisco Municipal Code, approving Rule 32 of the civil service commission, insofar as sick leave and disability leaves for members are concerned.

(g) Whenever in the judgment of the police commission the efficient performance of police duty requires that one or more members of the police department should report for roll call, orders, and assignment, prior to going on duty, the said commission may designate a period not to exceed 15 minutes in any one day for said reporting, and the said periods of 15 minutes need not be compensated for in money or in time off with pay.

(h) Notwithstanding the provisions of any of the foregoing subsections, the members of the police department shall be entitled to the days declared to be holidays for employees whose compensations are fixed on a monthly

basis in the schedules of compensations adopted by the Board of Supervisors pursuant to the provisions of Section 8.401 of the Charter as additional days off with pay. Members shall be compensated on the basis of time and one-half as herein computed or shall be granted equivalent time off duty with pay at the rate of time and one-half as requested by the member.

(i) The provisions of this section changing compensation for service in excess of the basic week of service from straight time compensation and equivalent time off duty with pay to time and one-half for compensation and for time off duty with pay shall be effective on and after July 1, 1983.

(j) Any member who actually performs services between the hours of 5:00 p.m. and 7:00 a.m. shall be entitled to an additional 6.25 percent of the compensation otherwise payable for base pay therefor for all such hours worked; provided, however, that such additional compensation shall not be included for purposes of retirement benefit calculation or contributions provided elsewhere in this Charter.

The provisions of this subsection shall become effective in the manner provided by law, but in no event prior to July 1, 1984.

A8.452 FIRE DEPARTMENT

The chief of department shall recommend and the fire commission shall provide by rule for work schedules or tours of duty for the officers and members occupying the several ranks of the fire department; provided, however, that the normal work week determined on an annual basis for such officers and members shall not exceed 48.7 hours. All tours of duty established for officers and members assigned to the fire fighting companies and fire fighting units excepting the arson investigation unit, shall start at eight o'clock A.M. No such officer or member shall be required to work more than twenty-four consecutive hours except in a case of conflagration, disaster, or sudden and unexpected emergency of a temporary nature requiring the services of more than the available on-duty officers and members of the uniformed force of the department. Officers and members may exchange watches with permission of the chief of department and time worked on such exchange of watches shall not be construed as time in violation of the limitation of 48.7 hours in any normal work week nor 24 consecutive hours. Each such officer and each such member shall be entitled to at least one (1) day off duty during each week.

When, in the judgment of the chief of department, it is in the public interest that any such officer or member shall work on his day off and said officer or member consents to so work, he may at the direction of the chief of department work on said day off, and in addition to the regular compensation provided for said officer or member as set forth in the Charter, said officer or member shall, as requested by the officer or member, be entitled to be compensated at the rate of time and one-half his regular rate of pay as provided for herein for said extra time served, or he shall be allowed the equivalent time off at the rate of time and one-half.

In any computation in the administration of the San Francisco City and County Employees' Retirement System in which the compensation, as defined in any provisions relating to the Retirement System, is a factor, compensation for overtime provided for in this section shall be excluded, and no such overtime compensation shall be deemed as compensation for any purpose relating to such retirement provisions.

Officers and members of the uniformed force shall be entitled to the days declared to be holidays for employees whose compensation are fixed on a monthly basis in the schedule of compensation adopted by the Board of Supervisors, pursuant to the provisions of Section 8.401 of the Charter, as additional days off with pay. Officers or members shall be compensated for said days on the basis of time and one-half as herein computed or shall be granted equivalent time off duty with pay at the rate of time and one-half, as requested by the officer or member.

For payroll purposes, that portion of each tour of duty which falls within each calendar day shall constitute a single tour of duty. The rate of compensation or equivalent time off as provided for in this section, shall be calculated by dividing the annual rates of pay for each fiscal year by two-thirds (2/3) number of single tours of duty as scheduled for the several ranks in the fire fighting companies in said fiscal year.

A8.500 RETIREMENT SYSTEM FOR OFFICERS AND EMPLOYEES

In order to continue in force provisions already existing for retirement and death benefits for officers and employees of the City and County, the San Francisco City and County Employees' Retirement System, hereinafter referred to as the Retirement System or the system, is hereby continued. The enactment of Sections 12.100 to 12.103 and Sections A8.500 to A8.581, inclusive, of this Charter is not intended to, and shall not in any way, alter or modify the rights, benefits, or obligations of any member or beneficiary of the Retirement System or of the City and County with respect to that system as they exist at the time this Charter becomes effective.

Ordinance provisions already existing with respect to the Retirement System shall continue in force until amended or revoked by the Board of Supervisors as provided in this Section. The Board of Supervisors is hereby empowered to enact, by a vote of three-fourths of its members, any and all ordinances necessary to carry into effect the provisions of Sections 12.100 to 12.103 and the Retirement System provisions of the Charter, as set forth in Appendix Sections A8.500 et. seq.; provided that the Board of Supervisors shall secure, through the Retirement Board, an actuarial report of the cost and effect of any proposed change in the benefits under the Retirement System, before enacting an ordinance or before voting to submit any proposed Charter amendment providing for such change.

Subject to the vested rights rule, the Board of Supervisors is further empowered to enact, by a vote of three-fourths of its members, ordinances to conform the provisions of the Retirement System to any changes in the tax laws of the United States to the extent necessary to maintain the qualified tax status of the Retirement System provided that the Board of Supervisors shall first secure, from the Retirement Board, an actuarial report of the cost and effect of any such change and the recommendation from the Retirement Board that such an ordinance is necessary.

The Board of Supervisors is further empowered to enact, by a vote of three-fourths of its members, ordinances to allow Internal Revenue Code section 414(h)(2) tax treatment of members' contributions to the Retirement System provided that the Board of Supervisors shall first secure from the Retirement Board an actuarial report which certifies that such ordinances will not increase costs, other than administrative costs, for the City and County.

(Amended by Proposition C, approved 11/8/2011)

A8.500-1 RECIPROCAL PENSION BENEFITS WITHIN THE RETIREMENT SYSTEM AND WITH OTHER PUBLIC PENSION PLANS

Subject to the provisions of Section 8.500, the Board of Supervisors shall have the power to enact ordinances to establish reciprocal agreements with the Public Employees' Retirement System and other public agencies maintaining independent Retirement Systems for the purpose of extending reciprocal benefits to members of such systems as provided by state law. The Board of Supervisors and the retirement board shall have the power to perform all acts necessary to carry out the terms and purposes of such agreements.

Subject to the provisions of Section 8.500, the Board of Supervisors is further empowered to enact ordinances necessary to extend reciprocal rights to members who transfer between retirement plans established by this Charter provided that service under any plan for miscellaneous members shall be used for qualification purposes only and not to calculate benefits under any retirement plan for members of the police or fire departments. With the exception of those members who transferred pursuant to Charter Sections 8.559-14 and 8.585-14, no ordinance enacted under this section shall extend reciprocal rights to any member who transferred from Charter section 8.559 or 8.585 to Charter section 8.509, 8.584, 8.586 or 8.588, before April 1, 1993. No ordinance enacted under this section shall extend reciprocal rights to any person who terminated his or her membership in the Retirement System or retired before April 1, 1993. Subject to the above, reciprocal benefits under this paragraph shall be consistent with interpretations that have been made relative to the reciprocal benefit provisions of the Public Employees' Retirement System and 1937 County Employees' Retirement Act which this paragraph is intended to implement. The reciprocal benefits under this section will be limited by Section 415 of the Internal Revenue Code of 1986, as amended from time to time, and no reciprocal benefits will be effective if they have an adverse impact on the tax qualified status of the Retirement System under Section 401 of the Internal Revenue Code of 1986, as amended from time to time.

(Amended November 1999; November 2002)

A8.500-2 DOMESTIC PARTNER QUALIFIED SURVIVOR BENEFITS

With respect to the Retirement System, domestic partnerships shall be treated exactly the same as marriages, domestic partners shall be treated exactly the same as spouses, termination of a domestic partnership shall be treated exactly the same as a dissolution of marriage and qualified surviving domestic partners shall be treated exactly the same as qualified surviving spouses, respectively.

(a) As used in the retirement plans established by this Charter, the phrase "surviving wife" shall also mean and include a "surviving spouse." As used in these sections, the phrases "surviving wife" and "surviving spouse" shall also mean and include a surviving domestic partner, provided that:

(1) there is no surviving spouse, and

(2) the member has designated his or her domestic partner as beneficiary with the Retirement System, and

(3) the domestic partnership is established or recognized according to those provisions of Chapter 62 of the San Francisco Administrative Code, as amended from time to time. Domestic partners who have formed their domestic partnership only by notarization of a declaration of Domestic Partnership as provided in Chapter 62 of the San Francisco Administrative Code shall not be recognized or treated as a domestic partnership for purposes under the Retirement System unless and until the domestic partnership is registered or certified. A certificate of such domestic partnership, civil union, or similar legal relationship issued by another jurisdiction in a form that is equivalent to the records that the Retirement System relies upon to verify marriages shall constitute sufficient proof of such legal relationship.

(b) Beginning March 5, 2002, the requirement of filing a Certificate of Domestic Partnership with the Retirement System shall not apply to members who were retired on or before November 8, 1995 and who had filed a signed Declaration of Domestic Partnership with the County Clerk at least one full year prior to the effective date of his or her retirement; and provided further that, as to any such member who was retired on or before November 8, 1995, no adjustment to a retirement allowance and no payments to a qualified surviving domestic partner shall begin before the effective date of this amendment or before the first day of the month in which an application is made to the Retirement System, which ever occurs later.

(c) A monthly allowance equal to what would other-wise be payable to a surviving spouse shall be paid to the said surviving domestic partner, until he or she dies, marries or establishes a new domestic partnership. Establishment of a domestic partnership by a surviving spouse shall be treated exactly the same as a remarriage for retirement purposes.

(d) Notwithstanding subsection (c), no additional continuation allowance shall be paid after March 2, 2004 to a surviving domestic partner who is receiving a continuation allowance as the surviving spouse of another member on or before March 2, 2004.

(e) No continuation allowance shall be payable under the provisions of this section approved by the electorate on March 2, 2004 to the survivor of any member or retired member who died on or before March 1, 2004. Any retirement allowance payable to a person who becomes a qualified surviving domestic partner pursuant to the provisions of this section approved by the electorate on March 2, 2004, shall not begin before April 15, 2004.

(f) The domestic partner benefits under this section will be limited by Section 415 of the Internal Revenue Code of 1986, as amended from time to time. No domestic partner benefits will be effective if they have an adverse impact on the tax qualified status of the Retirement System under Section 401 of the Internal Revenue Code of 1986, as amended from time to time.

(Amended March 2002; November 2002; March 2004)

A8.502 RETIREMENT OF ELECTIVE OFFICERS

Elective officers, including members of the Board of Supervisors in office on and after July 1, 2000, but excepting members of all other boards and commissions and any elective officers who are members of the Public Employees' Retirement System, shall be members of the San Francisco City and County Employees' Retirement System under the miscellaneous plan in effect on the date such officer assumes office. Time during which said members have rendered service as elective officers shall be included under Subsection (g) of Section A8.509, Section A8.584-7 or the miscellaneous plan in effect on the date such officer assumes office, in addition to other time now so included. Contributions required to provide benefits based on service rendered as an elective officer prior to the effective date of membership in the Retirement System, shall be paid to the Retirement System in a manner consistent with contributions required of miscellaneous members for temporary service as provided in this Charter and the administrative code.

(Amended March 2000)

A8.503 RETIREMENT – COURT EMPLOYEES AND ATTACHES

Employees and attaches of the superior or municipal court, including persons performing duties performed under the titles of commissioners, phonographic reporters who are paid compensation on a monthly or per diem basis by the City and County, secretaries, stenographers, investigators, messengers and other employees of the superior and municipal courts, in and for the City and County of San Francisco, shall be members of the San Francisco City and County Employees' Retirement System under Section 8.509, and shall be subject to all of the conditions applying to other members under that section, except as herein otherwise provided.

Service rendered to the said superior or municipal court in and for the City and County, other than as a phonographic reporter, by persons prior to becoming members under this section on February 1, 1953, shall be credited under the Retirement System to such persons, provided that it would have qualified for credit when rendered, if said persons had been subject then, as they will be under this section, to the provisions of Section 8.509 of this Charter and of the ordinances and provisions of the Municipal Code of the City and County of San Francisco relating to retirement of members under said section.

Service rendered to said superior court on and after September 15, 1945, or to said municipal court on and after September 1, 1947, by phonographic reporters prior to becoming members under this section on February 1, 1953, shall be credited under this Retirement System to such persons.

Said service, rendered prior to becoming a member under this section on February 1, 1953, shall only be credited to each of such persons if he elect, by written notice, on a form provided by Retirement System, filed in the office of the retirement board of said system prior to July 1, 1953, to receive credit for all or any part of said service, and to pay into the retirement fund, at times and in the manner hereinafter provided, the following amounts:

(a) an amount equal to the normal contributions he would have contributed, had he been a member of the Retirement System under Section 8.509, during the time for which he has elected to receive credit for service, on the basis of compensation paid to him by the City and County on account of said service, and

(b) an amount equal to the interest which would have been credited to his account on account of such contributions from the date upon which they would have been made, to the date of payment of such contributions to the Retirement System. However, a member shall not receive credit for any portion of such service rendered prior to April 1, 1922, unless he has elected to receive credit for, and has paid into the retirement fund such amount with respect to, all of said service rendered after March 31, 1922. Such amounts shall be paid into the retirement fund by lump sum payment, or payroll deductions or other installments, over a period not exceeding 36 months from July 1, 1953, provided that any balance remaining unpaid at his retirement shall become due and payable forthwith. Benefits, not provided by such amounts, granted to said persons on account of said service rendered prior to February 1, 1953, shall be provided by contributions of the City and County. Such service shall include time during which such person was absent from a status included in the paragraph above by reason of service in the armed forces of the United States in any war in which the United States has engaged.

Notwithstanding the foregoing provisions, any such employee or attache not already a member of the system and who is such an employee or attache on February 1, 1953, shall not become a member of the Retirement System,

unless he elect prior to July 1, 1953, on a form provided by the Retirement System, to be a member of said system, and if he does not so elect, he shall not be a member of the Retirement System, and shall not be prevented from continuing in such employment by reason of such provision.

A8.504 RETIREMENT – PARKING AUTHORITY EMPLOYEES

Officers and employees of the Parking Authority of the City and County shall become members of the San Francisco City and County Employees' Retirement System under Section 8.509 on February 1, 1963, and thereupon shall be subject to all conditions applying to other members under that section inclusive of the provisions of Section 8.514 of the Charter, except as herein otherwise provided; provided, however, that members of such authority are excluded from the San Francisco City and County Employees' Retirement System.

Service rendered to the said Parking Authority by persons prior to becoming members under this section on February 1, 1963, shall be credited under the Retirement System to such persons, subject to the terms and conditions provided herein. Said service shall only be credited to each of such persons if he elect, by written notice, on a form provided by the Retirement System and filed in the office of the retirement board of said system prior to July 1, 1963, to receive credit for said service, and to pay into the retirement fund, at times and in the manner fixed by the Retirement Board, the following amounts:

(a) an amount equal to the normal contributions he would have contributed, had he been a member of the Retirement System under Section 8.509, during the period in which said service was rendered, on the basis of compensation paid to him by the City and County on account of said service and

(b) an amount equal to the interest which would have been credited to his account on account of such contributions from the date upon which they would have been made, to the date of payment of such contributions to the Retirement System; provided that any balance remaining unpaid at his retirement shall become due and payable forthwith. If any such person shall not so elect to receive credit for said service and to pay such amounts of contributions and interest, or having so elected, subsequently does not pay into the retirement fund such amounts at times and in the manner herein provided, and prior to February 1, 1963, he shall enter as a new member without credit for any of said service, any monies theretofore received from him as payment on such amounts together with accumulated interest thereon shall be refunded to him, and the rate of his contribution shall be the normal rate provided in Subsection (h) of Section 8.509 at his age on February 1, 1963, otherwise his rate of contributions shall be the rate provided in said Subsection (h) of Section 8.509 based on his age at the earliest date in the period for which said service is credited. Benefits, not provided by such amounts, granted to said persons on account of said service rendered prior to the effective date of membership under this section, shall be provided by contributions of the City and County.

Notwithstanding the foregoing provisions, any such officer or employee not already a member of the system and who is such an officer or employee on February 1, 1963, shall not become a member of the Retirement System, unless he elects to be a member of said system, in writing, on a form provided by the Retirement System and filed in the office of the Retirement System prior to July 1, 1963; if he does not so elect he shall not be a member of the Retirement System, and shall not be prevented from continuing in such employment by reason of the provisions of this section.

A8.505 RETIREMENT – PORT AUTHORITY EMPLOYEES

All employees of the Port Authority who, on February 7, 1969, are members of the Public Employees' Retirement System of the State of California shall continue to be members of said Public Employees' Retirement System, with all the rights, privileges and benefits of said system and they shall not be members of the San Francisco City and County Employees' Retirement System; and, notwithstanding any other provisions of this Charter, the City and County shall perform all acts necessary to continue the membership of such employees in said Public Employees' Retirement System.

All employees of the Port Authority who, at the time the transfer provided for herein shall go into effect, are covered under the provisions of a retirement program other than the Public Employees' Retirement System of the State of California shall thereafter continue to be covered under such retirement program and they shall not be members of the San Francisco City and County Employees' Retirement System; and, notwithstanding any other provisions of this Charter, the City and County shall perform all acts necessary to continue the coverage of such employees under such retirement program.

Persons who, after February 7, 1969, become employees of the City and County in positions related to the operation of the State Belt Railroad and who become covered under the provisions of the Railroad Retirement Act by virtue of their employment in such positions shall not be members of the San Francisco City and County Employees' Retirement System.

A8.506 SHERIFF'S DEPARTMENT

Notwithstanding any other provisions of this Charter, the Board of Supervisors shall have the power to contract with the Board of Administration of the Public Employees' Retirement System of the State of California to provide that the sheriff, undersheriff and all deputized personnel of the sheriff's department shall be members of the Public Employees' Retirement System, and the Board of Supervisors and the Retirement Board shall have the power to perform all acts necessary to carry out the terms and purposes of such contract. The maximum employee contribution for sheriff, undersheriff and deputized personnel of the sheriff's department shall be seven and one-half percent (7½%). Required contributions exceeding seven and one-half percent (7½%) shall be made by the City and County.

However, the employee contribution for persons who become employed as sheriff, undersheriff and deputized personnel of the sheriff's department on and after July 1, 2010, shall be nine percent (9%). The nine percent (9%) employee contribution rate shall take effect immediately upon expiration of the agreement that is operative on June 30, 2010, between the City and County and the recognized bargaining organization representing said employees.

All contracts and contract amendments with the Board of Administration of the Public Employees' Retirement System of the State of California for persons hired on and after July 1, 2010, and before January 7, 2012, shall provide, to the maximum extent permitted, that final compensation for service under the Public Employees' Retirement System plan will be calculated based on a two-year formula.

Except as provided in this Section A8.506, on and after July 1, 2010, contracts and contract amendments with the Board of Administration of the Public Employees' Retirement System of the State of California shall be cost-neutral and employee bargaining units shall be permitted to trade salary or other employee paid benefits to achieve cost-neutrality.

The Board of Supervisors shall have the power to amend such contracts or contract amendments to terminate the participation of the sheriff, undersheriff and all deputized personnel of the sheriff's department for prospective service and to provide comparable benefits in the San Francisco Employees' Retirement System and to exempt such contracts or contract amendments from the cost-neutrality requirements of this Section A8.506, provided the sheriff, undersheriff, and the recognized employee organizations representing the impacted employees agree. The Board of Supervisors and the Retirement Board shall have the power to perform all acts necessary to carry out the amendment of such contracts or contract amendments.

For sheriffs assuming office and undersheriffs and all deputized personnel of the sheriff's department hired, on and after January 7, 2012, the Board of Supervisors shall have the power to amend its contract with the Public Employees' Retirement System and to provide retirement benefits for said persons in the San Francisco Employees' Retirement System in a plan applicable to sheriffs, undersheriffs and deputized personnel of the sheriff's department. The Board of Supervisors and the Retirement Board shall have the power to perform all acts necessary to carry out the amendment of such contract.

Any person who shall become a member of the Public Employees' Retirement System pursuant to such contract shall have the right to be a member of the health service system and the Health Service Board shall make provisions for participation in the benefits of the health service system by such persons.

(Amended by Proposition D, Approved 6/8/2010; Proposition C, Approved 11/8/2011)

A8.506-1 TEACHERS IN THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT AND SAN FRANCISCO COMMUNITY COLLEGE DISTRICT

Notwithstanding any other provisions of this Charter, the Board of Supervisors shall have the power to perform any and all acts necessary or appropriate to implement any provisions of the Education Code of the State of California which contemplate that teachers in the San Francisco Unified School District and the San Francisco Community College District shall not be members of the San Francisco City and County Employees' Retirement System but shall be members only of the State Teachers' Retirement System or which contemplate that such teachers may elect to be members of the State Teachers' Retirement System and not to be members of the San Francisco City and County Employees' Retirement System.

A8.506-2 MISCELLANEOUS SAFETY EMPLOYEES

Notwithstanding any other provisions of this Charter, the Board of Supervisors or the Community College Board shall have the power to contract with the Board of Administration of the Public Employees' Retirement System of the State of California to provide that the probation officers, airport police officers, district attorney and public defender investigators, medical examiner investigators, juvenile court counselors, institutional police, fire safety inspectors and fire protection engineers who are not members of the Section A8.588 plans, shall be members of the Public Employees' Retirement System, and the Board of Supervisors, the Community College Board and the Retirement Board shall have the power to perform all acts necessary to carry out the terms and purposes of such contract.

The Board of Supervisors shall have the power to amend such a contract to terminate the participation of certain airport police officers in the Public Employees' Retirement System and to transfer to the San Francisco Employees' Retirement System the accumulated assets and liabilities relating to the airport police officers that make such an election, and to exempt such a contract amendment from the cost-neutrality requirements of this Section A8.506-2, provided that the present value of any additional costs associated with said transfer and the related benefits under the San Francisco Employees' Retirement System does not exceed $670,000 in the aggregate. All additional costs in the form of actuarial liability associated with said transfer and said benefits that exceed $670,000 in the aggregate shall be paid by the airport police officers that elect to terminate their participation in the Public Employees' Retirement System and transfer the accumulated assets and liabilities relating to their service to the San Francisco Employees' Retirement System. The Board of Supervisors and the Retirement Board shall have the power to perform all acts necessary to carry out the amendment of such contract.

The Board of Supervisors shall have the power to amend such contracts or contract amendments to terminate the participation of probation officers, district attorney investigators, and juvenile court counselors, in the Public Employees' Retirement System for prospective service and to provide comparable benefits in the San Francisco Employees' Retirement System and to exempt such contracts or contract amendments from the cost-neutrality provisions of this Section A8.506-2, provided the recognized employee organizations representing the impacted employees agree. The Board of Supervisors and the Retirement Board shall have the power to perform all acts necessary to carry out the amendment of such contracts or contract amendments.

For probation officers, district attorney investigators and juvenile court counselors, hired on and after January 7, 2012, the Board of Supervisors shall have the power to amend its contract or contracts with the Public Employees' Retirement System to terminate the participation of said persons in the Public Employees' Retirement System and to provide their retirement benefits in the San Francisco Employees' Retirement System. The Board of Supervisors and the Retirement Board shall have the power to perform all acts necessary to carry out the amendment of such contract or contracts.

Except as provided in this Section A8.506-2, contracts and contract amendments shall be cost-neutral and employee bargaining units shall be permitted to trade salary or other employee paid benefits to achieve cost-neutrality. However, the employee contribution for persons who become employed by the City and County on and

after July 1, 2010, and who become eligible for membership pursuant to this Section A8.506-2, shall be nine percent (9%). The nine percent (9%) employee contribution rate shall take effect immediately upon expiration of the agreement that is operative on June 30, 2010, between the City and County and the recognized bargaining organization representing said employees.

All contracts and contract amendments with the Board of Administration of the Public Employees' Retirement System of the State of California for persons hired on and after July 1, 2010, shall provide, to the maximum extent permitted, that final compensation will be calculated based on a two-year formula.

The Board of Supervisors or the Community College Board is empowered to determine compliance under this Section. As provided in Section A8.409-5 of the City Charter, disputes under this paragraph shall not be subject to the dispute resolution procedures contained in Charter Section A8.409-4.

Any person who shall become a member of the Public Employees' Retirement System pursuant to such contract shall have the right to be a member of the health service system and the Health Service Board shall make provision for the participation in the benefits of the health service system by such persons.

(Amended November 2003; Proposition F, Approved 11/6/2007; Proposition D, Approved 6/8/2010; Proposition C, Approved 11/8/2011)

A8.506-3 HOUSING AUTHORITY POLICE

All Housing Police Officers of the Housing Authority who, on July 1, 1984, are members of the Public Employees' Retirement System of the State of California shall continue to be members of said Public Employees' Retirement System, and they shall not be members of the San Francisco City and County Employees' Retirement System. Notwithstanding any other provisions of this Charter, the City and County shall perform all acts necessary to continue the membership of such employees in said Public Employees' Retirement System.

Notwithstanding any other provisions of this Charter, the Board of Supervisors shall have the power to contract with the Board of Administration of the Public Employees' Retirement System of the State of California to provide that Housing Authority Police hired after July 1, 1984, shall be members of the Public Employees' Retirement System, and the Board of Supervisors and the retirement board shall have the power to perform all acts necessary to carry out the terms and purposes of such contract. However, the employee contributions to the Public Employees' Retirement System for persons hired on and after July 1, 2010, and who become eligible for membership pursuant to this Section A8.506-3 shall be nine percent (9%). The nine percent (9%) employee contribution rate shall take effect immediately upon expiration of the agreement that is operative on June 30, 2010, between the City and County and the recognized bargaining organization representing said employees.

All contracts and contract amendments with the Board of Administration of the Public Employees' Retirement System of the State of California for persons hired on and after July 1, 2010, shall provide, to the maximum extent permitted, that final compensation will be calculated based on a two-year formula.

Except as provided in this Section A8.506-3, on and after July 1, 2010, contracts and contract amendments with the Board of Administration of the Public Employees' Retirement System of the State of California shall be cost-neutral and employee bargaining units shall be permitted to trade salary or other employee paid benefits to achieve cost-neutrality.

Any person who shall become a member of the Public Employees' Retirement System pursuant to such contract shall have the right to be a member of the health service system and the Health Service Board shall make provision for participation in the benefits of the health service system by such persons.

(Amended by Proposition D, Approved 6/8/2010)

A8.506-4 PER DIEM NURSES ON JANUARY 1, 1988.

Registered nurses, hired and compensated by the department of health on a per diem basis, shall not be members of the Retirement System or subject to the provisions of the Retirement System by reason of such employment.

Members of the Retirement System on the effective date of this section shall have the option to be exercised in writing on a form to be furnished by the retirement board and to be filed at the office of the Retirement System not later than March 31, 1988, to exclude compensation for per diem nursing as compensation for all Retirement System purposes.

The provisions of this section shall be prospective only, shall be effective January 1, 1988 and shall not give any person a claim for refund of pension contributions prior to January 1, 1988.

A8.506-5 DISTRICT ATTORNEYS, PUBLIC DEFENDERS AND PUBLIC DEFENDER INVESTIGATORS

(a) Notwithstanding any other provisions of this Charter, the Board of Supervisors shall have the power to contract with the Board of Administration of the Public Employees' Retirement System of the State of California to provide that local prosecutors, public defenders and public defender investigators, on or after January 1, 2002, shall be members of the Public Employees' Retirement System pursuant to Government Code § 20423.6 and the Board of Supervisors and the retirement board shall have the power to perform all acts necessary to carry out the terms and purposes of such contract. Any person who shall become a member of the Public Employees' Retirement System pursuant to such contract shall have the right to be a member of the health service system and the health service board shall make provision for the participation in the benefits of the health service system by such persons.

(b) For the purposes of the Retirement System and of this section, the terms "local prosecutor, public defender and public defender investigator" or "member," shall mean:

(1) "Local prosecutor" means any one of the following:

(A) An officer or employee of the City and County of San Francisco who meets all of the following criteria:

(i) He or she is employed in the Office of the District Attorney and

(ii) His or her job classification is district attorney, deputy district attorney, chief deputy district attorney, senior deputy district attorney, assistant district attorney, chief assistant district attorney, senior assistant district attorney, or any other similar classification or title.

(B) An officer or employee of the City and County of San Francisco who meets all of the following criteria:

(i) He or she was employed in the Office of the District Attorney prior to the date the local child support agency transitioned from the District Attorney to the San Francisco Office of Child Support Services;

(ii) His or her job classification was district attorney, deputy district attorney, chief deputy district attorney, senior deputy district attorney, assistant district attorney, chief assistant district attorney, senior assistant district attorney, or any other similar classification or title; and

(iii) He or she is an attorney in the San Francisco Office of Child Support Services, with no break in service between employment by the Office of the District Attorney and the San Francisco Office of Child Support Services.

(2) "Local public defender" means an officer or employee of the City and County of San Francisco who meets all of the following criteria:

(A) He or she is employed in the Office of the Public Defender and

(B) His or her job classification is public defender, deputy public defender, chief deputy public defender, senior deputy public defender, assistant public defender, chief assistant public defender, senior assistant public defender, or any other similar classification or title.

(3) "Local public defender investigator" means an officer or employee of the City and County of San Francisco who meets all of the following criteria:

(A) He or she is employed in the Office of the Public Defender;

(B) His or her job classification is inspector, investigator, detective, or any other similar classification or title; and

(C) His or her principal duties are to investigate crime and criminal cases.

(c) The power to enter into a contract under subsection (a), above, shall be limited to a contract that is cost-neutral to the City. Employee bargaining units shall be permitted to trade salary or other employer-paid benefits, including but not limited to social security benefits, to achieve cost-neutrality. As provided in Section A8.409-5 of the City Charter, disputes under this paragraph shall not be subject to the dispute resolution procedures contained in Charter Section A8.409-4.

(Added March 2004)

A8.507 MISCELLANEOUS OFFICERS AND EMPLOYEES ON JANUARY 8, 1932

Persons who are officers and employees of this City and County on January 8, 1932, shall become members of the Retirement System subject only to the following provisions, in addition to the provisions contained in Sections 3.670, 3.672, 8.500, 8.510, 8.511, 8.520, 8.525 and 8.560, of this Charter.

(a) The system shall be applied to such offices, departments, bureaus, or classes of officers or employees of the City and County, including teachers in the San Francisco school department, as the supervisors shall determine; provided, however, that the contributions to be made by said teachers and the benefits to be received by said teachers under said Retirement System shall be based upon the proportion of salaries of said teachers which have been and shall be paid out of funds contributed by the City and County, excluding therefrom the portion of such salaries which have been or shall be paid out of funds contributed by the State of California; and in determining such proportion it shall be taken to be the same proportion which the whole amount of money contributed by the City and County to the common school fund in any fiscal year bears to the whole amount of money contributed to such fund in such year by the state and by the City and County; and provided, further, that nothing herein contained shall be construed to deprive any teacher of the right to receive benefits under any pension or Retirement System now or hereafter established by the State of California.

(b) No member of the Retirement System shall be retired, except in case of disability incapacitating him for the performance of his duties, unless he shall have attained the age of 62 years and completed 10 years of continuous service, but retirement shall be compulsory at the age of 70 years. It may be provided, however, under such Retirement System, that members may retire after 30 years of continuous service; the benefits at retirement in such cases to be determined, because of retirement at an age below 62, in accordance with the tables recommended by the actuary and approved by said retirement board.

(c) All persons who were retired prior to October 1, 1925, from service as teachers in the public schools of San Francisco, under the provisions of the law of 1913, establishing the California Public School Teachers' Retirement Salary Fund, shall be entitled to and shall receive retirement allowances, to be calculated on the same basis as that established for determining the retirement allowances provided for members of the said Retirement System.

A8.508 PACIFIC GAS & ELECTRIC COMPANY EMPLOYEES

The Board of Supervisors shall have the power to provide by ordinance retirement benefits for persons who become employees of the City and County of San Francisco under any lease, or other temporary arrangement, entered into between said City and County and the Pacific Gas & Electric Company, and because of their employment by said company at the effective date of said lease, or other temporary arrangement. The effect of said ordinance shall be to provide essentially the same retirement benefits for said employees on account of service rendered under said lease, or other temporary arrangement, as if said persons had been employees of said company throughout the term of said lease.

The further effect of said ordinance shall be to provide for permanent retirement rights for said persons, in the event they become employees of said City and County upon purchase or other permanent acquisition of the properties of said company, essentially the same benefits on account of service rendered as employees of said City and County, as they would have received if they had been members throughout said service of the San Francisco City and County Employees Retirement System on the same basis as other employees of said City and County, except members of fire or police departments.

A8.509 RETIREMENT – MISCELLANEOUS OFFICERS AND EMPLOYEES ON AND AFTER JULY 1, 1947

Miscellaneous officers and employees, as defined in this section, who are members of the Retirement System under this section of the Charter on February 1, 1969, and persons who become miscellaneous officers and employees after February 1, 1969, shall be members of the Retirement System, subject to the following provisions of this section, in addition to the provisions contained in Sections 12.100, 12.103, A8.500, A8.510 and A8.520 of this Charter notwithstanding the provisions of any other section of the Charter, provided that the Retirement System shall be applied to persons employed on a part-time, temporary or substitute basis only as the Board of Supervisors shall determine by ordinance enacted by three-fourths vote of all members of the board. Miscellaneous officers and employees of the said departments who are members of the Retirement System under Section A8.507 of the Charter on February 1, 1969 shall continue to be members of the system under Section A8.507 and shall not be subject to any of the provisions of this section, except as specifically provided in this section.

(a) The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning:

"Retirement allowance," or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, and continuing for life unless a different term of payments is definitely provided by the context.

"Compensation," as distinguished from benefits under the workers' compensation laws of the State of California, shall mean all remuneration whether in cash or by other allowances made by the City and County, for service qualifying for credit under this section.

"Compensation earnable" shall mean the compensation as determined by the retirement board, which would have been earned by the member had he or she worked, throughout the period under consideration, the average number of days ordinarily worked by persons in the same grade or class of positions as the positions held by him or her during such period and at the rate of pay attached to such positions, it being assumed that during any absence, he or she was in the position held by him or her at the beginning of the absence, and that prior to entering City-service he was in the position first held by him in City-service.

"Benefit" shall include "allowance," "retirement allowance," and "death benefit."

"Average final compensation" shall mean the average monthly compensation earned by a member during any five consecutive years of credited service in the Retirement System in which his or her average final compensation is the highest, unless the Board of Supervisors shall otherwise provide by ordinance enacted by three-fourths vote of all members of the board.

For the purposes of the Retirement System and of this section, the terms "miscellaneous officer or employee," or "member," as used in this section shall mean any officer or employee who is not a member of the fire or police department as defined in the Charter for the purpose of the Retirement System, under Section A8.507 of the Charter.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section A8.500 of the Charter.

"Retirement Board" shall mean "Retirement Board" as created in Section 12.100 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural; and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

(b) Any member who completes at least 20 years of service in the aggregate credited in the Retirement System, and attains the age of 50 years, or at least 10 years of service in the aggregate credited in the Retirement System, and attains the age of 60 years, said service to be computed under Subsection (g) hereof, may retire from service at his option. Members may retire under this section on the first day of the month next following the attainment by them of the age of 65 years. A member retired after reaching the age of 62 years shall receive a service retirement allowance at the rate of two and three-tenths percent of said average final compensation for each year of service. The service retirement allowance of any member eligible to retire under this Section shall be an allowance equal to the percentage of said average final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, for each year of service, computed under Subsection (g):

Age at Retirement	**Percent for Each Year of Credited Service**

Age at Retirement	**Percent for Each Year of Credited Service**

50	1.0000
50¼	1.0250
50½	1.0500
50¾	1.0750
51	1.1000
51¼	1.1250
51½	1.1500
51¾	1.1750
52	1.2000
52¼	1.2250
52½	1.2500
52¾	1.2750
53	1.3000
53¼	1.3250
53½	1.3500
53¾	1.3750
54	1.4000
54¼	1.4250
54½	1.4500
54¾	1.4750
55	1.5000
55¼	1.5250
55½	1.5500
55¾	1.5750
56	1.6000
56¼	1.6250
56½	1.6500
56¾	1.6750
57	1.7000
57¼	1.7250
57½	1.7500

57¾	1.7750
58	1.8000
58¼	1.8250
58½	1.8500
58¾	1.8750
59	1.9000
59¼	1.9250
59½	1.9500
59¾	1.9750
60	2.100
60¼	2.1250
60½	2.1500
60¾	2.1750
61	2.2000
61¼	2.2250
61½	2.2500
61¾	2.2750
62	2.3000

In no event shall a member's retirement allowance exceed 75 percent of his or her average final compensation.

Before the first payment of a retirement allowance is made, a member retired under this Subsection or Subsection (c) of this Section, may elect to receive the actuarial equivalent of his or her allowance, partly in an allowance to be received by him or her throughout his life, and partly in other benefits payable after his or her death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the Board of Supervisors to govern similar elections by other members of the Retirement System, including the character and amount, of such other benefits. In the calculations under this Subsection of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated in the manner prescribed for each class of service, the average final compensation in each case being that for the respective class of service; provided that the aggregate retirement allowance shall be taken into account in applying the provisions of this Subsection providing for a minimum retirement allowance. Part-time service and compensation shall be reduced to full-time service and compensation in the manner prescribed by the Board of Supervisors, and when so reduced, shall be applied on full-time service and compensation in the calculations of retirement allowances.

(c) Any member who becomes incapacitated for performance of duty because of disability determined by the Retirement Board to be of extended and uncertain duration, and who shall have completed at least 10 years of service credited in the Retirement System in the aggregate, computed as provided in Subsection (g) hereof, shall be retired upon an allowance of one and eight-tenths percent of the average final compensation of said member, as defined in Subsection (a) hereof for each year of credited service, if such retirement allowance exceeds 40 percent of his or her average final compensation; otherwise one and eight-tenths percent of his or her average final compensation multiplied by the number of years of City-service which would be credited to him or her were such City-service to continue until attainment by him or her of age 60, but such retirement allowance shall not exceed 40 percent of such average final compensation. In the calculation under this Subsection of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed, for each class of service, the average final compensation in each case being that for the respective class of service; provided that the average final compensation upon which the minimum total retirement allowance is calculated in such case shall be based on the compensation earnable by the member in the classes of service rendered by him or her during the one year immediately preceding his or her retirement. Part-time service and compensation shall be reduced to full-time service and compensation in the manner prescribed by the Board of Supervisors, and when so reduced, shall be

applied as full-time service and compensation in the calculation of retirement allowances. An application for a disability retirement may be brought before the Retirement Board on said Board's own motion, by the Executive Director of the Retirement System, by recommendation of any department head, commission or board, or by said member or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease, and he or she shall be restored to service in the position or classification he or she occupied at the time of his or her retirement.

(d) No modification of benefits provided in this section shall be made because of any amounts payable to or on account of any member under workers' compensation laws of the State of California.

(e) If a member shall die, before retirement,

(1) If no benefit is payable under subdivision (2) of this subsection (e):

(A) Regardless of cause, a death benefit shall be paid to the member's estate or designated beneficiary consisting of the compensation earnable by the member during the six months immediately preceding death, plus the member's contributions and interest credited thereon.

(B) If a member sustains a traumatic bodily injury through external and violent means in the course and scope of employment and death results within 180 days of such injury, an additional insurance benefit of 12 months of compensation earnable shall be paid to the member's estate or designated beneficiary.

(2) If, at the date of his or her death, he or she was qualified for service retirement by reason of service and age under the provisions of Subsection (b) of this Section, and he or she has designated as beneficiary his or her surviving spouse, who was married to him or her for at least one full year immediately prior to the date of his or her death, one-half of the retirement allowance to which the member would have been entitled if he or she had retired from service on the date of his or her death, shall be paid to such surviving spouse who was his or her designated-beneficiary at the date of his or her death, until such spouse's death or remarriage, or if there be no surviving spouse, to the unmarried child or children of such member under the age of 18 years, collectively, until every such child dies, marries or attains the age of 18 years, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. If, at the death of such surviving spouse, who was receiving an allowance under this Subdivision (2), there be one or more unmarried children of such member under the age of 18 years, such allowance shall continue to such child or children, collectively, until every such child dies, marries or attains the age of 18 years, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. If the total of the payments of allowance made pursuant to this Subdivision (2) is less than the benefit which was otherwise payable under Subdivision (1) of this Subsection, the amount of said benefit payable under Subdivision (1) less an amount equal to the total of the payments of allowance made pursuant to this Subdivision (2) shall be paid in lump sum as follows:

(A) If the person last entitled to said allowance is the remarried surviving spouse of such member, to such spouse.

(B) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to said allowance.

The surviving spouse may elect, on a form provided by the Retirement System and filed in the office of the Retirement System before the first payment of the allowance provided herein, to receive the benefit provided in Subdivision (1) of this Subsection in lieu of the allowance which otherwise would be payable under the provisions of this Subdivision. If a surviving spouse, who was entitled to make the election herein provided, shall die before or after making such election, but before receiving any payment pursuant to such election, then the legally appointed guardian of the unmarried children of the member under the age of 18 years, may make the election herein provided before benefit has been paid under this Subsection (e), for and on behalf of such children if, in his or her judgment it appears to be in their interest and advantage, and the election so made shall be binding and conclusive upon all parties in interest.

If any person other than such surviving spouse shall have and be paid a community property interest in any portion of any benefit provided under this Subsection (e), any allowance payable under this Subdivision (2) shall be reduced by the actuarial equivalent, at the date of the member's death, of the amount of benefits paid to such other person.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her estate or designated beneficiary in the manner and subject to the conditions prescribed by the Board of Supervisors for the payment of a similar death benefit upon the death of other retired members.

(f) Should any miscellaneous member cease to be employed as such a member, through any cause other than death or retirement, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to cover similar terminations of employment and reemployment with and without redeposit of withdrawn accumulated contributions of other members of the Retirement System, provided that if such member is entitled to be credited with at least 10 years of service or if his or her accumulated contributions exceed $1,000, he or she shall have the right to elect, without right of revocation and within 90 days after said termination of service, or if the termination was by lay-off, 90 days after the Retirement Board determines the termination to be permanent, whether to allow his or her accumulated contributions to remain in the retirement fund and to receive benefits only as provided in this paragraph. Failure to make such election shall be deemed an irrevocable election to withdraw his or her accumulated contributions. A person who elects to allow his or her accumulated contributions to remain in the retirement fund shall be subject to the same age requirements as apply to other members under this Section for service retirement, but he or she shall not be subject to a minimum service requirement. Upon the qualification of such member for retirement by reason of age, he or she shall be entitled to receive a retirement allowance which shall be the actuarial equivalent of his or his accumulated contributions and an equal amount of the contributions of the City and County, plus 12/3 percent of his average final compensation for each year of service credited to him or her as rendered prior to his first membership in the Retirement System. Upon the death of such member prior to retirement, his or her contributions with interest credited thereon shall be paid to his or her estate or designated beneficiary.

(g) The following time and service shall be included in the computation of the service to be credited to a member for the purpose of determining whether such member qualifies for retirement and calculating benefits:

(1) Time during which said member is a member of the Retirement System and during and for which said member is entitled to receive compensation because of services as a miscellaneous officer or employee.

(2) Service in the fire and police departments which is not credited as service of a member under this Section shall count under this Section upon transfer of a member of either of such departments to employment entitling him or her to membership in the Retirement System under this Section, provided that the accumulated contribution standing to the credit of such member shall be adjusted by refund to the member or by payment of the member, to bring the account at the time of such transfer to the amount which would have been credited to it had the member been a miscellaneous employee throughout the period of his or her service in either such departments at the compensation he or she received in such departments.

(3) Time during which said member is absent from a status included in paragraphs (1) or (2) next preceding which is not deemed absence from service under the provisions of Section A8.520 of the Charter and for which such member is entitled to receive credit as service for the City and County by virtue of contributions made in accordance with the provisions of such Section.

(4) Prior service determined and credited as prescribed by the Board of Supervisors for persons who are members under Section A8.507.

(5) The Board of Supervisors, by ordinance enacted by a three-fourths vote of its members, may provide for the crediting as service under the Retirement System of service, other than military service, rendered as an employee of the federal government and service rendered as an employee of the State of California or any public entity or public agency in the State of California. Said ordinance shall provide that all contributions required as the result of the crediting of such service shall be made by the member and that no contributions therefor shall be required of the City and County.

(6) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(h) All payments provided under this Section shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) There shall be deducted from each payment of compensation paid to a member under Section A8.509 a sum equal to 7½ percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member under Section A8.509, or shall be paid to said member or his estate or beneficiary as provided in Sections A8.509(e) and A8.509(f). The individual accounts of members who purchased service credit for Unpaid Parental Leave shall also include the amount paid by the member for said purchase, plus interest.

(2) Contributions based on time included in paragraphs (1) and (3) of Subsection (g), and deducted prior to July 1, 1947, from compensation of persons who become members under this Section, and standing with interest thereon, to the credit of such members on the records of the Retirement System on said date, shall continue to be credited to the individual accounts of said members, and shall be combined with and administered in the same manner as the contributions deducted after said date.

(3) The total contributions, with interest thereon, made by or charged against the City and County and standing to its credit, on July 1, 1948, in the accounts of the Retirement System, on account of persons who become members under this Section, shall be applied to provide the benefits under this Section.

(4) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this Subsection (h), to provide the benefits payable under this Section. Such contributions of the City and County to provide the portion of the benefits hereunder, which shall be based on service rendered by each member prior to the date upon which his or her rate of contribution is determined in paragraph (1), Subsection (h), shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the City and County to provide the portion of the benefits hereunder, which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total salaries paid during said year, to persons who are members under this Section, said percentage to be the ratio of the value of the effective date hereof, or at the later date of a periodical actuarial valuation and investigation into the experience under the system, of the benefits thereafter to be paid under this Section, from contributions of the City and County, less the amount of such contributions, and plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective member after the date stated in the sentence next preceding, to the value at said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement, and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year, and said investigation into the experience under the system shall be made every odd-numbered year.

Notwithstanding the provisions of this Subdivision (4), any additional liabilities created by the amendments of this Section A8.509 contained in the proposition therefor submitted to the electorate on November 6, 1973, shall be amortized over a period of 30 years.

(5) Notwithstanding any other provision of this Section A8.509 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (h)(1) for each member with a base rate of pay at or above $24.00 per hour, but less than $48.00 per hour, shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (h)(4). The foregoing base rates of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). The increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**

Employer Contribution Rate	Change In Member Contribution
0%	-4.0%
.01%-1.0%	-4.0%
1.01%-2.5%	-3.75%
2.51%-4.0%	-3.5%
4.01%-5.5%	-2.5%
5.51%-7.0%	-2.0%
7.01%-8.5%	-1.5%
8.51%-10.0%	-1.0%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.0%
15.01%-17.5%	1.5%
17.51%-20.0%	2.0%
20.01%-22.5%	2.5%
22.51%-25.0%	3.5%
25.01%-27.5%	3.5%
27.51%-30.0%	3.75%
30.01%-32.5%	3.75%
32.51%-35.0%	4.0%
Over 35.0%	4.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member under Section A8.509, or shall be paid to said member or his or her beneficiary or estate as provided in Section A8.509(e).

The percentage increase tn member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to seven and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required under Subsection (h)(4) for that fiscal year.

(6) Notwithstanding any other provision of this Section A8.509 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (h)(1) for each member with a base rate of pay at or above $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (h)(4). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	Change In Member Contribution

Employer Contribution Rate	Change In Member Contribution
0%	-5.0%
.01%-1.0%	-4.5%
1.01%-2.5%	-4.25%
2.51%-4.0%	-4.0%
4.01%-5.5%	-3.0%
5.51%-7.0%	-2.5%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	2.5%
20.01%-22.5%	3.0%
22.51%-25.0%	4.0%
25.01%-27.5%	4.0%
27.51%-30.0%	4.25%
30.01%-32.5%	4.25%
32.51%-35.0%	4.5%
Over 35.0%	5.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member under Section A8.509, or shall be paid to said member or his or her beneficiary or estate as provided in Section A8.509(e).

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to seven and one half percent of the member's compensation as provided in Subsection (h)(1). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required by the City and County under Subsection (h)(4) for that fiscal year.

(7) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County, held by the system to provide the benefits under this Section, shall be a part of the fund in which all other assets of said system are included. Nothing in the Section shall affect the obligations of the City and County to pay to the Retirement System any amounts which may or shall become due under the provisions of the Charter prior to the effective date hereof, and which are represented on July 1, 1947, in the accounts of said system by debits against the City and County.

(8) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including the

procedures under Section A8.409.

(i) Upon the completion of the years of service set forth in Subsection (b) of this Section as requisite to retirement, a member shall be entitled to retire at any time thereafter in accordance with the provisions of said Subsection (b), and nothing shall deprive said member of said right.

(j) Except as otherwise provided in Section A8.511 of this Charter, no person retired under this Section, for service or disability and entitled to receive a retirement allowance under the Retirement System, shall serve in any elective or appointive position in the City and County service, including membership on boards and commissions, nor shall such persons receive any payment for service rendered to the City and County after retirement, provided that service as an election officer or juror shall not be affected by this Section.

(k) Any Section or part of any Section in this Charter, insofar as it should conflict with this Section, or with any part thereof, shall be superseded by the contents of this Section. In the event that any word, phrase, clause or subsection of this Section shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

(l) Notwithstanding the provisions of Subdivisions (b), (c), (f), and (i) of this Section, any member convicted of a crime involving moral turpitude, committed in connection with his or her duties as an officer or employee of the City and County of San Francisco, shall, upon his or her removal from office or employment pursuant to the provisions of this Charter, forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Subdivision (b) of this Section, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment, whether to withdraw all of his or her accumulated contributions or to receive as his or her sole benefit under the Retirement System, an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such removal from office or employment.

(m) The amendments of this Section contained in the proposition submitted to the electorate on November 6, 1984 are hereby declared to be prospective and shall not give any person a claim against the City and County relating to a death prior to ratification of this amendment by the State Legislature.

(n) The amendments to Section A8.509 contained in the proposition submitted to the electorate on June 3, 2008 shall apply only to miscellaneous officers and employees under this Section A8.509 who were not retired on January 10, 2009, and whose accumulated contributions were in the retirement fund on January 10, 2009, and who were not retired on that date.

(o) Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.509 or with any part thereof shall be superseded by the contents of Section A8.509. Section A8.509 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of this Section A8.509 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of this Section A8.509. If any words, phrases, clauses, sentences, subsections, provisions or portions of this Section A8.509 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of this Section A8.509 which can be given effect. Section A8.509 shall be broadly construed to achieve its stated purposes.

(Amended by Proposition B, Approved 6/3/2008; Proposition G, Approved 11/4/2008)

A8.510 ACTUARIAL TABLES, RATES AND VALUATIONS

The mortality, service and other tables, and the rates of contributions for members as recommended by the actuary and the valuations determined by him and approved by the Retirement Board, shall be conclusive and final, and the Retirement System shall be based thereon. The total amount, as determined by the actuary and approved by the board, of the contributions required during any fiscal year of the City and County under the Retirement System, shall be paid into the Retirement System by the City and County during such year. Liabilities accruing under the Retirement System because of service rendered to the City and County by persons prior to the date their respective

classes become eligible for membership in the system, and administrative costs under the system, shall be met by contributions to the Retirement System by the City and County, in addition to any amounts contributed to meet liabilities accruing because of service rendered by such persons after becoming members of the system, provided that such prior service liabilities may be met by annual appropriations instead of by one appropriation for the total amount of the liabilities; and provided further, that such appropriation for any one year shall not be less than the amount disbursed during that year on account of prior service. All expenses in connection with the investment of such fund or funds as may be established, including but not limited to travel and transportation costs, investment seminar expenses, postage, insurance, telephone, and subscriptions to investment publications, shall be paid from the accumulated contributions of the City and County.

Notwithstanding the provisions of Section A8.509(h)(5), said actuarial valuation and said investigation into the experience under the system shall be made as determined by the Retirement Board; provided, however, that said actuarial valuation shall be made not less than once every two years. All expenses in connection with said actuarial valuation and said investigation into the experience under the system; all expenses incurred by financial audits and accounting systems and procedures; and, all expenses of administration of plan benefits, including legal expenses thereof, shall be paid from the accumulated contributions of the City and County.

Contributions to the Retirement System required of the City and County shall be charged by the controller against the general fund or the school, utility, bond or other special fund under which the service was rendered, on account of which the contribution is required; provided that contributions required on account of service rendered by any person prior to becoming a member of the system, under a temporary fund, such as bond or County roads funds, or a fund then no longer existing, may be charged against the general fund, and provided further, that any contributions required on account of persons receiving benefits under subdivision (c) of Section A8.507, shall be charged against the general fund.

Beginning on July 1, 2012, in each year when the contribution to the Retirement System required under Section A8.510 is less than the Retirement System employer normal cost rate; (1) the City and County shall deposit into the Retiree Health Care Trust Fund the difference between the contributions that would have been based on the employer normal cost rate for that fiscal year and the contributions to be paid by the City and County into the Retirement Trust Fund for that fiscal year, including employee contributions paid by the City and County on behalf of members; and (2) the Participating Employers, as defined in Section A8.432, shall deposit the difference into the Retiree Health Care Trust Fund only upon resolution by their respective governing boards.

(Amended by Proposition D, Approved 6/8/2010; Proposition C, Approved 11/8/2011)

A8.511 PENSIONS OF RETIRED PERSONS

(a) Except as provided in subsection (c) of this section, no person retired for service or disability, and in receipt of a retirement allowance under the Retirement System, shall serve in any elective or appointive position in the City and County service, including membership on boards and commissions, nor shall such persons receive any payment for service rendered to the City and County after retirement, provided that service as an election officer or juror, or in the preparation for or the giving of testimony as an expert witness for or on behalf of the City and County of San Francisco before any court or legislative or administrative body, shall not be affected by this section or by Section 8.509, Section 8.546 or Section 8.581 of the Charter.

(b) Should any retired person, except persons retired for service prior to January 8, 1932, and persons retired because of disability incurred in the performance of duty, engage in a gainful occupation prior to attaining the age of 62, the retirement board shall reduce that part of his/her monthly pension or retirement allowance which is provided by contributions of the City and County, to an amount which, when added to the amount earned monthly by him/her in such occupation, shall not exceed the compensation on the basis of which his/her pension or retirement allowance was determined.

(c) Limited employment in positions requiring special skills or knowledge:

(1) A retired person, who is a certificated employee, may enter into a consultancy contract with the San Francisco Unified School District or the San Francisco Community College District to the extent authorized by

state law. Notwithstanding any other provisions of this Charter to the contrary, a certificated employee who enters into such a consultancy contract shall not be reinstated as a member of the Retirement System. No deduction shall be made from his or her compensation as contributions to the Retirement System, and his or her retirement allowance shall not be terminated or suspended.

(2) A retired person may be employed in a position other than a certificated position, requiring special skills or knowledge, for not to exceed 120 working days or 960 hours, whichever is greater, in any one fiscal year and may be paid for that employment. That employment shall not operate to reinstate the person as a member of the Retirement System or to terminate or suspend the member's retirement allowance, and no deductions shall be made from his or her salary as contributions to the Retirement System. Furthermore, this employment shall not replace a permanent civil service employee.

A8.512 RELINQUISHMENT OF CERTAIN RETIREMENT ALLOWANCES

Any person who retired under the San Francisco City and County Employees' Retirement System from an employment status in which he was a member of the State Teachers' Retirement System, and whose retirement was effective after June 30, 1955, and not later than 90 days after February 1, 1957, may elect, in writing on a form provided by the Retirement System and to be filed at the office of said system within 90 days after February 1, 1957, to relinquish his right to a retirement allowance from said City and County Employees' Retirement System. If such person so elects to relinquish said right, his retirement allowance shall be cancelled forthwith and no payments of such allowance shall be made to him, or on his account, for time on and after the effective date of such election, and such election shall be irrevocable. The San Francisco City and County Employees' Retirement System shall pay or be liable to pay to or on account of such person, only an amount equal to the actuarial equivalent, as of the effective date of such relinquishment, and on the basis of the mortality tables and interest rate then used under the system, of the portion of the cancelled allowance which was provided by said person's accumulated contributions at the effective date of his retirement. An amount equal to such actuarial equivalent shall be forwarded forthwith to the Retirement Annuity Fund of said State Teachers' System, to be applied on the amount due to said fund from said person under the provisions of Division (7), Chapter 14 of the Education Code of the State of California, but not to exceed the amount so due as may be quoted in a written statement requested of and received from said State Teachers' Retirement System as applied to any person herein involved. Any excess of the actuarial equivalent over said amount so quoted as due shall be paid forthwith to said person.

A8.513 CREDIT ON CURRENT CONTRIBUTIONS, FOR CERTAIN PUBLIC RESERVES RELEASED BY WITHDRAWAL OR RELINQUISHMENT BY RETIRING OR RETIRED TEACHERS

In the event that any teacher or other employee of the board of education resigns and withdraws during or after the fiscal year which will end June 30, 1957, his accumulated contributions from the San Francisco City and County Employees' Retirement System, and instead, within 90 days after such withdrawal is in the status of a person retired under the State Teachers' Retirement System of California on an allowance based on the full allowance formulae under said state system, the contributions which the San Francisco Unified School District is required to make to said City and County Employees' Retirement System on account of service rendered by employees of such unified school district as such members of such system, in accordance with the rate of contribution determined under Section 8.509 of the Charter, shall be reduced by an amount equal to the actuarial equivalent as of the day next following the date of such withdrawal, of the portion of the allowance to which such person would have been entitled from said City and County Employees' Retirement System, if he had not resigned, and which would have been based on his service as a member of such City and County Employees' Retirement System, minus the amount of his accumulated normal contributions withdrawn.

In the event that any person retired under the San Francisco City and County Employees' Retirement System from an employment status in which he was a member of the State Teachers' Retirement System, has elected or elects to relinquish his right to a retirement allowance from said City and County Employees' Retirement System, the

contributions which the San Francisco Unified School District is required to make to the City and County Employees' Retirement System on account of service rendered by employees of such unified school district as members of such system in accordance with the rate of contribution determined under Section 8.509 of the Charter, shall be reduced by an amount equal to the actuarial equivalent as of the effective date of such relinquishment, and as determined in connection with such relinquishment, of the portion of the allowance to which said person would have been entitled had he not so elected, and which was based on his service as a member of the City and County Employees' Retirement System, minus the actuarial equivalent determined in connection with such relinquishment of the portion of the cancelled allowance which was provided by said person's accumulated normal contributions at the effective date of his retirement.

If the total of the actuarial equivalents by which the contributions required of the San Francisco Unified School District in any year are to be reduced, exceeds such contributions, the amount of the excess shall be carried over to subsequent fiscal years and applied to reduce such contributions for such years in chronological order.

A8.514 SOCIAL SECURITY COVERAGE

The Board of Supervisors may enact, by a vote of three-fourths of its members, an ordinance or ordinances prescribing the conditions according to which any and all employees of the San Francisco Unified School District and employees of the City and County of San Francisco, other than members of the fire and police department as defined in Section 8.560, may be covered under the Federal Old-Age and Survivors Disability Insurance provisions of the Federal Social Security Act, subject to the provisions of this section. "City and County" as hereinafter used shall mean the City and County of San Francisco and the San Francisco Unified School District.

(a) Any member of the San Francisco City and County Employees' Retirement System, hereinafter referred to as the system, who is or becomes covered by the Federal Old-Age and Survivors Disability Insurance provisions of the Federal Social Security Act, hereinafter referred to as the Act, shall continue to contribute to the system the normal contributions required of him, except that he shall have the right to reduce his normal contributions under the system at his option to be exercised by an election on the system's form, said election to be effective on the first day of the month next following its filing in the system's office. Such reduction of normal contributions shall apply only to time during which said member is covered under the Act, and after February 1, 1959, and the amount of said reduction, which may be changed from time to time by said member, in accordance with rules and regulations of the Retirement Board, shall not be more than the amount of said member's contribution under the Act.

Any allowance payable to or on account of such member by the system shall be reduced on the effective date of said allowance by the actuarial equivalent on that date of the normal contributions, including interest to said date, with which said member would have been but was not credited under the system because of said reduction in his normal contributions and because of amounts paid from such member's accumulated contributions for the retroactive period hereinafter provided for, and any continuation of said allowance shall be based on such reduced allowance but said allowance shall not be effected otherwise by the member's reduction of his normal contributions. Said member shall have the right to contribute amounts, which shall be administered as additional contributions, to replace all or part of such reduction in his retirement allowance.

(b) The reductions in allowances and contributions of members shall be made as provided in the foregoing paragraphs, notwithstanding any provisions in the Charter to the contrary.

(c) Every employee covered by the agreement providing coverage under the Act shall be liable for the employee contributions required by the Act.

(d) The effective date of coverage under the Act may be made retroactive to such date as the Board of Supervisors may determine.

Contributions required under the Act of each member for time included by the retroactive application shall be paid from such member's accumulated contributions held by the system on account of his compensation not in excess of the maximum compensation taxable under this Act for such retroactive time. If the required contributions under the Act exceed the member's accumulated contributions held by the system so determined, the additional contributions under the Act equal to the excess shall be paid by the member. Contributions required under the Act

of the employer on account of such retroactive period shall be paid from funds held by the system on account of active members and derived from contributions of the City and County.

(e) Any member who is covered by Section 210(1) of the Act on the effective date of the agreement between the state and federal government to extend coverage to the members of the system under the Act shall not be subject to this section unless he elect to be covered in accordance with this section, such election to be on a form furnished by the system and to be filed in the office of the system not later than 180 days after the effective date of such agreement. Such election shall be irrevocable. Such election shall fix the status of the member under such coverage as the same in all respects as if he had not been covered under Section 210(1), except that there shall be no adjustment of the member's accumulated contributions or of the funds held by the system, and derived from contributions of the City and County, on account of social security tax for such retroactive period.

Each member who enters the employ of the municipal railway after the effective date of the agreement between the state and federal government to extend coverage to other members of the system under the Act, shall be covered under the Act in accordance with the terms of this section and the ordinance or ordinances enacted pursuant thereto.

(f) Provision shall be made for modification of the member's retirement allowances at his option, if he retires before he attains the minimum age of qualification for his primary benefit under the Act, in such manner that will make his increased monthly retirement allowance under the system prior to attainment of such age equal to the sum of his decreased monthly allowance after attainment of such age, and his primary benefit under the Act, upon the basis of an estimated primary benefit under the Act, subject to the requirement that the amounts of the increase and decrease in the monthly allowance shall be actuarially equivalent, and that the increase shall not be modified under an option provided by ordinance.

(g) Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

(h) The contribution rates of the City and County applicable to various membership under Section 8.509 shall be adjusted to rates determined by the actuary according to methods stated in Section 8.509.

(i) The Board of Supervisors shall submit to the eligible employees for purposes of referendum, as defined in the Act, the question as to whether they desire coverage under the Act in accordance with conditions prescribed in this section.

(j) The powers of the Board of Supervisors granted in Section 8.500 shall include the authority to make such adjustments in the Retirement System, by a vote of three-fourths of its members, as are not made by this section, but as required because of changes in the Act, to carry out the purposes of this section.

A8.515 COMPENSATION INSURANCE PAYMENTS

The benefit provisions of the workmen's compensation laws included in the Labor Code of the State of California, as they effect the benefits provided for or payable to or on account of officers and employees, including teachers of the City and County, shall be administered exclusively by the retirement board, provided that the retirement board shall determine whether the City and County, through the Retirement System, shall assume the risks under the said law, in whole or in part, or whether it shall reinsure such risks, in whole or in part, with the state compensation insurance fund. Benefits under such risks as may be assumed by the City and County, and premiums under such risks as may be reinsured shall be paid by the Retirement System, and an amount equal to the total of such benefits and premiums, as determined by the actuary for any fiscal year, including the deficit brought forward from previous years, shall be paid during such fiscal year to the Retirement System by the City and County.

Every patrol special police officer, as referred to in Section 8.509 of this Charter shall be entitled, under this section, to the benefits of such compensation law, if injured while performing regular City and County police duties, which shall include only duties performed while preventing the commission of a crime, or while apprehending the person or persons committing such crime, and shall not include duties of any character performed for private employers either on or off the premises of such employers, provided that no payments shall be made under this paragraph in the event that the patrol special officer shall receive the benefits of such compensation law from any other source.

Whenever any member of the fire or police department, as defined in Sections 8.545, 8.565, and 8.569, respectively, is incapacitated for the performance of his duties by reason of any bodily injury received in or illness caused by the performance of his duty as determined by the retirement board, he shall become entitled, regardless of his period of service with the City and County, to disability benefits equal to and in lieu of his salary as fixed by the Charter, while so disabled, for a period or periods not exceeding 12 months in the aggregate, with respect to any one injury or illness. Said disability benefits shall be reduced in the manner fixed by the Board of Supervisors by the amount of any benefits other than medical benefits payable to such person under the Labor Code concurrently with said disability benefit, and because of the injury or illness resulting in said disability. Such disability benefits as are paid in the absence of payments of any benefits other than medical benefits under the workmen's compensation laws included in said Labor Code, shall be considered as in lieu of such benefits, payable to such person under the said code concurrently with said disability benefits, and shall be in satisfaction and discharge of the obligations of the City and County to pay such benefits under the Labor Code. Medical treatment which may become necessary to relieve or cure said member from the effects of the injury or illness shall be furnished by the City and County, in the same manner that such treatment is furnished under said Labor Code, but without first requiring continuing awards of such treatment by the Industrial Accident Commission of the State of California, relating to impairments of permanent or of extended and uncertain duration. The provisions of this paragraph shall be administered exclusively by the retirement board, and the City and County and unified school district and community college district shall pay to the Retirement System during each fiscal year, an amount equal to the total disability benefits paid by said system during the fiscal year and, pursuant to applicable provisions of the Administrative Code of the City and County, the unified school district and community college district shall pay to the Retirement System during each fiscal year, a proportionate share of the costs of administering workers compensation benefits on behalf of employees of said school and college districts.

A member of the fire or police department shall receive credits as service, under the Retirement System, for time during which he is incapacitated for performance of duty and receives said disability benefit. Contributions for the Retirement System shall be deducted from said benefits in the same manner as they would be deducted from salary paid to him, and the City and County shall contribute, in addition to its other contributions provided herein, to the Retirement System on the basis of said benefits in the same manner as it would contribute on salary paid to said member.

A8.516 DISABILITY BENEFITS

Whenever any member of the police or fire department, as defined in Sections 8.586-1 and 8.588-1, respectively, is incapacitated for the performance of his duties by reason of any bodily injury received in, or illness caused by, the performance of his duty, as determined by the retirement board, he shall become entitled with respect to any one injury or illness, regardless of his period of service with the City and County, to disability benefits equal to and in lieu of his salary, while so disabled, for a period or periods not exceeding 12 months in the aggregate, or until such earlier date as he is retired, whether for service or disability.

Said disability benefit shall be reduced in the manner fixed by the Board of Supervisors by the amount of any benefits other than medical benefits payable to such person under the Labor Code concurrently with said disability benefit, and because of the injury or illness resulting in said disability. Such disability benefits as are paid in the absence of payments of any benefits other than medical benefits under the workers' compensation laws included in said Labor Code, shall be considered as in lieu of such benefits payable to such person under the said code concurrently with said disability benefits, and shall be in satisfaction and discharge of the obligations of the City and County to pay such benefits under the Labor Code.

The provisions of this section shall be administered exclusively by the retirement board, and the City and County shall pay to the Retirement System during each fiscal year an amount equal to the total disability benefits paid by said system during that year.

A member of the police or fire department shall receive credit as service, under the Retirement System, for time during which he is incapacitated for performance of duty and receives said disability benefit; provided, however, that contributions for the Retirement System shall be deducted from payments of such disability benefits paid to

him. The City and County shall contribute, in addition to its other contributions provided herein, to the Retirement System on the basis of said benefits in the same manner as it would contribute on salary paid to said member.

A8.517 ELIMINATION OF MANDATORY RETIREMENT

Notwithstanding the provisions of Subsection (b) of Section 8.509 and Section 8.584-2, members subject to said sections shall not be required to retire upon attainment of the age of 65 years. Any member who attains the age of 65 years with less than 10 years of credited service in the aggregate in the Retirement System and who would have been subject to compulsory retirement upon the attainment of the age of 65 years in the absence of the provisions of this Section 8.517 may elect to retire upon the first day of the month next following the month in which he or she attains the age of 65 years and receive the allowance he or she would have received if this Section 8.517 had not been in effect; provided, however, that any such member who elects not to so retire and continues as a member after the first day of the month next following his or her attainment of the age of 65 years shall not be entitled to receive a service retirement allowance until completion of the years of credited service required by the provisions of said Subsection (b) of Section 8.509 or Section 8.584-2, as the case may be, in order to qualify for service retirement.

The provisions of this Section 8.517 do not and shall not entitle any person retired under the Retirement System to be re-employed.

A8.518 HEARING OFFICER

Notwithstanding the provisions of Section 3.671, Subsection (c) of Section 8.509, Sections 8.515, 8.516, 8.547, 8.548, 8.559-3, 8.559-4, 8.571, 8.572, 8.584-3, 8.585-3, 8.585-4, 8.586-3, 8.586-4, 8.588-3 or 8.588-4, any application for disability leave, disability retirement, or death allowance made pursuant to said subsection of said sections of this Charter shall be heard by a qualified and unbiased hearing officer employed under contract by the retirement board and selected by procedures set forth in the rules of the retirement board. The retirement board shall have the power to establish rules setting forth the qualifications and selection procedure necessary to appoint a qualified and unbiased hearing officer.

Following public hearing, the hearing officer shall determine whether such application shall be granted or denied.

All expenses relating to processing and adjudicating the above applications, including but not limited to the cost of hearing officer, legal, investigative, and court reporter services, shall be paid from the compensation fund.

At any time within 30 days after the service of the hearing officer's decision, the applicant or any other affected party, including the Retirement System, may petition the hearing officer for a rehearing upon one or more of the following grounds and no other:

a. That the hearing officer acted without or in excess of his powers.

b. That the decision was procured by fraud.

c. That the evidence does not justify the decision.

d. That the petitioner has discovered new evidence material to him, which he could not, with reasonable diligence, have discovered and produced at the hearing.

Upon the expiration of 30 days after the petition for rehearing is denied, or if the petition is granted, upon the expiration of 30 days after the rendition of the decision or hearing, the decision of the hearing officer shall be final. Such final decision shall not be subject to amendment, modification or rescission by the retirement board, but shall be subject to review by the retirement board only for the purpose of determining whether to seek judicial review, and such final decision shall be deemed for all purposes to be the decision of the retirement board.

The provisions of this section shall become operative on October 1, 1980.

A8.519 RETIREMENT SYSTEM CREDIT FOR REPRESENTATIVE SERVICE

Notwithstanding any other provision of this Charter, any member of the Retirement System who is on leave of absence and serving on a full time basis as an employee representative for a recognized employee organization and representing City and County employees, shall have the right to make contributions and obtain service credit with the Retirement System subject to the terms of this section.

For purposes of this section, compensation shall mean the remuneration paid in cash, as it may change from time to time, attached to the rank or position held by the member while on leave. For members whose pay hours are established by the choice of assignment, shift, or run based on seniority, compensations shall mean an amount computed by applying the current wage rate for such members as it may change from time to time, to the hours in the assignment, shift, or run held by the member immediately prior to the commencement of his or her leave.

There shall be no cost to the City and County for representative service. The member shall be responsible for transmittal of all contributions which would ordinarily be paid by the member and the City and County. No service credit will be allowed unless and until all contributions are received by the Retirement System. The organization may agree to pay the employer contributions which would ordinarily be paid by the City and County. The member shall pay the member contributions. If the organization does not pay the employer contributions the member must pay those contributions in order to obtain representative service credit.

A member may receive credit for representative service prior to January 1, 1988, pursuant to the preceding paragraph, when agreed by the member and the organization.

The retirement board shall have the authority to establish procedures to calculate compensation and collect contributions plus interest for representative service. The calculation of compensation herein shall also be used in determining the average final compensation in computing the member's retirement allowance.

This section shall be effective January 1, 1988. This section shall not apply to Retirement System members or their successors in interest who retired or terminated prior to January 1, 1988. This section shall not apply to representative service prior to a member's effective date of membership with the Retirement System.

At the request of any City employee, who is a member of the State of California Public Employees' Retirement System and who takes a leave of absence to serve on a full time basis as an employee representative for a recognized employee organization representing City and County employees, the City shall, subject to the statutes and regulations of the Public Employees' Retirement System, submit to the Board of Administration of the Public Employees' Retirement System proposed amendments to the contract between the City and County and that Retirement System to allow such person to make contributions and obtain service credit during the leave of absence.

The duty to submit proposed contract amendments shall be limited to amendments which shall not provide for or allow any cost to the City and County.

A8.520 CONTINUOUS SERVICE

(a) Continuous service shall be defined by the Board of Supervisors, but the absence prior to September 14, 1940, of any officer or employee of the City and County from service caused by reason of the service of such officer or employee in the military or naval forces of the United States in any war in which the United States has engaged, shall not be deemed to be absence from service for the purposes of the Retirement System and such officer or employee shall receive credit under the Retirement System, for the period of such absence, in the same manner as if he had not been absent.

On and after September 14, 1940, a member is absent on military service when he is absent from City service by reason of:

(1) service with the armed forces of the United States or the State of California;

(2) service on ships operated by or for the United States government when such service is granted as "military leave" pursuant to section 3.670 and 3.671 of the Charter;

(3) service connected with the war effort for which leaves of absence shall be authorized pursuant to Sections 3.670 and 3.671 of the Charter; or

(4) any other service, under an order of the government of the United States or the State of California, or by lawful order of any of the departments or offices of said governments, provided that such absence in any of such services occurs:

(A) either during a war involving the United States as a belligerent or in time of national emergency, declared by the President of the United States or by the Congress, and for such time thereafter as may be provided by rule of the civil service commission, but not to exceed two years after the proclamation of peace, except in case of disability incurred in line of duty with said armed forces or said ships when such disability extends beyond such period; or

(B) in time of peace if he is drafted for such services by the United States government or volunteers for such service while subject to such draft.

For the purpose of this section a war involving the United States as a belligerent exists:

(1) whenever Congress has declared any war which has not been terminated by a truce, treaty of peace, or otherwise;

(2) whenever the United States is engaged in active military operations against any foreign power, whether or not war has been formally declared; or

(3) whenever the United States is assisting the United Nations, in actions involving the use of armed force, to maintain or restore international peace and security.

(b) Any member so absent on military service may contribute to the Retirement System during such absence, at times and in the manner prescribed by the board, amounts equal to the contributions which would have been made by him to the system on the basis of his compensation earnable at the commencement of his absence, if he had remained in City service.

Any member who makes the contributions as provided in the preceding paragraph shall receive credit for the absence as service in the manner as if he had not been absent. If, however, a member does not affirmatively exercise the option herein provided, or if he exercised it affirmatively and defaults in any of the contributions due to the Retirement System under said election, and in either event if such contributions are not made for him, he shall be considered absent during the period for which no contributions are made, and he shall not receive credit as service for the City and County for such period; but the absence during such period shall not break the continuity of such service required of such member to entitle him to a retirement allowance, as provided under the Retirement System.

Any member who was absent on military service and who did not make the contributions as provided in this section, and whose contributions are not paid for him by the City and County as provided herein, may make such contributions upon his return to City service at times and in the manner prescribed by the board. If he does so contribute, he shall receive credit for the absence as service in the same manner as if he had not been absent.

When a member makes the contributions as provided herein, the same contributions shall be made by the City and County, in respect to such absence, that would have been made if the member had not been absent on military service, except that such contributions shall be determined by the employer's rate of contribution in effect when such contributions are made, and on the basis of his compensation earnable at the commencement of his absence.

(c) Notwithstanding other provisions of this Charter to the contrary, the City and County shall contribute for each member of this system who was absent on military service after September 14, 1940, amounts equal to the contribution which would have been made by such member and the City and County of San Francisco on the basis of his compensation earnable at the commencement of his absence, provided that the member's base pay in such military service is less than $100 per month, and provided, further:

(1) that if the absence in military service was by reason of service in the armed forces of the United States;

(2) that the absence began on or after June 25, 1950; and

(3) that the member's base pay in such service was less than $250 per month, the City and County shall pay the contributions which would have been made by both the member and the City and County on the basis of his compensation earnable at the commencement of his absence. Contributions made by the City and County, in lieu of contributions which otherwise would be required of the member, shall be administered as if made by said member as normal contributions. Any such member who exercises or did exercise the right to contribute to the system during the period of absence on military service, and whose contributions otherwise would be paid by the City and County under this section, shall have his contributions plus credited interest, refunded.

(d) Absence commencing on or after December 7, 1941, of any member of the Retirement System from City service caused by reason of his evacuation or exclusion from the City and County by an authorized military commander because such member was of Japanese ancestry shall not be deemed to be absent from service for purposes of the Retirement System, for the period of such absence, provided that he returned to City service within one year after the termination of his evacuation or exclusion, and provided further that upon his return to City service, and at times and in the manner prescribed by the retirement board, he elects to contribute to the Retirement System amounts equal to the contributions which would have been made by him to the system on the basis of his compensation earnable at the commencement of his absence, if he had remained in City service.

Any member who makes the contributions as provided in the preceding paragraph shall receive credit under the Retirement System for the absence as service in the same manner as if he had not been absent. If, however, a member does not affirmatively elect to make such contributions as herein provided, or if he affirmatively elects to make such contributions and defaults in any of the contributions due to the Retirement System as herein provided, he shall be considered absent during the period for which no contributions are made, and he shall not receive credit in the Retirement System as service for the City and County for such period; but the absence during such period shall not break the continuity of such service required of such member to entitle him to a retirement allowance as provided under the Retirement System.

When a member makes the contributions as provided herein, the same contributions shall be made by the City and County in respect to such absence that would have been made by the City and County if the member had not been absent because of such evacuation or exclusion, except that such contributions shall be determined by the employer's rate of contribution in effect when such contributions are made, and on the basis of his compensation earnable at the commencement of his absence.

(e) Notwithstanding any other provision of this Charter, any member who entered military service from a position with the Market Street Railway Company, was absent on such military service on September 29, 1944, and thereafter commenced employment with the Municipal Railway of the City and County of San Francisco within one year after his discharge from such military service, shall have the right to elect to make contributions as provided in this section and to receive credit in this system as City service for all or any part of the time on and after September 29, 1944, during which he was in such military service.

Any member who elects, pursuant to this section, to make contributions and to receive credit for such time, shall contribute to the Retirement System an amount determined by applying the rate of contribution first applicable to him on the effective date of his membership in the Retirement System to the monthly compensation earnable by him on said date, together with interest on said amount at the rate of interest being used from time to time under the Retirement System.

The Board of Supervisors shall provide by ordinance the time and manner for making said contributions and for the crediting of such service as City service.

A8.521 CREDIT FOR CERTAIN MILITARY SERVICE

Notwithstanding any other provisions of this Charter, any member who was serving in the Armed Forces of the United States or the State of California during the time of war or any emergency lawfully declared by the President of the United States, who had standing on an eligible list for appointment to a permanent position and was reached

for certification to a permanent position while so serving, shall have the right to elect to make contributions as provided in this section and to receive credit in this system as City service for all or any part of the time after he was so reached during which he was so serving; provided, however, that no member shall have such right unless he entered into employment with the City and County as a result of such certification made in accordance with the provisions of Section 8.361 of the Charter within one year after his discharge from such armed forces.

Any member who elects, pursuant to this section, to make contributions and receive credit for such time, shall contribute to the Retirement System an amount determined by applying the rate of contribution first applicable to him on the effective date of his membership in the Retirement System to the monthly compensation earnable by him on said date, together with interest on said amount at the rates of interest being used from time to time under the Retirement System.

The Board of Supervisors shall provide by ordinance the time and manner for making said contributions and for the crediting of such service as service credit.

A8.522 EARLY RETIREMENT BENEFITS

A8.522-1 EARLY RETIREMENT BENEFITS

Under this section, certain employees may become eligible to receive early retirement benefits. These early retirement benefits shall only apply to members who are certified under section A8.401 and who retire with an effective date of retirement within the time limit established by the notice in Section A8.401-6. As used in this section, the term "early retirement benefits" means increasing an eligible employee's age and credited service for both qualification and benefit computation purposes by three (3) years but shall not apply to the disability or vesting benefit provisions or computations under Charter Sections A8.509(c), A8.509(f), A8.587-3 and A8.587-6. Early retirement benefits are available to members under Charter Sections A8.509 and A8.587, subject to any limitations in those sections, and also subject to the limits in Section A8.401 and herein but, are not available to members covered by Charter sections A8.559, A8.585, A8.586, A8.588, A8.595, A8.596, A8.597 or A8.598 or other Charter sections.

(Added November 2003)

A8.522-2 RECALCULATION/EFFECTIVE DATE OF RETIREMENT

Any employee who separated from employment due to layoff between March 1, 2003 and June 30, 2005, and is later determined to be eligible for early retirement benefits, may have his or her retirement allowance recalculated as of his or her date of retirement. Any employee who separated from employment due to layoff between March 1, 2003 and June 30, 2005, but did not retire, and who is later determined to be eligible for early retirement benefits, may retire after notice in Section A8.401-6 but no earlier than the first day of the month in which he or she applies for retirement. Any such employee who withdrew his or her accumulated contributions shall redeposit in the retirement fund the amount, plus interest, refunded to him or her.

(Added November 2003)

A8.522-3 RETURN TO SERVICE

Any employee who retires under any early retirement program and later reenters City and County service as a member of the Retirement System shall forfeit any service or age credit received under the early retirement program.

(Added November 2003)

A8.522-5 COMPLIANCE WITH TAX LAWS

The early retirement benefits under this section will be limited by Section 415 of the Internal Revenue Code of 1986, as amended from time to time, and no early retirement benefits under this section will be effective if they have an adverse effect on the tax qualified status of the Retirement System under Section 401 of the Internal Revenue Code of 1986, as amended from time to time.

(Added November 2003)

A8.523 RETIREMENT SYSTEM CREDIT FOR UNPAID PARENTAL LEAVE

Notwithstanding any other provision of this Charter, any member of the Retirement System under Sections A8.509, A8.559, A8.585, A8.586, A8.587, A8.588, A8.595, A8.596, A8.597 or A8.598 who has taken Unpaid Parental Leave as defined herein shall have the right to purchase service credit with the Retirement System for all or any part of the time he or she was on Unpaid Parental Leave prior to July 1, 2003, subject to the terms of this section, provided that he or she returned to work for the City for at least six months immediately after the expiration of his or her. Unpaid Parental Leave.

The Board of Supervisors is hereby empowered to enact, by a three-fourths vote of its members, any and all ordinances necessary to carry into effect the provisions of this section.

Nothing in this section shall be construed to expand, reduce or otherwise affect the total amount of leave time available to members under federal, state, or local law, Civil Service Commission rules, or applicable memoranda of understanding between the City and County of San Francisco and employee organizations.

(Added by Proposition G, 11/4/2008)

A8.523-1 DEFINITIONS

The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning:

"Paid Leave" shall have the same meaning as in Charter section A8.365-1.

"Parental Leave" shall have the same meaning as in Charter section A8.365-1.

"Unpaid Parental Leave" shall mean a period of Parental Leave taken prior to July 1, 2003, while the member was employed by the City and County, and during which time the member was not on Paid Leave.

(Added by Proposition G, 11/4/2008)

A8.523-2 ELIGIBILITY

The Department of Human Resources shall certify to the Retirement System that a member is eligible to purchase service credit pursuant to eligibility criteria set forth in Charter Section A8.365-2. Provided, however, that the Department of Human Resources shall only certify a member as eligible to purchase service credit with the Retirement System if he or she took Unpaid Parental Leave prior to July 1, 2003, and if he or she returned to work for the City for at least six months immediately after the expiration of his or her Unpaid Parental Leave. The Retirement System shall rely on the certification from the Department of Human Resources to determine eligibility to purchase service credit for Unpaid Parental Leave.

(Added by Proposition G, 11/4/2008)

A8.523-3 ELECTION TO PURCHASE SERVICE CREDIT FOR UNPAID PARENTAL LEAVE

A member electing to purchase service credit with the Retirement System for a period of Unpaid Parental Leave must so elect in writing on a form provided by the Retirement System. This election must be made before the date he or she files the application to retire or the effective date of his or her retirement, whichever is later.

This election must be for a minimum period of two months of Unpaid Parental Leave or all of his or her Unpaid Parental leave where such total period is less than two months. This election is limited to a maximum period of four months for each period of Unpaid Parental Leave.

A member may only elect to purchase service credit for a period of Unpaid Parental Leave taken prior to July 1, 2003.

(Added by Proposition G, 11/4/2008)

A8.523-4 COST NEUTRALITY

All costs to purchase the service shall be paid by the member. There shall be no cost to the City and County. The Retirement System shall determine the cost to purchase the service. No service credit will be allowed unless and until all such costs are received by the Retirement System.

The retirement board shall have the authority to establish procedures to determine costs to purchase service credit for periods of Unpaid Parental Leave in accordance with this Section.

(Added by Proposition G, 11/4/2008)

A8.523-5 CREDIT IN RETIREMENT SYSTEM FOR UNPAID PARENTAL LEAVE

Upon completion of the payment in the amount specified by the Retirement Board, the member shall be credited with City and County service for the period of Unpaid Parental Leave for which he or she has elected to receive credit as City and County service pursuant to this Section.

(Added by Proposition G, 11/4/2008)

A8.523-6 NON-VESTED BENEFIT

This Charter section creates no vested benefits. The voters expressly reserve the right to review the benefits provided in this section and may alter or repeal such benefits for any or no reason.

(Added by Proposition G, 11/4/2008)

A8.523-7 APPLICABILITY

This section shall not apply to Retirement System members or their successors in interest who retired or separated prior to the effective date of this section.

(Added by Proposition G, 11/4/2008)

A8.525 CONTRIBUTIONS TO RETIREMENT FUND

The City and County shall contribute jointly with the members of the Retirement System to meet the liabilities accruing under the system because of service rendered to the City and County by persons after becoming members of the system. Members of the system shall contribute not to exceed 10 percent of their salaries or wages, provided that members may, at their option, elect to contribute at rates in addition to those fixed as normal by the retirement board. The City and County shall contribute an amount equal to normal contributions of members as provided for in the preceding sentence, but the City and County shall not contribute any amount because of additional contributions by members.

A8.526 COST OF LIVING ADJUSTMENT IN ALLOWANCES

(a) Each retirement or death allowance which is not subject to change when the salary rate of any member is changed and which is payable to or on account of any member who has retired or died prior to July 1, 1967, except such allowances payable to or on account of persons who retired or died prior to July 1, 1947, as members under Section 8.507, but including death allowances payable under Section 8.561 which are not subject to change when the salary rate of any member is changed, shall be increased for time on and after July 1, 1968, by the percentage set forth in the following table opposite the fiscal year in which said allowance became effective, said percentage to be applied to the allowance payable to the individual who was receiving the allowance on July 1, 1968, (a)

exclusive of the annuity provided by additional contributions and (b) prior to reduction pursuant to Subsection (a) of Section 8.514:

Fiscal year in which allowance became effective	***Percentage***
Fiscal year in which allowance became effective	***Percentage***
All years prior to July 1, 1959	16%
July 1, 1959 to June 30, 1960	14%
July 1, 1960 to June 30, 1961	12%
July 1, 1961 to June 30, 1962	10%
July 1, 1962 to June 30, 1963	8%
July 1, 1963 to June 30, 1964	6%
July 1, 1964 to June 30, 1965	4%
July 1, 1965 to June 30, 1966	2%
July 1, 1966 to June 30, 1967	1%

(1) Funds, necessary for the payment of such increases in allowances payable to, or on account of, members who retired or died as members under Charter Sections 8.507 or 8.509, shall be provided from the City's accumulated contributions held by the system on account of miscellaneous members under Section 8.509.

(2) Funds, necessary for the payment of such increases in allowances to, or on account of, members who retired or died as members under Charter Sections 8.543 or 8.544, shall be provided from the City's accumulated contributions held by the system on account of police members under Section 8.544.

(3) Funds, necessary for the payment of such increases in allowances to, or on account of, members who retired or died as members under Charter Sections 8.567 or 8.568, shall be provided from the City's accumulated contributions held by the system on account of fire members under Section 8.568.

The necessary funds shall be transferred on the effective date of this section from said accumulated contributions to the accumulated contributions held by the system to meet the obligations of the City and County on account of benefits that have been granted and which are based on services rendered as members. The contribution being required of the City and County currently, as percentages of salaries of persons who are members under Sections 8.509, 8.544 and 8.568, shall be increased to percentages determined by the actuary as necessary to replace the accumulated contributions so transferred.

(b) (1) The retirement board shall determine, prior to April 1 of each year, the percentage of increase or decrease in the cost of living during the preceding calendar year or years, as shown by the then current Consumer Price Index, All Items, San Francisco (1957-59=100), issued by the U.S. Bureau of Labor Statistics and published in the Monthly Labor Review or a successor publication. The cost of living adjustments as hereinafter provided shall be based on the percentage of such increase or decrease.

(2) Notwithstanding any other Charter or ordinance provision governing the Retirement System, every retirement or death allowance payable to, or on account of, any member who retires or dies as a member of the system or who has retired or died as such a member, except allowances subject to change when the salary rate of any member is changed, shall be increased or decreased as of July 1, 1969, and on July 1, of each succeeding year, subject to the provisions of this Subsection (b), by a percentage of the allowance established on July 1, 1968, after any increase under Subsection (a) of this section or on the effective date of such allowance, whichever is later, as payable to the individual who is receiving the allowance on the date of any such adjustment (a) exclusive of the annuity provided by additional contributions, and prior to modification pursuant to Subsection (f) of Section 8.514. On July 1, 1969, the percentage of increase in each such allowance shall be the percentage which is determined by the retirement board to approximate to the nearest one percent, the percentage of increase in the cost of living during the preceding calendar year. On July 1, 1970, and on July 1 of each succeeding year, the percentage of increase or decrease in each such allowance shall be the percentage which is determined by the retirement board to approximate to the nearest one percent of increase or decrease in the cost of living in the calendar year or years since January 1, 1969, or since January 1 of the year in which the last such cost of living adjustment in allowances was made, whichever is later. Such adjustment in any year shall not exceed two percent of such allowance;

provided, however, that no allowance shall be reduced below the amount being received by the member or his beneficiary on July 1, 1968, or on the effective date he began to receive the allowance, whichever is later.

(3) Commencing with the calendar year 1982, if the percentage of increase or decrease in the cost of living in any calendar year, as determined to the nearest one percent by the retirement board, were to exceed two percent as compared with the cost of living in the next preceding calendar year, the percentage of increase or decrease in the cost of living in excess of two percent, shall be accumulated to provide increases or decreases in the cost of living in each succeeding calendar year.

(4) Any such increase in allowances which are not funded by such allocations of such earnings, shall be funded by contributions of members under Sections 8.507, 8.509, 8.544, 8.568, 8.584, 8.586 and 8.588, and by contributions of the City, which shall be at rates which are in addition to the rates of contribution otherwise provided by Charter or ordinance, provided that a member's rate of contribution shall not exceed one-half of one percent of his monthly compensation. The contributions made under this section by any member, shall be credited together with regular interest thereon to his individual account and shall be subject to the same Charter and ordinance provisions relating to accumulated contributions of the member, including withdrawal and death benefits other than death allowances, provided, however, that upon his retirement or death, such accumulated contributions and interest shall not be applied to provide a part of the retirement benefits payable to him or the death allowance benefits payable on account of his death otherwise provided by Charter or ordinance, but instead shall be held, together with the accumulated contributions made by the City pursuant to this Subsection (b), with interest thereon, to provide the benefits under this Subsection (b).

(5) The rates of contribution of members and the City, as provided herein, shall be fixed by the retirement board from time to time as it determines necessary.

A8.526-1 SUPPLEMENTAL COST OF LIVING BENEFIT

Starting on July 1, 1997, the Retirement Board shall establish in the Retirement Fund a Reserve Account. Funds in this Reserve Account shall be used to provide supplemental cost of living benefit adjustments to retirement allowances in addition to cost of living adjustments now provided for in the Charter. Funds placed in this Reserve Account shall consist of all earnings of the Retirement Fund in the previous fiscal year which are in excess of the expected earnings on the actuarial value of the assets. The expected earnings are the earnings projected by the actuarial assumption for return on assets that was in place for that fiscal year. The maximum amount of funds to be placed in this Reserve Account shall not exceed the amount of funds projected to be necessary to fund benefits provided pursuant to this section for that fiscal year and the following two fiscal years.

The funds in this Reserve Account shall be used solely to provide supplemental cost of living benefit adjustments as follows:

(a) On July 1, 1997 and July 1 of each succeeding year, if there are sufficient funds in this Reserve Account, each retirement allowance or death allowance payable on account of a member who died, including retirement allowances subject to change when the salary rate of a member is changed, shall be increased by an amount equal to three percent (3%) of the allowance, less the amount of any cost of living adjustment provided pursuant to Section 8.526 and less the amount of any cost of living adjustment, payable in that fiscal year, which is the result of a change in the salary of the member.

(b) On July 1, 1997, if there are sufficient funds in this Reserve Account, each retirement allowance payable to or account of a member who was retired on or before December 31, 1979 as a member under Sections 8.507 or 8.509 or 8.584 shall be increased by a monthly amount equal to $3 for each complete year of retirement. In computing years of retirement, the Retirement System shall count completed fiscal years between the member's effective date of retirement and June 30, 1997.

(c) On and after June 30, 2003, any supplemental cost of living benefit adjustment, once paid to a member, shall not be reduced thereafter.

(d) On and after June 30, 2003, the Reserve Account set forth in this section shall be used to finance only the increase in the supplemental cost of living benefit adjustments for the next ensuing fiscal year as set forth in section (a). If there are insufficient funds in the Reserve Account to pay the increase in the supplemental cost of living benefit adjustments for the next ensuing fiscal year, then the increase in the supplemental cost of living benefit

adjustments for that fiscal year shall not be paid. However, any excess earnings as defined in this section shall be accumulated until an amount sufficient to make one fiscal year's increase in the supplemental cost of living benefit adjustments is reached.

(Added November 1996; amended March 2002)

A8.526-2 COST OF LIVING ADJUSTMENT IN ALLOWANCES ON AND AFTER JANUARY 10, 2009

(a) Notwithstanding the provisions of Section A8.526 or any other provision of the Charter to the contrary, effective January 10, 2009, each retirement allowance payable which is not subject to change when the salary rate of any member is changed shall be adjusted according to the provisions of this Section A8.526-2 and not Section A8.526.

(b) (1) Funds necessary for the payment of any increase in allowances pursuant to this Section A8.526-2 that are payable to, or on account of, members who retired or died, shall be provided from the City's accumulated contributions held by the system on account of such members. The City's contributions shall be determined on the basis of a normal contribution rate which shall be computed as a level percentage of compensation which, when applied to the future compensation of the average new member entering the system, together with the required member contribution, will be sufficient to provide for the payment of all prospective benefits of such member.

(b) (2) Any increase in allowances payable which are not funded by the City's accumulated contributions held by the system shall be funded by contributions of members entitled to said allowances, which shall be at rates which are in addition to the rates of contribution otherwise provided by Charter or ordinance, provided that a member's rate of contribution shall not exceed one-half of one percent of his or her monthly compensation. The contributions made under this section by any member shall be credited together with regular interest thereon to his or her individual account and shall be subject to the same Charter and ordinance provisions relating to accumulated contributions of the member, including withdrawal and death benefits other than death allowances, provided, however, that upon his or her retirement or death, such accumulated contributions and interest shall not be applied to provide a part of the retirement benefits payable to him or her on the death allowance benefits payable on account of his or her death otherwise provided by Charter or ordinance, but instead shall be held, together with the accumulated contributions made by the City pursuant to this Subsection (b)(3), with interest thereon, to provide the benefits under this Section A8.526-2.

(b) (3) The rates of contribution of members and the City, as provided herein, shall be fixed by the retirement board from time to time as it determines necessary.

(c) (1) The retirement board shall determine, prior to April 1 of each year, the percentage of increase or decrease in the cost of living during the preceding calendar year, as shown by the then current Consumer Price Index. All Items, San Francisco (1957-59=100), issued by the U.S. Bureau of Labor Statistics and published in the Monthly Labor Review or a successor publication. The cost of living adjustments as hereinafter provided shall be based on the percentage of such increase or decrease.

(c) (2) Notwithstanding any other Charter or ordinance provision governing the Retirement System, effective January 10, 2009, every retirement or death allowance payable to, or on account of any member who retires or dies as a member of the system or who has retired or died as such a member, except allowances subject to change when the salary rate of any member is changed, shall be increased or decreased as of July 1, 2009, and on July 1, of each succeeding year by an amount equal to the percentage, as determined in Subsection (c)(1) multiplied by the monthly allowance payable on June 30 of that calendar year.

(c) (3) The percentage of increase or decrease in each such allowance shall be the percentage which is determined by the retirement board to approximate to the nearest one percent increase or decrease in the cost of living during the preceding calendar year.

(c) (4) No such adjustment in any year shall exceed two percent of said allowance: provided, however, that no allowance shall be reduced below the amount being received by the member or the member's beneficiary on July 1, 1968, or on the effective date the member began to receive the allowance, whichever is later.

(d) (1) Commencing with the effective date of this Section A8.526-2, if the percentage of increase or decrease in the cost of living in any calendar year, as determined to the nearest one percent by the retirement board, were to exceed two percent as compared with the cost of living in the next preceding calendar year, the percentage of increase or decrease in the cost of living in excess of two percent, shall be accumulated to provide increases or decreases in the cost of living in each succeeding calendar year.

(Added by Proposition B, 6/3/2008)

A8.526-3 SUPPLEMENTAL COST OF LIVING BENEFIT ON AND AFTER JANUARY 10, 2009

(a) Notwithstanding the provisions of Section A8.526-1 or any other provision of this Charter to the contrary, effective January 10, 2009, all supplemental cost of living benefits adjustments payable, including retirement allowances subject to change when the salary rate of a member is changed, shall be determined pursuant to the provisions of Section A8.526-3 and not Section A8.526-1.

(b) (1) On July 1, 2009 and July 1 of each succeeding year, the retirement board shall determine whether, in the previous fiscal year, there were earnings in excess of the expected earnings on the actuarial value of the assets. In those years when the previous year's earnings exceeded the expected earnings on the actuarial value of the assets, then on July 1 each retirement allowance or death allowance payable on account of a member who died, including retirement allowances subject to change when the salary rate of a member is changed, shall be increased by an amount equal to three and one-half percent (3.5%) of the allowance as of June 30, less the amount of any cost of living adjustment provided pursuant to Section A8.526-2 and less the amount of any cost of living adjustment, payable in that fiscal year, which is the result of a change in the salary of the member.

(b) (2) If on July 1, 2009 and July 1 of each succeeding year, the previous fiscal year's earnings exceeded the expected earnings on the actuarial value of the assets, but they were insufficient to increase said allowances by three and one-half percent (3.5%) as provided in Subsection (b)(1), then to the extent of excess earning, said allowances shall be increased in increments of one-half percent (.5%) up to the maximum three and one-half percent (3.5%) of the allowance as of June 30, less the amount of any cost of living adjustment provided pursuant to Section A8.526-2 and less the amount of any cost of living adjustment, payable in that fiscal year, which is the result of a change in the salary of the member.

(c) When the previous fiscal year's earnings exceeded the expected earnings on the actuarial value of the assets but were not sufficient to fund any supplemental cost of living benefit adjustment pursuant to either Subsection (b)(1) or (b)(2), the Retirement Board shall reserve the excess earnings for that year. Said reserved earnings shall accumulate only until such time that said reserved earnings, plus the next year's earnings in excess of the expected earnings on the actuarial value of the assets, are sufficient to fund one fiscal year's increase in the supplemental cost of living benefit adjustment, at which time the earnings in reserve shall be withdrawn and used to fund a supplemental cost of living benefit adjustment as provided in either Subsection (b)(1) or (b)(2).

(d) To clarify the intent of the voters when originally enacting this Section in 2008, beginning on July 1, 2012 and July 1 of each succeeding year, no supplemental cost of living benefit adjustment shall be payable unless the Retirement System was also fully funded based on the market value of the assets for the previous year.

(e) Any supplemental cost of living benefit adjustment, once paid to a member, shall not be reduced thereafter.

(f) Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.526-3 or with any part thereof shall be superseded by the contents of Section A8.526-3. Section A8.526-3 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.526-3 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.526-3. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.526-3 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Section A8.526-3 which can be given effect. Section A8.526-3 shall be broadly construed to achieve its stated purposes.

(Added by Proposition B, Approved 6/3/2008; amended by Proposition C, Approved 11/8/2011)

A8.526-4 SUPPLEMENTAL COST OF LIVING BENEFIT FOR PERSONS HIRED ON AND AFTER JANUARY 7, 2012

(a) Notwithstanding any other provisions of this Charter, for persons who are hired on and after January 7, 2012, all supplemental cost of living benefits adjustments payable, shall be determined under the provisions of Section A8.526-4 and not Sections A8.526-1 or A8.526-3.

(b) (1) On July 1, 2012 and July 1 of each succeeding year, the Retirement Board shall determine whether, in the previous fiscal year, there were earnings in excess of the expected earnings on the actuarial value of the assets. In those years when the previous year's earnings exceeded the expected earnings on the actuarial value of the assets, and the Retirement System was fully funded based on the market value of the assets, then on July 1, each retirement allowance payable or death allowance payable on account of a member who died, shall be increased by an amount equal to three and one-half percent (3.5%) of the allowance as of June 30, less the amount of any cost of living adjustment provided pursuant to Section A8.526-2, provided there were sufficient excess earnings to provide the benefits in this Section A8.526-4.

(b) (2) If on July 1, 2012 and July 1 of each succeeding year, the previous fiscal year's earnings exceeded the expected earnings on the actuarial value of the assets, but they were insufficient to increase said allowances by three and one-half percent (3.5%) as provided in Subsection (b)(1), then to the extent of excess earnings, said allowances shall be increased in increments of one-half percent (.5%) up to the maximum three and one-half percent (3.5%) of the allowance as of June 30, less the amount of any cost of living adjustment provided pursuant to Section A8.526-2.

(c) The supplemental cost of living benefit adjustment described above will not be paid in any fiscal year when there were insufficient earnings in excess of the expected earnings on the actuarial value of the assets. In that event, retirement allowances will revert to the level they would have been if supplemental cost of living benefit adjustments had never been made.

(Added by Proposition C, Approved 11/8/2011)

A8.527 COMMUNITY PROPERTY RIGHTS

Subject to the vested rights rule, the Board of Supervisors is empowered to enact, by a vote of three- fourths of its members, ordinances to amend the provisions of the Retirement System to conform with the community property provisions of Civil Code Sections 4800 and 4800.8, provided that the Board of Supervisors shall first secure, through the retirement board, an actuarial report of the cost and effect of any such change and provided further that any such ordinances shall not increase overall Retirement System benefits costs.

A8.530 RETIREMENT – MISCELLANEOUS OFFICERS AND EMPLOYEES PRIOR TO JULY 1, 1947

Every retirement allowance payable by the San Francisco City and County Employees' Retirement System, for time commencing on January 1, 1950, to or on account of any person who was retired prior to July 1, 1947, as a member of said system under Section 8.507, is hereby increased by the amount of $25 per month, provided such member was entitled to be credited under the Retirement System with at least 20 years of service upon which the retirement allowance was determined at retirement. If the member was entitled to be credited with less than 20 years of such service, then said monthly increase shall be an amount which shall bear the same ratio to $25 that the service with which the member was entitled to be credited at effective date of retirement, bears to 20 years. This section does not give any member retired prior to January 1, 1950 or his successors in interest, any claim against the City and County for any increase in any retirement allowance paid or payable for any time prior to January 1, 1950. If a member elected at retirement to have his retirement allowance modified under Options 2 or 3, provided by ordinance, and if his beneficiary is living on January 1, 1950, the increase in his allowance shall be modified under the option elected at retirement, and on the basis of current ages, mortality tables and interest rate. If the beneficiary

of such a person who elected at retirement to have his allowance modified under one of said options, is not living on January 1, 1950, or if the retired member is not living on January 1, 1950, and the beneficiary is receiving the modified retirement allowance, then the allowance shall be increased as provided herein for persons who did not elect an option.

The increase in the retirement allowance shall be apportioned between service rendered prior to the entry of the member into the Retirement System and service rendered as a member, in the same proportion that such prior and current service respectively, bears to the total service credited at retirement. Contributions to the Retirement System, necessary for the payment of the increases in the retirement allowances provided in this section, shall be provided, with respect to the portion of the benefit based on service rendered as members, from the reserves held by the Retirement System on account of miscellaneous members, the necessary amount being transferred upon January 1, 1950, from said reserves to the reserves held by the Retirement System to meet the obligations, on account of benefits that have been granted and on account of prior service of members. The contribution being required of the City currently, as percentages of salaries of persons who are members under Section 8.509, shall be increased to percentages determined by the actuary as necessary to replace the reserves so transferred. Contributions to the Retirement System, necessary for the payment of said increases with reference to prior service, shall be paid to the system by the City and County by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

A8.531 INCREASING RETIREMENT ALLOWANCES OF MISCELLANEOUS OFFICERS AND EMPLOYEES RETIRED PRIOR TO JULY 1, 1947

Every retirement allowance payable by the San Francisco City and County Employees' Retirement System, for time commencing on February 1, 1953, to or on account of any person who was retired prior to July 1, 1947, as a member of said system under Section 165 of the Charter of 1932, as amended, is hereby increased by the amount of $25 per month, provided such member was entitled to be credited under the Retirement System with at least 20 years of service upon which the retirement allowance was determined at retirement. If the member was entitled to be credited with less than 20 years of such service, then said monthly increase shall be an amount which shall bear the same ratio to $25 that the service with which the member was entitled to be credited at effective date of retirement, bears to 20 years. This section does not give any member retired prior to February 1, 1953, or his successors in interest, any claim against the City and County for any increase in any retirement allowance paid or payable for time prior to February 1, 1953. If a member elected at retirement to have his retirement allowance modified under Options 2 or 3, provided by ordinance, and if his beneficiary is living on February 1, 1953, the increase in his allowance shall be modified under the option elected at retirement, and on the basis of current ages, mortality tables and interest rate. If the beneficiary of such a person who elected at retirement to have his allowance modified under one of said options is not living on February 1, 1953, or if the retired member is not living on February 1, 1953, and the beneficiary is receiving the modified retirement allowance, then the allowance shall be increased as provided herein for persons who did not elect an option.

The increase in the retirement allowance shall be apportioned between service rendered prior to the entry of the member into the Retirement System and service rendered as a member, in the same proportion that such prior and current service respectively, bears to the total service credited at retirement. Contributions to the Retirement System necessary for the payment of the increase in the retirement allowances provided in this section, shall be provided, with respect to the portion of the benefit based on service rendered as members, from the reserves held by the Retirement System on account of miscellaneous members, the necessary amount being transferred upon February 1, 1953, from said reserves to the reserves held by the Retirement System to meet the obligations on account of benefits that have been granted and on account of prior service of members. The contribution being required of the City currently, as percentages of salaries of persons who are members under Section 8.509, shall be increased to percentages determined by the actuary as necessary to replace the reserves so transferred. Contributions to the Retirement System necessary for the payment of said increases with reference to prior service, shall be paid to the system by the City and County by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

A8.532 INCREASING RETIREMENT ALLOWANCES OF MISCELLANEOUS OFFICERS AND EMPLOYEES RETIRED PRIOR TO JULY 1, 1952

Every retirement allowance payable by the San Francisco City and County Employees' Retirement System, for time commencing on April 1, 1956, to or on account of any person who has retired prior to July 1, 1952, as a member of said system under Section 165 of the Charter of 1932, as amended, is hereby increased by the amount of $25 per month, provided such member was entitled to be credited under the Retirement System with at least 20 years of service upon which the retirement allowance was determined at retirement. If the member was entitled to be credited with less than 20 years of such service, then said monthly increase shall be an amount which shall bear the same ratio to $25 that the service with which the member was entitled to be credited at effective date of retirement, bears to 20 years. This section does not give any member retired prior to April 1, 1956, or his successors in interest, any claim against the City and County for any increase in any retirement allowances paid or payable for time prior to April 1, 1956. If a member elected at retirement to have his retirement allowance modified under Option 2 or 3, provided by ordinance, and if the member and his beneficiary are living on April 1, 1956, the increase in the allowance shall be modified under the option elected at retirement, and on the basis of current ages, mortality tables and interest rate. If the beneficiary of such a person who elected at retirement to have his allowance modified under one of said options is not living on April 1, 1956, or if the retired member is not living on April 1, 1956, and the beneficiary is receiving the modified retirement allowance, then the allowance shall be increased as provided herein for persons who did not elect an option.

The increase in the retirement allowance shall be apportioned between service rendered prior to the entry of the member into the Retirement System and service rendered as a member, in the same proportion that such prior and current service respectively, bears to the total service credited at retirement. Contributions to the Retirement System necessary for the payment of the increases in the retirement allowances provided in this section, shall be provided, with respect to the portion of the benefit based on service rendered as members, from the reserves held by the Retirement System on account of miscellaneous members, the necessary amount being transferred upon April 1, 1956, from said reserves to the reserves held by the Retirement System to meet the obligations on account of benefits that have been granted and on account of prior service of members. The contribution being required of the City currently, as percentages of salaries of persons who are members under Section 8.509 shall be increased to percentages determined by the actuary as necessary to replace the reserves so transferred. Contributions to the Retirement System necessary for the payment of said increases with reference to prior service, shall be paid to the system by the City and County by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

A8.533 INCREASING RETIREMENT ALLOWANCES OF MISCELLANEOUS OFFICERS AND EMPLOYEES RETIRED PRIOR TO JULY 1, 1947

Every retirement allowance payable by the San Francisco City and County Employees' Retirement System, for time commencing on March 1, 1964, to or on account of any person who was retired prior to July 1, 1947, as a member of said system under Section 8.507, formerly Section 165 of the Charter of 1932, as amended, is hereby increased by the amount of $25 per month, provided such member was entitled to be credited under the Retirement System with at least 20 years of service upon which the retirement allowance was determined at retirement. If the member was entitled to be credited with less than 20 years of service, then said monthly increase shall be an amount which shall bear the same ratio to $25, that the service with which the member was entitled to be credited at the effective date of his retirement, bears to 20 years. This section does not give any member retired prior to March 1, 1964, or his successor in interest, any claim against the City and County for any increase in any retirement allowance paid or payable for the time prior to March 1, 1964. If a member elected at retirement to have his retirement allowance modified under Options 2 or 3, provided by ordinance, and if both he and his beneficiary are

living on March 1, 1964, the increase in his allowance shall be modified under the option elected at retirement, and on the basis of current ages, mortality tables and interest rates. If the beneficiary of such a person who elected at retirement to have his allowance under one of said options is not living on March 1, 1964, or if the retired member is not living on March 1, 1964, and the beneficiary is receiving the modified retirement allowance, then the allowance shall be increased as provided herein for persons who did not elect an option.

The increase in the retirement allowance shall be apportioned between service rendered prior to the entry of the member into the Retirement System, and service rendered as a member, in the same proportion that such prior and current service respectively, bears to the total service credited at retirement. Contributions to the Retirement System necessary for the payment of the increases in the retirement allowances provided in this section, shall be provided, with respect to the portion of the benefit based on service rendered as members, from the reserves held by the Retirement System on account of miscellaneous members, the necessary amount being transferred upon March 1, 1964, from said reserves to the reserves held by the Retirement System to meet the obligations on account of benefits that have been granted and on account of prior service of members.

The contribution being required of the City currently, as percentages of salaries of persons who are members under Section 8.509 shall be increased to percentages determined by the actuary as necessary to replace the reserves so transferred. Contributions to the Retirement System necessary for the payment of said increases with references to prior services, shall be paid to the system by the City and County by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

A8.534 INCREASING RETIREMENT ALLOWANCES OF MISCELLANEOUS OFFICERS AND EMPLOYEES RETIRED PRIOR TO JULY 2, 1952

Every retirement allowance payable by the San Francisco City and County Employees' Retirement System, from time commencing on February 1, 1957, to or on account of any person who was retired prior to July 2, 1952, as a member of said system under Section 8.509 formerly Section 165.2 of the Charter of 1932, as amended, and to or on account of any person who was retired prior to July 2, 1952, but not prior to July 1, 1952, as a member of said system under Section 8.507, formerly Section 165 of the Charter of 1932, as amended, is hereby increased by the amount of $25 per month, provided such member was entitled to be credited under the Retirement System with at least 20 years of service upon which the retirement allowance was determined at retirement. If the member was entitled to be credited with less than 20 years of such service, then said monthly increase shall be an amount which shall bear the same ratio to $25 that the service with which the member was entitled to be credited at effective date of retirement, bears to 20 years. This section does not give any member retired prior to February 1, 1957, or his successors in interest, any claim against the City and County for any increase in any retirement allowance paid or payable for time prior to February 1, 1957. If a member elected at retirement to have his retirement allowance modified under Option 2 or 3, provided by ordinance, and if the member and his beneficiary are living on February 1, 1957, the increase in the allowance shall be modified under the option elected at retirement, and on the basis of current ages, mortality tables and interest rate. If the beneficiary of such a person who elected at retirement to have his allowance modified under one of said options is not living on February 1, 1957, or if the retired member is not living on February 1, 1957, and the beneficiary is receiving the modified retirement allowance, then the allowance shall be increased as provided herein for persons who did not elect an option.

The increase in the retirement allowance shall be apportioned between service rendered prior to the entry of the member into the Retirement System and service rendered as a member, in the same proportion that such prior and current service respectively, bears to the total service credited at retirement. Contributions to the Retirement System necessary for the payment of the increases in the retirement allowances provided in this section, shall be provided, with respect to the portion of the benefit based on service rendered as members, from the reserves held by the Retirement System on account of miscellaneous members, the necessary amount being transferred upon February 1, 1957, from said reserves to the reserves held by the Retirement System to meet the obligations of the City and County on account of benefits that have been granted and on account of prior service of members. The contribution being required of the City and County currently as percentages of salaries of persons who are members under Section 8.509, shall be increased to percentages determined by the actuary as necessary to replace the reserves so

transferred. Contributions to the Retirement System necessary for the payment of said increases with references to prior service, shall be paid to the system by the City and County by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

A8.535 INCREASING RETIREMENT ALLOWANCES OF MISCELLANEOUS OFFICERS AND EMPLOYEES RETIRED ON OR AFTER JULY 1, 1947, AND PRIOR TO APRIL 1, 1966

Every retirement allowance payable to or on account of a member who retired under the provisions of Section 8.509 (formerly Section 165.2 of the Charter of 1932) on or after July 1, 1947, and prior to April 1, 1966, is hereby increased for time commencing on the effective date of this section, hereby designated as the first day of the month next following ratification by the State Legislature, to the amount it would have been if such allowance had been computed, on the date such member's retirement allowance was first effective, as if "average final compensation" were defined as the average monthly compensation earned by a member during any three consecutive years of credited service in the Retirement System in which his average compensation is the highest.

This section does not give any person retired under the provisions of said Section 8.509, or his successors in interest, any claim against the City and County for any increase in any retirement allowance paid or payable for time prior to the effective date of this section.

Any increase in any retirement allowance resulting from the calculation provided in this section shall be disregarded in connection with any adjustment of retirement allowances pursuant to the provisions of Section 8.526 (formerly Section 164.1 of the Charter of 1932).

A8.536 INCREASING RETIREMENT ALLOWANCES OF MISCELLANEOUS OFFICERS AND EMPLOYEES RETIRED ON OR AFTER JULY 1, 1947, AND PRIOR TO JULY 1, 1974

(a) Every retirement allowance payable to or on account of a member who retired, for service under the provisions of Subsection (b) of Section 8.509 of this Charter on or after July 1, 1947, and prior to July 1, 1974, after having attained the age of 60 years, is hereby increased for time commencing on July 1, 1974, to the amount it would have been if such allowances had been computed, on the date such retirement allowance was first effective, on the basis of two percent of such member's average final compensation for each year of credited service.

(b) Every retirement allowance payable to or on account of a member who retired, for service under the provisions of Subsection (b) of Section 8.509 of this Charter on or after July 1, 1947, and prior to July 1, 1974, prior to having attained the age of 60 years is hereby increased for time commencing on July 1, 1974, to the amount it would have been if such allowance had been computed, on the date such retirement allowance was first effective, on the basis of the percent of such member's average final compensation for each year of credited service as is set forth in the following table opposite his age at retirement, taken to the preceding completed quarter year:

Age at Retirement	*Percent for Each Year ofCredited Service*
Age at Retirement	*Percent for Each Year ofCredited Service*
55	1.5000
55¼	1.5250
55½	1.5500
55¾	1.5750
56	1.6000
56¼	1.6250
56½	1.6500

56¾	1.6750
57	1.7000
57¼	1.7250
57½	1.7500
57¾	1.7750
58	1.8000
58¼	1.8250
58½	1.8500
58¾	1.8750
59	1.9000
59¼	1.9250
59½	1.9500
59¾	1.9750

In no event shall a member's retirement allowance, as increased under the provisions of paragraph (a) or (b) of this section, exceed 75 percent of his average final compensation.

(c) Every retirement allowance payable to or on account of a member who retired for disability under the provisions of Subsection (c) of Section 8.509 of this Charter on or after July 1, 1947, and prior to July 1, 1974, is hereby increased for time commencing on July 1, 1974, to the amount it would have been if such allowance had been computed, on the date such retirement allowance was first effective as follows:

(1) On the basis of one and eight-tenths percent of such member's average final compensation for each year credited service, if such retirement allowance exceeds 40 percent of his said average final compensation;

(2) If such retirement allowance, as increased, does not exceed 40 percent of such member's average final compensation, the increase provided under this section shall be computed on the basis of one and eight-tenths percent of his average final compensation multiplied by the number of years of City-service which would be credited to him were such City-service to continue until attainment by him of the age of 60 years; provided, however, that such retirement allowance shall not exceed 40 percent of his said average final compensation.

With respect to members whose retirement allowances were first effective prior to January 1, 1972, "average final compensation" as used in this Section 8.536 shall mean the average monthly compensation earned by the member during any 12 consecutive months of credited service in the Retirement System in which his average compensation is the highest.

This section does not give any person retired under the provisions of Section 8.509, or his successors in interest, any claim against the City and County for any increase in any retirement allowance paid or payable for time prior to July 1, 1974.

Any increase in any retirement allowance resulting from the recalculation provided for in this section, shall be disregarded in connection with any adjustment of retirement allowances pursuant to the provisions of Section 8.526 of this Charter.

A8.537 INCREASING RETIREMENT ALLOWANCES OF MISCELLANEOUS OFFICERS AND EMPLOYEES RETIRED UNDER SECTION 8.507 PRIOR TO JANUARY 1, 1972

Every retirement allowance payable to or on account of a member who retired under the provisions of Section 8.507 (formerly Section 165 of the Charter of 1932) prior to January 1, 1972, is hereby increased for time commencing on the effective date of this section, hereby designated as the first day of the month next following

ratification by the State legislature, to the amount it would have been if such allowance had been computed, on the date such member's retirement allowance was first effective, as if the provisions of Section 8.509, as they exist on the effective date of this section, had been in effect and applicable to such member, and as if "average final compensation" were defined as the average monthly compensation earned by a member during any 12 consecutive months of credited service in the Retirement System in which his average compensation is the highest.

This section does not give any person retired under the provisions of said Section 8.507, or his successors in interest, any claim against the City and County for any increase in any retirement allowance paid or payable for time prior to the effective date of this section.

Any increase in any retirement allowance resulting from the calculation provided in this section shall be disregarded in connection with any adjustment of retirement allowances pursuant to the provisions of Section 8.526 (formerly Section 164.1 of the Charter of 1932).

Section 8.537 does not authorize any decrease in any allowance from the amount being paid as of June 4, 1974.

A8.538 INCREASING OF CERTAIN RETIREMENT ALLOWANCES IN EFFECT PRIOR TO JULY 1, 1977

Every retirement allowance payable to a male person, or to the beneficiary of a male person, retired prior to July 1, 1977, as a member under the provisions of Sections 8.507, 8.509, 8.544 or 8.568 and subject to an optional modification pursuant to an election exercised under Section 16.75 of the San Francisco Administrative Code is hereby increased for time commencing January 1, 1978, to the amount it would have been if such allowance had been computed, on the date such allowance was first effective, on the basis of the mortality tables applicable to the Retirement System on January 1, 1978.

This section does not give any person retired under the provisions of Sections 8.507, 8.509, 8.544 or 8.568, or such person's successors in interest, any claim against the City and County for any increase in any retirement allowance paid or payable for time prior to January 1, 1978.

Any adjustment of retirement allowances made pursuant to the provisions of Section 8.526 of this Charter for time after June 30, 1978, shall be based upon the amount of the original retirement allowance plus the amount of the increase to be applied by the provisions of this section.

A8.539 INCREASING RETIREMENT ALLOWANCES OF MISCELLANEOUS OFFICERS AND EMPLOYEES RETIRED PRIOR TO JULY 2, 1980

Every retirement allowance payable by the San Francisco City and County Employees' Retirement System, from time commencing on July 1, 1982 to or on account of any person who was retired prior to July 2, 1980, as a member of said system under Section 8.509 formerly Section 165.2 of the Charter of 1932, as amended; and to or on account of any person who was retired prior to July 2, 1980, as a member of said system under Section 8.507, formerly Section 165 of the Charter of 1932, as amended; and to or on account of any person who was retired prior to July 2, 1980, as a member of said system under Sections 8.584, 8.586 and 8.588 of this Charter, is hereby increased by the amount of $25 per month, provided such member was entitled to be credited under the Retirement System with at least 20 years of service upon which the retirement allowance was determined at retirement. If the member was entitled to be credited with less than 20 years of such service, then said monthly increase shall be an amount which shall bear the same ratio of $25 that the service with which the member was entitled to be credited at effective date of retirement, bears to 20 years. This section does not give any member retired prior to July 1, 1982 or his successors in interest, any claim against the City and County for any increase in any retirement allowance paid or payable for time prior to July 1, 1982.

Contributions to the Retirement System necessary for the payment of the increases in the retirement allowances provided in this section, shall be provided, from the reserves held by the Retirement System on account of miscellaneous members, cost of living benefits, the necessary amount being transferred upon July 1, 1982, from said reserves to the reserves held by the Retirement System to meet the obligations of the City and County on account of benefits that have been granted and on account of prior service of members. The contributions being required of the City and County currently as percentages of salaries of persons who are members under Sections 8.509, 8.584, 8.586, and 8.588 shall be increased to percentages determined by the actuary as necessary to replace the reserves so transferred.

A8.539-1 INCREASING RETIREMENT ALLOWANCES OF MISCELLANEOUS OFFICERS AND EMPLOYEES RETIRED PRIOR TO JULY 2, 1985

Commencing on July 1, 1987, every retirement allowance payable by the San Francisco City and County Employees' Retirement System, to or on account of any person who was retired prior to July 2, 1985 as a member of said system under Sections 8.507, 8.509, 8.584, 8.586 or 8.588 of this Charter, is hereby increased by the amount of $50.00 per month, provided such member had retired prior to July 2, 1961. If the member had retired after July 1, 1961, then said monthly increase shall be an amount which shall bear the same ratio to $50.00 that the number of years the member has been retired bears to twenty-five (25) years.

In computing years of retirement, the Retirement System shall count completed fiscal years between the member's effective date of retirement and June 30, 1986.

This section does not give any member retired prior to July 1, 1987 or his successors in interest, any claim against the City and County for any increase in any retirement allowance paid or payable for time prior to July 1, 1987.

A8.539-2 INCREASING RETIREMENT ALLOWANCES OF MISCELLANEOUS OFFICERS AND EMPLOYEES RETIRED PRIOR TO JULY 2, 1988

Commencing on July 1, 1990, every retirement allowance payable by the San Francisco City and County Employees' Retirement System, to or on account of any person who was retired prior to July 2, 1988 as a member of said system under sections 8.507, 8.509, 8.584, 8.586 or 8.588 of this Charter, is hereby increased by the amount of $50.00 per month, provided such member had retired prior to July 2, 1964. If the member had retired after July 1, 1964, then said monthly increase shall be an amount which shall bear the same ratio to $50.00 that the number of years the member has been retired bears to twenty-five (25) years.

In computing years of retirement, the Retirement System shall count completed fiscal years between the member's effective date of retirement and June 30, 1989.

This section does not give any member retired prior to July 1, 1990 or his successors in interest, any claim against the City and County for any increase in any retirement allowance paid or payable for time prior to July 1, 1990.

A8.539-3 INCREASING RETIREMENT ALLOWANCES OF MISCELLANEOUS OFFICERS AND EMPLOYEES RETIRED PRIOR TO JULY 2, 1991

Commencing on July 1, 1993, every retirement allowance payable by the San Francisco City and County Employees' Retirement System, to or on account of any person who was retired prior to July 2, 1991 as a member of said system under sections 8.507, 8.509, 8.584, 8.586 or 8.588 of this Charter, is hereby increased by the amount of $75.00 per month, provided such member had retired prior to July 2, 1967. If the member had retired after July 1, 1967, then said monthly increase shall be an amount which shall bear the same ratio to $75.00 that the number of years the member has been retired bears to twenty-five (25) years.

In computing years of retirement, the Retirement System shall count completed fiscal years between the member's effective date of retirement and June 30, 1992.

This section does not give any member retired prior to July 1, 1993 or his or her successors in interest, any claim against the City and County of San Francisco for any increase in any retirement allowance paid or payable for time prior to July 1, 1993.

A8.540 MEMBERS OF THE POLICE DEPARTMENT ON JANUARY 8, 1932

Persons who are members of the police department on the eighth day of January, 1932, shall become members of the Retirement System on that date, subject to the following provisions in addition to the provisions contained in Sections 3.670, 3.672, 8.500, 8.502, 8.510, 8.511, 8.520, and 8.560 of this Charter:

(a) Any member of the department who has arrived or shall arrive at the age of 62 years, and who has completed 30 years of continuous service as an active member of the department next preceding his retirement, may retire from service at his option, provided that retirement shall be compulsory at the age of 70 years. Such retired member shall receive a monthly pension, payable throughout his life, equal to one-half of the amount of the monthly salary attached to the rank held by him three years prior to the date of his retirement, hereinafter referred to in this section and Section 8.542 as a "pension."

Before the first payment of the pension is made, such retired member may elect to receive the actuarial equivalent of his pension, partly in a pension to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the Board of Supervisors to govern similar elections by other members of the Retirement System, including the character and amount of such other benefits.

(b) Any member of the department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, may be retired upon a monthly pension, as defined in subdivision (a), of this section, payable throughout his life. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

(c) The family of any member of the department who may be killed or injured while in the performance of his duties, and who shall have died within 3 years from the date of such injury as a result of such injury, shall receive the following benefits and the receipt by such member of a pension under this section during his lifetime shall not bar said family from such benefits:

First, should the decedent leave a widow to whom he was married prior to the date of the injury resulting in death, such widow shall, as long as she may live and remain unmarried, be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his said injury; provided, however, that should said widow die, leaving a child or children under the age of 16 years, said pension shall continue to such child or such children collectively until the youngest child arrives at the age of 16 years.

Second, should the decedent leave no widow, but leave an orphan child or children under the age of 16 years, such child or children collectively shall receive a monthly pension equal to one-half of the salary attached to the rank held by their father at the time of his said injury until the youngest attains the age of 16 years.

Third, should the decedent leave no widow and no orphan child or children, but leave a parent or parents depending solely upon him for support, such parents, so depending, shall collectively receive a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his said injury during such time as the retirement board may unanimously determine its necessity.

(d) A sum equal to the contributions, with interest, made by persons who become members of the Retirement System under this section to any other pension fund, shall be paid by the City and County to the Retirement System. Each member of the department shall contribute $2 per month to the Retirement System to be applied on the cost of the benefits at death and retirement provided under this section. Should a member be separated from City service through any cause other than death or retirement, then such contributions with interest shall be refunded to him under such conditions as may be fixed by the Board of Supervisors for the refund of contributions of other members of the Retirement System.

(e) When any member of the department shall die from natural causes and before retirement, there shall be paid to his estate or beneficiary a death benefit, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for payment of which shall be determined in the manner prescribed by the Board of Supervisors for the payment of a similar death benefit upon the death of other retired members.

(f) In addition to the other contributions required of the City and County under the Retirement System, the City and County shall contribute to the Retirement System during each fiscal year a sum which, together with the members' contributions provided for in subdivision (d) of this section, shall be equal to the liabilities accruing under the Retirement System because of the service rendered during such year by persons becoming members on the 8th day of January, 1932, under this section. If, subsequent to such fiscal year, it shall be determined that such contributions by the City and County, together with the members' contributions, was not sufficient to meet such liability, then the City and County shall make such additional contributions as may be necessary to make up the deficit.

(g) No benefits shall be provided under the Retirement System for, nor shall any contribution be required of, persons who become members of the Retirement System under this section, in addition to the benefits specifically provided and contributions specifically required in such section.

That portion of any pension payable because of the death or retirement of any such person which is provided by contributions of the City and County shall be reduced, in the manner fixed by the Board of Supervisors, by the amount of any benefits payable to or on account of such person, under the workers' compensation insurance and safety law of the State of California.

(h) Persons who were members of the police department on the eighth day of January, 1932, shall have the option, to be exercised in writing on or before the first day of January, 1936, of becoming members of the Retirement System under the provisions of Section 8.543, which applies to persons who become members of the department after the 8th day of January, 1932. If such persons shall affirmatively exercise such option within the time specified, then on and after the first day of the month next following such affirmative action, referred hereinafter in this subdivision (h) as "effective date," they shall not receive any benefit or make any contribution under this section, but on and after said effective date shall be members of the Retirement System and shall receive benefits and make contributions on the same basis as persons who become members of the department after the 8th day of January, 1932, provided that a pension for each person affirmatively exercising such option shall be payable on account of service rendered to the City and County prior to said effective date, by such members' contributions made prior to such effective date, with interest, and by contributions of the City and County, which pension shall be the same percentage regardless of the age of retirement, of his final compensation, as defined by the Board of Supervisors, for each year of such service, as the contributions of the member and the City and County are calculated to provide upon retirement at age 62 for each year of service rendered as a member of the Retirement System.

A8.541 SALARY BASE, FOR RETIREMENT PURPOSES, OF FORMER RANK OF CORPORAL OF POLICE

For all purposes of the Retirement System, and notwithstanding any other provisions of the Charter, the monthly salary attached to the former rank of corporal, heretofore held by a member of the police department, shall henceforth be deemed to be an amount equal to the maximum monthly salary attached to the rank of police officer, plus three-fourths of the difference between such amount and the monthly salary attached to the rank of sergeant.

A8.542 POLICE DEPARTMENT – RETIRED MEMBERS AND BENEFICIARIES ON JANUARY 8, 1932

Any member of the police department who shall have been retired and shall be receiving a pension on the eighth day of January, 1932, and any widow, child, children or parents of a deceased member of the department who shall be receiving a pension on the 8th day of January, 1932, shall continue to receive such pension, subject to the

provisions of Section 8.540 governing the payment of pensions. Such pension shall be paid by the Retirement System, but no other benefits shall be provided for such retired members, widows, children or parents, except that upon the death of any such member who is receiving a pension under this section and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary, the amount of which shall be determined in the manner prescribed by the Board of Supervisors.

A8.543 MEMBERS OF THE POLICE DEPARTMENT – JANUARY 8, 1932 TO JULY 1, 1945

Persons who become members of the police department after the eighth day of January, 1932, and prior to July 1, 1945, shall become members of the Retirement System subject only to the following provision in addition to the provisions contained in Sections 3.670, 3.672, 8.500, 8.501, 8.502, 8.510, 8.511, 8.520, and 8.525 and 8.560 of this Charter: No such member of the Retirement System shall be retired, except in case of disability incapacitating him for the performance of his duties, unless he shall have attained the age of 62 years, and completed 25 years of continuous service, except that retirement shall be compulsory at the age of 70 years. It may be provided, however, under such Retirement System, that members may retire after 30 years of continuous service, the benefits of retirement in such cases to be determined, because of retirement at an age below 62, in accordance with the tables recommended by the actuary and approval by said retirement board.

A8.544 MEMBERS OF THE POLICE DEPARTMENT AFTER JULY 1, 1945

Members of the police department, as defined in Section 8.545, who are members of the Retirement System under Sections 8.507, 8.540 or 8.543 of the Charter on the first day of July, 1945, and persons who become members of said department after said date, shall be members of the Retirement System under this Section 8.544 on and after said date, and shall be subject to the following provisions of Section 8.544 and Sections 8.545, 8.546, 8.547, 8.548, 8.549, 8.551, 8.552, 8.553, 8.554, 8.555, 8.556, 8.557, 8.558, and 8.559 (which shall apply only to members under Section 8.544 unless otherwise indicated) in addition to the provisions contained in Sections 3.670, 3.671, 8.500, 8.510, and 8.520 of this Charter notwithstanding the provisions of any other section of the Charter. Members of the said department who are members of the Retirement System under Section 8.540 of the Charter on July 1, 1949, however, shall have the option to be exercised in writing on a form furnished by the Retirement System and to be filed at the office of said system not later than 90 days after July 1, 1949, of being members of the system under Section 8.540 instead of Section 8.544, the election under said option to be effective on said date. In like manner, members of the said department who are members of the Retirement System under Section 8.507 or 8.543 of the Charter shall have the option, to be exercised in writing on a form furnished by the Retirement System, and to be filed at the office of said system not later than 90 days after July 1, 1949, of being members of the system under Sections 8.507 or 8.543, respectively, instead of Section 8.544 the election to be effective on said date, provided, that members who are absent by reason of service in the armed forces of the United States or by reason of any other service included in section 8.520 of the Charter, on the effective date of the amendment shall have the same option of electing to be members under Sections 8.507, 8.540, or 8.543, as the case may be, instead of Section 8.544, until 90 days after return to service in the police department.

On and after July 1, 1949, the persons who affirmatively exercise said option, shall continue to be members of the system under Sections 8.507, 8.540, or 8.543, respectively, and shall not be subject to any of the provisions of Section 8.544.

A8.545 DEFINITIONS

The following words and phrases as used in this section, unless a different meaning is plainly required by the context shall have the following meanings:

"Retirement allowance," "death allowance," or "allowance" shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the police department, but excluding remuneration paid for overtime.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration at the rates of remuneration attached at that time to the ranks or positions held by him during such period, it being assumed that during any absence he was in the rank or position held by him at the beginning of the absence, and that prior to becoming a member of the police department, he was in the rank or position first held by him in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the monthly compensation earnable by a member at the time of his retirement, or death before retirement, as the case may be, at the rate of remuneration attached at that time to the rank or position which said member held, provided that said member has held said rank or position for at least one year immediately prior to said retirement or death; and provided, further, that if said member has not held said rank or position for at least one year immediately prior to said retirement or death, "final compensation," as to such member, shall mean the monthly compensation earnable by such member in the rank or position next lower to the rank or position which he held at the time of retirement or death at the rate of remuneration attached at the time of said retirement or death to said next lower rank or position; provided, however, that in the case of a member's death before retirement as the result of a violent traumatic injury received in the performance of his duty, "final compensation," as to such member shall mean the monthly compensation earnable by such member at the rate of remuneration attached on the date he receives such injury to the rank or position held by such member on that date.

The amendment of the definition of "final compensation" contained in the proposition therefor submitted to the electorate on June 6, 1972, shall be retroactive and shall be applicable to any death allowance first effective on or after July 1, 1971. Said amendment does not and shall not increase any death allowance first in effect prior to July 1, 1971, nor shall said amendment give any person receiving a death allowance, or his successors in interest any claim against the City and County for any increase in any death allowance paid or payable for time prior to July 1, 1971.

For the purpose of the Retirement System and of this section, the terms "member of the police department," "member of the department" or "member" shall mean any officer or employee of the police department whose employment therein began prior to January 1, 1900, or whose employment therein began or shall begin after that date, and was or shall be subject to the Charter provisions governing entrance requirements for members of the uniformed force of said department, and said terms further shall mean, from the effective date of their employment in said department, persons employed on July 1, 1945, regardless of age, or employed after said date at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform the duties now performed under the titles of criminologist, photographer, police patrol driver, police motor boat operator, woman protective officer, police woman or jail matron. Any police service performed by such member of the police department outside the limits of the City and County and under orders of a superior officer of any such member, shall be considered as City and County service, and any disability or death incurred therein shall be covered under the provisions of the Retirement System.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section 8.600 of the Charter.

"Retirement board" shall mean "retirement board" as created in Section 3.670 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

A8.546 SERVICE RETIREMENT

Any member of the police department who completes at least 25 years of service in the aggregate and attains the age of 50 years, said service to be computed under Section 8.554, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of 65 years. A member retired after meeting the service and age requirements in the two sentences next preceding, shall receive a retirement allowance equal to 55 percent of the final compensation of said member, as defined in Section 8.545, plus and allowance at the rate of three percent of said final compensation, for each year of service rendered in excess of 25 years; provided, however, that such retirement allowance shall not exceed 70 percent of said member's final compensation. A member retired after attaining the age of 65 years, but before completing 25 years of service in the aggregate computed under Section 8.554, shall receive a retirement allowance which bears the same ratio to 50 percent of the final compensation of said member, as defined in Section 8.545 as the service with which he is entitled to be credited, bears to 25 years. If, at the date of retirement for service, or retirement for disability resulting from an injury received in performance of duty, said member has no wife, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not to be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or Section 8.547, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the Board of Supervisors to govern similar election by other members of the Retirement System, including the character and amount of such other benefits.

A8.547 RETIREMENT FOR INCAPACITY

Any member of the police department who becomes incapacitated for the performance of his duty by reason of bodily injury received in, or illness caused by performance of his duty, shall be retired. If he is not qualified for service retirement, he shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section 8.545, as his percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section 8.545. Said allowance shall be paid to him until the date upon which said member would have qualified for service retirement had he lived and rendered service without interruption in the rank held by him at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation as defined in Section 8.545 he would have received immediately prior to said date had he lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation. If at the time of retirement because of disability, he is qualified as to age and service for retirement under Section 8.546, he shall receive an allowance equal to the retirement allowance which he would receive if retired under Section 8.546 but not less than 55 percent of said final compensation. Any member of the police department who becomes incapacitated for the performance of his duty, by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section 8.554 shall be retired upon an allowance of one and one-half percent of the final compensation of said member, as defined in Section 8.545, for each year of service provided that said allowance shall not be less than 331/3 percent of said final compensation; provided, however, that if such member has completed at least 25 years of service in the aggregate, computed as provided in Section 8.554, but has not yet attained the age of 50 years, he shall receive an allowance equal to the retirement allowance he would have received

if he had attained the age of 50 years and retired under Section 8.546 as of the date of retirement for such incapacity. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the police commission, or by said member of his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

A8.548 DEATH ALLOWANCE

If a member of the police department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his duty, a death allowance, in lieu of any allowance payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his surviving wife, throughout her life or until her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he had been retired for service on day of death, but such allowance shall not be less than 55 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement the allowance payable shall be equal to the final compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he lived and rendered service without interruption in the rank held by him at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than 55 percent of such final compensation. If he had retired prior to death for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he was a member under Section 8.544 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be reduced upon the date at which said member would have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children under the age of 18 years, but leave a parent or parents depending upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving widow otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife following the death of a member unless she was married to the member prior to the date of the injury or onset of the illness which results in death.

A8.549 PAYMENT OF SURVIVING DEPENDENTS

Upon the death of a member of the police department resulting from any cause, other than injury received in or illness caused by performance of duty:

(a) if his death occurred after qualification for service retirement under Sections 8.540, 8.543 or 8.546, or after retirement for service or because of disability which resulted from any cause other than any injury received in, or illness caused by the performance of duty, three-fourths of his retirement allowance to which he would have been entitled if he had retired for service at the time of his death or three-fourths of his retirement allowance as it was at his death, as the case may be, shall be continued throughout life or until remarriage, to his surviving wife; or

(b) if his death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of age 50 years, three-fourths of the retirement allowance to which he would have been entitled under section 8.546 if he had attained the age of 50 years on the date of his death shall be continued throughout life or until remarriage to his surviving wife; or

(c) if his death occurred after retirement because of disability which resulted from injury received in, or illness caused by the performance of duty, his retirement allowance as it was at his death shall be continued throughout life or until remarriage, to his surviving wife, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died; or

(d) if his death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section 8.554, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section 8.547 if he had retired on the date of death because of incapacity for performance of duty resulting from a cause other than bodily injury received in or illness caused by performance of duty shall be paid throughout life or until remarriage to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a child or children, regardless of age, dependent upon him for support because partially or totally disabled and unable to earn a livelihood or a parent or parent dependent upon him for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or the onset of the illness which results in death, if he had not retired, or unless she was married to the member at least one year prior his death.

As used in this section and Section 8.548, "surviving wife" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving wife, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section 8.552 in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the eligible child or children may make such election, and if there be no such children, the dependent parent or parents may make such election. Persons heretofore or hereafter retired under other Charter sections as members of the police department at the time of retirement, shall be subject to the provisions of this section. With respect to members under Section 8.544, "qualified for service retirement," "qualification for service retirement," or "qualified as to age and service retirement," as used in this section and other sections to which persons who are members under Section 8.544 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section 8.554.

The amendments of this Section 8.549 contained in the proposition herefor submitted to the electorate on November 7, 1972, are hereby declared to be retroactive and shall be applicable to members who died after October 1, 1970.

A8.550 ADJUSTMENT OF ALLOWANCES

(a) Every allowance based on the average monthly compensation earnable by the member during the three or 10 years prior to retirement or death, and payable for time commencing on April 1, 1952, to or on account of persons who were retired or who died prior to January 1, 1951, as members of the police department, shall be adjusted to the amount it would be if it had been based on the monthly compensation fixed in Section 35.5 of the Charter of 1932 as amended as of July 1, 1951, for the rank of police officer in the respective years of service, regardless of the rank or position the member held in the department prior to his retirement, or death before retirement. Every service retirement allowance under Section 8.543 which is included in the sentence next preceding, shall be adjusted to what it would have been, if prior to optional modification, the allowance had been 50 percent of said monthly compensation. Allowances payable under Sections 8.547, 8.548 or 8.561 to or on account of persons who were retired for disability or died prior to January 1, 1951, on and after the date such persons would have qualified

for service retirement, shall be calculated as provided in said Sections 8.547, 8.548, or 8.561, respectively. The provisions of Section 8.549 with respect to continuance of one-half of retirement allowance upon deaths after retirement, shall be applied from April 1, 1952, as if they were effective on November 2, 1948. This section does not authorize any decrease in any allowance from the amount being paid as of April 1, 1952, nor does this section give any retired member, or any beneficiary of such member, or his successors in interest, any claim against the City and County for any increase in any allowance paid or payable for the time prior to April 1, 1952. Adjustment in reserves under allowances which are changed according to this section, shall be made on the basis of current interest rate and mortality tables.

The increase in the retirement allowance shall be apportioned according to services rendered by the member in the same manner that the allowance prior to increase was apportioned. Contributions to the Retirement System, necessary for the payment of the increase of the portion of the retirement allowances which is paid from reserves held by the Retirement System, shall be provided from the reserves held by the Retirement System on account of members under Section 8.544, the necessary amount being transferred upon April 1, 1952, from said reserves to the reserves held by the Retirement System to meet the obligations on account of benefits that have been granted and on account of prior service of members. The contribution being required of the City and County currently, as a percentage of salaries of persons who are members under Section 8.544, shall be increased to a percentage determined by the actuary as necessary to replace the reserves so transferred. Contributions to the Retirement System necessary for the payment of said increases with reference to current and prior service portions of the allowances which are not paid from reserves held by the Retirement System, shall be paid to the system by the City and County by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

(b) Every retirement or death allowance payable for time commencing on April 1, 1956, to or on account of any person who died or was retired prior to November 8, 1955, as a member of the police department, unless such person was retired or died as a member of the Retirement System or the former police relief and pension fund, under any section of the Charter, other than Section 8.543, or 8.544, is hereby increased by the amount of $25 per month; provided, however, that such increased retirement allowance or death allowance shall not exceed 50 percent of the compensation as of July 1, 1954, attached to the rank of police officer in the fourth year of service as set forth under Section 35.5 of the Charter of 1932, as amended regardless of the rank or position the member held in the department prior to his retirement or death before retirement.

Such increase shall not be modified under, nor subject to, Option 2 or 3 provided by ordinance. Allowances payable under Sections 8.547, 8.548, or 8.561, to or on account of persons who were retired for disability or died prior to November 8, 1955, on and after the date such persons would have qualified for service retirement, shall be calculated as provided in said Sections 8.547, 8.548, or 8.561, respectively.

This section does not authorize any decrease in any allowance from the amount being paid as of April 1, 1965, nor does this section give any member who retired, or the beneficiary of any member who died prior to April 1, 1956, or his successors in interest, any claim against the City and County for any increase in retirement allowance paid or payable for time prior to April 1, 1956.

The increase in allowance shall be apportioned between service rendered prior to the entry of the member into the Retirement System under Section 8.543 or 8.544, and service rendered as such a member, in the same proportion that such prior and current service respectively, bears to the total service credited at retirement. Contributions to the Retirement System necessary for the increases in the allowances provided in this section, shall be provided, with respect to the portion of the benefit based on service rendered as members under Section 8.543 or 8.544 from the reserves held by the Retirement System on account of members of the Retirement System under Section 8.544, the necessary amount being transferred upon April 1, 1956, from said reserves to the reserves held by the Retirement System to meet the obligations on account of allowances which are increased by this Subsection 8.550(b). The contribution being required of the City and County currently, as percentages of salaries of persons who are members under Section 8.543 or 8.544, shall be paid to the system by the City and County by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

A8.551 ADJUSTMENT OF ALLOWANCES BECAUSE OF COMPENSATION BENEFITS

That portion of any allowance payable because of the death or retirement of any member of the police department, which is provided by contributions of the City and County, shall be reduced in the manner fixed by the Board of Supervisors, by the amount of any benefits, other than medical benefits, payable to or on account of such person, under the Workers' Compensation Insurance and Safety Law of the State of California and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in or illness caused by performance of duty, shall be considered as in lieu of any benefits, other than medical benefits, payable to or on account of such persons under the said law of the State of California, and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

A8.552 DEATH BENEFITS

If a member of the police department shall die, before retirement, from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under Sections 8.548 or 8.549 preceding, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for payment of which shall be determined in the manner prescribed by the Board of Supervisors for the payment of a similar benefit upon the death of other retired members.

A8.553 REFUNDS AND REDEPOSITS

Should any member of the police department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he shall again become a member of the police department, he shall redeposit in the retirement fund the amount refunded to him. Contributions with interest, which are credited because of service rendered in any other office or department and which will not be counted under Section 8.554 to any person who becomes a member of the Retirement System under Section 8.544, shall be refunded to him forthwith. Should a member of the police department become an employee of any other office or department, his accumulated contribution account shall be adjusted by payments to or from him as the case may be, to make the accumulated contributions credited to him at the time of change, equal to the amount which would have been credited to him if he had been employed in said other office or department at the rate of compensation received by him in the police department, and he shall receive credit for service for which said contributions were made, according to the Charter section under which his membership in the Retirement System continues.

A8.554 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the police department for the purposes of determining whether such member qualified for retirement, and calculating benefits, excluding, however, any time the contributions for which were withdrawn by said member upon termination of his service while he was a member under any other Charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the fire or police department.

(b) Time during which said member served and received compensation as a jail matron in the office of the sheriff.

(c) Time during which said member is entitled to receive compensation while a member of the Retirement System, because of service rendered in other offices and departments before July 1, 1949, provided that accumulated contributions on account of such service, previously refunded, are redeposited, with interest from date of refund to date of redeposit, at times and in the manner fixed by the retirement board; and solely for the purpose of determining qualification for retirement under Section 8.547 for disability not resulting from injury received in, or illness caused by performance of duty, time during which said member serves, after June 30, 1949, and receives compensation because of services rendered in other offices and departments.

(d) Time during which said member is absent from a status included in paragraphs (a), (b), or (c) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Section 8.520 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his account.

A8.555 SOURCES OF FUNDS

All payments provided for persons who are members under Section 8.544 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) The normal rate of contribution of each member shall be based on his age taken to the next lower complete quarter year, (1) at the date he became a member under Section 8.507 or 8.543, in the case of persons who are members under these sections, or (2) at July 1, 1945, in the case of persons who are members under Section 8.540, and his age taken to the next lower completed quarter year, when he entered the police department, or (3) on his age at the date he becomes a member under Section 8.544, in the case of persons who become members on or after July 1, 1945, without credit for services counted under Section 8.554. The age of entrance into the police department shall be determined by deducting the member's service credited under Section 8.554 as rendered prior to the date upon which his age is based for determination of the rate of contribution according to the sentence next preceding, from said age. The normal rate of contribution of each such member, to be effective from the effective date of membership under Section 8.544, shall be such as, on the average for such member, will provide, assuming service without interruption, under Section 8.546, one-third of that portion of the service retirement allowance to which he would be entitled, without continuance to dependents, upon first qualifying as to age and service, for retirement under that section, without discount of allowance, which is based on service rendered after the date upon which his age is based for determination of his rate of contribution according to the first sentence in this paragraph, and assuming the contribution to be made from that date. The normal rate of contribution, however, shall not exceed six percent.

(b) The dependent rate of contribution of each member which shall be required of each member throughout his membership in addition to the normal contributions, and in the same manner as normal contributions, shall be such as, on the average for such member, will provide, assuming service without interruption under Section 8.546, and upon his first qualifying as to age and service for retirement under that section, one-third of the portion of his allowance, which is to be continued under Section 8.549, after his death and throughout the life of a surviving wife whose age at said death is three years less than the age of said member. If, at the date of retirement for service or retirement for disability resulting from injury received in performance of duty, said member has no wife who would qualify for the continuance of the allowance to her after the death of said member, or upon retirement from disability resulting from other causes regardless of his marital condition, the dependent contributions with accumulated interest thereon, shall be paid to him forthwith. The dependent rate of contribution, however, shall not exceed the difference between six percent and the member's normal rate of contribution, and said dependent rate may be taken as a flat percentage of the member's normal rate, regardless of the age of qualification for service retirement.

(c) There shall be deducted from each payment of compensation made to a member under Section 8.544, a sum determined by applying the member's rates of contribution to such compensation payment. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of

other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said members or shall be paid to said member or his estate or beneficiary as provided in Sections 8.552, 8.553, and 8.554.

(d) Contributions based on time included in Subsections (a), (b), (c), and (d) of Section 8.554 and deducted prior to July 1, 1945, from compensation of persons who become members under Section 8.544, and standing with interest thereon, to the credit of such members on the records of the Retirement System on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(e) The total contributions, with interest thereon, made by or charged against the City and County and standing to its credit, in the accounts of the Retirement System, on account of persons who become members under Section 8.544, shall be applied to provide the benefits under said section.

(f) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this Section 8.555, to provide the benefits payable under this section. Such contributions of the City and County to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his age is based for determination of his rate of contribution in paragraph (a), Section 8.555 shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the City and County to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year, to persons who are members under Section 8.544, said percentage to be the ratio of the value on July 1, 1945, or at the late date of a periodical actuarial valuation and investigation into the experience under the system of the benefits thereafter to be paid under this section, from contributions of the City and County, less the amount of such contributions, and plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value at said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year and said investigation into the experience under the system shall be made every odd-numbered year.

(g) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide the benefits under this section, shall be a part of the fund in which all other assets of said system are included. Nothing in this section shall affect the obligation of the City and County to pay to the Retirement System any amounts which may or shall become due under the provisions of the Charter prior to July 1, 1945, and which are represented on July 1, 1945, in the accounts of said system by debits against the City and County.

A8.556 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section 8.546 as requisite to retirement, a member of the police department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section 8.546, and nothing shall deprive said member of said right.

A8.557 LIMITATION ON EMPLOYMENT DURING RETIREMENT

No person retired as a member under Section 8.544 after June 30, 1945, for service or disability and entitled to receive a retirement allowance under the Retirement System shall serve in any elective or appointive position in the City and County service, including membership on boards and commissions, nor shall such person receive any

payment for service rendered to the City and County after retirement, provided that service as an election officer or juror shall not be affected by this section.

A8.558 DEFINITION OF "FINAL COMPENSATION" – ALLOWANCES FIRST PAYABLE PRIOR TO JULY 1, 1975

Notwithstanding any other provision of this Charter, but solely with respect to the determination of the amount of each retirement allowance payable to or on account of a person who retired for service or because of disability under the provisions of Section 8.544 of the Charter prior to July 1, 1975, "final compensation," for time commencing on July 1, 1975, shall mean the rate of remuneration (excluding remuneration for overtime) attached on July 1, 1975, to the rank or position upon which such person's retirement allowance was determined when first effective; provided, further, that each such allowance shall be increased or decreased as of July 1, 1990, and thereafter on the effective date of any legislation fixing the rates of compensation for police officers under section 8.405 of this Charter by an amount equal to 50 percent of the rate of change in the salary attached to said rank multiplied by the allowance which was payable for the month immediately preceding each July 1.

This section does not give any person retired under the provisions of said Section 8.544, or his successors in interest, any claim against the City and County for any increase in any retirement allowance paid or payable for time prior to July 1, 1975.

This section does not authorize any decrease in the amount of any allowance from the amount being paid as of June 30, 1975.

No retirement allowance to which the definition of "final compensation" as set forth in this section is applicable shall be subject to adjustment under the provisions of Section 8.526 for time commencing July 1, 1975. Contributions, with interest credited thereon, standing to the credit of a person whose retirement allowance is subject to the provisions of this section and which were made by such person pursuant to the provisions of Section 8.526 shall, effective July 1, 1975, be combined with any administered in the same manner as such person's normal contributions. Contributions, with interest credited thereon, made by or charged against the City and County and standing to its credit on account of a person whose retirement allowance is subject to the provisions of this section and which were made by or charged against the City and County for the purposes of said Section 8.526 shall be applied to provide the benefits under this section.

A8.559 MEMBERS OF THE POLICE DEPARTMENT ON AND AFTER JULY 1, 1975

Notwithstanding the provisions of Section 8.544 of this Charter, members of the police department, as defined in Section 8.559-1, who are members of the Retirement System under Section 8.554 on the effective date of this section and persons who become members of the Retirement System under Section 8.544 after said effective date and prior to July 1, 1975, shall have the option, to be exercised in writing on a form furnished by the Retirement System and to be filed at the office of said system not later than June 30, 1975, of being members of the system under this section instead of said Section 8.544, the election pursuant to said option to be effective as of July 1, 1975; provided that such of said members who, during the period from the effective date of this section through June 30, 1975, are absent by reason of service in the armed forces of the United States or by reason of any other service included in Section 8.520(a) of this Charter shall have the same option of electing to be members under this section instead of Section 8.544, until 90 days after their return to service in the police department.

Those persons who become members of the police department, as defined in Section 8.559-1, on or after July 1, 1975, and those persons who elect to be members under this section as provided in the preceding paragraph, shall be members of the system subject to provisions of Sections 8.559, 8.559-1, 8.559-2, 8.559-3, 8.559-4, 8.559-5, 8.559-6, 8.559-7, 8.559-8, 8.559-9, 8.559-10, 8.559-11, 8.559-12 and 8.559-13 (which shall apply only to members under Section 8.559) in addition to the provisions contained in Sections 3.670 to 3.672, both inclusive, and Sections

8.500, 8.510 and 8.520 of this Charter, notwithstanding the provisions of any other section of this Charter, and shall not be subject to any of the provisions of Section 8.544 of this Charter.

A8.559-1 DEFINITIONS

The following words and phrases as used in this section, Section 8.559 and Sections 8.559-2 through 8.559-13, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the police department, but excluding remuneration paid for overtime.

For retirement purposes, any increase in compensation attached to a rank which is based solely upon the possession of a POST certificate, compared to the equivalent rank without a POST certificate, shall be subject to the following limitations:

(a) for possession of the intermediate POST certificate, no more than 4% shall be included in compensation,

(b) for possession of the advanced POST certificate, no more than an additional 2% over the maximum provided in subsection (a), above, shall be included in compensation,

These limits shall apply to any pay increments which are solely attributable to the possession of a POST certificate, including but not limited to premiums or special ranks which may be established in the future and which are solely attributable to the possession of a POST certificate.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him or her during such period, it being assumed that during any absence, he or she was in the rank or position held by him or her at the beginning of the absence, and that prior to becoming a member of the police department, he or she was in the rank or position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the monthly compensation earnable by a member at the time of his or her retirement, or death before retirement, as the case may be, at the rate of remuneration attached at that time to the rank or position which said member held, provided that said member has held said rank or position for at least one year immediately prior to said retirement or death; and provided, further, that if said member has not held said rank or position for at least one year immediately prior to said retirement or death, "final compensation," as to such member, shall mean the monthly compensation earnable by such member in the rank or position next lower to the rank or position which he or she held at the time of retirement or death at the rate of remuneration attached at the time of said retirement or death to said next lower rank or position; provided, however, that in the case of a member's death before retirement as the result of a violent traumatic injury received in the performance of his or her duty, "final compensation," as to such member shall mean the monthly compensation earnable by such member at the rate of remuneration attached on the date he receives such injury to the rank or position held by such member on that date.

For purposes of calculation of final compensation, any increase in pay solely attributable to possession of a POST certificate shall be included only if the member possesses the qualifying POST certificate for a period of not less than four (4) years prior to his or her retirement date; provided, however, that should a member possess the qualifying POST certificate for a period of time less than four (4) years prior to retirement, final compensation shall be calculated based upon the monthly compensation in the next lower rank not requiring possession of the qualifying POST certificate.

For the purpose of Sections 8.559 through 8.559-13, the terms "member of the police department," "member of the department," or "member" shall mean any officer or employee of the police department, excluding such officers and employees as are members of the Retirement System under Section 8.565 or Section 8.568 of the Charter, who was or shall be subject to the Charter provisions governing entrance requirements of members of the uniformed force of said department, and said terms further shall mean, from the effective date of their employment in said department, persons employed on July 1, 1975, regardless of age, or employed after said date at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform the duties now performed under the titles of criminologist, photographer, police patrol driver, police motor boat operator, woman protective officer, police woman or jail matron.

Any police service performed by such members of the police department outside the limits of the City and County and under orders of a superior officer or any such member, shall be considered as City and County service, and any disability or death incurred therein shall be covered under the provisions of the Retirement System.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section 8.500 of the Charter.

"Retirement board" shall mean "retirement board" as created in Section 3.670 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

(Amended November 1998)

A8.559-2 SERVICE RETIREMENT

Any member of the police department who completes at least twenty-five (25) service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section 8.559-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the sentence next preceding, shall receive a retirement allowance equal to fifty-five (55) percent of the final compensation of said member, as defined in Section 8.559-1, plus an allowance at the rate of four percent of said final compensation for each year of service rendered in excess of twenty-five (25) years; provided, however, that such retirement allowance shall not exceed seventy-five (75) percent of said member's final compensation. A member retired after attaining the age of sixty-five (65) years, but before completing twenty-five (25) years of service in the aggregate computed under Section 8.559-10, shall receive a retirement allowance which bears the same ratio to fifty (50) percent of the final compensation of said member, as defined in Section 8.559-1, as the service with which he or she is entitled to be credited bears to twenty-five (25) years. If, at the date of retirement for service, or retirement for disability, resulting from an injury received in the performance of duty, said member has no spouse, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section or Section 8.559-3, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his or her allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him or her throughout his or her life, and partly in other benefits payable after his or her death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the Board of Supervisors to govern similar election by other members of the Retirement System, including the character and amount of such other benefits.

A8.559-3 RETIREMENT FOR INCAPACITY

Any member of the police department who becomes incapacitated for the performance of his duty by reason of any bodily injury received in, or illness caused by the performance of his duty, shall be retired. If he is not qualified for service retirement, he shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section 8.559-1, as his percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals

Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section 8.559-1. Said allowance shall be paid to him until the date upon which said member would have qualified for service retirement had he lived and rendered service without interruption in the rank held by him at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section 8.559-1, he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than 55 percent of such final compensation.

If, at the time of retirement because of disability, he is qualified as to age and service for retirement under Section 8.559-2, he shall receive an allowance equal to the retirement allowance which he would receive if retired under Section 8.559-2, but not less than 55 percent of said final compensation. Any member of the police department who becomes incapacitated for performance of his duty, by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section 8.559-10, shall be retired upon an allowance of one and one-half percent of the final compensation of said member as defined in Section 8.559-1 for each year of service, provided that said allowance shall not be less than 331/3 percent of said final compensation; provided, however, that if such member has completed at least 25 years of service in the aggregate, computed as provided in Section 8.559-10, but has not yet attained the age of 50 years, he shall receive an allowance equal to the retirement allowance he would have received if he had attained the age of 50 years and retired under Section 8.559-2 as of the date of retirement for such incapacity. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the police commission, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

A8.559-4 DEATH ALLOWANCE

If a member of the police department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his duty, a death allowance, in lieu of any allowance payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his surviving wife throughout her life or until her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he had been retired for service on the day of death, but such allowance shall not be less than 55 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the final compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he lived and rendered service without interruption in the rank held by him at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than 55 percent of such monthly final compensation. If he had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he was a member under Section 5.559 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be reduced upon the date at which said member would have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there be no surviving wife entitled to an allowance hereunder, or if she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children under the age of 18 years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving widow otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife

following the death of a member unless she was married to the member prior to the date of the injury or onset of the illness which results in death.

A8.559-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the police department resulting from any cause, other than an injury received in, or illness caused by performance of duty;

(a) if his death occurred after qualification for service retirement, under Section 8.559-2, or after retirement for service or because of disability which resulted from any cause other than an injury received in, or illness caused by performance of duty, three-fourths of his retirement allowance to which the member would have been entitled if he had retired for service at the time of death or three-fourths of the retirement allowance as it was at his death, as the case may be, shall be continued throughout life or until marriage to his surviving wife; or

(b) if his death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, three-fourths of the retirement allowance to which he would have been entitled under Section 8.559-2 if he had attained the age of 50 years on the date of his death shall be continued throughout life or until remarriage to his surviving wife; or

(c) if his death occurred after retirement for disability by reason of injury received in, or illness caused by performance of duty, his retirement allowance as it was at his death shall be continued throughout life or until remarriage, to his surviving wife, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date of which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died; or

(d) if his death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section 8.559-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section 8.559-3 if he had retired on the date of death because of incapacity for performance of duty resulting from a cause other than bodily injury received in, or illness caused by performance of duty shall be paid throughout life or until remarriage to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children under age of 18 years, but leave a child or children, regardless of age, dependent upon him for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or onset of the illness which results in death if he had not retired, or unless she was married to the member at least one year prior to his death if he had retired.

As used in this section and Section 8.559-4, "surviving wife" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving wife, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section 8.559-8, in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the eligible child or children may make such election, and if there be no such children, the dependent parent or parents may make such election. "Qualified for service retirement," "Qualification for service retirement" or "Qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under Section 8.559 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section 8.559-10.

A8.559-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section 8.559 shall be increased or decreased as of July 1, 1990, and thereafter on the effective date of any legislation fixing the rates of compensation for police officers under section 8.405 of this Charter by an amount equal to 50 percent of any increase or decrease, respectively, in the rate of remuneration attached to the rank or position upon which such retirement or death allowance was based; provided, however, that no allowance shall be reduced below the amount being received by a member or his beneficiary on June 30, 1976, or on the date such member or beneficiary began to receive the allowance, whichever is later.

A8.559-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the police department which is provided by contributions of the City and County, shall be reduced in the manner fixed by the Board of Supervisors, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

A8.559-8 DEATH BENEFIT

If a member of the police department shall die, before retirement from causes other than an injury received in or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under Section 8.559-4 or 8.559-5 preceding, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

A8.559-9 REFUNDS AND REDEPOSITS

Should any member of the police department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he or she shall again become a member of the department, he or she shall redeposit in the retirement fund, the amount refunded to him or her. Should a member of the police department become an employee of any other office or department, his or her accumulated contribution account shall be adjusted by payments to or from him or her as the case may be to make the accumulated contributions credited to him or her at the time of change, equal to the amount which would have been credited to him or her if he or she had been employed in said other office or department at the rate of compensation received by him or her in the police department and he or she shall receive credit for service for which said contributions were made, according to the Charter section under which his or her membership in the Retirement System continues.

A8.559-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the Police Department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his service while he was a member under any other Charter section, and not redeposited upon reentry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the fire or police department.

(b) Time during which said member served and received compensation as a jail matron in the office of the sheriff.

(c) Time during which said member is entitled to receive compensation while a member of the Retirement System, because of service rendered in other offices and departments prior to July 1, 1949, provided that accumulated contributions on account of such service previously refunded, are redeposited, with interest from date of refund to date of redeposit, at times and in the manner fixed by the Retirement Board; and solely for purpose of determining qualification for retirement under Section 8.559-3 for disability not resulting from injury received in, or illness caused by performance of duty, time during which said member serves, after July 1, 1949, and receives compensation because of services rendered in other offices and departments.

(d) Time during which said member is absent from a status included in Subsections (a), (b), or (c) next preceding, by reason of service in the Armed Forces of the United States of America, or by reason of any other service included in Section 8.520 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his account.

(e) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(Amended by Proposition G, 11/4/2008)

A8.559-11 SOURCES OF FUNDS

All payments provided for members under Section 8.559 shall be made from funds derived from the following sources, plus interest earned on said funds;

(a) The normal rate of contribution for each member under Section 8.559 shall be based on his age taken to the next lower complete quarter year, (1) at the date he became a member under Section 8.544, in the case of persons who are members under that section, or (2) on his age at the date he becomes a member under Section 8.559 in the case of persons who become members on or after July 1, 1973, without credit for service counted under Section 8.559-10. The age of entrance into the police department shall be determined by deducting the member's service credited under Section 8.559-10 as rendered prior to the date upon which his age is based for determination of his rate of contribution according to the sentence next preceding, from said age. The normal rate of contribution of each such member, to be effective from the effective date of membership under Section 8.559, shall be such as, on the average for such member, will provide, assuming service without interruption, under Section 8.559-2, one-third of that portion of the service retirement allowance to which he would be entitled, without continuance to dependents, upon first qualifying as to age and service for retirement under that section, which is based on service rendered after the date upon which his age is based for determination of his rate of contribution according to the first sentence in this paragraph, and assuming the contribution to be made from that date. The normal rate of contribution, however, shall not exceed seven percent.

(b) The dependent contributions of each member under this section which shall be required of each member throughout his membership in addition to the normal contributions, and in the same manner as normal contributions, shall be such as, on the average for such member, will provide, assuming service without interruption under Section 8.559-2, and upon his first qualifying as to age and service for retirement under that section, one-third of the portion of his allowance, which is to be continued under Section 8.559-5 after his death and throughout the life of a surviving wife whose age at said death is three years less than the age of said member. If, at the date of retirement for service or retirement for disability resulting from injury received in performance of duty, said member has no wife who would qualify for the continuance of the allowance to her after the death of said member, or upon retirement for disability resulting from other causes, regardless of his marital conditions, the dependent contributions with accumulated interest thereon, shall be paid to him forthwith. The dependent rate of contribution, however, shall not exceed the difference between seven percent and the member's normal rate of contribution, and said dependent rate may be taken as a flat percentage of the member's normal rate, regardless of the age of qualification for service retirement.

(c) There shall be deducted from each payment of compensation made to a member under this section, a sum determined by applying the member's rates of contribution to such compensation payment. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of

other member of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his estate or beneficiary as provided in Sections 8.559-8, 8.559-9 and 8.559-10. The individual accounts of members who purchased service credit for Unpaid Parental Leave shall also include the amount paid by the member for said purchase, plus interest.

(d) Contributions based on time included in Subsections (a), (b) and (c) of Section 8.559-10, and deducted prior to July 1, 1975, from compensation of persons who become members under Section 8.559, and standing with interest thereon, to the credit of such members on the records of the Retirement System on said date, together with contributions made by such members pursuant to the provisions of Section 8.526 and standing with interest thereon to the credit of such members on the records of the Retirement System on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(e) The total contributions, with interest thereon, made by or charged against the City and County and standing to its credit, in the accounts of the Retirement System, on account of persons who become members under Section 8.559, shall be applied to provide the benefits under said Section 8.559.

(f) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this Section 8.559-11 to provide the benefits payable to members under Section 8.559. Such contributions of the City and County to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his age is based for determination of his rate of contribution in Subsection (a) of this Section 8.559-11, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the City and County to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year, to persons who are members under Section 8.559, said percentage to be the ratio of the value on July 1, 1975, or at the later date of a periodical actuarial valuation and investigation into the experience under the system, of the benefits thereafter to be paid under this section, from contributions of the City and County, less the amount of such contributions, and plus accumulated interest thereon, then held by said systems to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value of said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year and said investigation into the experience under the system shall be every odd-numbered year.

(g) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies the contributions of both members and the City and County held by the system to provide the benefits under this section, shall be a part of the fund in which all other assets of said system are included. Nothing in this section shall affect the obligations of the City and County to pay to the Retirement System any amounts which may or shall become due under the provisions of the Charter prior to July 1, 1975, and which are represented on said effective date, in the accounts of said system by debits against the City and County.

(Amended by Proposition G, 11/4/2008)

A8.559-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section 8.559-2 as requisite to retirement, a member of the police department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section 8.559-2, and nothing shall deprive said member of said right.

A8.559-13 LIMITATION IN EMPLOYMENT DURING RETIREMENT

Except as otherwise provided in section 8.511 of this Charter, no person retired as a member under Section 8.559 for service or disability and entitled to receive a retirement allowance under the Retirement System shall serve in

any elective or appointive position in the City and County service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the City and County after retirement, provided that service as an election officer or juror, or in the preparation for, or the giving of, testimony as an expert witness for or on behalf of the City and County of San Francisco before any court or legislative body shall not be affected by this section.

A8.559-14 RIGHT TO TRANSFER

Notwithstanding any provisions of this Charter to the contrary, any person who, on or after January 1, 1981, is a member of the Police Department, and is a member of the Retirement System under Charter Section 8.559, may become a member of the Retirement System under Charter Section 8.586 by filing in writing with the Retirement System no later than December 31, 1981, an executed waiver of all benefits which might inure to him under Charter Section 8.559. This waiver must be without right of revocation and on a form furnished by the Retirement System. The Retirement Board may require that this waiver be executed by additional persons before it becomes operative.

This transfer will be effective July 1, 1980. Those persons so electing to become members under Charter Section 8.586 shall receive service credit under Charter Section 8.586 equal to their service credit under Charter Section 8.559 as of June 30, 1980.

Those persons so electing to become members under Charter Section 8.586 shall not be subject to any of those provisions of Charter Section 8.559 as of July 1, 1980.

Notwithstanding the provisions of Charter Section 8.526, the cost of living adjustment in any given year prior to January 1, 2000 for those persons electing this transfer to Charter Section 8.586 shall not exceed the provisions of Charter Section 8.526 as they existed on July 1, 1980.

Those persons so electing to transfer membership from Charter Section 8.559 to Charter Section 8.586 shall receive a monetary consideration not to exceed $40,000 calculated at the rate of $2,500 for each year of said service credit up to ten years and then at the rate of $1000 for each additional year of said service credit. This monetary consideration shall be paid from said member's contribution account including any interest thereon. When said member's contribution account is depleted, the balance shall be paid from the City and County contributions held by the Retirement System.

This consideration shall be payable January 1, 1982. Alternatively, an employee may elect to receive payments according to a schedule established by the Retirement Board.

Notwithstanding any other Charter or ordinance provisions, a member transferring pursuant to this section shall be eligible to receive any benefits payable because of an increase in benefits approved by the voters for other members under Charter Section 8.586, provided, however, that said member repays with interest the monetary consideration he or she received in making this transfer, offset by the amount of said member's own account in the Retirement System under Charter Section 8.559. Interest on the repayment amount shall be charged at the rate credited to member accounts from January 1, 1981 until repayment or effective date of retirement. Members shall have the option of making said repayment either through a lump-sum payment, payroll deduction or through an actuarial offset against any benefits payable because of an increase in benefits subsequent to July 1, 1980.

The amendments to this section contained in the proposition submitted to the electorate on November 2, 1999 shall apply only to active and retired members on November 2, 1999 and constitute a prospective increase in benefits to such members subject to repayment in accordance with the provisions of the preceding paragraph. Upon repayment, retirees shall have their benefits recalculated under Charter Section 8.586 as in force at the date of their retirement. These recalculated benefits shall be first payable on and after November 2, 1999. No retired member shall become eligible under said amendments for any retroactive payments. Notwithstanding the preceding sentences, the provisions in Charter Section 8.586-3 for recalculation on the date upon which said member would have qualified for service retirement ("QSR") shall use the provisions of Charter Section 8.586 at QSR.

(Amended November 1999)

A8.559-15 VESTING

Should any member of the police department who is a member of the Retirement System under Charter section 8.559, with five years of credited service, cease to be so employed, through any cause other than death or

retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement benefit calculated at termination, defined as that proportion of the normal service retirement benefit that his or her accrued service credit bears to 25 years, payable beginning at age 50.

Any member of the police department convicted of a crime involving moral turpitude committed in connection with his or her duties as a member of the police department shall, upon termination of his or her employment pursuant to the provisions of this Charter, forfeit all right to any benefits under this section except refund of his or her accumulated contributions.

Every retirement or death allowance payable to or on account of any member under Section 8.559-15 shall be adjusted in accordance with the provisions of Section 8.559-6 provided that if the member's accrued service credit is less than 25 years the section 8.559-6 adjustment will be multiplied by a fraction where the denominator is 25 and the numerator is equal to the member's accrued service credit at the date of termination.

A8.560 DEFINITION, MEMBERS OF FIRE AND POLICE DEPARTMENT

For the purpose of the Retirement System, any officer or employee of the police or the fire departments whose employment therein began prior to January 1, 1900, or whose employment therein began on or shall begin after that date and was or shall be subject to a Charter maximum age at the time of employment of not over 35 years, shall be considered to be a member of the police department or the fire department, respectively. Any fire or police service outside the limits of the City and County performed by a member of the Retirement System and under orders of a superior officer of any such member, shall be considered as City and County service, and any disability or death incurred therein shall be covered under the provisions of the Retirement System.

A8.561 PENSION PROVISIONS – DEPENDENT OF MEMBERS OF FIRE AND POLICE DEPARTMENTS KILLED IN LINE OF DUTY

If a member of the fire or police departments, as defined in the Charter for the purposes of the Retirement System, or a member of the salvage corps in the fire department, or any person employed by the City and County to perform duties now performed under the titles of pilots of fireboats, marine engineer of fireboats, or marine fireman of fireboats, all of whom are hereinafter designated as members, shall die before or after retirement as a result of an injury received in, or illness caused by the performance of his duty, a monthly allowance, in lieu of any allowance payable under any other section of the Charter or by ordinance, shall be paid, beginning on the date next following the date of death, to his surviving wife throughout her life or until her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he had been retired for service on the day of death, but such allowances shall not be less than one-half of the average monthly compensation earnable by said member during the three years immediately preceding death, and if he had retired prior to death, the allowance payable shall be equal to the retirement allowance of the member. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he lived and rendered service without interruption in the rank held by him at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the average monthly compensation he would have received during the three years immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than one-half of such average monthly compensation. If there be no surviving wife entitled to an allowance hereunder, of if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children under the age of 18 years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving widow otherwise would have received, during such dependency. No

allowance, however, shall be paid under this subsection to a surviving wife following the death of a member unless she was married to the member prior to the date of the injury or onset of the illness which result in death.

Benefits provided under this section shall be in lieu of all benefits payable under other sections of the Charter upon death of such member resulting from an injury received in, or illness caused by the performance of duty, except the five hundred dollar benefit payable upon death after retirement.

Contributions to provide the allowance under this section shall be made to the San Francisco City and County Employees' Retirement System by the City and County. The amount of the contribution shall be determined and payment to the system shall be made in the same manner as contributions are determined and paid which are required for other benefits provided under the Retirement System for the respective groups of members who are included under this section.

Notwithstanding any other provision of this Charter, any member of the salvage corps in the fire department, or any person employed by the City and County to perform duties now performed under the titles of pilot of fire boats, marine engineer of fire boats, or marine fireman of fire boats, who becomes incapacitated for performance of his duty by reason of any bodily injury received in, or illness caused by, the performance of his duty, shall receive the same benefits as members of the fire department who are members of the Retirement System under Section 8.567 of the Charter.

A8.562 CREDIT FOR SERVICE IN UNDERWRITERS' FIRE PATROL

Any person who is a member under Section 8.568 on February 1, 1970, and who was employed in the uniformed force of the Underwriters' Fire Patrol of San Francisco prior to becoming such a member shall have the right to elect to make contributions pursuant to this section and to receive credit as service under the Retirement System for all or any part of the time he was so employed.

Said election shall be made in writing on a form provided by the Retirement System and filed with the retirement board within 90 days after February 1, 1970.

Any such member who elects to make contributions and receive such credit shall contribute to the retirement fund an amount equal to the sum of:

(a) contributions computed by applying the rate of contribution applicable to him on the date he elected to receive credit for such service to the monthly compensation earnable by him on said date multiplied by the number of months of such service for which he has elected to receive credit; and

(b) interest on the unpaid balance of said contributions, commencing on the date of the member's election to make such contributions, at the rate of interest currently being used from time to time under the Retirement System.

Payment of the contributions required by this section shall be made in a lump sum or by installment payments. Installment payments shall be made at times and in a manner fixed by the retirement board, provided that the period for completion of such payments shall not extend beyond the effective date of the member's retirement.

Upon completion of payment of contributions in the amount specified in this section, the member shall be credited with service under the Retirement System in an amount equal to the service for which he has elected to receive credit pursuant to this section. The service with which the member is so credited shall be credited as current service.

A8.565 MEMBERS OF FIRE DEPARTMENT ON JANUARY 8, 1932

Persons who are members of the fire department on the eighth day of January, 1932, shall become members of the Retirement System on the date, subject only to the following provisions, in addition to the provisions contained in Sections 3.670-3.672, 8.500-8.502, 8.510, 8.511, 8.520, and 8.560 of this Charter.

(a) Any member of the fire department who shall have completed 25 years of continuous service as a member of the fire department next preceding the date of his retirement, or any member of the fire department who shall have reached the age of 55 years and shall have completed 20 years of continuous service as a member of the fire department next preceding the date of his retirement, may retire from service at his option. Any member of the fire department who shall become physically disabled by reason of any bodily injury received in the performance of his duty may be retired from service on satisfactory proof thereof. The retirement board, by unanimous vote, may retire from service any aged, disabled or infirm member of the fire department who has arrived at the age of 60 years and who has completed 20 years of continuous service as a member of the department next preceding such age, who may be ascertained to be, by reason of such age, infirmity or other disability, unfit for the performance of his duties.

Such retired member shall receive a monthly pension, payable throughout his life, equal to one-half the amount of the salary attached to the rank held by him three years prior to the date of his retirement hereinafter referred to as "pension" in this and the following section; provided that where such retirement is based on disability alone, in case the disability of such member shall cease, his pension shall cease, and he shall be restored to service in the rank he occupied at the time of his retirement. Should any said retired member die leaving a widow, who shall have been married to the decedent at least one year prior to the date of his retirement, such widow shall, as long as she may live and remain unmarried, be paid said pension; provided, further, that the widow of any said retired member who married said member after the effective date of his retirement and at least one year prior to his death shall be paid pension for time after December 31, 1974, as long as she may live and remain unmarried; provided, further, that should widow die leaving a child or children under the age of 16 years, said pension shall continue to be paid such children collectively until the youngest child arrives at the age of 16 years; and provided further, that should said retired member die leaving no widow but leaving an orphan child or children under the age of 16 years, such child or children collectively shall receive said pension until the youngest child attains the age of 16 years.

(b) The family of any member of the fire department who shall die as a result of any injury received during the performance of his duty, or from sickness clearly, unmistakably and directly caused by and resulting from the discharge of such duty, or while eligible for a pension on account of years of service in the department, or who has served 20 consecutive years in the department and attained the age of 55 years, shall receive the following benefits.

First, should the decedent leave a widow to whom he was married prior to the date of the injury resulting in death, his widow shall, as long as she may live and remain unmarried, be paid a monthly pension equal to one- half of the salary attached to the rank held by the decedent at the time of his said injury; provided that the widow of any said retired member who married said member after the effective date of his retirement and at least one year prior to his death shall be paid pension for time after December 31, 1974, as long as she may live and remain unmarried; provided, however, that should said widow die, leaving a child or children under the age of 16 years, said pension shall continue to such child or children collectively until the youngest child arrives at the age of 16 years.

Second, should the decedent leave no widow, but leave an orphan child or children under the age of 16 years, such child or such children collectively shall receive said pension until the youngest child attains the age of 16 years.

Third, should the decedent leave no widow and no orphan child or children, but leave a parent or parents dependent solely upon him for support, such parents so depending shall collectively receive said pension during such time as the retirement board may unanimously determine its necessity.

(c) When any member of the department shall die from natural causes and before retirement, and when no pension is payable to his widow or children, there shall be paid to his estate or beneficiary a death benefit, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for payment of which shall be determined in the manner prescribed by the Board of Supervisors for the payment of a similar death benefit upon the death of other retired members.

(d) In addition to the other contributions required of the City and County under the Retirement System, the City and County shall contribute to the Retirement System during each fiscal year a sum which shall be equal to the liabilities accruing under the Retirement System because of service rendered during such year by persons becoming

members on the eighth day of January, 1932, under this section. If, subsequent to such fiscal year, it shall be determined that such contribution by the City and County was not sufficient to meet such liability, then the City and County shall make such additional contribution as may be necessary to make up the deficit.

(e) No benefits shall be provided under the Retirement System for, nor shall any contributions be required of, persons who become members of the Retirement System under this section, in addition to the benefits specifically provided and contributions specifically required in such section. Any pension payable because of the death or retirement of any such person shall be reduced in the manner fixed by the Board of Supervisors, by the amount of any benefits payable to or on account of such person, under the Workers' Compensation Insurance and Safety Law of the State of California.

(f) Persons who are members of the fire department on the eighth day of January, 1932, shall have the option, to be exercised in writing on or before the first day of July, 1932, of becoming members of the Retirement System under the provisions of Section 8.567, which applies to persons who become members of the department after the eighth day of January, 1932. If such persons shall affirmatively exercise such option within the time specified, then they shall not receive any benefit under this section, but shall become members of the Retirement System and shall receive benefits and make contributions on the same basis as persons who become members of the department after the eighth day of January, 1932, provided that a pension for each person affirmatively exercising such option shall be payable on account of service rendered to the City and County prior to the eighth day of January, 1932, by contributions of the City and County, which pension shall be the same percentage, regardless of the age of retirement of his final compensation, as defined by the Board of Supervisors, for each year of service, as the contributions of the member and the City and County are calculated to provide upon retirement at age 55 for each year of service rendered as a member of the Retirement System.

The amendments of Subsections (a), and (b), of this section contained in the proposition therefor submitted to the electorate on November 5, 1974, do not and shall not give any person any claim against the City and County for any pension for time prior to January 1, 1975.

A8.566 FIRE DEPARTMENT – RETIRED MEMBERS AND BENEFICIARIES ON JANUARY 8, 1932

Any member of the fire department who shall have been retired on or after January 21, 1925, or prior to January 1, 1900, and shall be receiving a pension on the eighth day of January, 1932, and any widow, child, children or parents of a deceased member of the department who shall be receiving a pension on the eighth day of January, 1932, shall continue to receive such pension subject to the provisions of Section 8.565 governing the payment of pensions to retired members, widows, children and parents. Any member of the fire department who shall have been retired on or after the first day of January, 1900, and prior to the 21st day of January, 1925, and shall be receiving a pension on the eighth day of January, 1932, shall continue to receive such pension throughout his life, subject to the provisions of Section 8.565 governing the payment of pensions granted because of disability incurred in the performance of duty, including the payment of such pension to widows, children and parents of deceased members who had been retired because of such disability. Such pensions shall be paid by the Retirement System, but no other benefits shall be provided for such retired members, widows, children or parents; except that upon the death of any such member who is receiving a pension under this section and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary, the amount of which shall be determined in the manner prescribed by the Board of Supervisors.

A8.567 MEMBERS OF THE FIRE DEPARTMENT – JANUARY 8, 1932 TO JULY 1, 1949

Persons who become members of the fire department after the eighth day of January, 1932 and prior to July 1, 1949, shall become members of the Retirement System subject only to the following provision in addition to the provisions contained in Sections 3.670-3.672, 8.500-8.502, 8.510, 8.511, 8.520, 8.525 and 8.560 of this Charter. No member of the Retirement System shall be retired, except in case of disability incapacitating him for the

performance of his duties, unless he shall have attained the age of 55 years and completed 20 years of continuous service, except that retirement shall be compulsory at the age of 70 years. It may be provided, however, under such Retirement System, that members may retire after 30 years of continuous service; the benefits at retirement in such cases to be determined, because of retirement at an age below 55, in accordance with the tables recommended by the actuary and approved by said retirement board.

A8.568 MEMBER OF THE FIRE DEPARTMENT AFTER JULY 1, 1949

Members of the fire department, as defined in Section 8.569, who are members of the Retirement System under Sections 8.507, 8.509, or 8.567 of the Charter on the first day of July, 1949, and persons who become members of said department after said date, shall be members of the Retirement System under this Section 8.568 on and after said date, and shall be subject to the following provisions of Section 8.568 and Sections 8.569, 8.570, 8.571, 8.572, 8.573, 8.575, 8.576, 8.577, 8.578, 8.579, 8.580, 8.581 in addition to the provisions contained in Sections 3.670-3.672, 8.500-8.504, 8.506, 8.510 and 8.520 of this Charter notwithstanding the provisions of any other section of the Charter. Members of the said department who are members of the Retirement System under Sections 8.507 or 8.509 of the Charter, on July 1, 1950, however, shall have the option to be exercised in writing, on a form furnished by the Retirement System and to be filed at the office of said system not later than 90 days after said date, of being members of the system under Sections 8.507 or 8.509 instead of Section 8.568, the election under said option to be effective on said date, provided, that members who are absent by reason of service in the armed forces of the United States or by reason of any other service included in Section 8.520 of the Charter, on July 1, 1949, shall have the same option of electing to be members under Sections 8.507 or 8.509, as the case may be, instead of Section 8.568 until 90 days after their return to service in the fire department. On and after said date the persons who affirmatively exercise said option, shall continue to be members of the system under Section 8.507 or 8.509, respectively, and shall not be subject to any of the provisions of Section 8.568.

A8.569 DEFINITIONS

The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the fire department, but excluding remuneration paid for overtime.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him during such period, it being assumed that during any absence he was in the rank or position held by him at the beginning of the absence, and that prior to becoming a member of the fire department, he was in the rank or position first held by him in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the monthly compensation earnable by a member at the time of his retirement, or death before retirement, as the case may be, at the rate of remuneration attached at that time to the rank or position which said member held, provided that said member has held said rank or position for at least one year immediately prior to said retirement or death; and provided, further, that if said member has not held said rank or position for at least one year immediately prior to said retirement or death, "final compensation," as to such member, shall mean the monthly compensation earnable by such member in the rank or position next lower to the rank or position which he held at the time of retirement or death at the rate of remuneration attached at the time of

said retirement or death to said next lower rank or position; provided, however, that in the case of a member's death before retirement as the result of a violent traumatic injury received in the performance of his duty, "final compensation," as to such member shall mean the monthly compensation earnable by such member at the rate of remuneration attached on the date he receives such injury to the rank or position held by such member on that date.

The amendment of the definition of "final compensation" contained in the proposition therefor submitted to the electorate on June 6, 1972, shall be retroactive and shall be applicable to any death allowance first effective on or after July 1, 1971. Said amendment does not and shall not increase any death allowance first in effect prior to July 1, 1971, nor shall said amendment give any person receiving a death allowance, or his successors in interest any claim against the City and County for any increase in any death allowance paid or payable for time prior to July 1, 1971.

For the purpose of the Retirement System and of this section, the terms "member of the fire department," "member of the department," or "member" shall mean any officer or employee of the fire department, excluding such officers and employees as are members of the Retirement System under Section 8.565 of the Charter, who was or shall be subject to the Charter provisions governing entrance requirements of members of the uniformed force of said department, and said terms further shall mean, from the effective date of their employment in said department, persons employed on July 1, 1949, or employed thereafter, regardless of age, to perform the duties performed under the titles of pilot of fireboats or marine engineer of fireboats, or employed after July 1, 1949, at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform the duties now performed by members of the salvage corps in the fire department, or duties now performed under the title of hydrant-gateman. Any fire service performed by such member of the fire department outside the limits of the City and County and under orders of a superior officer of any such member, shall be considered as City and County service, and any disability or death incurred therein shall be covered under the provisions of the Retirement System.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section 8.500 of the Charter.

"Retirement board" shall mean "retirement board" as created in Section 3.670 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

A8.570 SERVICE RETIREMENT

Any member of the fire department who completes at least 25 years of service in the aggregate and attains the age of 50 years, said service to be computed under Section 8.578, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of 65 years. A member retired after meeting the service and age requirements in the two sentences next preceding, shall receive a retirement allowance equal to 55 percent of the final compensation of said member, as defined in Section 8.569, plus an allowance at the rate of three percent of said final compensation, for each year of service rendered in excess of 25 years; provided, however, that such retirement allowance shall not exceed 70 percent of said member's final compensation. A member retired after attaining the age of 65 years, but before completing 25 years of service in the aggregate computed under Section 8.578, shall receive a retirement allowance which bears the same ratio to 50 percent of the final compensation of said member, as defined in Section 8.569, as the service with which he is entitled to be credited, bears to 25 years. If, at the date of retirement for service, or retirement for disability resulting from an injury received in performance of duty, said member has no wife, children or dependent parents, who would qualify for the continuance of the allowance after death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or Section 8.571, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance or the portion which would not be continued regardless of dependents, as the

case may be, partly in a lesser allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the Board of Supervisors to govern similar election by other members of the Retirement System, including the character and amount of such other benefits.

A8.571 RETIREMENT FOR INCAPACITY

Any member of the fire department who becomes incapacitated for the performance of his duty by reason of any bodily injury received in, or illness caused by performance of his duty, shall be retired. If he is not qualified for service retirement, he shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section 8.569, as his percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeal Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section 8.569. Said allowance shall be paid to him until the date upon which said member would have qualified for service retirement had he lived and rendered service without interruption in the rank held by him at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section 8.569, he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than 55 percent of such final compensation.

If at the time of retirement because of disability, he is qualified as to age and service for retirement under Section 8.570, he shall receive an allowance equal to the retirement allowance which he would receive if retired under Section 8.570, but not less than 55 percent of said final compensation. Any member of the fire department who becomes incapacitated for performance of his duty, by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section 8.578, shall be retired upon an allowance of one and one-half percent of the final compensation of said member as defined in Section 8.569 for each year of service, provided that said allowance shall not be less than 33% percent of said final compensation; provided, however, that if such member has completed at least 25 years of service in the aggregate, computed as provided in Section 8.578, but has not yet attained the age of 50 years, he shall receive an allowance equal to the retirement allowance he would have received if he had attained the age of 50 years and retired under Section 8.570 as of the date of retirement for such incapacity. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the fire commission, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

The amendments of this Section 8.571 contained in the proposition therefor submitted to the electorate on November 7, 1972, are hereby declared to be retroactive and shall be applicable to members who retired after October 1, 1970.

A8.572 DEATH ALLOWANCE

If a member of the fire department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his duty, a death allowance, in lieu of any allowance payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his surviving wife throughout her life or until her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he had been retired for service on the day of death, but such allowances shall not be less than 55 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to

qualification for service retirement, the allowance payable shall be equal to the final compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he lived and rendered service without interruption in the rank held by him at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than 55 percent of such monthly final compensation. If he had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member except that if he was a member under Section 8.568 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be reduced upon the date at which said member would have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children under the age of 18 years, but leave a parent or parents dependents upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving widow otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife following the death of a member unless she was married to the member prior to the date of the injury or onset of the illness which results in death.

A8.573 PAYMENTS TO SURVIVING DEPENDENTS

Upon the death of a member of the fire department resulting from any cause, other than an injury received in or illness caused by performance of duty:

(a) if his death occurred after qualification for service retirement, under Section 8.570, or after retirement for service or because of disability which resulted from any cause other than an injury received in, or illness caused by performance of duty, three-fourths of his retirement allowance to which the member would have been entitled if he had retired for service at the time of death or three-fourths of the retirement allowance as it was at his death, as the case may be, shall be continued throughout life or until remarriage, to his surviving wife; or

(b) if his death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, three-fourths of the retirement allowance to which he would have been entitled under Section 8.570 if he had attained the age of 50 years on the date of his death shall be continued throughout life or until remarriage to his surviving wife; or

(c) if his death occurred after retirement for disability by reason of injury received in, or illness caused by performance of duty, his retirement allowance as it was at his death shall be continued throughout life or until remarriage, to his surviving wife, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date of which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died; or

(d) if his death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section 8.578, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section 8.571 if he had retired on the date of death because of incapacity for performance of duty resulting from a cause other than bodily injury received in, or illness caused by performance of duty shall be paid throughout life or until remarriage to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children under age of 18 years, but leave a child or children, regardless of age, dependent upon him for support because partially or totally disabled and unable to earn a livelihood or a parent or parents

dependent upon him for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or onset of the illness which results in death if he had not retired, or unless she was married to the member at least one year prior to his death if he had retired.

As used in this section and in Section 8.572, "surviving wife" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving wife, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section 8.576, in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the eligible child or children may make such election, and if there be no such children, the dependent parent or parents may make such election. Persons heretofore retired under Charter Section 8.567, as members of the fire department at the time of retirement, shall be subject to the provisions of this section. "Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under Section 8.568 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section 8.578.

The amendments of this Section 8.573 contained in the proposition therefor submitted to the electorate on November 7, 1972, are hereby declared to be retroactive and shall be applicable to members who died after October 1, 1970.

A8.574 ADJUSTMENT OF ALLOWANCES

Every allowance based on the average monthly compensation earnable by the member during the 10 years prior to retirement, and payable for time commencing on February 1, 1957, to or on account of persons who were retired, as members under Section 8.567, for disability resulting from bodily injury received in the performance of duty, shall be adjusted to the amount it would be, if it had been based on the monthly compensation fixed by the Board of Supervisors as of July 1, 1956, for the rank or position held by such retired member in the fire department prior to retirement. This section does not authorize any decrease in any allowance from the amount being paid as of February 1, 1957, nor does this section give any retired member, or any beneficiary of such member, or his successors in interest, any claim against the City and County for any increase in any allowance paid or payable for the time prior to February 1, 1957. Adjustment in reserves under allowances which are changed according to this section, shall be made on the basis of current interest rate and mortality tables.

The increase in the retirement allowance shall be apportioned according to service rendered by the member in the same manner that the allowance prior to increase was apportioned. Contributions to the Retirement System, necessary for the payment of the increase of the portion of the retirement allowances which is paid from reserves held by the Retirement System, shall be provided from the reserves held by the Retirement System on account of members under Section 8.568, the necessary amount being transferred upon February 1, 1957, from said reserves to the reserves held by the Retirement System to meet the obligations on account of benefits that have been granted and on account of prior service of members. The contribution being required of the City and County currently, as a percentage of salaries of persons who are members under Section 8.568, shall be increased to a percentage determined by the actuary as necessary to replace the reserves so transferred. Contributions to the Retirement System necessary for the payment of said increases with reference to current and prior service portions of the allowance which are not paid from reserves held by the Retirement System, shall be paid to the system by the City and County by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

A8.575 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the fire department which is provided by contributions of the City and County, shall be reduced in the manner fixed by the Board of Supervisors, by the amount of any benefits other than medical benefits, payable to or on account of such person, under the Workers' Compensation Insurance and Safety Law of the State of California and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in, or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under said law of the State of California and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

A8.576 DEATH BENEFIT

If a member of the fire department shall die, before retirement, from causes other than an injury received in or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under Section 8.572 or 8.573 preceding, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

A8.577 REFUNDS AND REDEPOSITS

Should any member of the fire department cease to be employed as such member, through any cause other than death or retirement or transfer to another office or department, all of his contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he shall again become a member of the department, he shall redeposit in the retirement fund, the amount refunded to him. Contributions, with interest, which are credited because of service rendered in any other office or department and which will not be counted under Section 8.578, to any person who becomes a member of the Retirement System under this sections, shall be refunded to him forthwith. Should a member of the fire department become an employee of any other office or department, his accumulated contribution account shall be adjusted by payment, to or from him as the case may be to make the accumulated contributions credited to him at the time of change, equal to the amount which would have been credited to him if he had been employed in said other office or department at the rate of compensation received by him in the fire department and he shall receive credit for service for which said contributions were made, according to the Charter section under which his membership in the Retirement System continues.

A8.578 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the fire department for the purposes of determining whether such member qualified for retirement, and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his service while he was a member under any other Charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the fire or police department.

(b) Time during which said member is entitled to receive compensation while a member of the Retirement System, because of service rendered in other offices and departments prior to July 1, 1949, provided that accumulated contributions on account of such service, previously refunded, are redeposited, with interest from date of refund to date of redeposit, at times and in the manner fixed by the retirement board and solely for purpose of determining qualification for retirement under Section 8.571 for disability not resulting from injury received in, or

illness caused by performance of duty, time during which said member serves, after July 1, 1949, and receives compensation because of services rendered in other offices and departments.

(c) Time during which said member is absent from a status included in Subsections (a) and (b) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Section 8.520 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his account.

A8.579 SOURCES OF FUNDS

All payments provided for members under Section 8.568 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) The normal rate of contribution of each member under this section shall be based on his age taken to the next lower complete quarter year, (1) at the earlier of the dates he became a member under Section 8.507, 8.509 or 8.567, in the case of persons who are members under these sections, or (2) on his age at the date he becomes a member under Section 8.568 in the case of persons who become members on or after July 1, 1949, without credit for service counted under Section 8.578. The age of entrance into the fire department shall be determined by deducting the member's service credited under Section 8.578 as rendered prior to the date upon which his age is based for determination of his rate of contribution according to the sentence next preceding, from said age. The normal rate of contribution of each such member, to be effective from the effective date of membership under Section 8.568, shall be such as, on the average for such member, will provide, assuming service without interruption, under Section 8.570, one-third of that portion of the service retirement allowance to which he would be entitled, without continuance to dependents, upon first qualifying as to age and service, for retirement under that section, which is based on service rendered after the date upon which his age is based for determination of his rate of contribution according to the first sentence in this paragraph, and assuming the contribution to be made from that date. The normal rate of contribution, however, shall not exceed six percent.

(b) The dependent contributions of each member under this section which shall be required of each member throughout his membership in addition to the normal contributions, and in the same manner as normal contributions, shall be such as, on the average for such member, will provide, assuming service without interruption under Section 8.570, and upon his first qualifying as to age and service for retirement under that section, one-third of the portion of his allowance, which is to be continued under Section 8.573 after his death and throughout the life of a surviving wife whose age at said death is three years less than the age of said member. If, at the date of retirement for service or retirement for disability resulting from injury received in performance of duty, said member has no wife who would qualify for the continuance of the allowance to her after the death of said member, or upon retirement for disability resulting from other causes, regardless of his marital condition, the dependent contributions with accumulated interest thereon, shall be paid to him forthwith. The dependent rate of contribution, however, shall not exceed the difference between six percent and the member's normal rate of contributions, and said dependent rate may be taken as a flat percentage of the member's normal rate, regardless of the age of qualification for service retirement.

(c) There shall be deducted from each payment of compensation made to a member under this section, a sum determined by applying the member's rates of contribution to such compensation payment. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his estate or beneficiary as provided in Sections 8.576, 8.577 and 8.578.

(d) Contributions based on time included in Subsections (a), (b) and (c) of Section 8.578, and deducted prior to July 1, 1949, from compensation of persons who become members under Section 8.568, and standing with interest thereon, to the credit of such members on the records of the Retirement System on said date, shall continue to be

credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(e) The total contributions, with interest thereon, made by or charged against the City and County and standing to its credit, in the accounts of the Retirement System, on account of persons who become members under Section 8.568, shall be applied to provide the benefits under said section.

(f) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this Section 8.579, to provide the benefits payable under this section. Such contributions of the City and County to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his age is based for determination of his rate of contribution in Subsection (a) Section 8.579, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the City and County to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year, to persons who are members under Section 8.568, said percentage to be the ratio of the value on July 1, 1949, or at the later date of a periodical actuarial valuation and investigation into the experience under the system, of the benefits thereafter to be paid under this section, from contributions of the City and County, less the amount of such contributions, and plus accumulated interest thereon, then held by said systems to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value of said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year and said investigation into the experience under the system shall be every odd-numbered year.

(g) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies the contributions of both members and the City and County held by the system to provide the benefits under this section, shall be a part of the fund in which all other assets of said system are included. Nothing in this section shall affect the obligations of the City and County to pay to the Retirement System any amounts which may or shall become due under the provisions of the Charter prior to July 1, 1949, and which are represented on said effective date, in the accounts of said system by debits against the City and County.

A8.580 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section 8.570 as requisite to retirement, a member of the fire department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section 8.570, and nothing shall deprive said member of said right.

A8.581 LIMITATION ON EMPLOYMENT DURING RETIREMENT

No person retired as a member under Section 8.568 for service or disability and entitled to receive a retirement allowance under the Retirement System shall serve in any elective or appointive position in the City and County service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the City and County after retirement, provided that service as an election officer or juror shall not be affected by this section.

A8.582 DEFINITION OF "FINAL COMPENSATION" – ALLOWANCES FIRST PAYABLE PRIOR TO JULY 1, 1975

Notwithstanding any other provision of this Charter, but solely with respect to the determination of the amount of each retirement allowance payable to or on account of a person who retired for service or because of disability under the provisions of Section 8.568 of the Charter prior to July 1, 1975, "final compensation," for time commencing on July 1, 1975, shall mean the rate of remuneration (excluding remuneration for overtime) attached on July 1, 1975 to the rank or position upon which such person's retirement allowance was determined when first effective; provided, further, that each such allowance shall be increased or decreased as of July 1, 1990, and thereafter on the effective date of any legislation fixing the rates of compensation for firefighters under section 8.405 of this Charter by an amount equal to 50% of the rate of change in the salary attached to said rank multiplied by the allowance which was payable for the month immediately preceding each July 1.

This section does not give any person retired under the provisions of said Section 8.568, or his successors in interest, any claim against the City and County for any increase in any retirement allowance paid or payable for time prior to July 1, 1975.

This section does not authorize any decrease in the amount of any allowance from the amount being paid as of June 30, 1975.

No retirement allowance to which the definition of "final compensation" as set forth in this section is applicable shall be subject to adjustment under the provisions of Section 8.526 for time commencing July 1, 1975. Contributions, with interest credited thereon, standing to the credit of a person whose retirement allowance is subject to the provisions of this section and which were made by such person pursuant to the provisions of Section 8.526 shall, effective July 1, 1975, be combined with and administered in the same manner as such person's normal contributions. Contributions, with interest credited thereon, made by or charged against the City and County and standing to its credit on account of a person whose retirement allowance is subject to the provisions of this section and which were made by or charged against the City and County for the purposes of said Section 8.526 shall be applied to provide the benefits under this section.

A8.584 RETIREMENT – MISCELLANEOUS OFFICERS AND EMPLOYEES AFTER NOVEMBER 1, 1976

Those persons who become miscellaneous officers and employees after November 1, 1976, shall be members of the Retirement System subject to the provisions of Sections 8.584 and 8.584-1 through 8.584-12, in addition to the provisions contained in Sections 3.670, 3.672, 8.500, 8.510, 8.520 and 8.526 of this Charter notwithstanding the provisions of any other section of the Charter; provided that persons who become members under the Public Employees' Retirement System of the State of California pursuant to Section 8.506 of this Charter of members of State Teachers' Retirement System of the State of California pursuant to Section 8.506-1 of this Charter shall not be members of the San Francisco City and County Employees' Retirement System and provided, further, that the Retirement System shall be applied to persons employed on a part-time, temporary or substitute bases only as the Board of Supervisors shall determine by ordinance enacted by three-fourths vote of all members of the board. Miscellaneous officers and employees who are members of the Retirement System under Sections 8.507 or 8.509 of the Charter prior to November 2, 1976 shall continue to be members of the system under Sections 8.507 or 8.509, as the case may be, and shall not be subject to any of the provisions of this section or Sections 8.584-1 through 8.584-12.

A8.584-1 DEFINITIONS

The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning:

"Retirement allowance," or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the workers' compensation laws of the State of California shall mean all remuneration whether in cash or by other allowances made by the City and County, for service qualifying for credit under this section, but excluding remuneration for overtime.

"Compensation earnable" shall mean the compensation as determined by the retirement board, which would have been earned by the member had he worked, throughout the period under consideration, the average number of days ordinarily worked by persons in the same grade or class of positions as the positions held by him during such period and at the rate of pay attached to such positions, it being assumed that during any absence, he was in the position held by him at the beginning of the absence, and that prior to entering City service, he was in the position first held by him in City service.

"Benefit" shall include "allowance," "retirement allowance," and "death benefit."

"Average final compensation" shall mean the average monthly compensation earned by a member during any three consecutive years of credited service in the Retirement System in which his average final compensation is the highest.

For the purposes of the Retirement System and of this section, Section 8.584 and Sections 8.584-2 through 8.584-12, the terms "miscellaneous officer or employee," or "member," shall mean any officer or employee employed after November 1, 1976 who is not a member of the police or fire departments as defined in the Charter for the purposes of the Retirement System, provided that said terms shall not include those persons who become members under the Public Employees' Retirement System of the State of California pursuant to Section 8.506 of this Charter or members of State Teachers' Retirement System of the State of California pursuant to Section 8.506- 1 of this Charter.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section 8.500 of the Charter.

"Retirement board" shall mean "retirement board" as created in Section 3.670 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

A8.584-2 SERVICE RETIREMENT

Any member who completes at least 20 years of service in the aggregate credited in the Retirement System and attains the age of 50 years, or at least 10 years of service in the aggregate credited in the Retirement System, and attains the age of 60 years, said service to be computed under Section 8.584-7 may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of 65 years. A member retired after reaching the age of 60 years shall receive a service retirement allowance at the rate of 12/3 percent of said average final compensation for each year of service; provided, however, that upon the compulsory retirement of a member upon his attainment of the age of 65 years, if the allowance available to such member pursuant to the provisions of Section 8.584-6 shall be greater in amount than the service retirement allowance otherwise payable to such member under this section, then such member shall receive as his service retirement allowance, in lieu of the allowance otherwise payable under this section, an allowance computed in accordance with the formula provided in said Section 8.584-6. The service retirement allowance of any member retiring prior to attaining the age of 60 years, and after rendering 20 years or more of such service, computed under Section 8.584-7, and having attained the age of 50 years, shall be an allowance equal to the percentage of said average final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, for each year of service, computed under Section 8.584-7:

Age at Retirement	*Percent for Each Year of Credited Service*
Age at Retirement	*Percent for Each Year of Credited Service*
50	1.0000
50¼	1.0167

50½	1.0333
50¾	1.0500
51	1.0667
51¼	1.0833
51½	1.1000
51¾	1.1167
52	1.1333
52¼	1.1500
52½	1.1667
52¾	1.1833
53	1.2000
53¼	1.2167
53½	1.2333
53¾	1.2500
54	1.2667
54¼	1.2833
54½	1.3000
54¾	1.3167
55	1.3333
55¼	1.3500
55½	1.3667
55¾	1.3833
56	1.4000
56¼	1.4167
56½	1.4333
56¾	1.4500
57	1.4667
57¼	1.4833
57½	1.5000
57¾	1.5167
58	1.5333
58¼	1.5500
58½	1.5667
58¾	1.5833
59	1.6000
59¼	1.6167
59½	1.6333
59¾	1.6500
60	1.6667

In no event shall a member's retirement allowance exceed seventy percent of his average final compensation.

Before the first payment of a retirement allowance is made, a member, retired under this section or Section 8.584-3, may elect to receive the actuarial equivalent of his allowance, partly in an allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the Board of Supervisors to govern similar

elections by other members of the Retirement System, including the character and amount, of such other benefits; provided, however, that at any time within 30 days after the date on which his compulsory retirement would otherwise have become effective, a member who has attained the age of 65 years may elect, without right of revocation, to withdraw his accumulated contributions, said election to be exercised in writing on a form furnished by the Retirement System and filed at the office of said system and a member so electing shall be considered as having terminated his membership in said system on the date immediately preceding the date on which his compulsory retirement would otherwise have become effective and he shall be paid forthwith his accumulated contributions, with interest credited thereon. Notwithstanding the provisions of Section 8.514 of this Charter, the portion of service retirement allowance provided by the City and County's contributions shall be not less than $100 per month upon retirement after thirty years of service and after attaining the age of 60 years, and provided further that as to any member within 15 years or more of service at the compulsory retirement age of 65, the portion of the service retirement allowance provided by the City and County's contribution shall be such that the total retirement allowance shall not be less than $100 per month. In the calculations under this section of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed for each class of service, the average final compensation in each case being that for the respective class of service, provided that the aggregate retirement allowance shall be taken into account in applying the provisions of this section providing for a minimum retirement allowance. Part-time service and compensation shall be reduced to full-time service and compensation in the manner prescribed by the Board of Supervisors, and when so reduced shall be applied on full-time service and compensation in the calculation of retirement allowances.

A8.584-3 RETIREMENT FOR INCAPACITY

Any member who becomes incapacitated for performance of duty because of disability determined by the retirement board to be of extended and uncertain duration, and who shall have completed at least 10 years of service credited in the aggregate, computed as provided in Section 8.584-7, shall be retired upon an allowance of 1½ percent of the average final compensation of said member, as defined in Section 8.584-1 for each year of credited service, if such retirement allowance exceeds one-third of his average final compensation; otherwise 1½ percent of his average final compensation multiplied by the number of years of City service which would be credited to him were such City service to continue until attainment by him of age 60, but such retirement allowance shall not exceed one-third of such average final compensation. In the calculation under this section of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed, for each class of service, the average final compensation in each case being that for the respective class of service; provided that the average final compensation upon which the minimum total retirement allowance is calculated in such case shall be based on the compensation earnable by the member in the classes of service rendered by him during the three years immediately preceding his retirement. Part-time service and compensation shall be reduced to full-time service and compensation in the manner prescribed by the Board of Supervisors, and when so reduced shall be applied as full-time service and compensation in the calculation of retirement allowances. The question of retiring a member under this subsection may be brought before the retirement board on said board's own motion, by recommendation of any commission or board, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to service in the position or classification he occupied at the time of his retirement.

A8.584-4 NO ADJUSTMENT FOR COMPENSATION PAYMENTS

No modification of benefits provided in this section shall be made because of any amounts payable to or on account of any member under workers' compensation laws of the State of California.

A8.584-5 DEATH BENEFIT

If a member shall die, before retirement:

(a) If no benefit is payable under subsection (b) of this section:

(1) Regardless of cause, a death benefit shall be paid to the member's estate or designated beneficiary consisting of the compensation earnable by the member during the six months immediately preceding death, plus the member's contributions and interest credited thereon.

(2) If a member sustains a traumatic bodily injury through external and violent means in the course and scope of employment and death results within 180 days of such injury, an additional insurance benefit of 12 months of compensation earnable shall be paid to the member's estate or designated beneficiary.

(b) If, at the date of his death, he was qualified for service retirement by reason of service and age under the provisions of Section 8.584-2, and he has designated as beneficiary his surviving spouse, who was married to him for at least one full year immediately prior to the date of his death, one-half of the retirement allowance to which the member would have been entitled if he had retired for service on the date of his death shall be paid to such surviving spouse who was his designated beneficiary at the date of his death, until such spouse's death or remarriage, or if there be no surviving spouse, to the unmarried child or children of such member under the age of 18 years, collectively, until every such child dies, marries or attains the age of 18 years, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. If, at the death of such surviving spouse, who was receiving an allowance under this Subsection (b), there be one or more unmarried children of such member under the age of 18 years, such allowance shall continue to such child or children, collectively, until every such child dies, marries or attains the age of 18 years, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. If the total of the payments of allowance made pursuant to this Subsection (b) is less than the benefit which was otherwise payable under Subsection (a) of this section, the amount of said benefit payable under Subsection (a) less an amount equal to the total of the payments of allowance made pursuant to this Subsection (b) shall be paid in a lump sum as follows:

(1) If the person last entitled to said allowance is the remarried surviving spouse of such member, to such spouse.

(2) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to said allowance.

The surviving spouse may elect, on a form provided by the Retirement System and filed in the office of the Retirement System before the first payment of the allowance provided herein, to receive the benefit provided in Subsection (a) of this section in lieu of the allowance which otherwise would be payable under the provisions of this subdivision. If a surviving spouse, who was entitled to make the election herein provided, shall die before or after making such election but before receiving any payment pursuant to such election, then the legally appointed guardian of the unmarried children of the member under the age of 18 years may make the election herein provided before any benefit has been paid under this section, for and on behalf of such children if in his judgment it appears to be in their interest and advantage, and the election so made shall be binding and conclusive upon all parties in interest.

If any person other than such surviving spouse shall have and be paid a community property interest in any portion of any benefit provided under this section, any allowance payable under this Subsection (b) shall be reduced by the actuarial equivalent, at the date of the member's death, of the amount of benefits paid to such other person.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary in the manner and subject to the conditions prescribed by the Board of Supervisors for the payment of a similar death benefit upon the death of other retired members.

Upon the death of a member after retirement, an allowance, in addition to the death benefit provided in the immediately preceding paragraph, shall be paid to his surviving spouse, until such surviving spouse's death or remarriage, equal to one-half of his retirement allowance as it was prior to optional modification and prior to reduction as provided in Subsection (a) of Section 8.514 of this Charter, but exclusive of the part of such allowance which was provided by additional contributions. No allowance, however, shall be paid under this paragraph to a surviving spouse unless such surviving spouse was married to said member at least one year prior to his retirement. If such retired person leaves no such surviving spouse, or if such surviving spouse should die or remarry before every child of such deceased retired person attains the age of 18 years, the allowance which such surviving spouse would have received had he or she lived and not remarried shall be paid to retired person's child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years.

The amendments of this section contained in the proposition submitted to the electorate on November 6, 1984 are hereby declared to be prospective and shall not give any person a claim against the City and County relating to a

death prior to ratification of this amendment by the State Legislature.

A8.584-6 BENEFITS UPON TERMINATION OF MEMBERSHIP

Should any miscellaneous member cease to be employed as such a member, through any cause other than death or retirement, all of his contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the Board of Supervisors to cover similar terminations of employment and re-employment with and without redeposit of withdrawn accumulated contributions of other members of the Retirement System, provided that, if such member is entitled to be credited with at least five years of service, he shall have the right to elect, without right of revocation and within 90 days after said termination of service, or if the termination was by lay-off, 90 days after the retirement board determines the termination to be permanent, whether to allow his accumulated contributions to remain in the retirement fund and to receive benefits only as provided in this paragraph. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. A person who elects to allow his accumulated contributions to remain in the retirement fund shall be subject to the same age requirements as apply to other members under Section 8.584 for service retirement but he shall not be subject to a minimum service requirement. Upon the qualification of such member for retirement by reason of age, he shall be entitled to receive a retirement allowance which shall be the actuarial equivalent of his accumulated contributions and an equal amount of the contributions of the City and County, plus 12/3 percent of his average final compensation for each year of service credited to him as rendered prior to his first membership in the Retirement System. Upon the death of such member prior to retirement, his contributions with interest credited thereon shall be paid to his estate or designated beneficiary.

A8.584-7 COMPUTATION OF SERVICE

The following time and service shall be included in the computation of the service to be credited to a member for the purpose of determining whether such member qualifies for retirement and calculating benefits:

(a) Time during which said member is a member of the Retirement System under Section 8.584 and during and for which said member is entitled to receive compensation because of services as a miscellaneous officer or employee.

(b) Service in the fire and police departments which is not credited as service as a member under Section 8.584 shall count under this section upon transfer of a member of either of such departments to employment entitling him to membership in the Retirement System under Section 8.584, provided that the accumulated contributions standing to the credit of such member shall be adjusted by refund to the member or by payment by the member to bring the account at the time of such transfer to the amount which would have been credited to it had the member been a miscellaneous member throughout the period of his service in either of such departments at the compensation he received in such departments.

(c) Time prior to November 2, 1976, during which said member was entitled to receive compensation while a miscellaneous member under any other section of the Charter, provided that accumulated contributions on account of such service previously refunded are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the retirement board.

(d) Prior service determined and credited as prescribed by the Board of Supervisors for persons who are members under Section 8.507.

(e) The Board of Supervisors, by ordinance enacted by a three-fourths vote of its members, may provide for the crediting as service, rendered as an employee of the federal government and service rendered as an employee of the State of California or any public entity or public agency in the State of California. Said ordinance shall provide that all contributions required as the result of the crediting of such service shall be made by the member and that no contributions therefor shall be required of the City and County.

(f) Time during which said member is absent from a status included in Subsections (a) or (b) next preceding which is not deemed absence from service under the provisions of Section 8.520 of the Charter and for which such member is entitled to receive credit as service for the City and County by virtue of contributions made in accordance with the provisions of such section.

A8.584-8 SOURCES OF FUNDS

All payments provided for members under Section 8.584 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section 8.584 a sum equal to seven percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member under Section 8.584, or shall be paid to said member or his estate or beneficiary as provided in Sections 8.584-5 and 8.584-6.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section 8.584-8, to provide the benefits payable to members under Section 8.584. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section 8.584, said percentage to be the ratio of the value on November 2, 1976, or at the later date of a periodical actuarial valuation and investigation into the experience under the system, of the benefits thereafter to be paid to or on account of members under Section 8.584 from contributions of the City and County, less the amount of such contributions, plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective members after said date, to the value at said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year and said investigation into the experience under the system shall be made every odd-numbered year.

(c) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section 8.584 shall be a part of the fund in which all other assets of said system are included.

A8.584-9 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section 8.584-2 as requisite to retirement, a member shall be entitled to retire at any time thereafter in accordance with the provisions of said Section 8.584-2, and, except as provided in Section 8.584-13, nothing shall deprive said member of said right.

(Amended by Proposition C, 6/3/2008)

A8.584-10 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section 8.511 of this Charter and Section 8.511 of this Charter and Subsection (b) of this section, no person retired as a member under Section 8.584 for service or disability and entitled to receive a retirement allowance under the Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall not be affected by the provisions of Subsection (a) of this section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said compensation does not exceed $100 per month.

(3) If such retired person is elected or appointed to a position or office which subjects him to membership in the Retirement System under Section 8.584, he shall re-enter membership under Section 8.584 and his retirement

allowance shall be cancelled immediately upon such re-entry. The provisions of Subsection (a) of this section shall not prevent such person from receiving the compensation for such position or office. The rate of contribution of such member shall be the same as that for other members under Section 8.584. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his annuity at the time of his re-entry, but the amount thereof shall not exceed the amount of his accumulated contributions at the time of his retirement. Such member shall also receive credit for his service as it was at the time of his retirement.

(c) Notwithstanding any provision of this Charter to the contrary, should any person retired for service or disability engage in a gainful occupation prior to attaining the age of 60 years, the retirement board shall reduce that part of his monthly retirement allowance which is provided by contributions of the City and County to an amount which, when added to the amount of the compensation earnable, at the time he engages in the gainful occupation, by such person if he held the position which he held at the time of his retirement, or, if that position has been abolished, the compensation earnable by the member if he held the position from which he was retired immediately prior to its abolishment.

A8.584-11 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section 8.584 shall be adjusted in accordance with the provisions of Subsection (b) of Section 8.526 of this Charter.

A8.584-12 CONFLICTING CHARTER PROVISIONS

Any section or part of any section in this Charter, insofar as it should conflict with the provisions of Sections 8.584 through 8.584-11 or with any part thereof, shall be superseded by the contents of said sections. In the event that any word, phrase, clause or section of sections shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

A8.584-13 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County, the school district, the college district, or the Superior Court of California, County of San Francisco, shall forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions: provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section 8.584-2, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment, to receive as his or her sole benefit under the Retirement System, an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such removal from office or employment.

Any member, after retirement for service or disability or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and County, the school district, the college district, or the Superior Court of California, County) of San Francisco, shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if, at the time of the conviction, said member has remaining accumulated contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions remaining at the time of the conviction.

(Added by Proposition C, 6/3/2008)

A8.585 MEMBERS OF THE FIRE DEPARTMENT ON AND AFTER JULY 1, 1975

Notwithstanding the provisions of Section 8.568 of this Charter, members of the fire department, as defined in Section 8.585-1, who are members of the Retirement System under Section 8.568 on the effective date of this section and persons who become members of the Retirement System under Section 8.568 after said effective date and prior to July 1, 1975, shall have the option, to be exercised in writing on a form furnished by the Retirement

System and to be filed at the office of said system not later than June 30, 1975, of being members of the system under this section instead of said Section 8.568, the election pursuant to said option to be effective as of July 1, 1975; provided that such of said members who, during the period from the effective date of this section through June 30, 1975, are absent by reason of service in the armed forces of the United States or by reason of any other service included in Section 8.520(a) of this Charter shall have the same option of electing to be members under this section instead of Section 8.568, until 90 days after their return to service in the fire department.

Those persons who become members of the fire department, as defined in Section 8.585-1, on or after July 1, 1975, and those persons who elect to be members under this section as provided in the preceding paragraph, shall be members of the system subject to the provisions of Sections 8.585, 8.585-1, 8.585-2, 8.585-3, 8.585-4, 8.585-5, 8.585-6, 8.585-7, 8.585-8, 8.585-9, 8.585-10, 8.585-11, 8.585-12 and 8.585-13 (which shall apply only to members under Section 8.585) in addition to the provisions contained in Sections 3.670 to 3.672, both inclusive, and Sections 8.500, 8.510 and 8.520 of this Charter, notwithstanding the provisions of any other section of this Charter, and shall not be subject to any of the provisions of Section 8.568 of this Charter.

A8.585-1 DEFINITIONS

The following words and phrases as used in this section, Section 8.585 and Sections 8.585-2 through 8.585-13, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the fire department, but excluding remuneration paid for overtime.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him during such period, it being assumed that during any absence, he was in the rank or position held by him at the beginning of the absence, and that prior to becoming a member of the fire department he was in the rank or position first held by him in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the monthly compensation earnable by a member at the time of his retirement, or death before retirement, as the case may be, at the rate of remuneration attached at that time to the rank or position which said member held, provided that said member has held said rank or position for at least one year immediately prior to said retirement or death; and provided, further, that if said member has not held said rank or position for at least one year immediately prior to said retirement or death, "final compensation," as to such member, shall mean the monthly compensation earnable by such member in the rank or position next lower to the rank or position which he held at the time of retirement or death at the rate of remuneration attached at the time of said retirement or death to said next lower rank or position; provided, however, that in the case of a member's death before retirement as the result of a violent traumatic injury received in the performance of his duty, "final compensation," as to such member shall mean the monthly compensation earnable by such member at the rate of remuneration attached on the date he receives such injury to the rank or position held by such member on that date.

For the purpose of Sections 8.585 through 8.585-13, the terms "member of the fire department," "member of the department," or "member" shall mean any officer or employee of the fire department, excluding such officers and employees as are members of the Retirement System under Section 8.565 or Section 8.568 of the Charter, who was or shall be subject to the Charter provisions governing entrance requirements of members of the uniformed force of said department, and said terms further shall mean persons employed on July 1, 1975, or thereafter, regardless of age, to perform the duties performed under the titles of pilot of fireboats, or marine engineer of fireboats or employed after July 1, 1975, at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform the duties performed by members of the salvage corps in the fire department, or duties performed under the title of hydrant-gatemen.

Any fire service performed by such members of the fire department outside the limits of the City and County and under orders of a superior officer of any such member, shall be considered as City and County service, and any disability or death incurred therein shall be covered under the provisions of the Retirement System.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section 8.500 of the Charter.

"Retirement board" shall mean "retirement board" as created in Section 3.670 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

A8.585-2 SERVICE RETIREMENT

Any member of the fire department who completes at least twenty-five (25) years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section 8.585-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the sentence next preceding, shall receive a retirement allowance equal to fifty-five (55) percent of the final compensation of said member, as defined in Section 8.585-1, plus an allowance at the rate of four percent of said final compensation, for each year of service rendered in excess of twenty-five (25) years; provided, however, that such retirement allowance shall not exceed seventy-five (75) percent of said member's final compensation. A member retired after attaining the age of sixty-five (65) years, but before completing twenty-five (25) years of service in the aggregate computed under Section 8.585-10, shall receive a retirement allowance which bears the same ratio to fifty (50) percent of the final compensation of said member, as defined in Section 8.585-1, as the service with which he or she is entitled to be credited, bears to twenty-five (25) years. If, at the date of retirement for service, or retirement for disability resulting from an injury received in performance of duty, said member has no spouse, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or Section 8.585-3, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his or her allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him or her throughout his or her life, and partly in other benefits payable after his or her death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the Board of Supervisors to govern similar election by other members of the Retirement System, including the character and amount of such other benefits.

A8.585-3 RETIREMENT FOR INCAPACITY

Any member of the fire department who becomes incapacitated for the performance of his duty by reason of any bodily injury received in, or illness caused by performance of his duty, shall be retired. If he is not qualified for service retirement, he shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section 8.585-1, as his percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section 8.585-1. Said allowance shall be paid to him until the date upon which said member would have qualified for service retirement had he lived and rendered service without interruption in the rank held by him at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section 8.585-1, he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance, shall not be less than 55 percent of such final compensation.

If at the time of retirement because of disability, he is qualified as to age and service for retirement under Section 8.585-2, he shall receive an allowance equal to the retirement allowance which he would receive if retired under Section 8.585-2, but not less than 55 percent of said final compensation. Any member of the fire department who becomes incapacitated for performance of his duty, by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section 8.585-10, shall be retired upon an allowance of 1½ percent of the final compensation of said member as defined in Section 8.585-1 for each year of service, provided that said allowance shall not be less than 331/3 percent of said final compensation; provided, however, that if such member has completed at least 25 years of service in the aggregate, computed as provided in Section 8.585-10, but has not yet attained the age of 50 years, he shall receive an allowance equal to the retirement allowance he would have received if he had attained the age of 50 years and retired under Section 8.585-2 as of the date of retirement for such incapacity. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the fire commission, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

A8.585-4 DEATH ALLOWANCE

If a member of the fire department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his duty, a death allowance, in lieu of any allowance payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his surviving wife throughout her life or until her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he had been retired for service on the day of death, but such allowance shall not be less than 55 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the final compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he lived and rendered service without interruption in the rank held by him at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than 55 percent of such monthly final compensation. If he had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he was a member under Section 8.585 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be reduced upon the date at which said member would have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there be no surviving wife entitled to an allowance hereunder, or if she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children under the age of 18 years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving widow otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife following the death of a member unless she was married to the member prior to the date of the injury or onset of the illness which results in death.

A8.585-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the fire department resulting from any cause, other than an injury received in or illness caused by performance of duty,

(a) if his death occurred after qualification for service retirement, under Section 8.585-2, or after retirement for service or because of disability which resulted from any cause other than an injury received in, or illness caused by performance of duty, three-fourths of his retirement allowance to which the member would have been entitled if he

had retired for service at the time of death of three-fourths of the retirement allowance as it was at his death, as the case may be, shall be continued throughout life or until marriage, to his surviving wife, or

(b) if his death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, three-fourths of the retirement allowance to which he would have been entitled under Section 8.585-2 if he had attained the age of 50 years on the date of his death shall be continued throughout life or until remarriage to his surviving wife, or

(c) if his death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, his retirement allowance as it was at his death shall be continued throughout life or until remarriage, to his surviving wife, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date of which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died, or

(d) if his death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section 8.585-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section 8.585-3 if he had retired on the date of death because of incapacity for performance of duty resulting from a cause other than bodily injury received in or illness caused by performance of duty shall be paid throughout life or until remarriage to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children under age of 18 years, but leave a child or children, regardless of age, dependent upon him for support because partially or totally disabled and unable to earn a livelihood, or a parent or parents dependent upon him for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or onset of the illness which results in death if he had not retired, or unless she was married to the member at least one year prior to his death if he had retired.

As used in this section and Section 8.585-4, "surviving wife" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving wife, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section 8.585-8, in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the eligible child or children may make such election, and if there be no such children, the dependent parent or parents may make such election. "Qualified for service retirement," "Qualification for service retirement" or "Qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under Section 8.585 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section 8.585-10.

A8.585-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section 5.585 shall be increased or decreased as of July 1, 1990, and thereafter on the effective date of any legislation fixing the rates of compensation for firefighters under section 8.405 of this Charter by an amount equal to 50 percent of any increase or decrease, respectively, in the rate of remuneration attached to the rank and position upon which such retirement or death allowance was based; provided, however, that no allowance shall be reduced below the amount being received by a member or his beneficiary on June 30, 1976, or on the date such member or beneficiary began to receive the allowance, whichever is later.

A8.585-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the fire department which is provided by contributions of the City and County, shall be reduced in the manner fixed by the Board of Supervisors, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

A8.585-8 DEATH BENEFIT

If a member of the fire department shall die, before retirement from causes other than an injury received in or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under Section 8.585-4 or 8.585-5 preceding, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

A8.585-9 REFUNDS AND REDEPOSITS

Should any member of the fire department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he or she shall again become a member of the department, he or she shall redeposit in the retirement fund, the amount refunded to him or her. Should a member of the fire department become an employee of any other office or department, his or her accumulated contribution account shall be adjusted by payments to or from him or her as the case may be to make the accumulated contributions credited to him or her at the time of change, equal to the amount which would have been credited to him or her if he or she had been employed in said other office or department at the rate of compensation received by him or her in the fire department and he or she shall receive credit for service for which said contributions were made, according to the Charter section under which his or her membership in the Retirement System continues.

A8.585-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the Fire Department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his service while he was a member under any other Charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the fire or police department.

(b) Time during which said member is entitled to receive compensation while a member of the Retirement System, because of service rendered in other offices and departments prior to July 1, 1949, provided that accumulated contributions on account of such service previously refunded, are redeposited, with interest from date of refund to date of redeposit, at times and in the manner fixed by the retirement board; and solely for purpose of determining qualification for retirement under Section 8.585-3 for disability not resulting from injury received in, or illness caused by performance of duty, time during which said member serves, after July 1, 1949, and receives compensation because of services rendered in other offices and departments.

(c) Time during which said member is absent from a status included in Subsections (a) and (b) next preceding, by reason of service in the Armed Forces of the United States of America, or by reason of any other service included in Section 8.520 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his account.

(d) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(Amended by Proposition G, 11/4/2008)

A8.585-11 SOURCES OF FUNDS

All payments provided for members under Section A8.585 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) The normal rate of contribution for each member under Section A8.585 shall be made from funds based on his or her age taken to the next lower complete quarter year, (1) at the date he or she became a member under Section A8.568, in the case of persons who are members under that section, or (2) on his or her age at the date he or she becomes a member under Section A8.585 in the case of persons who become members on or after July 1, 1975, without credit for service counted under Section A8.585-10. The age of entrance into the fire department shall be determined by deducting the member's service credited under Section A8.585-10 as rendered prior to the date upon which his or her age is based for determination of his or her rate of contribution according to the sentence next preceding, from said age. The normal rate of contribution of each such member, to be effective from the effective date of membership under Section A8.585, shall be such as, on the average for such member, will provide, assuming service without interruption, under Section A8.585-2, one-third of that portion of the service retirement allowance to which he or she would be entitled, without continuance to dependents, upon first qualifying as to age and service for retirement under that section, which is based on service rendered after the date upon which his or her age is based for determination of his or her rate of contribution according to the first sentence in this paragraph, and assuming the contribution to be made from that date. The normal rate of contribution, however, shall not exceed seven percent.

(b) The dependent contributions for each member under this section which shall be required of each member throughout his or her membership in addition to the normal contributions, and in the same manner as normal contributions, shall be such as, on the average for such member, will provide, assuming service without interruption under Section A8.585-2, and upon his first qualifying as to age and service for retirement under that section, one-third of the portion of his or her allowance, which is to be continued under Section A8.585-5 after his or her death and throughout the life of a surviving spouse whose age at said death is three years less than the age of said member. If, at the date of retirement for service or retirement for disability resulting from injury received in performance of duty, said member has no spouse who would qualify for the continuance of the allowance to them after the death of said member, or upon retirement for disability resulting from other causes, regardless of his or her marital conditions, the dependent contributions with accumulated interest thereon, shall be paid to him or her forthwith. The dependent rate of contribution, however, shall not exceed the difference between seven percent and the member's normal rate of contribution, and said dependent rate may be taken as a flat percentage of the member's normal rate, regardless of the age of qualification for service retirement.

(c) There shall be deducted from each payment of compensation made to a member under this Section, a sum determined by applying the member's rates of contribution to such compensation payment. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her estate or beneficiary as provided in Sections A8.585-5, A8.585-6 and A8.585-8. The individual accounts of members who purchased service credit for Unpaid Parental Leave shall also include the amount paid by the member for said purchase, plus interest.

(d) Contributions based on time included in Subsections (a), (b) and (c) of Section A8.585-10, and deducted prior to July 1, 1975, from compensation of persons who become members under Section A8.585, and standing with interest thereon, to the credit of such members on the records of the Retirement System on said date, together with contributions made by such members pursuant to the provisions of Section A8.526 and standing with interest thereon to the credit of such members on the records of the Retirement System on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(e) The total contributions, with interest thereon, made by or charged against the City and County and standing to its credit, in the accounts of the Retirement System, on account of persons who become members under Section A8.585, shall be applied to provide the benefits under said Section A8.585.

(f) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this Section A8.585-11, to provide the benefits payable to members under Section A8.585. Such contributions of the City and County to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his or her age is based for determination of his or her rate of contribution in Subsection (a) of this Section A8.585-11, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the City and County to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year, to persons who are members under Section A8.585, said percentage to be the ratio of the value on July 1, 1975, or at the later date of a periodical actuarial valuation and investigation into the experience under the system, of the benefits thereafter to be paid under this Section, from contributions of the City and County, less the amount of such contributions, and plus accumulated interest thereon, then held by said systems to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value of said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year and said investigation into the experience under the system shall be every odd-numbered year.

(g) Notwithstanding any other provision of this Section A8.585-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member, shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (f). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-6.0%
.01%-1.0%	-5.0%
1.01%-2.5%	-4.75%
2.51%-4.0%	-4.5%
4.01%-5.5%	-3.5%
5.51%-7.0%	-3.0%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	3.0%
20.01%-22.5%	3.5%
22.51%-25.0%	4.5%
25.01%-27.5%	4.5%

27.51%-30.0%	4.75%
30.01%-32.5%	4.75%
32.51%-35.0%	5.0%
Over 35.0%	6.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member under Section A8.585, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.585-4, A8.585-5, and A8.585-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to seven percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required by the City and County under Subsection (f) for that fiscal year.

(h) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies the contributions of both members of the City and County held by the system to provide the benefits under this Section, shall be a part of the fund in which all other assets of said system are included. Nothing in this Section shall affect the obligations of the City and County to pay to the Retirement System any amounts which may or shall become due under the provisions of the Charter prior to July 1, 1975, and which are represented on said effective date, in the accounts of said system by debits against the City and County.

(i) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including the procedures under Section A8.590 et seq.

(Amended by Proposition G, 11/4/2008; Proposition C, Approved 11/8/2011)

A8.585-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section 8.585-2 as requisite to retirement, a member of the fire department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section 8.585-2, and nothing shall deprive said member of said right.

A8.585-13 LIMITATION IN EMPLOYMENT DURING RETIREMENT

Except as otherwise provided in section 8.511 of this Charter, no person retired as a member under Section 8.585 for service or disability and entitled to receive a retirement allowance under the Retirement System shall serve in any elective or appointive position in the City and County service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the City and County after retirement, provided that service as an election officer or juror, or in the preparation for, or the giving of, testimony as an expert witness for or on behalf of the City and County of San Francisco before any court or legislative body shall not be affected by this section.

A8.585-14 RIGHT TO TRANSFER

Notwithstanding any provisions of this Charter to the contrary, any person who, on or after January 1, 1981, is a member of the Fire Department, and is a member of the Retirement System under Charter Section 8.585, may become a member of the Retirement System under Charter Section 8.588 by filing in writing with the Retirement System no later than December 31, 1981, an executed waiver of all benefits which might inure to him under Charter

Section 8.585. This waiver must be without right of revocation and on a form furnished by the Retirement System. The Retirement Board may require that this waiver be executed by additional parties before it becomes operative.

This transfer will be effective July 1, 1980. Those persons so electing to become members under Charter Section 8.588 shall receive service credit under Charter Section 8.588 equal to their service credit under Charter Section 8.585 as of June 30, 1980.

Those persons so electing to become members under Charter Section 8.588 shall not be subject to any of those provisions of Charter Section 8.585 as of July 1, 1980.

Notwithstanding the provisions of Charter Section 8.526, the cost of living adjustment in any given year prior to January 1, 2000 for those persons electing this transfer to Charter Section 8.588 shall not exceed the provisions of Charter Section 8.526 as they existed on July 1, 1980.

Those persons so electing to transfer membership from Charter Section 8.585 to Charter Section 8.588 shall receive a monetary consideration not to exceed $40,000 calculated at the rate of $2,500 for each year of said service credit up to 10 years and then at the rate of $1,000 for each additional year of said service credit. This monetary consideration shall be paid from said member's contribution account including any interest thereon. When said member's contribution account is depleted, the balance shall be paid from the City and County contributions held by the Retirement System.

This consideration shall be payable January 1, 1982. Alternatively, an employee may elect to receive payments according to a schedule established by the Retirement Board.

Notwithstanding any other Charter or ordinance provisions, a member transferring pursuant to this section shall be eligible to receive any benefits payable because of an increase in benefits approved by the voters for other members under Charter Section 8.588, provided, however, that said member repays with interest the monetary consideration he or she received in making this transfer, offset by the amount of said member's own account in the Retirement System under Charter Section 8.585. Interest on the repayment amount shall be charged at the rate credited to member accounts from January 1, 1981 until repayment or effective date of retirement. Members shall have the option of making said repayment either through a lump-sum payment, payroll deduction or through an actuarial offset against any benefits payable because of any increase in benefits subsequent to July 1, 1980.

The amendments to this section contained in the proposition submitted to the electorate on November 2, 1999 shall apply only to active and retired members on November 2, 1999 and constitute a prospective increase in benefits to such members subject to repayment in accordance with the provisions of the preceding paragraph. Upon repayment, retirees shall have their benefits recalculated under Charter Section 8.588 as in force at the date of their retirement. These recalculated benefits shall be first payable on and after November 2, 1999. No retired member shall become eligible under said amendments for any retroactive payments. Notwithstanding the preceding sentences, the provisions in Charter Section 8.588-3 for recalculation on the date upon which said member would have qualified for service retirement ("QSR") shall use the provisions of Charter Section 8.588 at QSR.

(Amended November 1999)

A8.585-15 VESTING

Should any member of the fire department who is a member of the Retirement System under Charter section 8.585, with five years of credited service, cease to be so employed, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement benefit calculated at termination, defined as that proportion of the normal service retirement benefit that his or her accrued service credit bears to 25 years, payable beginning at age 50.

Any member of the fire department convicted of a crime involving moral turpitude committed in connection with his or her duties as a member of the fire department shall, upon termination of his or her employment pursuant to the provisions of this Charter, forfeit all right to any benefits under this section except refund of his or her accumulated contributions.

Every retirement or death allowance payable to or on account of any member under section 8.585-15 shall be adjusted in accordance with the provisions of section 8.585-6 provided that if the member's accrued service credit is

less than 25 years the section 8.585-6 adjustment will be multiplied by a fraction where the denominator is 25 and the numerator is equal to the member's accrued service credit at the date of termination.

A8.585-16 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.585 or with any part thereof, shall be superseded by the contents of Section A8.585. Section A8.585 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.585 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.585. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.585 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Section A8.585 which can be given effect. Section A8.585 shall be broadly construed to achieve its stated purposes.

(Added by Proposition C, Approved 11/8/2011)

A8.586 MEMBERS OF THE POLICE DEPARTMENT AFTER NOVEMBER 1, 1976

Those persons who become members of the police department, as defined in Section 8.586-1, on or after November 2, 1976, shall be members of the system subject to the provisions of Sections 8.586, 8.586-1, 8.586-2, 8.586-3, 8.586-4, 8.586-5, 8.586-6, 8.586-7, 8.586-8, 8.586-9, 8.586-10, 8.586-11, 8.586-12, 8.586-13 and 8.586-14 (which shall apply only to members under Section 8.586) in addition to the provisions contained in Sections 3.670 to 3.672, both inclusive, and Sections 8.500, 8.510, 8.520 and 8.526 of this Charter, notwithstanding the provisions of any other section of this Charter, and shall not be subject to any of the provisions of Sections 8.544 or 8.559 of this Charter.

A8.586-1 DEFINITIONS

The following words and phrases as used in this section, Section 8.586 and Sections 8.586-2 through 8.586-14, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the police department, but excluding remuneration paid for overtime.

Subject to the requirement that it be payable in cash and that overtime be excluded, "compensation" for pension purposes may be defined in a collective bargaining agreement. Provided, however, that for retirement purposes, any increase in compensation attached to a rank which is based solely upon the possession of a POST certificate, compared to the equivalent rank without a POST certificate, shall be subject to the following limitations:

(a) for possession of the intermediate POST certificate, no more than 4% shall be included in compensation,

(b) for possession of the advanced POST certificate, no more than an additional 2% over the maximum provided in subsection (a), above, shall be included in compensation,

These limits shall apply to any pay increments which are solely attributable to the possession of a POST certificate, including but not limited to premiums or special ranks which may be established in the future and which are solely attributable to the possession of a POST certificate.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration

attached at that time to the ranks or positions held by him or her during such period, it being assumed that during any absence, he or she was in the rank or position held by him or her at the beginning of the absence, and that prior to becoming a member of the police department, he or she was in the rank or position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the average monthly compensation earnable by a member during any one year of credited service in which his or her average compensation is the highest.

For purposes of calculation of final compensation, any increase in pay solely attributable to possession of a POST certificate shall be included only if the member possesses the qualifying POST certificate for a period of not less than four (4) years prior to his or her retirement date; provided, however, that should a member possess the qualifying POST certificate for a period of time less than four (4) years prior to retirement, final compensation shall be calculated based upon the monthly compensation in the next lower rank not requiring possession of the qualifying POST certificate.

For the purpose of Sections 8.586 through 8.586-14, the terms "member of the police department," "member of the department," or "member" shall mean any officer or employee of the police department employed after November 1, 1976 who was or shall be subject to the Charter provisions governing entrance requirements of members of the uniformed force of said department and said terms shall further mean persons employed after November 1, 1976 at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform duties now performed under the titles of criminologist, photographer, police woman or jail matron; provided, however, that said terms shall not include any person who has not satisfactorily completed such course of training as may be required by the police department prior to assignment to active duty with said department.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section 8.500 of the Charter.

"Retirement board" shall mean "retirement board" as created in Section 3.670 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

(Amended November 1998)

A8.586-2 SERVICE RETIREMENT

Any member of the police department who completes at least five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section 8.586-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the sentence next preceding, shall receive a retirement allowance equal to the larger of (a) two percent of final compensation for each of the first twenty-five (25) years of service, then three percent of final compensation for each year of service rendered in excess of twenty-five (25) years or (b) the percent of final compensation (as defined in Section 8.586-1) set forth opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, as computed under Section 8.586-10:

Age at Retirement	***Percent for Each Year of Credited Service***
Age at Retirement	***Percent for Each Year of Credited Service***
50	2.000
50.25	2.035
50.5	2.070
50.75	2.105

51	2.140
51.25	2.175
51.5	2.210
51.75	2.245
52	2.280
52.25	2.315
52.5	2.350
52.75	2.385
53	2.420
53.25	2.455
53.5	2.490
53.75	2.525
54	2.560
54.25	2.595
54.5	2.630
54.75	2.665
55	2.700

In no event, however, shall such a retirement allowance exceed seventy-five (75) percent of a member's final compensation.

(Amended November 1998)

A8.586-3 RETIREMENT FOR INCAPACITY

Any member of the police department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section 8.586-1, as his percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section 8.586-1. Said allowance shall be paid to him or her until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years had he or she lived and rendered service without interruption in the rank held by him or her at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section 8.586-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section 8.586-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section 8.586-2, but not less than 50 percent of said final compensation. Any member of the police department who becomes incapacitated for performance of his or her duty by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section 8.586-10, shall be retired upon an allowance of 1½ percent of the final compensation of said member as defined in Section 8.586-1 for each year of service, provided that said allowance shall not be less than 331/3 percent of said final compensation. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the police commission or by said member or his or her guardian. If his or her disability shall

cease, his or her retirement allowance shall cease and he or she shall be restored to the service in the rank he or she occupied at the time of his or her retirement.

(Amended November 1998)

A8.586-4 DEATH ALLOWANCE

If a member of the police department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance, payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but he or she had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the date of death, but such allowance shall not be less than 50 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, had he or she lived and rendered service without interruption in the rank held by him or her at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation. If he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he or she was a member under Section 8.586 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died.

If there be no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a parent or parents dependent upon him or her for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

The amendments to this Section A8.586-4, approved by the electorate on November 2, 2004 shall apply to any work-related death that occurs on or after November 2, 2004, and to any qualified survivor who, on November 2, 2004, is receiving a continuation allowance under this section due to the work-related death of a member on or after January 1, 1989. Any increase in the continuation allowance payable to such a qualified survivor by virtue of the amendments to this section approved by the electorate on November 2, 2004 shall be prospective only, beginning November 2, 2004.

(Amended November 1998; November 2004)

A8.586-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the police department resulting from any cause other than an injury received in, or illness caused by performance of duty,

(a) if the death occurred after qualification for service retirement under Section 8.586-2, or after retirement service or because of disability which result from any cause other than an injury received in, or illness caused by performance of duty one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service at the date of death or one-half of the retirement allowance as it was at his or her death, as the case may be, shall be continued through out his or her life or until remarriage to his surviving wife, or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, one-half of the retirement allowance to which he or she would have been entitled under Section 8.586-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his surviving wife, or

(c) if his or her death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, three-fourths of his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage to his surviving wife, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date on which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died, or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section 8.586-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section 8.586-3 if he or she had retired on the date of death because of incapacity for performance of duty shall be paid throughout life or until remarriage to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children, under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless she was married to the member at least one year prior to his or her retirement if he or she had retired.

As used in this section and Section 8.556-4 "surviving wife" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving wife, in the event of death of the member after qualification for, but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section 8.586-8, in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the eligible child or children may make such election, and if there be no such children, the dependent parent or parents may make such election. "Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under Section 8.586 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section 8.586-10.

(Amended November 1998)

A8.586-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section 8.586 shall be adjusted in accordance with the provisions of Subsection (b) of Section 8.526 of this Charter.

(Amended November 1998)

A8.586-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the police department which is provided by contributions of the City and County, shall be reduced in the manner fixed by the Board of Supervisors, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which

resulted from injury received in, or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

(Amended November 1998)

A8.586-8 DEATH BENEFIT

If a member of the police department shall die, before retirement from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause if no allowance shall be payable under Section 8.586-4 or 8.586-5 preceding, a death benefit shall be paid to his or her estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

(Amended November 1998)

A8.586-9 REFUNDS AND REDEPOSITS

Should any member of the police department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he or she shall again become a member of the department, he or she shall redeposit in the retirement fund the amount refunded to him or her. Should a member of the police department become an employee of any other office or department, his or her accumulated contribution account shall be adjusted by payments to or from him or her as the case may be to make the accumulated contributions credited to him or her at the time of change equal to the amount which would have been credited to him or her if he or she had been employed in said other office or department at the rate of compensation received by him or her in the police department and he or she shall receive credit for service for which said contributions were made, according to the Charter section under which his or her membership in the Retirement System continues.

(Amended November 1998)

A8.586-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the Police Department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other Charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the police or fire department under Section 8.586 or 8.588, respectively.

(b) Time prior to November 2, 1976, during which said member was entitled to receive compensation while a member of the Police or Fire Department under any other section of the Charter, provided that accumulated contributions on account of such service previously refunded are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the retirement board; and solely for the purpose of determining qualification for retirement under Section 8.586-3 for disability not resulting from injury received in or illness caused by performance of duty, time during which said member serves and receives compensation because of services rendered in other offices and departments.

(c) Time during which said member is absent from a status included in Subsection (a) next preceding, by reason of service in the Armed Forces of the United States of America, or by reason of any other service included in Section 8.520 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his or her account.

(d) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(Amended November 1998; Amended by Proposition G, 11/4/2008)

A8.586-11 SOURCES OF FUNDS

All payments provided for members under Section 8.586 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section 8.586 a sum equal to seven percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her estate or beneficiary as provided in Sections 8.586-8, 8.586-9 and 8.586-10. The individual accounts of members who purchased service credit for Unpaid Parental Leave shall also include the amount paid by the member for said purchase, plus interest.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section 8.586-11, to provide the benefits payable to members under Section 8.586. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section 8.586, said percentage to the ratio of the value on November 2, 1976, or at the later date of a periodical actuarial valuation and investigation into the experience under the system, of the benefits thereafter to be paid to or on account of members under Section 8.586 from contributions of the City and County, less the amount of such contributions plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective members after said date, to the value on said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year and said investigation into the experience under the system shall be made every odd-numbered year.

(c) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section 8.586, shall be a part of the fund in which all other assets of said system are included.

(Amended November 1998; Amended by Proposition G, 11/4/2008)

A8.586-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section 8.586-2 as requisite to retirement, a member of the Police Department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section 8.586-2, and, except as provided in Section 8.586-16, nothing shall deprive said member of said right.

(Amended November 1998; Amended by Proposition C, 6/3/2008)

A8.586-13 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section 8.511 of this Charter and in Subsection (b) of this section, no person retired as a member under Section 8.586 for service or disability and entitled to receive a retirement allowance under the Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for, or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall be affected by the provisions of Subsection (a) of this section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said compensation does not exceed $100 per month.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section 8.586, he or she shall re-enter membership under Section 8.586 and his or her retirement allowance shall be cancelled immediately upon his/her re-entry. The provisions of Subsection (a) of this section shall not prevent such person from receiving the compensation for such position or office. The rate of contributions of such member shall be the same as that for other members under Section 8.586. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(c) Notwithstanding any provision of this Charter to the contrary, should any person retired for disability engage in a gainful occupation prior to attaining the age of 55 years, the retirement board shall reduce that part of his or her monthly retirement allowance which is provided by contributions of the City and County to an amount which, when added to the amount of the compensation earnable, at the time he or she engages in the gainful occupation, by such person if he or she held the position which he or she held at the time of his or her retirement, or, if that position has been abolished, the compensation earnable by the member if he or she held the position from which he or she was retired immediately prior to its abolishment.

(Amended November 1998)

A8.586-14 CONFLICTING CHARTER PROVISIONS

Any section or part of any section in this Charter, insofar as it should conflict with the provisions of Sections 8.586 through 8.586-13 or with any part thereof, shall be superseded by the contents of said sections. In the event that any word, phrase, clause or section of said sections shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

(Amended November 1998)

A8.586-15 VESTING

Notwithstanding any provisions of this Charter to the contrary, should any member of the police department who is a member of the Retirement System under Charter Section 8.586 with five years of credited service, cease to be so employed, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement benefit, calculated at termination, defined as that proportion of the normal service retirement benefit that his or her accrued service credit bears to 25 years, payable beginning at age 50.

(Amended November 1998)

A8.586-16 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section 8.586-2, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such removal from office or employment.

Any member, after retirement for service or disability or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if at the time of the conviction, said member has remaining accumulated, contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions remaining at the time of the conviction.

(Added by Proposition C, 6/3/2008)

A8.587 RETIREMENT – MISCELLANEOUS OFFICERS AND EMPLOYEES ON AND AFTER NOVEMBER 7, 2000

Miscellaneous officers and employees on November 7, 2000 who were members of the Retirement System under Section A8.584, miscellaneous officers and employees under Section A8.584 whose accumulated contributions were in the retirement fund on November 7, 2000 and who were not retired on that date, and miscellaneous officers and employees who become members of the Retirement System on and after November 7, 2000 shall be members of the Retirement System subject to the provisions of Sections A8.587 through A8.587-13, in addition to such other applicable provisions including, but not limited to, A8.500 of this Charter; provided that persons who become members under the Public Employees' Retirement System of the State of California or members of the State Teachers' Retirement System of the State of California shall not be members of the San Francisco City and County Employees' Retirement System and provided, further, that the Retirement System shall be applied to persons employed on a part-time or temporary basis only as the Board of Supervisors shall determine by ordinance enacted by three-fourths vote of all members of the board.

(Added November 2000)

A8.587-1 DEFINITIONS

The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning:

"Retirement allowance," or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the workers' compensation laws of the State of California shall mean all remuneration whether in cash or by other allowances made by the City and County, for service qualifying for credit under this section, but excluding remuneration for overtime and such other forms of compensation excluded by the Board of Supervisors pursuant to Section A8.500 of the Charter.

"Compensation earnable" shall mean the compensation as determined by the retirement board, which would have been earned by the member had he or she worked, throughout the period under consideration, the average number of days ordinarily worked by persons in the same grade or class of positions as the positions held by him or her during such period and at the rate of pay attached to such positions, it being assumed that during any absence, he or she was in the position held by him or her at the beginning of the absence, and that prior to entering City service, he or she was in the position first held by him or her in City service.

"Benefit" shall include "allowance," "retirement allowance," and "death benefit."

"Average final compensation" shall mean the average monthly compensation earned by a member during any one year of credited service in the Retirement System in which his or her average final compensation is the highest.

For the purposes of the Retirement System and of this section, Section A8.587 and Sections A8.587-2 through A8.587-13, the terms "miscellaneous officer or employee," or "member," shall mean any officer or employee employed on November 7, 2000 who was a member of the Retirement System under Section A8.584, any member of the Retirement System under Section A8.584 whose accumulated contributions were in the retirement fund on

November 7, 2000 and who was not retired on that date, and any officer or employee employed on or after November 7, 2000 who is not a member of the police or fire departments as defined in the Charter for the purposes of the Retirement System. Said terms shall not include those persons who become members under the Public Employees' Retirement System or members of the State Teachers' Retirement System.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section A8.500 of the Charter.

"Retirement board" shall mean "retirement board" as created in Section 12.100 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

(Added November 2000)

A8.587-2 SERVICE RETIREMENT

Any member who completes at least 20 years of service in the aggregate credited in the Retirement System and attains the age of 50 years, or at least 10 years of service in the aggregate credited in the Retirement System, and attains the age of 60 years, said service to be computed under Section A8.587-7 may retire for service at his or her option. Members may retire under this section or under the provisions of A8.587-6, on the first day of the month next following the attainment by them of the age of 65 years. A member retired after reaching the age of 62 years shall receive a service retirement allowance at the rate of 2.3 percent of said average final compensation for each year of service. The service retirement allowance of any member retiring prior to attaining the age of 60 years, and after rendering 20 years or more of such service, computed under Section A8.587-7, and having attained the age of 50 years, b) attaining the age of 60 years, and after rendering 10 years or more of such service, computed under Section A8.587-7, shall be an allowance equal to the percentage of said average final compensation set forth opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, computed under Section A8.587-7:

Age at Retirement	***Percent for Each Year of Credited Service***
Age at Retirement	***Percent for Each Year of Credited Service***
50	1.000
50¼	1.0250
50½	1.0500
50¾	1.0750
51	1.1000
51¼	1.1250
51½	1.1500
51¾	1.1750
52	1.2000
52¼	1.2250
52½	1.2500
52¾	1.2750
53	1.3000
53¼	1.3250
53½	1.3500
53¾	1.3750
54	1.4000
54¼	1.4250

54½	1.4500
54¾	1.4750
55	1.5000
55¼	1.5250
55½	1.5500
55¾	1.5750
56	1.6000
56¼	1.6250
56½	1.6500
56¾	1.6750
57	1.7000
57¼	1.7250
57½	1.7500
57¾	1.7750
58	1.8000
58¼	1.8250
58½	1.8500
58¾	1.8750
59	1.9000
59¼	1.9250
59½	1.9500
59¾	1.9750
60	2.1000
60¼	2.1250
60½	2.1500
60¾	2.1750
61	2.2000
61¼	2.2250
61½	2.2500
61¾	2.2750
62	2.3000

In no event shall a member's retirement allowance exceed seventy-five percent of his or her average final compensation.

Before the first payment of a retirement allowance is made, a member, retired under this section or Section A8.587-3, may elect to receive the actuarial equivalent of his or her allowance, partly in an allowance to be received by him or her throughout his or her life, and partly in other benefits payable after his or her death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the Board of Supervisors to govern similar elections by other members of the Retirement System, including the character and amount, of such other benefits. In the calculations under this section of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed for each class of service, the average final compensation in each case being that for the respective class of service, provided that the aggregate retirement allowance shall be taken into account in applying the provisions of this section providing for a minimum retirement allowance. Part-time service and compensation shall be converted to full-time service and compensation in the manner prescribed by the Board of Supervisors, and when so converted shall be applied on full-time service and compensation in the calculation of retirement allowances.

(Added November 2000; Amended by Proposition B, 6/3/2008)

A8.587-3 RETIREMENT FOR INCAPACITY

Any member who becomes incapacitated for performance of duty because of disability determined by a qualified hearing officer to be of extended and uncertain duration, and who shall have completed at least 10 years of service credited in the Retirement System in the aggregate, computed as provided in Section A8.587-7, shall be retired upon an allowance of 1.8% (one and eight-tenths percent) percent of the average final compensation of said member, as defined in Section A8.587-1 for each year of credited service, if such retirement allowance exceeds 40 percent of his or her average final compensation; otherwise 1.8% (one and eight-tenths percent) percent of his or her average final compensation multiplied by the number of years of City service which would be credited to him or her were such City service to continue until attainment by him or her of age 60, but such retirement allowance shall not exceed 40 percent of such average final compensation. In the calculation under this section of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed, for each class of service, the average final compensation in each case being that for the respective class of service; provided that the average final compensation upon which the minimum total retirement allowance is calculated in such case shall be based on the compensation earnable by the member in the classes of service rendered by him or her during the one year immediately preceding his or her retirement. Part-time service and compensation shall be converted to full-time service and compensation in the manner prescribed by the Board of Supervisors, and when so converted shall be applied as full-time service and compensation in the calculation of retirement allowances. The question of retiring members under this section may be brought before the retirement board on said board's own motion, by the retirement board's executive director on its behalf, by said member, by his or her department head or by his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease, and he or she shall be restored to service in the position or classification he or she occupied at the time of his or her retirement.

(Added November 2000)

A8.587-4 NO ADJUSTMENT FOR COMPENSATION PAYMENTS

No modification of benefits provided in this section shall be made because of any amounts payable to or on account of any member under workers' compensation laws of the State of California.

(Added November 2000)

A8.587-5 DEATH BENEFIT

If a member shall die, before retirement:

(a) If no benefit is payable under subsection (b) of this section:

(1) Regardless of cause, a death benefit shall be paid to the member's estate or designated beneficiary consisting of the compensation earnable by the member during the six months immediately preceding death, plus the member's contributions and interest credited thereon.

(2) If a member sustains a traumatic bodily injury through external and violent means in the course and scope of employment and death results within 180 days of such injury, an additional insurance benefit of 12 months of compensation earnable shall be paid to the member's estate or designated beneficiary.

(b) If, at the date of his or her death, he or she was qualified for service retirement by reason of service and age under the provisions of Section A8.587-2, and he or she has designated as beneficiary his or her surviving spouse, who was married to him or her for at least one full year immediately prior to the date of his or her death, one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service on the date of his or her death shall be paid to such surviving spouse who was his or her designated beneficiary at the date of his or her death, until such spouse's death or remarriage, or if there be no surviving spouse, to the unmarried child or children of such member under the age of 18 years, collectively, until every such child dies, marries or attains the age of 18 years, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. If, at the death of such surviving spouse, who was receiving an allowance under this Subsection (b), there be one or more unmarried children of such member under the age of 18 years, such allowance shall continue to such child or children, collectively, until every such child dies, marries or attains the age of 18 years, provided that

no child shall receive any allowance after marrying or attaining the age of 18 years. If the total of the payments of allowance made pursuant to this Subsection (b) is less than the benefit which was otherwise payable under Subsection (a) of this section, the amount of said benefit payable under Subsection (a) less an amount equal to the total of the payments of allowance made pursuant to this Subsection (b) shall be paid in a lump sum as follows:

(1) If the person last entitled to said allowance is the remarried surviving spouse of such member, to such spouse.

(2) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to said allowance.

The surviving spouse may elect, on a form provided by the Retirement System and filed in the office of the Retirement System before the first payment of the allowance provided herein, to receive the benefit provided in Subsection (a) of this section in lieu of the allowance which otherwise would be payable under the provisions of this subdivision. If a surviving spouse, who was entitled to make the election herein provided, shall die before or after making such election but before receiving any payment pursuant to such election, then the legally appointed guardian of the unmarried children of the member under the age of 18 years may make the election herein provided before any benefit has been paid under this section, for and on behalf of such children if in his or her judgment it appears to be in their interest and advantage, and the election so made shall be binding and conclusive upon all parties in interest.

If any person other than such surviving spouse shall have and be paid a community property interest in any portion of any benefit provided under this section, any allowance payable under this Subsection (b) shall be reduced by the actuarial equivalent, at the date of the member's death, of the amount of benefits paid to such other person.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her estate or designated beneficiary in the manner and subject to the conditions prescribed by the Board of Supervisors for the payment of a similar death benefit upon the death of other retired members.

Upon the death of a member after retirement, an allowance, in addition to the death benefit provided in the immediately preceding paragraph, shall be paid to his or her surviving spouse, until such surviving spouse's death or remarriage, equal to one-half of his or her retirement allowance as it was prior to optional modification and prior to reduction as provided in Subsection (a) of Section A8.514 of this Charter, but exclusive of the part of such allowance which was provided by additional contributions. No allowance, however, shall be paid under this paragraph to a surviving spouse unless such surviving spouse was married to said member at least one year prior to his or her retirement. If such retired person leaves no such surviving spouse, or if such surviving spouse should die or remarry before every child of such deceased retired person attains the age of 18 years, the allowance which such surviving spouse would have received had he or she lived and not remarried shall be paid to retired person's child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years.

(Added November 2000)

A8.587-6 BENEFITS UPON TERMINATION OF MEMBERSHIP

Should any miscellaneous member cease to be employed as such a member, through any cause other than death or retirement, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to cover similar terminations of employment and re-employment with and without redeposit of withdrawn accumulated contributions of other members of the Retirement System, provided that, if such member is entitled to be credited with at least five years of service, he or she shall have the right to elect, without right of revocation and within 90 days after said termination of service, or if the termination was by lay-off, 90 days after the retirement board determines the termination to be permanent, whether to allow his or her accumulated contributions to remain in the retirement fund and to receive benefits only as provided in this paragraph. Failure to make such election shall be deemed an irrevocable election to withdraw his or her accumulated contributions. At or after 50 years of age, he or she shall be entitled to receive a retirement allowance which shall be the actuarial equivalent of his or her accumulated contributions and an equal amount of the contributions of the City and County, plus 1.667% (one and two-thirds percent) percent of his or her average final compensation for each year of service credited to him or her as rendered prior to his or her first membership in

the Retirement System. Upon the death of such member prior to retirement, his or her contributions with interest credited thereon shall be paid to his or her estate or designated beneficiary.

(Added November 2000)

A8.587-7 COMPUTATION OF SERVICE

The following time and service shall be included in the computation of the service to be credited to a member for the purpose of determining whether such member qualifies for retirement and calculating benefits:

(a) For miscellaneous officers and employees on November 7, 2000 who were members of the Retirement System under Section A8.584, time during which said officers and employees were members under Section A8.584.

(b) Time during which said member is a member of the Retirement System under Section A8.587 and during and for which said member is entitled to receive compensation because of services as a miscellaneous officer or employee.

(c) Service in the fire and police departments which is not credited as service as a member under Section A8.587 shall count under this section upon transfer of a member of either of such departments to employment entitling him or her to membership in the Retirement System under Section A8.587, provided that the accumulated contributions standing to the credit of such member shall be adjusted by refund to the member or by payment by the member to bring the account at the time of such transfer to the amount which would have been credited to it had the member been a miscellaneous member throughout the period of his or her service in either of such departments at the compensation he or she received in such departments.

(d) Prior service, during which said member was entitled to receive compensation while a miscellaneous member under any other section of the Charter, provided that accumulated contributions on account of such service previously refunded are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the retirement board.

(e) Prior service determined and credited as prescribed by the Board of Supervisors.

(f) The Board of Supervisors, by ordinance enacted by a three-fourths vote of its members, may provide for the crediting as service, rendered as an employee of the federal government and service rendered as an employee of the State of California or any public entity or public agency in the State of California. Said ordinance shall provide that all contributions required as the result of the crediting of such service shall be made by the member and that no contributions therefor shall be required of the City and County.

(g) Time during which said member is absent from a status included in Subsections (a), (b) or (c) and for which such member is entitled to receive credit as service for the City and County by virtue of contributions made in accordance with the provisions of Section A8.520 or Section A8.521 of the Charter.

(h) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(Added November 2000; Amended by Proposition G, 11/4/2008)

A8.587-8 SOURCES OF FUNDS

All payments provided for members under Section A8.587 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.587 a sum equal to seven percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member under Section A8.587, or shall be paid to said member or his or her estate or beneficiary as provided in Sections A8.587-5 and A8.587-6. A member's individual account under Section A8.587 shall include all monies credited to the member's account under Section A8.584. The individual accounts of members who purchased

service credit for Unpaid Parental Leave shall also include the amount paid by the member for said purchase, plus interest.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.587-8, to provide the benefits payable to members under Section A8.587. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.587, said percentage to be the ratio of the value as of the latest periodical actuarial valuation of the benefits thereafter to be paid to or on account of members under Section A8.587 from contributions of the City and County, less the amount of such contributions, plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective members after said date, to the value at said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuations and investigations shall be made at least every two years.

(c) Notwithstanding any other provision of this Section A8.587-8 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay at or above $24.00 per hour, but less than $48.00 per hour, shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The foregoing base rates of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index. San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-4.0%
.01%-1.0%	-4.0%
1.01%-2.5%	-3.75%
2.51%-4.0%	-3.5%
4.01%-5.5%	-2.5%
5.51%-7.0%	-2.0%
7.01%-8.5%	-1.5%
8.51%-10.0%	-1.0%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.0%
15.01%-17.5%	1.5%
17.51%-20.0%	2.0%
20.01%-22.5%	2.5%
22.51%-25.0%	3.5%
25.01%-27.5%	3.5%
27.51%-30.0%	3.75%
30.01%-32.5%	3.75%
32.51%-35.0%	4.0%

Over 35.0%	4.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account at said member under Section A8.587, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.587-5 and A8.587-6.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to seven percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required by the City and County under Subsection (b) for that fiscal year.

(d) Notwithstanding any other provision of this Section A8.587-8 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay at or above $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-5.0%
.01%-1.0%	-4.5%
1.01%-2.5%	-4.25%
2.51%-4.0%	-4.0%
4.01%-5.5%	-3.0%
5.51%-7.0%	-2.5%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	2.5%
20.01%-22.5%	3.0%
22.51%-25.0%	4.0%
25.01%-27.5%	4.0%

27.51%-30.0%	4.25%
30.01%-32.5%	4.25%
32.51%-35.0%	4.5%
Over 35.0%	5.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.587, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.587-5 and A8.587-6.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to seven percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required by the City and County under Subsection (b) for that fiscal year.

(e) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.587 shall be a part of the fund in which all other assets of said system are included.

(f) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including all impasse procedures under Section A8.409.

(Added November 2000; amended by Proposition G, Approved 11/4/2008; Proposition C, Approved 11/8/2011)

A8.587-9 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.587-2 as requisite to retirement, a member shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.587-2, and, except as provided in Section 8.587-14, nothing shall deprive said member of said right.

(Added November 2000; amended by Proposition C, Approved 6/3/2008)

A8.587-10 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section A8.511 of this Charter and Subsection (b) of this section, no person retired as a member under Section A8.587 for service or disability and entitled to receive a retirement allowance under the Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall not be affected by the provisions of Subsection (a) of this section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said service does not exceed 120 working days or 960 hours per fiscal year.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.587, he or she shall re-enter membership under Section A8.587 and his or her retirement allowance shall be cancelled immediately upon such re-entry. The provisions of Subsection (a) of this section shall not prevent such person from receiving the compensation for such position or office. The rate of contribution of such member shall be the same as that for other members under Section A8.587. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(4) The provisions of Subsection (a) shall not prevent such retired persons from employment which requires coverage under the Public Employees' Retirement System or the State Teachers' Retirement System.

(Added November 2000)

A8.587-11 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.587 shall be adjusted in accordance with the provisions of Subsection (b) of Section A8.526 of this Charter.

(Added November 2000)

A8.587-12 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.587 or with any part thereof shall be superseded by the contents of Section A8.587. Section A8.587 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.587 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.587. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.587 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Section A8.587 which can be given effect. Section A8.587 shall be broadly construed to achieve its stated purposes.

(Added November 2000; amended by Proposition C, Approved 11/8/2011)

A8.587-13 APPLICATION OF PLAN

(a) The provisions of Section A8.587 and Section A8.587-1 through A8.587-13 shall not apply to any members of the Retirement System under Section A8.584 who retired or died before November 7, 2000.

(b) The amendments to Section A8.587 contained in the proposition submitted to the electorate on June 3, 2008 shall apply only to miscellaneous officers and employees under Section A8.587 who were not retired on January 10, 2009, and whose accumulated contributions were in the retirement hind on January 10, 2009 and who were not retired on that date.

(c) For members of the Retirement System under Sections A8.584 or A8.587 who retired before January 10, 2009 and are later elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.587, the amendments to Section A8.587 submitted to the electorate on June 3, 2008 shall only apply to service after January 10, 2009.

(Added November 2000; amended by Proposition B, 6/3/2008)

A8.587-14 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County, the school district, the college district, or the Superior Court of California. County of San Francisco, shall forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions: provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section 8.587-2, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment to receive

as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated, contributions at the time of such removal from office or employment.

Any member, after retirement for service or disability or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and County, the school district, the college district, or the Superior Court of California, County of San Francisco, shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if at the time of the conviction, said member has remaining accumulated contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions remaining at the time of the conviction.

(Added by Proposition C, 6/3/2008)

A8.588 MEMBERS OF THE FIRE DEPARTMENT AFTER NOVEMBER 1, 1976

Those persons who become members of the fire department, as defined in Section 8.588-1, on or after November 2, 1976, shall be members of the system subject to the provisions of Sections 8.588, 8.588-1, 8.588-2, 8.588-3, 8.588-4, 8.588-5, 8.588-6, 8.588-7, 8.588-8, 8.588-9, 8.588-10, 8.588-11, 8.588-12, 8.588-13, and 8.588-14 (which shall apply only to members under Section 8.588) in addition to the provisions contained in Sections 3.670 to 3.672, both inclusive, and Sections 8.500, 8.510, 8.520 and 8.526 of this Charter, notwithstanding the provisions of any other section of this Charter, and shall not be subject to any of the provisions of Sections 8.568 or 8.585 of this Charter.

(Amended November 1996)

A8.588-1 DEFINITIONS

The following words and phrases as used in this section, Section 8.588 and Sections 8.588-2 through 8.588-14, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the fire department, but excluding remuneration paid for overtime. Subject to requirement that it be payable in cash and that overtime be excluded, "compensation" for pension purposes may be defined in a collective bargaining agreement.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him or her during such period, it being assumed that during any absence, he or she was in the rank or position held by him or her at the beginning of the absence, and that prior to becoming a member of the fire department, he or she was in the rank or position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the average monthly compensation earnable by a member during any one year of credited service in which his or her average compensation is the highest.

For the purpose of Sections 8.588 through 8.588-14, the terms "member of the fire department," "member of the department," or "member" shall mean any officer or employee of the fire department employed after November 1,

1976 who was or shall be subject to the Charter provisions governing entrance requirements of members of the uniformed force of said department and said terms shall further mean persons employed after November 1, 1976 at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform duties now performed under the titles of pilot of fireboats, or marine engineer of fireboats; provided, however, that said terms shall not include any person who has not satisfactorily completed such course of training as may be required by the fire department prior to assignment to active duty with said department.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section 8.500 of the Charter.

"Retirement board" shall mean "retirement board" as created in Section 3.670 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

(Amended November 1996)

A8.588-2 SERVICE RETIREMENT

Any member of the fire department who completes at least five (5) years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section 8.588-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the sentence next preceding, shall receive a retirement allowance equal to the larger of (a) two percent of final compensation for each of the first twenty-five (25) years of service, then three percent of final compensation for each year of service rendered in excess of twenty-five (25) years or (b) the percent of final compensation (as defined in Section 8.588-1) set forth opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, as computed under Section 8.588-10:

Age at Retirement	***Percent for Each Year of Credited Service***
Age at Retirement	***Percent for Each Year of Credited Service***
50	2.000
50.25	2.035
50.5	2.070
50.75	2.105
51	2.140
51.25	2.175
51.5	2.210
51.75	2.245
52	2.280
52.25	2.315
52.5	2.350
52.75	2.385
53	2.420
53.25	2.455
53.5	2.490
53.75	2.525
54	2.560
54.25	2.595
54.5	2.630
54.75	2.665

In no event, however, shall such a retirement allowance exceed seventy-five (75) percent of a member's final compensation.

(Amended November 1996)

A8.588-3 RETIREMENT FOR INCAPACITY

Any member of the fire department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section 8.585-1, as his percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section 8.585-1. Said allowance shall be paid to him or her until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years had he or she lived and rendered service without interruption in the rank held by him or her at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section 8.588-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than fifty percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section 8.588-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section 8.588-2, but not less than 50 percent of said final compensation. Any member of the fire department who becomes incapacitated for performance of his or her duty by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section 8.588-10, shall be retired upon an allowance of 1½ percent of the final compensation of said member as defined in Section 8.588-1 for each year of service, provided that said allowance shall not be less than 331/3 percent of said final compensation. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the fire commission or by said member or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease and he or she shall be restored to the service in the rank he occupied at the time of his or her retirement.

(Amended November 1996)

A8.588-4 DEATH ALLOWANCE

If a member of the fire department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance, payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but he or she had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the date of death, but such allowance shall not be less than 50 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, had he or she lived and rendered service without interruption in the rank held by him or her at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received prior to said date, had he or she lived

and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation. If he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he or she was a member under Section 8.588 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died.

If there be no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a parent or parents dependent upon him or her for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

The amendments to this Section A8.588-4, approved by the electorate on November 2, 2004 shall apply to any work-related death that occurs on or after November 2, 2004, and to any qualified survivor who, on November 2, 2004, is receiving a continuation allowance under this section due to the work-related death of a member on or after January 1, 1989. Any increase in the continuation allowance payable to such a qualified survivor by virtue of the amendments to this section approved by the electorate on November 2, 2004 shall be prospective only, beginning November 2, 2004.

(Amended November 1996; November 2004)

A8.588-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the fire department resulting from any cause other than an injury received in, or illness caused by performance of duty,

(a) if the death occurred after qualification for service retirement under Section 8.588-2, or after retirement service or because of disability which result from any cause other than an injury received in, or illness caused by performance of duty one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service at the date of death or one-half of the retirement allowance as it was at his death, as the case may be, shall be continued throughout his or her life or until remarriage, to his or her surviving wife, or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, one-half of the retirement allowance to which he or she would have been entitled under Section 8.588-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage, to his surviving wife, or

(c) his or her death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, three-fourths of his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage, to his surviving wife, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date on which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died, or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section 8.588-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section 8.588-3 if he or she had retired on the date of death because of incapacity for performance of duty shall be paid throughout life or until remarriage, to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his or her child or children under said age collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or

attaining the age of 18 years. Should said member leave no surviving wife and no children, under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless she was married to the member at least one year prior to his or her retirement if he or she had retired.

As used in this section and Section 8.588-4 "surviving wife" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving wife, in the event of death of the member after qualification for, but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section 8.588-8, in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the eligible child or children may make such election, and if there be no such children, the dependent parent or parents may make such election. "Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under Section 8.588 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section 8.588-10.

(Amended November 1996)

A8.588-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section 8.588 shall be adjusted in accordance with the provisions of Subsection (b) of Section 8.526 of this Charter.

A8.588-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the fire department which is provided by contributions of the City and County, shall be reduced in the manner fixed by the Board of Supervisors, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in, or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

A8.588-8 DEATH BENEFIT

If a member of the fire department shall die, before retirement from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause if no allowance shall be payable under Section 8.588-4 or 8.588-5 preceding, a death benefit shall be paid to his or her estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

(Amended November 1996)

A8.588-9 REFUNDS AND REDEPOSITS

Should any member of the fire department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he or she shall again become a

member of the department, he or she shall redeposit in the retirement fund the amount refunded to him or her. Should a member of the fire department become an employee of any other office or department, his or her accumulated contribution account shall be adjusted by payments to or from him or her as the case may be to make the accumulated contributions credited to him or her at the time of change equal to the amount which would have been credited to him or her if he or she had been employed in said other office or department at the rate of compensation received by him or her in the fire department and he or she shall receive credit for service for which said contributions were made, according to the Charter section under which his or her membership in the Retirement System continues.

A8.588-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the fire department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other Charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the police or fire department under Section 8.586 or 8.588, respectively.

(b) Time prior to November 2, 1976, during which said member was entitled to receive compensation while a member of the police or fire department under any other section of the Charter, provided that accumulated contributions on account of such service previously refunded are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the retirement board; and solely for the purpose of determining qualification for retirement under Section 8.588-3 for disability not resulting from injury received in or illness caused by performance of duty, time during which said member serves and receives compensation because of services rendered in other offices and departments.

(c) Time during which said member earned compensation as a paramedic with the department of public health, provided that the accumulated contributions on account of such service are transferred to his or her 8.588 account or, if previously refunded, are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the retirement board. The retirement board shall require that a waiver be executed by said member so that any paramedic service covered by Section 8.588 is not also covered by other pension provisions in this Charter.

(d) Time during which said member is absent from a status included in Subsection (a) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Section 8.520 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his or her account.

(e) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(Amended November 1998; Amended by Proposition G, 11/4/2008)

A8.588-11 SOURCES OF FUNDS

All payments provided for members under Section 8.588 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section 8.588 a sum equal to seven percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her estate or beneficiary as provided in Sections 8.588-8,

8.588-9 and 8.588-10. The individual accounts of members who purchased service credit for Unpaid Parental Leave shall also include the amount paid by the member for said purchase, plus interest.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section 8.588-11, to provide the benefits payable to members under Section 8.588. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section 8.588, said percentage to the ratio of the value on November 2, 1976, or at the later date of a periodical actuarial valuation and investigation into the experience under the system, of the benefits thereafter to be paid to or on account of members under Section 8.588 from contributions of the City and County, less the amount of such contributions plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective members after said date, to the value on said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year and said investigation into the experience under the system shall be made every odd-numbered year.

(c) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section 8.588, shall be a part of the fund in which all other assets of said system are included.

(Amended November 1996; Amended by Proposition G, 11/4/2008)

A8.588-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section 8.588- 2 as requisite to retirement, a member of the fire department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section 8.588-2, and, except as provided in Section 8.588-16. nothing shall deprive said member of said right.

(Amended November 1996; Amended by Proposition C, 6/3/2008)

A8.588-13 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section 8.511 of this Charter and in Subsection (b) of this section, no person retired as a member under Section 8.588 for service or disability and entitled to receive a retirement allowance under the Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for, or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall be affected by the provisions of Subsection (a) of this section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said compensation does not exceed $100 per month.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section 8.588, he or she shall re-enter membership under Section 8.588 and his or her retirement allowance shall be canceled immediately upon his or her re-entry. The provisions of Subsection (a) of this section shall not prevent such person from receiving the compensation for such position or office. The rate of contributions of such member shall be the same as that for other members under Section 8.588. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(c) Notwithstanding any provision of this Charter to the contrary, should any person retired for disability engage in a gainful occupation prior to attaining the age of 55 years, the retirement board shall reduce that part of his or her monthly retirement allowance which is provided by contributions of the City and County to an amount which, when added to the amount of the compensation earnable, at the time he or she engages in the gainful occupation, by such person if he or she held the position which he or she held at the time of his or her retirement, or, if that position has been abolished, the compensation earnable by the member if he or she held the position from which he or she was retired immediately prior to its abolishment.

(Amended November 1996)

A8.588-14 CONFLICTING CHARTER PROVISIONS

Any section or part of any section in this Charter, insofar as it should conflict with the provisions of Sections 8.588 through 8.588-13 or with any part thereof, shall be superseded by the contents of said sections. In the event that any word, phrase, clause or section of said sections shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

(Amended November 1996)

A8.588-15 VESTING

Notwithstanding any provisions of this Charter to the contrary, should any member of the fire department who is a member of the Retirement System under Charter Section 8.588 with five years of credited service, cease to be so employed, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement benefit, calculated at termination, defined as that proportion of the normal service retirement benefit that his or her accrued service credit bears to 25 years, payable beginning at age 50.

(Amended November 1996)

A8.588-16 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions: provided, however that if such member is qualified for service retirement by reason of service and age under the provisions of Section 8.588-2, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such removal from office or employment.

Any member, after retirement for service or disability or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and Count shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if at the time of the conviction, said member has remaining accumulated contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions remaining at the time of the conviction.

(Added by Proposition C, 6/3/2008)

[A8.590 FIREFIGHTERS, POLICE OFICERS, AND DEPUTY SHERIFS – STRIKES PROHIBITED; DISPUTE RESOLUTION]*

A8.590-1 DECLARATION OF POLICY

It is hereby declared to be the policy of the City and County of San Francisco that strikes by firefighters, police officers and deputy sheriffs are not legally permissible, and that a method should be adopted for peacefully and equitably resolving disputes. It is the further purpose and policy of the City and County of San Francisco that in the event the procedures herein adopted are invoked by the City and County of San Francisco or by a recognized employee organization representing firefighters, police officers or deputy sheriffs, that they shall supersede and displace all other formulas, procedures and provisions relating to wages, hours, benefits and other terms and conditions of employment found in this Charter, in the ordinances and resolutions of the City and County of San Francisco, or in the rules, regulations or actions of boards or commissions of the City and County of San Francisco.

(Amended March 2004)

A8.590-2 EMPLOYEES COVERED

These sections A8.590-1 through A8.590-7, inclusive, shall apply to the several ranks of the fire department and police department as provided for in Sections 4.128 and 4.127 of this Charter, respectively, and to all of the classifications of a deputy sheriffs, jointly referred to in these sections as "firefighters," "police officers" and "deputy sheriffs."

(Amended March 2004)

A8.590-3 PROHIBITION AGAINST STRIKES

If any firefighter, police officer or deputy sheriff employed by the City and County of San Francisco engages in a strike as defined by Section A8.346(a) of this Charter against the City and County of San Francisco, said employee shall be dismissed from his or her employment pursuant to Charter Section A8.345 and A8.346.

(Amended March 2004)

A8.590-4 OBLIGATION TO NEGOTIATE IN GOOD FAITH

Notwithstanding any other provisions of this Charter, or of the ordinances, rules or regulations of the City and County of San Francisco and its departments, boards and commissions, the City and County of San Francisco, through its duly authorized representatives, and recognized employee organizations representing classifications of Firefighters, Police Officers and Deputy Sheriffs shall have the mutual obligation to negotiate in good faith on all matters within the scope of representation as defined by Government Code Sections 3500, et seq., relating to the wages, hours, benefits and terms and conditions of City and County employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of any negotiated agreement. Unless and until agreement is reached through negotiations between authorized representatives of the City and County of San Francisco and the recognized employee organization for the classifications of Fire Department, Police Department and Deputy Sheriffs, or a determination is made through the impartial arbitration procedure hereinafter provided, no existing benefit, term or condition of employment for said fire Department, Police Department or Deputy Sheriffs shall be altered, eliminated or changed. Agreements reached by the duly authorized representatives for the City and County of San Francisco, its departments, boards and commissions and the recognized employee organizations pursuant to this Section shall be binding on the City and County of San Francisco, and on its departments, boards, commissions, officers and employees once adopted by the Board of Supervisors. Said agreements shall supersede any and all other conflicting procedures, provisions and formulas contained in this Charter relating to wages, hours, benefits or terms and conditions of employment.

(Amended March 2004)

A8.590-5 IMPASSE RESOLUTION PROCEDURES

(a) Subject to Section A8.590-5(g), disputes or controversies pertaining to wages, hours, benefits or terms and conditions of employment which remain unresolved after good faith negotiations between the City and County of San Francisco, its departments, boards and commissions and a recognized employee organization representing Firefighters, Police Officers or Deputy Sheriffs shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse either by the authorized representative of the City and County of San Francisco or by the recognized employee organization involved in the dispute.

(b) No later than January 20 of any year in which bargaining on an MOU takes place, representatives designated by the City and County of San Francisco and representatives of the recognized employee organization involved in the dispute shall each select and appoint one arbitrator to the Board of Arbitrators. The third member of the Arbitration Board shall be selected by agreement between the City and County of San Francisco and the employee organization, and shall serve as the neutral arbitrator and Chairperson of the Board. In the event that the City and County of San Francisco and the recognized employee organization involved in the dispute cannot agree upon the selection of the neutral arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, either party may then request the State Mediation and Conciliation Service of the State of California Department of Industrial Relations to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the City and County and the employee organization cannot agree within three (3) days after receipt of such list on one of seven (7) persons to act as the neutral arbitrator, they shall alternately strike names from the list of nominees until one name remains and that person shall then become the neutral arbitrator and Chairperson of the Arbitration Board.

(c) Any arbitration proceeding convened pursuant to this article shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure. The Arbitration Board shall hold public hearings, receive evidence from the parties and cause a transcript of the proceedings to be prepared. The Arbitration Board, in the exercise of its discretion, may meet privately with the parties, mediate or arbitrate the issues in dispute. The Arbitration Board may also adopt such other procedures that are designed to encourage an agreement between the parties, expedite the arbitration hearing process, or reduce the costs of the arbitration process.

(d) In the event no agreement is reached prior to the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Arbitration Board may establish, a last offer of settlement on each of the remaining issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms to those factors traditionally taken into consideration in the determination of wages, hours, benefits and terms and conditions of public and private employment, including, but not limited to: changes in the average consumer price index for goods and services; the wages, hours, benefits and terms and conditions of employment of employees performing similar services; the wages, hours, benefits and terms and conditions of other employees in the City and County of San Francisco; and the formulas provided for in this Charter for the establishment and maintenance of wages, hours, benefits and terms and conditions of employment. The impartial Arbitration Board shall also consider the financial condition of the City and County of San Francisco and its ability to meet the costs of the decision of the Arbitration Board.

(e) After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten (10) day period the parties shall meet privately, attempt to resolve their differences, and by mutual agreement amend or modify the decision of the Arbitration Board. At the conclusion of the ten (10) day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board, as it may be modified or amended by the parties, shall be publicly disclosed. Except as limited by Section A8.590-7, the arbitration decision, as it may be modified or amended by the parties, shall supersede any and all other relevant formulas, procedures and provisions of this Charter relating to wages, hours, benefits and terms and conditions of employment; and it shall be final and binding on the parties to the dispute, including the City and County of San Francisco, its commissions, departments, officers and employees. No other actions or procedural steps to confirm or approve the decision of the Arbitration Board shall be permitted or required; provided, however, that the City and County of San Francisco, its designated officers, employees and representatives and the recognized employee organization involved in the dispute shall take whatever action that is necessary to carry out and effectuate the decision of the Arbitration Board.

(f) The expenses of any arbitration proceedings convened pursuant to these Charter sections, including the fee for the services of the chairperson of the Arbitration Board, the costs of preparation of the transcript of the proceedings and other costs related to the conduct of the proceedings, as determined by the Arbitration Board, shall be borne equally by the parties. All other expenses which the parties may incur are to be borne by the party incurring such expenses.

(g) The impasse resolution procedures set forth in Section A8.590-5 shall not apply to:

1. any dispute or controversy concerning the San Francisco Police Department's crowd control policies;

2. any procedures or practices relating to the processing and disposition of complaints handled by the Office of Citizens' Complaints; or matters relating to disciplinary procedures that apply to disciplinary actions involving members of the San Francisco Police Department and Fire Department covered by these sections; or matters covered by Charter section A8.343; and

3. any rule, policy, procedure, order or practice which relates or pertains to the purpose, goals or requirements of a consent decree, or which is necessary to ensure compliance with Federal, State or local anti-discrimination laws, ordinances or regulations.

In the event the City acts on a matter it has determined relates to or pertains to a consent decree, or in the event the City acts to ensure compliance with Federal, State, or local anti-discrimination laws, ordinances or regulations, and the affected employee organization disputes said determination, that determination or action shall not be subject to arbitration.

(h) An agreement reached between the designated representatives for the City and the representatives of a recognized employee organization that is submitted to the Board of Supervisors on or before May 15, or a decision of the Arbitration Board that is submitted to the Board of Supervisors on or before May 10, or May 15 if the parties waive the 10-day period between the Board's decision and public disclosure of the decision, shall be effective on July 1 of the same calendar year upon adoption by the Board of Supervisors. An agreement submitted to the Board of Supervisors after May 15, or a decision of the Arbitration Board that is submitted to the Board of Supervisors after May 10, or May 15 if the parties waive the 10-day period between the Board's decision and public disclosure of the decision, shall become effective no earlier than July 1 of the next calendar year upon approval of the Board of Supervisors. But an agreement reached during the term of an existing memorandum of understanding that results in a net reduction, or results in no net increase, in the cost to the City, during the current fiscal year, of existing economic provisions in the existing memorandum of understanding may become effective at any time upon approval by the Board of Supervisors. Economic provisions include, but are not limited to, wages, premium pay rates, overtime, any employer pickup of the employees' retirement contribution, paid time off, and other compensation.

(Amended March 2004; Proposition A, Approved 11/5/2009)

A8.590-6 RETIREE BENEFIT ADJUSTMENTS

No agreement reached by the parties and no decision of the arbitration board shall reduce the vested retirement benefits of retirees or employees of the fire department, police department or of the sheriff department. Retirement and death allowances shall continue to be set and adjusted pursuant to Chapter Five of this Article, except that the amount to which said allowances are set and adjusted for uniformed employees of the police department and fire department shall not be less than the amount said allowances would be if the salaries of the uniformed forces in the police and fire departments continued to be set pursuant to Charter Section 8.405. Any agreement or decision of the arbitration board altering vested retirement benefits shall be subject to the written approval of the individual beneficiaries thereof.

(Amended March 2004)

A8.590-7 PRESERVATION OF TAX BENEFITS

(a) Sections A8.590-1 through A8.590-7, in their entirety, shall be subject to and limited by Charter section A8.500 and any ordinances enacted pursuant thereto. Sections A8.590-1 through A8.590-7 shall be effective only to the extent that benefits authorized by or authorized pursuant to those sections do not have an adverse consequence on the tax treatment of benefits provided to any employee of the City and County.

(b) Any agreement reached by the parties or any decision of the arbitration board which authorizes a modification of any aspect of the Retirement System or of any aspect of the provision for or delivery of retirement benefits shall not become effective until the following occur:

(1) The retirement board, acting in its fiduciary capacity, forwards to the Board of Supervisors certification that implementation of the modifications presents no risk to the tax-qualified status of the Retirement System. Such

certification shall be based upon the advice of the general manager, the actuary of the Retirement System, and any outside consultants that they may in their discretion retain; and,

(2) After having received the certification referred to in the previous paragraph and after having made its own independent finding based on clear and convincing evidence that implementation of the modifications presents no risk to the tax-qualified status of the Retirement System and will not increase the taxes of City and County employees, the Board of Supervisors, by a three-quarters vote, enacts an ordinance making the modifications effective.

(c) Costs of any outside consultants retained by the City and County pursuant to this section shall be borne equally by the City and County and by the bargaining units concerned.

(Amended March 2004)

A8.590-8 RETIREE HEALTH CARE TRUST FUND.

Notwithstanding any other provision of Charter Sections A8.590-1 through A8.590-7, the provisions and operation of the Retiree Health Care Trust Fund, including employee contributions to the fund, shall be determined pursuant to Charter Sections 12.204 and A8.432, and shall not be subject to the dispute resolution procedure's contained in Charter Section A8.590-5. Nothing in this section shall prevent the City and County of San Francisco and a recognized employee organization from agreeing to, or an arbitration panel formed pursuant to A8.590-5 from awarding, an adjustment in employee contributions into the Retiree Health Care Trust Fund that results in contributions greater than the contributions required under A8.432 for any and all City employees. In no event shall the City and County of San Francisco and a recognized employee organization agree to, or an arbitration panel formed pursuant to A8.590-5 award any, reduction in contributions below the minimum level of contributions required under A8.432.

(Added by Proposition B, Approved 6/3/2008; amended by Proposition A, Approved 11/5/2009; Proposition C, Approved 11/8/2011)

A8.590-9 EMPLOYEES NOT IN THE RETIREMENT SYSTEM

It is the intent of the voters that officers and employees of the City and County of San Francisco who are not members of the San Francisco Employees' Retirement System negotiate cost-sharing provisions that produce comparable savings and costs to the City and County as are produced through the Charter's employee contribution rate adjustment formulae. Notwithstanding any other provision of Charter Sections A8.590-1 through A8.590-8, for any officer or employee who is not a member of the Retirement System, the parties in any proceeding under Section A8.590-5 may make proposals, to the extent allowable by law, to effect this principle of equitable participation. If no agreement on this issue is reached, in deciding whichever last offer of settlement should be selected, in addition to the other factors specified by Section A8.590-5, the Arbitration Board shall consider (i) the additional amounts such officers and employees would pay to the Retirement System, or the reduction in the rate of their employee contribution which would apply, if they were members of the Retirement System for the term of the agreement; and (ii) the cost of the City and County's contracts with the Public Employees' Retirement System of the State of California compared to the cost of providing retirement benefits for similarly situated officers and employees through the San Francisco Employees' Retirement System.

Charter Section A8.590-9 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, or provisions of Charter Section A8.590-9 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, or provisions of Charter Sections A8.590-9. If any words, phrases, clauses, sentences, or provisions of Charter Section A8.590-9 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Charter Section A8.590-9 which can be given effect. Charter Section A8.590-9 shall be broadly construed to achieve its stated purpose.

(Added by Proposition C, Approved 11/8/2011)

A8.595 MEMBERS OF THE POLICE DEPARTMENT ON JANUARY 1, 2003 WHO ARE MEMBERS OF THE RETIREMENT SYSTEM UNDER

CHARTER SECTION A8.559

Members of the police department on January 1, 2003 who are members of the Retirement System under Section A8.559 may elect to be members of the Retirement System under Section A8.595 instead of Section A8.559. Any such election must be exercised in writing, on a form furnished by the Retirement System, and filed at the office of said system not later than the close of business on December 31, 2002.

Those persons who elect to be members under Section A8.595 as provided in the preceding paragraph, shall be members of the system subject to provisions of Sections A8.595 through Section A8.595-14 (which shall apply only to members under Section A8.595) in addition to the provisions contained in Sections 12.100 to 12.103 and Sections A8.500, A8.510 and A8.520 of this Charter, notwithstanding the provisions of any other section of this Charter, and shall not be subject to any of the provisions of Section A8.559 of this Charter.

The provisions of Section A8.595 shall not apply to any member of the Retirement System under Section A8.559 who separated from service, retired or died before January 1, 2003, or to his or her continuant; provided, however, that the provisions of section A8.595-2 shall apply to the adjustment required in Sections A8.559-3, A8-559-4 and A8.559-5 for a retired member or his or her surviving spouse or continuant when the retired member would not have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years until after January 1, 2003.

(Added November 2002)

A8.595-1 DEFINITIONS

The following words and phrases as used in this section A8.595 and Sections A8.595-2 through A8.595-14, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the police department, but excluding remuneration paid for overtime.

For retirement purposes, any increase in compensation attached to a rank which is based solely upon the possession of a POST certificate, compared to the equivalent rank without a POST certificate, shall be subject to the following limitations:

(a) for possession of the intermediate POST certificate, no more than 4% shall be included in compensation,

(b) for possession of the advanced POST certificate, no more than an additional 2% over the maximum provided in subsection (a), above, shall be included in compensation,

These limits shall apply to any pay increments which are solely attributable to the possession of a POST certificate, including but not limited to premiums or special ranks which may be established in the future and which are solely attributable to the possession of a POST certificate.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him or her during such period, it being assumed that during any absence, he or she was in the rank or position held by him or her at the beginning of the absence, and that prior to becoming a member of the police department, he or she was in the rank or position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the monthly compensation earnable by a member at the time of his or her retirement, or death before retirement, as the case may be, at the rate of remuneration attached at that time to the

rank or position which said member held, provided that said member has held said rank or position for at least one year immediately prior to said retirement or death; and provided, further, that if said member has not held said rank or position for at least one year immediately prior to said retirement or death, "final compensation," as to such member, shall mean the monthly compensation earnable by such member in the rank or position next lower to the rank or position which he or she held at the time of retirement or death at the rate of remuneration attached at the time of said retirement or death to said next lower rank or position; provided, however, that in the case of a member's death before retirement as the result of a violent traumatic injury received in the performance of his or her duty, "final compensation," as to such member shall mean the monthly compensation earnable by such member at the rate of remuneration attached on the date he or she receives such injury to the rank or position held by such member on that date.

For purposes of calculation of final compensation, any increase in pay solely attributable to possession of a POST certificate shall be included only if the member possesses the qualifying POST certificate for a period of not less than four (4) years prior to his or her retirement date; provided, however, that should a member possess the qualifying POST certificate for a period of time less than four (4) years prior to retirement, final compensation shall be calculated based upon the monthly compensation in the next lower rank not requiring possession of the qualifying POST certificate.

For the purpose of Sections A8.595 through A8.595-14, the terms "member of the police department," "member of the department," or "member" shall mean any officer or employee of the police department, who was a member of the police department on January 1, 2003 and a member of the Retirement System under Section A8.559 and who elected to be a member of Section A8.595 as provided in Section A8.595.

Any police service performed by such members of the police department outside the limits of the City and County and under orders of a superior officer of any such member, shall be considered as City and County service, and any disability or death incurred therein shall be covered under the provisions of the Retirement System.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section A8.500 of the Charter.

"Retirement board" shall mean "retirement board" as created in Section 12.100 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

(Added November 2002)

A8.595-2 SERVICE RETIREMENT

Any member of the police department who completes at least twenty-five (25) years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section A8.595-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of the final compensation of said member, as defined in Section A8.595-1, set forth below opposite his or her age at retirement, taken to the preceding quarter year, for each year of service, as computed under Section A8.595-10:

Retirement Age	***Percent for Each Year of Credited Service***
Retirement Age	***Percent for Each Year of Credited Service***
50	2.400
50.25	2.430
50.5	2.460
50.75	2.490
51	2.520

51.25	2.550
51.5	2.580
51.75	2.610
52	2.640
52.25	2.670
52.5	2.700
52.75	2.730
53	2.760
53.25	2.790
53.5	2.820
53.75	2.850
54	2.880
54.25	2.910
54.5	2.940
54.75	2.970
55+	3.000

In no event, however, shall such a retirement allowance exceed ninety (90) percent of a member's final compensation.

If, at the date of retirement for service, or retirement for disability resulting from an injury received in the performance of duty, said member has no spouse, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or Section A8.595-3, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his or her allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him or her throughout his or her life, and partly in other benefits payable after his or her death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the Board of Supervisors to govern similar election by other members of the Retirement System, including the character and amount of such other benefits.

(Added November 2002)

A8.595-3 RETIREMENT FOR INCAPACITY

Any member of the police department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.595-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section A8.595-1. Said allowance shall be paid to said member until the date upon which said member would have qualified for service retirement had he or she lived and rendered service without interruption in the rank held by the member at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section A8.595-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 55 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.595-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.595-2, but not less than 55 percent of said final compensation. Any member of the police department who becomes incapacitated for performance of his or her duty, by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section A8.595-10, shall be retired upon an allowance of one and one-half percent of the final compensation of said member as defined in Section A8.595-1 for each year of service, provided that said allowance shall not be less than 331/3 percent of said final compensation; provided, however, that if such member has completed at least 25 years of service in the aggregate, computed as provided in Section A8.595-10, but has not yet attained the age of 50 years, he or she shall receive an allowance equal to the retirement allowance he or she would have received if he or she had attained the age of 50 years and retired under Section A8.595-2 as of the date of retirement for such incapacity. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the police commission, or by said member or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease, and he or she shall be restored to the service in the rank he or she occupied at the time of his or her retirement.

(Added November 2002)

A8.595-4 DEATH ALLOWANCE

If a member of the police department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the day of death, but such allowance shall not be less than 55 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the final compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he or she lived and rendered service without interruption in the rank held by the member at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 55 percent of such monthly final compensation. If he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he or she was a member under Section 5.595 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be reduced upon the date at which said member would have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

(Added November 2002)

A8.595-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the police department resulting from any cause, other than an injury received in, or illness caused by performance of duty;

(a) if his or her death occurred after qualification for service retirement, under Section A8.595-2 or after retirement for service or because of disability which resulted from any cause other than an injury received in, or illness caused by performance of duty, three-fourths of his or her retirement allowance to which the member would have been entitled if he or she had retired for service at the time of death or three-fourths of the retirement allowance as it was at his or her death, as the case may be, shall be continued throughout life or until remarriage to his or her surviving spouse; or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, three-fourths of the retirement allowance to which he or she would have been entitled under Section A8.595-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse; or

(c) if his or her death occurred after retirement for disability by reason of injury received in, or illness caused by performance of duty, his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage, to his or her surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date of which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died; or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.595-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.595-3 if he or she had retired on the date of death because of incapacity for performance of duty resulting from a cause other than bodily injury received in, or illness caused by performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse.

If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her death if he or she had retired.

As used in this section and Section A8.595-4, "surviving spouse" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving spouse, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.595-A8, in lieu of the allowance which otherwise would be continued to him or her under this section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election. "Qualified for service retirement," "Qualification for service retirement" or "Qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under Section A8.595 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.595-10.

(Added November 2002)

A8.595-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.595 shall be increased or decreased as of January 1, 2003, and thereafter on the effective date of any legislation fixing the rates of compensation for police officers under section A8.590-1 et seq. of this Charter by an amount equal to 50 percent of any increase or decrease, respectively, in the rate of remuneration attached to the rank or position upon which such retirement or death allowance was based; provided, however, that no allowance shall be reduced below the amount being received by a member or his or her beneficiary on January 1, 2003, or on the date such member or beneficiary began to receive the allowance, whichever is later.

(Added November 2002)

A8.595-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the police department which is provided by contributions of the City and County, shall be reduced, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

(Added November 2002)

A8.595-8 DEATH BENEFIT

If a member of the police department shall die, before retirement from causes other than an injury received in or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under Section 8.595-4 or 8.595-5 preceding, a death benefit shall be paid to his or her estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

(Added November 2002)

A8.595-9 REFUNDS AND REDEPOSITS

Should any member of the police department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he or she shall again become a member of the department, he or she shall redeposit in the retirement fund, the amount refunded to him or her. Should a member of the police department become an employee of any other office or department, his or her accumulated contribution account shall be adjusted by payments to or from him or her as the case may be to make the accumulated contributions credited to him or her at the time of change, equal to the amount which would have been credited to him or her if he or she had been employed in said other office or department at the rate of compensation received by him or her in the police department and he or she shall receive credit for service for which said contributions were made, according to the Charter section under which his or her membership in the Retirement System continues.

(Added November 2002)

A8.595-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the police department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other Charter section, and not redeposited upon reentry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the fire or police department.

(b) Time during which said member served and received compensation as a jail matron in the office of the sheriff.

(c) Time during which said member is absent from a status included in Subsections (a) or (b) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his or her account.

(d) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(Added November 2002; Amended by Proposition G, 11/4/2008)

A8.595-11 SOURCES OF FUNDS

All payments provided for members under Section A8.595 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.595 a sum equal to seven percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the Retirement System. shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her estate or beneficiary as provided in Section A8.595-4, A8.595-5 and A8.595-8.

(b) The dependent contributions of each member under this Section which shall be required of each member throughout his or her membership in addition to the normal contributions, and in the same manner as normal contributions, shall be such as, on the average for such member, will provide, assuming service without interruption under Section A8.595-2, and upon he or she first qualifying as to age and service for retirement under that section, one-third of the portion of his or her allowance, which is to be continued under Section A8.595-5 after his or her death and throughout the life of a surviving spouse whose age at said death is three years less than the age of said member. If, at the date of retirement for service or retirement for disability resulting from injury received in the performance of duty, said member has no spouse who would qualify for the continuance of the allowance to him or her after the death of said member, or upon retirement for disability resulting from other causes, regardless of his or her marital conditions, the dependent contributions with accumulated interest thereon, shall be paid to him or her forthwith. The dependent rate of contribution, however, shall not exceed the difference between seven percent and the member's normal rate of contribution, and said dependent rate may be taken as a flat percentage of the member's normal rate, regardless of the age of qualification for service retirement.

(c) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.595-11, to provide the benefits payable to members under Section A8.595. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.595 in accordance with the provisions of Section A8.510.

(d) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.595, shall be a part of the fund in which all other assets of said system are included.

(e) Any year in which, based upon the Retirement System's annual actuarial valuation, the employer contribution rate exceeds 0%, the employee organizations representing safety members shall jointly meet and confer with City

representatives to implement a cost sharing arrangement between the City and employee organizations. Such arrangement will effect a material reduction of the cost impact of employer contributions on the City's general fund.

The dollar value of the cost sharing arrangement shall not exceed the total annual cost to the Retirement System of improving the police and fire safety retirement plans to the 3% @ 55 benefit level or the total employer contribution required by the Retirement System, whichever is lesser. Such cost sharing arrangement shall not require an employee contribution in excess of the limits set elsewhere in this Charter.

The meet and confer process, including all impasse procedures under Section A8.590-1 et seq., shall be concluded not later than April 1st except by mutual agreement of the parties. The cost sharing arrangement must be finalized to permit implementation effective July 1.

(f) Notwithstanding any other provision of this Section A8.595-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (c). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-6.0%
.01%-1.0%	-5.0%
1.01%-2.5%	-4.75%
2.51%-4.0%	-4.5%
4.01%-5.5%	-3.5%
5.51%-7.0%	-3.0%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	3.0%
20.01%-22.5%	3.5%
22.51%-25.0%	4.5%
25.01%-27.5%	4.5%
27.51%-30.0%	4.75%
30.01%-32.5%	4.75%
32.51%-35.0%	5.0%
Over 35.0%	6.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member under Section A8.595, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.595-4, A8.595-5 and A8.595-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System on account of said member otherwise required for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to seven percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required by the City and County under Subsection (c) for that fiscal year.

(g) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including the impasse procedures under Sections A8.590 et seq.

(Added November 2002; amended by Proposition G, Approved 11/4/2008; Proposition C, Approved 11/8/2011)

A8.595-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.595-2 as requisite to retirement, a member of the police department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.595-2, and nothing shall deprive said member of said right.

(Added November 2002)

A8.595-13 LIMITATION IN EMPLOYMENT DURING RETIREMENT

Except as otherwise provided in Section A8.511 of this Charter, no person retired as a member under Section A8.595 for service or disability and entitled to receive a retirement allowance under the Retirement System shall serve in any elective or appointive position in the City and County service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the City and County after retirement, provided that service as an election officer or juror, or in the preparation for, or the giving of, testimony as an expert witness for or on behalf of the City and County of San Francisco before any court or legislative body shall not be affected by this section.

(Added November 2002)

A8.595-14 VESTING

Notwithstanding any provisions of this Charter to the contrary, should any member of the police department who is a member of the Retirement System under Charter Section A8.595 with five years of credited service, cease to be so employed, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance equal to the percent set forth in Section A8.595-2 opposite his or her age at retirement, for each year of service multiplied against the final compensation of said member, calculated at termination, payable beginning no earlier than age 50. The provisions of Section A8.595-14 shall not apply to any members of the Retirement System under Section A8.559 who terminated before January 1, 2003 or their continuants. No vesting retirement allowance under this section shall exceed ninety (90%) percent of the member's final compensation.

Any member of the police department convicted of a crime involving moral turpitude committed in connection with his or her duties as a member of the Police Department shall, upon termination of his or her employment pursuant to the provisions of this Charter, forfeit all right to any benefits under this section except refund of his or her accumulated contributions.

Every retirement or death allowance payable to or on account of any member under Section A8.595-14 shall be adjusted in accordance with the provisions of Section A8.595-6 provided that if the member's accrued service credit is less than 25 years the Section A8.595-6 adjustment will be multiplied by a fraction where the denominator is 25 and the numerator is equal to the member's accrued service credit at the date of termination.

(Added November 2002)

A8.595-15 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.595 or with any part thereof, shall be superseded by the contents of Section A8.595. Section A8.595 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.595 are held to be invalid or unconstitutional by a final judgment of a court; such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.595. If any words,. phrases, clauses, sentences, subsections, provisions or portions of Section A8.595 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Section A8.595 which can be given effect. Section A8.595 shall be broadly construed to achieve its stated purposes.

(Added by Proposition C, Approved 11/8/2011)

A8.596 MEMBERS OF THE FIRE DEPARTMENT ON JANUARY 1, 2003 WHO ARE MEMBERS OF THE RETIREMENT SYSTEM UNDER CHARTER SECTION A8.585

Members of the fire department on January 1, 2003 who are members of the Retirement System under Section A8.585 may elect to be members of the Retirement System under Section A8.596 instead of Section A8.585. Any such election must be exercised in writing, on a form furnished by the Retirement System, and filed at the office of said system not later than the close of business on December 31, 2002.

Those persons who elect to be members under Section A8.596 as provided in the preceding paragraph, shall be members of the system subject to provisions of Section A8.596 through Section A8.596-14 (which shall apply only to members under Section A8.596) in addition to the provisions contained in Sections 12.100 to 12.103 and Sections A8.500, A8.510 and A8.520 of this Charter, notwithstanding the provisions of any other section of this Charter, and shall not be subject to any of the provisions of Section A8.585 of this Charter.

The provisions of section A8.596 shall not apply to any member of the Retirement System under section A8.585 who separated from service, retired or died before January 1, 2003, or to his or her continuant; provided, however, that the provisions of section A8.596-2 shall apply to the adjustment required in Sections A8.585-3, A8-585-4 and A8.585-5 for a retired member or his or her surviving spouse or continuant when the retired member would not have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years until after January 1, 2003.

(Added November 2002)

A8.596-1 DEFINITIONS

The following words and phrases as used in this section A8.596 and Sections A8.596-2 through A8.596-14, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the fire department, but excluding remuneration paid for overtime.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him or her during such period, it being assumed that during any absence, he or she was in the rank or position held by him or her at the beginning of the absence, and that prior

to becoming a member of the fire department, he or she was in the rank or position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the monthly compensation earnable by a member at the time of his or her retirement, or death before retirement, as the case may be, at the rate of remuneration attached at that time to the rank or position which said member held, provided that said member has held said rank or position for at least one year immediately prior to said retirement or death; and provided, further, that if said member has not held said rank or position for at least one year immediately prior to said retirement or death, "final compensation," as to such member, shall mean the monthly compensation earnable by such member in the rank or position next lower to the rank or position which he or she held at the time of retirement or death at the rate of remuneration attached at the time of said retirement or death to said next lower rank or position; provided, however, that in the case of a member's death before retirement as the result of a violent traumatic injury received in the performance of his or her duty, "final compensation," as to such member shall mean the monthly compensation earnable by such member at the rate of remuneration attached on the date he or she receives such injury to the rank or position held by such member on that date.

For the purpose of Sections A8.596 through A8.596-14, the terms "member of the fire department," "member of the department," or "member" shall mean any officer or employee of the fire department, who was a member of the fire department on January 1, 2003 and a member of the Retirement System under Section A8.585 and who elected to be a member of Section A8.596 as provided in Section A8.596.

Any fire service performed by such members of the fire department outside the limits of the City and County and under orders of a superior officer of any such member, shall be considered as City and County service, and any disability or death incurred therein shall be covered under the provisions of the Retirement System.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section A8.500 of the Charter.

"Retirement board" shall mean "retirement board" as created in Section 12.100 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

(Added November 2002)

A8.596-2 SERVICE RETIREMENT

Any member of the fire department who completes at least twenty-five (25) years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section A8.596-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of the final compensation of said member, as defined in Section A8.596-1, set forth below opposite his or her age at retirement, taken to the preceding quarter year, for each year of service, as computed under Section A8.596-10:

Retirement Age	***Percent for Each Year of Credited Service***
Retirement Age	***Percent for Each Year of Credited Service***
50	2.400
50.25	2.430
50.5	2.460
50.75	2.490
51	2.520

51.25	2.550
51.5	2.580
51.75	2.610
52	2.640
52.25	2.670
52.5	2.700
52.75	2.730
53	2.760
53.25	2.790
53.5	2.820
53.75	2.850
54	2.880
54.25	2.910
54.5	2.940
54.75	2.970
55+	3.000

In no event, however, shall such a retirement allowance exceed ninety (90) percent of a member's final compensation.

If, at the date of retirement for service, or retirement for disability resulting from an injury received in the performance of duty, said member has no spouse, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or Section A8.596-3, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his or her allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him or her throughout his or her life, and partly in other benefits payable after his or her death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the Board of Supervisors to govern similar election by other members of the Retirement System, including the character and amount of such other benefits.

(Added November 2002)

A8.596-3 RETIREMENT FOR INCAPACITY

Any member of the fire department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.596-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section A8.596-1. Said allowance shall be paid to said member until the date upon which said member would have qualified for service retirement had he or she lived and rendered service without interruption in the rank held by the member at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section A8.596-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 55 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.596-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.596-2, but not less than 55 percent of said final compensation. Any member of the fire department who becomes incapacitated for performance of his or her duty, by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section A8.596-10, shall be retired upon an allowance of one and one-half percent of the final compensation of said member as defined in Section A8.596-1 for each year of service, provided that said allowance shall not be less than 331/3 percent of said final compensation; provided, however, that if such member has completed at least 25 years of service in the aggregate, computed as provided in Section A8.596-10, but has not yet attained the age of 50 years, he or she shall receive an allowance equal to the retirement allowance he or she would have received if he or she had attained the age of 50 years and retired under Section A8.596-2 as of the date of retirement for such incapacity. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the fire commission, or by said member or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease, and he or she shall be restored to the service in the rank he or she occupied at the time of his or her retirement.

(Added November 2002)

A8.596-4 DEATH ALLOWANCE

If a member of the fire department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the day of death, but such allowance shall not be less than 55 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the final compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he or she lived and rendered service without interruption in the rank held by the member at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 55 percent of such monthly final compensation. If he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he or she was a member under Section 5.596 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be reduced upon the date at which said member would have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

(Added November 2002)

A8.596-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the fire department resulting from any cause, other than an injury received in, or illness caused by performance of duty;

(a) if his or her death occurred after qualification for service retirement, under Section A8.596-2 or after retirement for service or because of disability which resulted from any cause other than an injury received in, or illness caused by performance of duty, three-fourths of his or her retirement allowance to which the member would have been entitled if he or she had retired for service at the time of death or three-fourths of the retirement allowance as it was at his or her death, as the case may be, shall be continued throughout life or until remarriage to his or her surviving spouse; or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, three-fourths of the retirement allowance to which he or she would have been entitled under Section A8.596-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse; or

(c) if his or her death occurred after retirement for disability by reason of injury received in, or illness caused by performance of duty, his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage, to his or her surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date of which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died; or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.596-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.596-3 if he or she had retired on the date of death because of incapacity for performance of duty resulting from a cause other than bodily injury received in, or illness caused by performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse.

If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her death if he or she had retired.

As used in this section and Section A8.596-4, "surviving spouse" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving spouse, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.596-8, in lieu of the allowance which otherwise would be continued to him or her under this section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election. "Qualified for service retirement," "Qualification for service retirement" or "Qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under Section A8.596 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.596-10.

(Added November 2002)

A8.596-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.596 shall be increased or decreased as of January 1, 2003, and thereafter on the effective date of any legislation fixing the rates of compensation for firefighters under section A8.590-1 et seq. of this Charter by an amount equal to 50 percent of any increase or decrease, respectively, in the rate of remuneration attached to the rank or position upon which such retirement or death allowance was based; provided, however, that no allowance shall be reduced below the amount being received by a member or his or her beneficiary on January 1, 2003, or on the date such member or beneficiary began to receive the allowance, whichever is later.

(Added November 2002)

A8.596-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the fire department which is provided by contributions of the City and County, shall be reduced, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

(Added November 2002)

A8.596-8 DEATH BENEFIT

If a member of the fire department shall die, before retirement from causes other than an injury received in or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under Section A8.596-4 or A8.596-5 preceding, a death benefit shall be paid to his or her estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

(Added November 2002)

A8.596-9 REFUNDS AND REDEPOSITS

Should any member of the fire department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he or she shall again become a member of the department, he or she shall redeposit in the retirement fund, the amount refunded to him or her. Should a member of the fire department become an employee of any other office or department, his or her accumulated contribution account shall be adjusted by payments to or from him or her as the case may be to make the accumulated contributions credited to him or her at the time of change, equal to the amount which would have been credited to him or her if he or she had been employed in said other office or department at the rate of compensation received by him or her in the fire department and he or she shall receive credit for service for which said contributions were made, according to the Charter section under which his or her membership in the Retirement System continues.

(Added November 2002)

A8.596-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the fire department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other Charter section, and not redeposited upon reentry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the police or fire department.

(b) Time during which said member is absent from a status included in Subsection (a) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his or her account.

(c) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(Added November 2002; Amended by Proposition G, 11/4/2008)

A8.596-11 SOURCES OF FUNDS

All payments provided for members under Section A8.596 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.596 a sum equal to seven percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her estate or beneficiary as provided in Section A8.596-4, A8.596-5 and A8.596-8.

(b) The dependent contributions of each member under this Section which shall be required of each member throughout his or her membership in addition to the normal contributions, and in the same manner as normal contributions, shall be such as, on the average for such member, will provide, assuming service without interruption under Section A8.596-2, and upon he or she first qualifying as to age and service for retirement under that section, one-third of the portion of his or her allowance, which is to be continued under Section A8.596-5 after his or her death and throughout the life of a surviving spouse whose age at said death is three years less than the age of said member. If, at the date of retirement for service or retirement for disability resulting from injury received in the performance of duty, said member has no spouse who would qualify for the continuance of the allowance to him or her after the death of said member, or upon retirement for disability resulting from other causes, regardless of his or her marital conditions, the dependent contributions with accumulated interest thereon, shall be paid to him or her forthwith. The dependent rate of contribution, however, shall not exceed the difference between seven percent and the member's normal rate of contribution, and said dependent rate may be taken as a flat percentage of the member's normal rate, regardless of the age of qualification for service retirement.

(c) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.596-11, to provide the benefits payable to members under Section A8.596. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.596 in accordance with the provisions of Section A8.510.

(d) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.596, shall be a part of the fund in which all other assets of said system are included.

(e) Any year in which, based upon the Retirement System's annual actuarial valuation, the employer contribution rate exceeds 0%, the employee organizations representing safety members shall jointly meet and confer with City representatives to implement a cost sharing arrangement between the City and employee organizations. Such arrangement will effect a material reduction of the cost impact of employer contributions on the City's general fund.

The dollar value of the cost sharing arrangement shall not exceed the total annual cost to the Retirement System of improving the police and fire safety retirement plans to the 3% @ 55 benefit level or the total employer contribution required by the Retirement System, whichever is lesser. Such cost sharing arrangement shall not require an employee contribution in excess of the limits set elsewhere in this Charter.

The meet and confer process, including all impasse procedures under section A8.590-1 et seq., shall be concluded not later than April 1st except by mutual agreement of the parties. The cost sharing arrangement must be finalized to permit implementation effective July 1.

(f) Notwithstanding any other provision of this Section A8.596-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (c). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-6.0%
.01%-1.0%	-5.0%
1.01%-2.5%	-4.75%
2.51%-4.0%	-4.5%
4.01%-5.5%	-3.5%
5.51%-7.0%	-3.0%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	3.0%
20.01%-22.5%	3.5%
22.51%-25.0%	4.5%
25.01%-27.5%	4.5%
27.51%-30.0%	4.75%
30.01%-32.5%	4.75%
32.51%-35.0%	5.0%
Over 35.0%	6.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.596, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.596-4, A8.596-5 and A8.596-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System on account of said member otherwise required for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to seven percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required by the City and County under Subsection (c) for that fiscal year.

(g) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including the impasse procedures under Section A8.590 et seq.

(Added November 2002; amended by Proposition G, Approved 11/4/2008; Proposition C, Approved 11/8/2011)

A8.596-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.596-2 as requisite to retirement, a member of the fire department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.596-2, and nothing shall deprive said member of said right.

(Added November 2002)

A8.596-13 LIMITATION IN EMPLOYMENT DURING RETIREMENT

Except as otherwise provided in Section A8.511 of this Charter, no person retired as a member under Section A8.596 for service or disability and entitled to receive a retirement allowance under the Retirement System shall serve in any elective or appointive position in the City and County service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the City and County after retirement, provided that service as an election officer or juror, or in the preparation for, or the giving of, testimony as an expert witness for or on behalf of the City and County of San Francisco before any court or legislative body shall not be affected by this section.

(Added November 2002)

A8.596-14 VESTING

Notwithstanding any provisions of this Charter to the contrary, should any member of the fire department who is a member of the Retirement System under Charter Section A8.596 with five years of credited service, cease to be so employed, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance equal to the percent set forth in Section A8.596-2 opposite his or her age at retirement, for each year of service multiplied against the final compensation of said member, calculated at termination, payable beginning no earlier than age 50. The provisions of Section A8.596-14 shall not apply to any members of the Retirement System under Section A8.585 who terminated before January 1, 2003 or their continuants. No vesting retirement allowance under this section shall exceed ninety (90%) percent of the member's final compensation.

Any member of the fire department convicted of a crime involving moral turpitude committed in connection with his or her duties as a member of the fire department shall, upon termination of his or her employment pursuant to the provisions of this Charter, forfeit all right to any benefits under this section except refund of his or her accumulated contributions.

Every retirement or death allowance payable to or on account of any member under Section A8.596-14 shall be adjusted in accordance with the provisions of Section A8.596-6 provided that if the member's accrued service credit is less than 25 years the Section A8.596-6 adjustment will be multiplied by a fraction where the denominator is 25 and the numerator is equal to the member's accrued service credit at the date of termination.

(Added November 2002)

A8.596-15 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.596 or with any part thereof shall be superseded by the contents of Section A8.596. Section A8.596 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.596 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.596. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.596 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Section A8.596 which can be given effect. Section A8.596 shall be broadly construed to achieve its stated purposes.

(Added by Proposition C, Approved 11/8/2011)

A8.597 MEMBERS OF THE POLICE DEPARTMENT ON JANUARY 1, 2003 WHO ARE MEMBERS OF THE RETIREMENT SYSTEM UNDER CHARTER SECTION A8.586, AND MEMBERS OF THE POLICE DEPARTMENT AFTER JANUARY 1, 2003

Members of the police department on January 1, 2003 who are members of the Retirement System under Section A8.586, and persons who become members of the police department, as defined in Section A8.597-1, after January 1, 2003, shall be members of the Retirement System subject to the provisions of Sections A8.597 through A8.597-15 (which shall apply only to members under Section A8.597) in addition to the provisions contained in Sections 12.100 to 12.103 and Sections 8.500, 8.510, 8.520 and 8.526 of this Charter, notwithstanding the provisions of any other section of this Charter, and shall not be subject to any of the provisions of Sections A8.586 of this Charter.

The provisions of section A8.597 shall not apply to any member of the Retirement System under section A8.586 who separated from service, retired or died before January 1, 2003, or to his or her continuant; provided, however, that the provisions of section A8.597-2 shall apply to the adjustment required in Sections A8.586-3, A8.586-4 and A8.586-5 for a retired member or his or her surviving spouse or continuant when the retired member would not have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years until after January 1, 2003.

(Added November 2002)

A8.597-1 DEFINITIONS

The following words and phrases as used in this Section, Section A8.597 and Section A8.597-2 through A8.597-14, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the police department, but excluding remuneration paid for overtime.

Subject to the requirement that it be payable in cash and that overtime be excluded, "compensation" for pension purposes may be defined in a collective bargaining agreement. Provided, however, that for retirement purposes, any increase in compensation attached to a rank which is based solely upon the possession of a POST certificate, compared to the equivalent rank without a POST certificate, shall be subject to the following limitations:

(a) for possession of the intermediate POST certificate, no more than 4% shall be included in compensation,

(b) for possession of the advanced POST certificate, no more than an additional 2% over the maximum provided in subsection (a), above, shall be included in compensation, These limits shall apply to any pay increments which

are solely attributable to the possession of a POST certificate, including but not limited to premiums or special ranks which may be established in the future and which are solely attributable to the possession of a POST certificate.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him or her during such period, it being assumed that during any absence, he or she was in the rank or position held by him or her at the beginning of the absence, and that prior to becoming a member of the police department, he or she was in the rank or position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the average monthly compensation earnable by a member during any one year of credited service in which his or her average compensation is the highest.

For purposes of calculation of final compensation, any increase in pay solely attributable to possession of a POST certificate shall be included only if the member possesses the qualifying POST certificate for a period of not less than four (4) years prior to his or her retirement date; provided, however, that should a member possess the qualifying POST certificate for a period of time less than four (4) years prior to retirement, final compensation shall be calculated based upon the monthly compensation in the next lower rank not requiring possession of the qualifying POST certificate.

For the purpose of Section A8.597 through A8.597-14, the terms "member of the police department," "member of the department," or "member" shall mean any member of the police department on January 1, 2003 who was an active member of the Retirement System under Section A8.586, and any officer or employee of the police department employed after January 1, 2003 who was or shall be subject to the Charter provisions governing entrance requirements of members of the uniformed force of said department and said terms shall further mean persons employed after January 1, 2003 at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform duties now performed under the titles of criminologist, photographer, police woman or jail matron; provided, however, that said terms shall not include any person who has not satisfactorily completed such course of training as may be required by the police department prior to assignment to active duty with said department.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section A8.500 of the Charter.

"Retirement board" shall mean "retirement board" as created in Section 3.670 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

(Added November 2002)

A8.597-2 SERVICE RETIREMENT

Any member of the police department who completes at least five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section A8.597-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of final compensation (as defined in Section A8.597-1) set forth below opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, as computed under Section A8.597-10:

Retirement Age	***Percent for Each Year of Credited Service***
Retirement Age	***Percent for Each Year of Credited Service***

50	2.400
50.25	2.430
50.5	2.460
50.75	2.490
51	2.520
51.25	2.550
51.5	2.580
51.75	2.610
52	2.640
52.25	2.670
52.5	2.700
52.75	2.730
53	2.760
53.25	2.790
53.5	2.820
53.75	2.850
54	2.880
54.25	2.910
54.5	2.940
54.75	2.970
55+	3.000

In no event, however, shall such a retirement allowance exceed ninety (90) percent of a member's final compensation.

(Added November 2002)

A8.597-3 RETIREMENT FOR INCAPACITY

Any member of the police department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.597-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section A8.597-1. Said allowance shall be paid to him or her until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years had he or she lived and rendered service without interruption in the rank held by him or her at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section A8.597-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.597-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.597-2, but not less than 50 percent of said final compensation. Any member of the police department who becomes incapacitated for performance of his or her duty by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10

years of service in the aggregate, computed as provided in Section A8.597-10, shall be retired upon an allowance of 1½ percent of the final compensation of said member as defined in Section A8.597-1 for each year of service, provided that said allowance shall not be less than 331/3 percent of said final compensation. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the police commission or by said member or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease and he or she shall be restored to the service in the rank he or she occupied at the time of his or her retirement.

(Added November 2002)

A8.597-4 DEATH ALLOWANCE

If a member of the police department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance, payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but he or she had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the date of death, but such allowance shall not be less than 50 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, had he or she lived and rendered service without interruption in the rank held by him or her at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation. If he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he or she was a member under Section A8.597 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died.

If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

The amendments to this Section A8.597-4, approved by the electorate on November 2, 2004 shall apply to any work-related death that occurs on or after November 2, 2004, and to any qualified survivor who, on November 2, 2004, is receiving a continuation allowance under this section due to the work-related death of a member on or after January 1, 1989. Any increase in the continuation allowance payable to such a qualified survivor by virtue of the amendments to this section approved by the electorate on November 2, 2004 shall be prospective only, beginning November 2, 2004.

(Added November 2002; amended November 2004)

A8.597-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the police department resulting from any cause other than an injury received in, or illness caused by performance of duty,

(a) if the death occurred after qualification for service retirement under Section A8.597-2, or after retirement service or because of disability which result from any cause other than an injury received in, or illness caused by performance of duty one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service at the date of death or one-half of the retirement allowance as it was at his or her death, as the case may be, shall be continued throughout his or her life or until remarriage to his or her surviving spouse, or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, one-half of the retirement allowance to which he or she would have been entitled under Section A8.597-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, or

(c) if his or her death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, three-fourths of his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date on which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died, or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.597-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.597-3 if he or she had retired on the date of death because of incapacity for performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children, under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however shall be paid under this section to a surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her retirement if he or she had retired.

As used in this section and Section A8.597-4 "surviving spouse" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving spouse, in the event of death of the member after qualification for, but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.597-8, in lieu of the allowance which otherwise would be continued to him or her under this section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election. "Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under Section A8.597 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.597-10.

(Added November 2002)

A8.597-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.597 shall be adjusted in accordance with the provisions of Subsection (b) of Section A8.526 of this Charter.

(Added November 2002)

A8.597-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the police department which is provided by contributions of the City and County, shall be reduced, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in, or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

(Added November 2002)

A8.597-8 DEATH BENEFIT

If a member of the police department shall die, before retirement from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause if no allowance shall be payable under Section A8.597-4 or A8.597-5 preceding, a death benefit shall be paid to his or her estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

(Added November 2002)

A8.597-9 REFUNDS AND REDEPOSITS

Should any member of the police department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he or she shall again become a member of the department, he or she shall redeposit in the retirement fund the amount refunded to him or her. Should a member of the police department become an employee of any other office or department, his or her accumulated contribution account shall be adjusted by payments to or from him or her as the case may be to make the accumulated contributions credited to him or her at the time of change equal to the amount which would have been credited to him or her if he or she had been employed in said other office or department at the rate of compensation received by him or her in the police department and he or she shall receive credit for service for which said contributions were made, according to the Charter section under which his or her membership in the Retirement System continues.

(Added November 2002)

A8.597-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the police department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other Charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the police or fire department.

(b) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(c) Time during which said member is absent from a status included in Subsection (a) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in

Sections A8.520 and A8.521 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his or her account.

(d) Time during which said member earned compensation as an airport police officer, provided that said member does not receive a retirement allowance from the Public Employees' Retirement System or receive credit from the Public Employees' Retirement System for the same service, and provided further that the accumulated assets with interest and accrued liability for the past service relating to each said member is transferred from the Public Employees' Retirement System to his or her Section A8.597 account, or if previously refunded, is redeposited into his or her Section A8.597 account with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the Retirement Board: The Retirement Board shall require that each said member execute a waiver consenting to the transfer so that any airport police officer service covered by Section A8.597 is not also covered by other pension provisions in this Charter, and so that any such member is not receiving either a retirement allowance or service credit from the Public Employees' Retirement System for the same service, and agree to pay for any required costs allocable to such member under Section A8.506-2. Members of the police department on November 6, 2007, who are members of the Retirement System under Section A8.597 shall execute and file said waiver on or before February 1, 2008. Failure to file a timely waiver shall bar any application to have such airport police officer service treated as safety service under this subsection.

The additions to this Section A8.597-10, approved by the electorate on November 6, 2007, shall not apply to any member of the Retirement System who separated from service, retired, or died before November 6, 2007, or to his or her continuant.

(Added November 2002; Amended by Proposition F, Approved 11/6/2007; Amended by Proposition G, 11/4/2008)

A8.597-11 SOURCES OF FUNDS

All payments provided for members under Section A8.597 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.597 a sum equal to seven percent of such payment of compensation plus the member's allocable share, if any, of the costs required under Section A8.506-2. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her estate or beneficiary as provided in Sections A8.597-5, A8.597-6 and A8.597-8.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.597-11, to provide the benefits payable to members under Section A8.597. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.597 in accordance with the provisions of Section A8.510.

(c) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.597, shall be a part of the fund in which all other assets of said system are included.

(d) Any year in which, based upon the Retirement System's annual actuarial valuation, the employer contribution rate exceeds 0%, the employee organizations representing safety members shall jointly meet and confer with City representatives to implement a cost sharing arrangement between the City and employee organizations. Such arrangement will effect a material reduction of the cost impact of employer contributions on the City's general fund.

The dollar value of the cost sharing arrangement shall not exceed the total annual cost to the Retirement System of improving the police and fire safety retirement plans to the 3% @ 55 benefit level or the total employer

contribution required by the Retirement System, whichever is lesser. Such cost sharing arrangement shall not require an employee contribution in excess of the limits set elsewhere in this Charter.

The meet and confer process, including all impasse procedures under section A8.590-1 et seq., shall be concluded not later than April 1st except by mutual agreement of the parties. The cost sharing arrangement must be finalized to permit implementation effective July 1.

(e) Notwithstanding any other provision of this Section A8.597-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-6.0%
.01%-1.0%	-5.0%
1.01%-2.5%	-4.75%
2.51%-4.0%	-4.5%
4.01%-5.5%	-3.5%
5.51%-7.0%	-3.0%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	3.0%
20.01%-22.5%	3.5%
22.51%-25.0%	4.5%
25.01%-27.5%	4.5%
27.51%-30.0%	4.75%
30.01%-32.5%	4.75%
32.51%-35.0%	5.0%
Over 35.0%	6.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member under Section A8.597, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.597-4, A8.597-4 and A8.597-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System on account of said member otherwise required for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a

sum equal to seven percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

Said contributions by the City and County shall be in addition to the contributions required by the City and County under Subsection (b) for that fiscal year.

(f) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including the impasse procedures under Sections A8.590 et seq.

(Added November 2002; amended by Proposition F, Approved 11/6/2007; Proposition G, Approved 11/4/2008; Proposition C, Approved 11/8/2011)

A8.597-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section 8.597-2 as requisite to retirement, a member of the police department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section 8.597-2, and except as provided in Section 8.597-16, nothing shall deprive said member of said right.

(Added November 2002; amended by Proposition C, Approved 6/3/2008)

A8.597-13 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section A8.511 of this Charter and in Subsection (b) of this section, no person retired as a member under Section A8.597 for service or disability and entitled to receive a retirement allowance under the Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for, or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall be affected by the provisions of Subsection (a) of this section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said compensation does not exceed $100 per month.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.597, he or she shall re-enter membership under Section A8.597 and his or her retirement allowance shall be cancelled immediately upon his or her re-entry. The provisions of Subsection (a) of this section shall not prevent such person from receiving the compensation for such position or office. The rate of contributions of such member shall be the same as that for other members under Section A8.597. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(c) Notwithstanding any provision of this Charter to the contrary, should any person retired for disability engage in a gainful occupation prior to attaining the age of 55 years, the retirement board shall reduce that part of his or her monthly retirement allowance which is provided by contributions of the City and County to an amount which, when added to the amount of the compensation earnable, at the time he or she engages in the gainful occupation, by such person if he or she held the position which he or she held at the time of his or her retirement, or, if that position has been abolished, the compensation earnable by the member if he or she held the position from which he or she was retired immediately prior to its abolishment.

(Added November 2002)

A8.597-14 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.597 or with any part thereof, shall be superseded by the contents of Section A8.597. Section A8.597 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.597 are held to be invalid or unconstitutional by a final

judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, or provisions of Section A8.597. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.597 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Section A8.597 which can be given effect. Section A8.597 shall be broadly construed to achieve its stated purposes.

(Added November 2002; amended by Proposition C, Approved 11/8/2011)

A8.597-15 VESTING

Notwithstanding any provisions of this Charter to the contrary, should any member of the police department who is a member of the Retirement System under Charter Section A8.597 with five years of credited service, cease to be so employed, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance equal to the percent set forth in Section A8.597-2 opposite his or her age at retirement, for each year of service multiplied against the final compensation of said member, calculated at termination, payable beginning no earlier than age 50. No vesting retirement allowance under this section shall exceed ninety (90%) percent of the member's final compensation. The provisions of Section A8.597-15 shall not apply to any members of the Retirement System under Section A8.586 who terminated before January 1, 2003 or their continuants.

(Added November 2002)

A8.597-16 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section 8.597-2, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such removal from office or employment.

Any member after retirement for service or disability or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if at the time of the conviction, said member has remaining accumulated contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions remaining at the time of the conviction.

(Added by Proposition C, 6/3/2008)

A8.598 MEMBERS OF THE FIRE DEPARTMENT ON JANUARY 1, 2003 WHO ARE MEMBERS OF THE RETIREMENT SYSTEM UNDER CHARTER SECTION A8.588, AND MEMBERS OF THE FIRE DEPARTMENT AFTER JANUARY 1, 2003

Members of the fire department on January 1, 2003 who are members of the Retirement System under Section A8.588, and persons who become members of the fire department, as defined in Section A8.598-1, after January 1, 2003, shall be members of the Retirement System subject to the provisions of Sections A8.598 through A8.598-15 (which shall apply only to members under Section A8.598) in addition to the provisions contained in Sections 12.100 to 12.103 and Sections 8.500, 8.510, 8.520 and 8.526 of this Charter, notwithstanding the provisions of any other section of this Charter, and shall not be subject to any of the provisions of Sections A8.588 of this Charter.

The provisions of section A8.598 shall not apply to any member of the Retirement System under section A8.588 who separated from service, retired or died before January 1, 2003, or to his or her continuant; provided, however, that the provisions of section A8.598-2 shall apply to the adjustment required in Sections A8.588-3, A8.588-4 and A8.588-5 for a retired member or his or her surviving spouse or continuant when the retired member would not have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years until after January 1, 2003.

(Added November 2002)

A8.598-1 DEFINITIONS

The following words and phrases as used in this Section, Section A8.598 and Section A8.598-2 through A8.598-14, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the fire department, but excluding remuneration paid for overtime. Subject to the requirement that it be payable in cash and that overtime be excluded, "compensation" for pension purposes may be defined in a collective bargaining agreement.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him or her during such period, it being assumed that during any absence, he or she was in the rank or position held by him or her at the beginning of the absence, and that prior to becoming a member of the fire department, he or she was in the rank or position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the average monthly compensation earnable by a member during any one year of credited service in which his or her average compensation is the highest.

For the purpose of Section A8.598 through A8.598-14, the terms "member of the fire department," "member of the department," or "member" shall mean any member of the fire department on January 1, 2003 who was an active member of the Retirement System under Section A8.588, and any officer or employee of the fire department employed after January 1, 2003 who was or shall be subject to the Charter provisions governing entrance requirements of members of the uniformed force of said department and said terms shall further mean persons employed after January 1, 2003 at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform duties now performed under the titles of pilot of fireboats, or marine engineer of fireboats; provided, however, that said terms shall not include any person who has not satisfactorily completed such course of training as may be required by the fire department prior to assignment to active duty with said department.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section A8.500 of the Charter.

"Retirement board" shall mean "retirement board" as created in Section 3.670 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

(Added November 2002)

A8.598-2 SERVICE RETIREMENT

Any member of the fire department who completes at least five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section A8.598-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of final compensation (as defined in Section A8.598-1) set forth below opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, as computed under Section A8.598-10:

Retirement Age	Percent for Each Year of Credited Service

Retirement Age	Percent for Each Year of Credited Service

50	2.400
50.25	2.430
50.5	2.460
50.75	2.490
51	2.520
51.25	2.550
51.5	2.580
51.75	2.610
52	2.640
52.25	2.670
52.5	2.700
52.75	2.730
53	2.760
53.25	2.790
53.5	2.820
53.75	2.850
54	2.880
54.25	2.910
54.5	2.940
54.75	2.970
55+	3.000

In no event, however, shall such a retirement allowance exceed ninety (90) percent of a member's final compensation.

(Added November 2002)

A8.598-3 RETIREMENT FOR INCAPACITY

Any member of the fire department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.598-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section A8.598-1. Said

allowance shall be paid to him or her until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years had he or she lived and rendered service without interruption in the rank held by him or her at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section A8.598-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.598-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.598-2, but not less than 50 percent of said final compensation. Any member of the fire department who becomes incapacitated for performance of his or her duty by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section A8.598-10, shall be retired upon an allowance of 1½ percent of the final compensation of said member as defined in Section A8.598-1 for each year of service, provided that said allowance shall not be less than 331/3 percent of said final compensation. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the fire commission or by said member or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease and he or she shall be restored to the service in the rank he or she occupied at the time of his or her retirement.

(Added November 2002)

A8.598-4 DEATH ALLOWANCE

If a member of the fire department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance, payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but he or she had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the date of death, but such allowance shall not be less than 50 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, had he or she lived and rendered service without interruption in the rank held by him or her at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation. If he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he or she was a member under Section A8.598 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died.

If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however,

shall be paid under this section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

The amendments to this Section A8.597-4, approved by the electorate on November 2, 2004 shall apply to any work-related death that occurs on or after November 2, 2004, and to any qualified survivor who, on November 2, 2004, is receiving a continuation allowance under this section due to the work-related death of a member on or after January 1, 1989. Any increase in the continuation allowance payable to such a qualified survivor by virtue of the amendments to this section approved by the electorate on November 2, 2004 shall be prospective only, beginning November 2, 2004.

(Added November 2002; amended November 2004)

A8.598-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the fire department resulting from any cause other than an injury received in, or illness caused by performance of duty,

(a) if the death occurred after qualification for service retirement under Section A8.598-2, or after retirement service or because of disability which result from any cause other than an injury received in, or illness caused by performance of duty one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service at the date of death or one-half of the retirement allowance as it was at his or her death, as the case may be, shall be continued throughout his or her life or until remarriage to his or her surviving spouse, or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, one-half of the retirement allowance to which he or she would have been entitled under Section A8.598-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, or

(c) if his or her death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, three-fourths of his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date on which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died, or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.598-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.598-3 if he or she had retired on the date of death because of incapacity for performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children, under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however shall be paid under this section to a surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her retirement if he or she had retired.

As used in this section and Section A8.598-4 "surviving spouse" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving spouse, in the event of death of the member after qualification for, but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.598-8, in lieu of the allowance which otherwise would be continued to him or her under this section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election. "Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under Section A8.598 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.598-10.

(Added November 2002)

A8.598-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.598 shall be adjusted in accordance with the provisions of Subsection (b) of Section A8.526 of this Charter.

(Added November 2002)

A8.598-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the fire department which is provided by contributions of the City and County, shall be reduced, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in, or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

(Added November 2002)

A8.598-8 DEATH BENEFIT

If a member of the fire department shall die, before retirement from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause if no allowance shall be payable under Section A8.598-4 or A8.598-5 preceding, a death benefit shall be paid to his or her estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

(Added November 2002)

A8.598-9 REFUNDS AND REDEPOSITS

Should any member of the fire department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he or she shall again become a member of the department, he or she shall redeposit in the retirement fund the amount refunded to him or her. Should a member of the fire department become an employee of any other office or department, his or her accumulated contribution account shall be adjusted by payments to or from him or her as the case may be to make the accumulated contributions credited to him or her at the time of change equal to the amount which would have been credited to him or her if he or she had been employed in said other office or department at the rate of compensation received by him or her in the fire department and he or she shall receive credit for service for which said contributions were made, according to the Charter section under which his or her membership in the Retirement System continues.

(Added November 2002)

A8.598-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the fire department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other Charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the police or fire department.

(b) Time prior to January 1, 2003, during which said member was entitled to receive compensation while a member of the police or fire department under any other section of the Charter, provided that accumulated contributions on account of such service previously refunded are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the retirement board; and solely for the purpose of determining qualification for retirement under Section A8.598-3 for disability not resulting from injury received in or illness caused by performance of duty, time during which said member serves and receives compensation because of services rendered in other offices and departments.

(c) Time during which said member earned compensation as a paramedic with the fire department or department of public health, provided that the accumulated contributions on account of such service are transferred to his or her Section A8.598 account or, if previously refunded, are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the retirement board. The retirement board shall require that said member execute a waiver so that any paramedic service covered by Section A8.598 is not also covered by other pension provisions in this Charter. Members of the fire department on January 1, 2003, who are members of the Retirement System under Section A8.598, shall execute and file said waiver on or before June 30, 2003. Persons who become members of the fire department, as defined in Section A8.598-1, after January 1, 2003, shall execute and file said waiver within 90 days after their effective date of membership. Failure to file a timely waiver shall bar any application to have such paramedic service treated as safety service under this subsection.

(d) Time during which said member is absent from a status included in Subsection (a) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his or her account.

(e) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(Added November 2002; Amended by Proposition G, 11/4/2008)

A8.598-11 SOURCES OF FUNDS

All payments provided for members under Section A8.598 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.598 a sum equal to seven percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her estate or beneficiary as provided in Section A8.598-4, A8.598-5 and A8.598-8.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.598-11, to provide the benefits payable to members under Section A8.598. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by

the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.598 in accordance with the provisions of Section A8.510.

(c) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.598, shall be a part of the fund in which all other assets of said system are included.

(d) Any year in which, based upon the Retirement System's annual actuarial valuation, the employer contribution rate exceeds 0%, the employee organizations representing safety members shall jointly meet and confer with City representatives to implement a cost sharing arrangement between the City and employee organizations. Such arrangement will effect a material reduction of the cost impact of employer contributions on the City's general fund.

The dollar value of the cost sharing arrangement shall not exceed the total annual cost to the Retirement System of improving the police and fire safety retirement plans to the 3% @ 55 benefit level or the total employer contribution required by the Retirement System, whichever is lesser. Such cost sharing arrangement shall not require an employee contribution in excess of the limits set elsewhere in this Charter.

The meet and confer process, including all impasse procedures under Section A8.590-1 et seq., shall be concluded not later than April 1st except by mutual agreement of the parties. The cost sharing arrangement must be finalized to permit implementation effective July 1.

The Retirement Board's authority under Charter Section 12.100 and in Section A8.510 concerning the annual setting of the rates of contribution are not subject to the meet and confer process, including all impasse procedures under Section A8.590-1 et seq.

(e) Notwithstanding any other provision of this Section A8.598-11 or this Charter, for fiscal years beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-6.0%
.01%-1.0%	-5.0%
1.01%-2.5%	-4.75%
2.51%-4.0%	-4.5%
4.01%-5.5%	-3.5%
5.51%-7.0%	-3.0%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	3.0%
20.01%-22.5%	3.5%
22.51%-25.0%	4.5%
25.01%-27.5%	4.5%
27.51%-30.0%	4.75%

30.01%-32.5%	4.75%
32.51%-35.0%	5.0%
Over 35.0%	6.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.598, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.598-4, A8.598-5 and A8.598-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System on account of said member otherwise required for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to seven percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required by the City and County under Subsection (b) for that fiscal year.

(f) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including the impasse procedures under Sections A8.590 et seq.

(Added November 2002; amended by Proposition G, Approved 11/4/2008; Proposition C, Approved 11/8/2011)

A8.598-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section 8.598-2 as requisite to retirement, a member of the fire department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section 8.598-2, and except as provided in Section 8.598-16, nothing shall deprive said member of said right.

(Added November 2002; Amended by Proposition C, 6/3/2008)

A8.598-13 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section A8.511 of this Charter and in Subsection (b) of this section, no person retired as a member under Section A8.598 for service or disability and entitled to receive a retirement allowance under the Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for, or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall be affected by the provisions of Subsection (a) of this section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said compensation does not exceed $100 per month.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.598, he or she shall re-enter membership under Section A8.598 and his or her retirement allowance shall be cancelled immediately upon his or her re-entry. The provisions of Subsection (a) of this section shall not prevent such person from receiving the compensation for such position or office. The rate of contributions of such member shall be the same as that for other members under Section A8.598. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her

accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(c) Notwithstanding any provision of this Charter to the contrary, should any person retired for disability engage in a gainful occupation prior to attaining the age of 55 years, the retirement board shall reduce that part of his or her monthly retirement allowance which is provided by contributions of the City and County to an amount which, when added to the amount of the compensation earnable, at the time he or she engages in the gainful occupation, by such person if he or she held the position which he or she held at the time of his or her retirement, or, if that position has been abolished, the compensation earnable by the member if he or she held the position from which he or she was retired immediately prior to its abolishment.

(Added November 2002)

A8.598-14 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.598 or with any part thereof, shall be superseded by the contents of Section A8.598. Section A8.598 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.598 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.598. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.598 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Section A8.598 which can be given effect. Section A8.598 shall be broadly construed to achieve its stated purposes.

(Added November 2002; amended by Proposition C, Approved 11/8/2011)

A8.598-15 VESTING

Notwithstanding any provisions of this Charter to the contrary, should any member of the fire department who is a member of the Retirement System under Charter Section A8.598 with five years of credited service, cease to be so employed, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance equal to the percent set forth in Section A8.598-2 opposite his or her age at retirement, for each year of service multiplied against the final compensation of said member, calculated at termination, payable beginning no earlier than age 50. No vesting retirement allowance under this section shall exceed ninety (90%) percent of the member's final compensation. The provisions of Section A8.598-15 shall not apply to any members of the Retirement System under Section A8.588 who terminated before January 1, 2003 or their continuants.

(Added November 2002)

A8.598-16 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section 8.598-2, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such removal from office or employment.

Any member, after retirement for service or disability or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if at the time of the conviction, said member has remaining accumulated contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System, an annuity which shall he the actuarial equivalent of his or her

(Added by Proposition C, 6/3/2008)

A8.599 TAX-DEFERRED PLANS FOR ACCUMULATED COMPENSATION

The Board of Supervisors is empowered to enact, by a vote of three-fourths of its members, such ordinances as it deems necessary to establish a plan or plans, consistent with federal and state requirements, to provide for the deferred taxation of accumulated vacation, sick leave or other compensation earned by and payable to employees on account of and after their separation from City and County employment. The City and County of San Francisco does not and cannot represent or guarantee that any particular federal or state income, payroll or other tax consequence will occur by reason of an employee's participation in these plans nor whether there will be gains or losses on moneys paid into these plans. The Retirement Board shall administer any such plans. The Retirement Board may contract with a financially responsible independent contractor to serve as the third party administrator of any such plans. The Retirement Board shall manage such plans in compliance with federal and state tax laws and ensure that plan benefits do not conflict with or reduce benefits under the Retirement System. The reasonable and necessary administrative costs of this plan shall not be borne by the City and County but by the participants and by any third party plan administrator appointed hereunder.

(Added March 2004)

A8.600 MISCELLANEOUS OFFICERS AND EMPLOYEES ON AND AFTER JULY 1, 2010

Miscellaneous officers and employees who become employed on and after July 1, 2010, shall be eligible to become members of the Retirement System subject to the provisions of Sections A8.600 through A8.600-14, in addition to such other applicable provisions including, but not limited to, A8.500 of this Charter; provided that persons who become members under the Public Employees' Retirement System of the State of California or members of the State Teachers' Retirement System of the State of California shall not be members of the San Francisco City and County Employees' Retirement System and provided, further, that the Retirement System shall be applied to persons employed on a part-time or temporary basis only as the Board of Supervisors shall determine by ordinance enacted by three-fourths vote of all members of the board.

(Added by Proposition D, Approved 6/8/2010)

A8.600-1 DEFINITIONS

The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning:

"Retirement allowance," or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the workers' compensation laws of the State of California shall mean all remuneration whether in cash or by other allowances made by the City and County, for service qualifying for credit under this section, but excluding remuneration for overtime and such other forms of compensation excluded by the Board of Supervisors pursuant to Section A8.500 of the Charter.

"Compensation earnable" shall mean the compensation as determined by the Retirement Board, which would have been earned by the member had he or she worked, throughout the period under consideration, the average number of days ordinarily worked by persons in the same grade or class of positions as the positions held by him or her during such period and at the rate of pay attached to such positions, it being assumed that during any absence, he or she was in the position held by him or her at the beginning of the absence, and that prior to entering City service, he or she was in the position first held by him or her in City service.

"Benefit" shall include "allowance," "retirement allowance," and "death benefit."

"Average final compensation" shall mean the average monthly compensation earned by a member during the higher of any two consecutive fiscal years of earnings or the twenty-four months of earnings immediately prior to retirement.

For the purposes of the Retirement System and of this section, Section A8.600 and Sections A8.600-2 through A8.600-14, the terms "miscellaneous officer or employee," or "member," shall mean any officer or employee employed on and after July 1, 2010, who is not a member of the police or fire departments as defined in the Charter for the purposes of the Retirement System. Said terms shall not include those persons who become members under the Public Employees' Retirement System or members of the State Teachers' Retirement System.

"Retirement System" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Sections 12.100 and A8.500 of the Charter.

"Retirement Board" shall mean "Retirement Board" as created in Section 12.100 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

(Added by Proposition D, Approved 6/8/2010)

A8.600-2 SERVICE RETIREMENT

Any member who completes at least 20 years of service in the aggregate credited in the Retirement System and attains the age of 50 years, or at least 10 years of service in the aggregate credited in the Retirement System, and attains the age of 60 years, said service to be computed under Section A8.600-7 may retire for service at his or her option. Members may retire under this section or under the provisions of A8.600-6, on the first day of the month next following the attainment by them of the age of 65 years. A member retired after reaching the age of 62 years shall receive a service retirement allowance at the rate of 2.3 percent of said average final compensation for each year of service. The service retirement allowance of any member retiring prior to a) attaining the age of 60 years, and after rendering 20 years or more of such service, computed under Section A8.600-7, and having attained the age of 50 years, b) attaining the age of 60 years, and after rendering 10 years or more of such service, computed under Section A8.600-7, shall be an allowance equal to the percentage of said average final compensation set forth opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, computed under Section A8.600-7:

Age at Retirement	Percent for Each Year of Credited Service
Age at Retirement	**Percent for Each Year of Credited Service**
50	1.000
50¼	1.0250
50½	1.0500
50¾	1.0750
51	1.1000
51¼	1.1250
51½	1.1500
51¾	1.1750
52	1.2000
52¼	1.2250
52½	1.2500
52¾	1.2750
53	1.3000

53¼	1.3250
53½	1.3500
53¾	1.3750
54	1.4000
54¼	1.4250
54½	1.4500
54¾	1.4750
55	1.5000
55¼	1.5250
55½	1.5500
55¾	1.5750
56	1.6000
56¼	1.6250
56½	1.6500
56;rax;3;4;	1.6750
57	1.7000
57¼	1.7250
57½	1.7500
57¾	1.7750
58	1.8000
58¼	1.8250
58½	1.8500
58¾	1.8750
59	1.9000
59¼	1.9250
59½	1.9500
59¾	1.9750
60	2.1000
60¼	2.1250
60½	2.1500
60¾	2.1750
61	2.2000
61¼	2.2250
61½	2.2500
61¾	2.2750
62	2.3000

In no event shall a member's retirement allowance exceed seventy-five percent of his or her average final compensation.

Before the first payment of a retirement allowance is made, a member, retired under this section or Section A8.600-3, may elect to receive the actuarial equivalent of his or her allowance, partly in an allowance to be received by him or her throughout his or her life, and partly in other benefits payable after his or her death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the Board of Supervisors to govern similar elections by other members of the Retirement System, including the character and amount, of such other benefits. In the calculations under this section of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement

allowances shall be calculated, in the manner prescribed for each class of service, the average final compensation in each case being that for the respective class of service, provided that the aggregate retirement allowance shall be taken into account in applying the provisions of this section providing for a minimum retirement allowance. Part-time service and compensation shall be converted to full-time service and compensation in the manner prescribed by the Board of Supervisors, and when so converted shall be applied on full-time service and compensation in the calculation of retirement allowances.

(Added by Proposition D, Approved 6/8/2010)

A8.600-3 RETIREMENT FOR INCAPACITY

Any member who becomes incapacitated for performance of duty because of disability determined by a qualified hearing officer to be of extended and uncertain duration, and who shall have completed at least 10 years of service credited in the Retirement System in the aggregate, computed as provided in Section A8.600-7, shall be retired upon an allowance of 1.8% (one and eight-tenths percent) of the average final compensation of said member, as defined in Section A8.600-1 for each year of credited service, if such retirement allowance exceeds 40 percent of his or her average final compensation; otherwise 1.8% (one and eight-tenths percent) of his or her average final compensation multiplied by the number of years of City service which would be credited to him or her were such City service to continue until attainment by him or her of age 60, but such retirement allowance shall not exceed 40 percent of such average final compensation. In the calculation under this section of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed, for each class of service, the average final compensation in each case being that for the respective class of service; provided that the average final compensation upon which the retirement allowance is calculated in such case shall be based on the compensation earned by the member in the classes of service rendered by him or her during the two years immediately preceding his or her retirement. The question of retiring members under this section may be brought before the Retirement Board on said Board's own motion, by the Retirement Board's Executive Director on its behalf, by said member, by his or her department head or by his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease, and he or she shall be restored to service in the position or classification he or she occupied at the time of his or her retirement.

(Added by Proposition D, Approved 6/8/2010)

A8.600-4 NO ADJUSTMENT FOR COMPENSATION PAYMENTS

No modification of benefits provided in this section shall be made because of any amounts payable to or on account of any member under workers' compensation laws of the State of California.

(Added by Proposition D, Approved 6/8/2010)

A8.600-5 DEATH BENEFIT

If a member shall die, before retirement:

(a) If no benefit is payable under subsection (b) of this section:

(1) Regardless of cause, a death benefit shall be paid to the member's designated beneficiary or estate consisting of the compensation earnable by the member during the six months immediately preceding death, plus the member's contributions and interest credited thereon.

(2) If a member sustains a traumatic bodily injury through external and violent means in the course and scope of employment and death results within 180 days of such injury, an additional insurance benefit of 12 months of compensation earnable shall be paid to the member's designated beneficiary or estate.

(b) If, at the date of his or her death, he or she was qualified for service retirement by reason of service and age under the provisions of Section A8.600-2, and he or she has designated as beneficiary his or her surviving spouse, who was married to him or her for at least one full year immediately prior to the date of his or her death, one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service on the date of his or her death shall be paid to such surviving spouse who was his or her designated beneficiary at the date of his or her death, until such spouse's death or remarriage, or if there be no surviving spouse, to the unmarried

child or children of such member under the age of 18 years, collectively, until every such child dies, marries or attains the age of 18 years, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. If, at the death of such surviving spouse, who was receiving an allowance under this Subsection (b), there be one or more unmarried children of such member under the age of 18 years, such allowance shall continue to such child or children, collectively, until every such child dies, marries or attains the age of 18 years, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. If the total of the payments of allowance made pursuant to this Subsection (b) is less than the benefit which was otherwise payable under Subsection (a) of this section, the amount of said benefit payable under Subsection (a) less an amount equal to the total of the payments of allowance made pursuant to this Subsection (b) shall be paid in a lump sum as follows:

(1) If the person last entitled to said allowance is the remarried surviving spouse of such member, to such spouse.

(2) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to said allowance.

The surviving spouse may elect, on a form provided by the Retirement System and filed in the office of the Retirement System before the first payment of the allowance provided herein, to receive the benefit provided in Subsection (a) of this section in lieu of the allowance which otherwise would be payable under the provisions of this subdivision. If a surviving spouse, who was entitled to make the election herein provided, shall die before or after making such election but before receiving any payment pursuant to such election, then the legally appointed guardian of the unmarried children of the member under the age of 18 years may make the election herein provided before any benefit has been paid under this section, for and on behalf of such children if in his or her judgment it appears to be in their interest and advantage, and the election so made shall be binding and conclusive upon all parties in interest.

If any person other than such surviving spouse shall have and be paid a community property interest in any portion of any benefit provided under this section, any allowance payable under this Subsection (b) shall be reduced by the actuarial equivalent, at the date of the member's death, of the amount of benefits payable to such other person.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her designated beneficiary or estate in the manner and subject to the conditions prescribed by the Board of Supervisors for the payment of a similar death benefit upon the death of other retired members.

Upon the death of a member after retirement, an allowance, in addition to the death benefit provided in the immediately preceding paragraph, shall be paid to his or her surviving spouse, until such surviving spouse's death or remarriage, equal to one-half of his or her retirement allowance as it was prior to optional modification and prior to reduction as provided in Subsection (a) of Section A8.514 of this Charter, but exclusive of the part of such allowance which was provided by additional contributions. No allowance, however, shall be paid under this paragraph to a surviving spouse unless such surviving spouse was married to said member at least one year immediately prior to his or her retirement. If such retired person leaves no such surviving spouse, or if such surviving spouse should die or remarry before every child of such deceased retired person attains the age of 18 years, the allowance which such surviving spouse would have received had he or she lived and not remarried shall be paid to retired person's child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years.

(Added by Proposition D, Approved 6/8/2010)

A8.600-6 BENEFITS UPON TERMINATION OF MEMBERSHIP

Should any miscellaneous member cease to be employed as such a member, through any cause other than death or retirement, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to cover similar terminations of employment and re-employment with and without redeposit of withdrawn accumulated contributions of other members of the Retirement System, provided that, if such member is entitled to be credited with at least five years of service, he or she shall have the right to elect, without right of revocation and within 90 days after said termination of service, or if the termination was by lay-off, 90 days after the Retirement Board determines the termination to be permanent, whether to allow his or her accumulated contributions to remain in the retirement fund and to receive benefits only

as provided in this paragraph. Failure to make such election shall be deemed an irrevocable election to withdraw his or her accumulated contributions. At or after 50 years of age, he or she shall be entitled to receive a retirement allowance which shall be the actuarial equivalent of his or her accumulated contributions and an equal amount of the contributions of the City and County, plus 1.667% (one and two-thirds percent) of his or her average final compensation for each year of service credited to him or her as rendered prior to his or her first membership in the Retirement System. Upon the death of such member prior to retirement, his or her contributions with interest credited thereon shall be paid to his or her estate or designated beneficiary.

(Added by Proposition D, Approved 6/8/2010)

A8.600-7 COMPUTATION OF SERVICE

The following time and service shall be included in the computation of the service to be credited to a member for the purpose of determining whether such member qualifies for retirement and calculating benefits:

(a) Time during which said member is a member of the Retirement System under Section A8.600, and for which said member is entitled to receive compensation because of services as a miscellaneous officer or employee.

(b) Service in the fire and police departments which is not credited as service as a member under Section A8.600 shall count under this section upon transfer of a member of either of such departments to employment entitling him or her to membership in the Retirement System under Section A8.600, provided that the accumulated contributions standing to the credit of such member shall be adjusted by refund to the member or by payment by the member to bring the account at the time of such transfer to the amount which would have been credited to it had the member been a miscellaneous member throughout the period of his or her service in either of such departments at the compensation he or she received in such departments.

(c) Prior service, during which said member was entitled to receive compensation while a miscellaneous member under any other section of the Charter, provided that accumulated contributions on account of such service previously refunded are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the Retirement Board.

(d) Prior service determined and credited as prescribed by the Board of Supervisors.

(e) The Board of Supervisors, by ordinance enacted by a three-fourths vote of its members, may provide for the crediting as service in the Retirement System, service rendered as an employee of the federal government and service rendered as an employee of the State of California or any public entity or public agency in the State of California. Said ordinance shall provide that all contributions required as the result of the crediting of such service shall be made by the member and that no contributions therefore shall be required of the City and County.

(f) Time during which said member is absent from a status included in Subsections (a) or (b) and for which such member is entitled to receive credit as service for the City and County by virtue of contributions made in accordance with the provisions of Section A8.520 or Section A8.521 of the Charter.

(g) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(Added by Proposition D, Approved 6/8/2010)

A8.600-8 SOURCES OF FUNDS

All payments provided for members under Section A8.600 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.600 a sum equal to seven percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member under Section A8.600, or shall be paid to said member or his or her estate or beneficiary as provided

in Sections A8.600-5 and A8.600-6. The individual accounts of members who purchased service credit for Unpaid Parental Leave shall also include the amount paid by the member for said purchase, plus interest.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.600-8, to provide the benefits payable to members under Section A8.600. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.600, said percentage to be the ratio of the value as of the latest periodical actuarial valuation of the benefits thereafter to be paid to or on account of members under Section A8.600 from contributions of the City and County, less the amount of such contributions, plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective members after said date, to the value at said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuations and investigations shall be made at least every two years.

(c) Notwithstanding any other provision of this Section A8.600-8 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay at or above $24.00 per hour, but less than $48.00 per hour, shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The foregoing base rates of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-4.0%
.01%-1.0%	-4.0%
1.01%-2.5%	-3.75%
2.51%-4.0%	-3.5%
4.01%-5.5%	-2.5%
5.51%-7.0%	-2.0%
7.01%-8.5%	-1.5%
8.51%-10.0%	-1.0%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.0%
15.01%-17.5%	1.5%
17.51%-20.0%	2.0%
20.01%-22.5%	2.5%
22.51%-25.0%	3.5%
25.01%-27.5%	3.5%
27.51%-30.0%	3.75%

30.01%-32.5%	3.75%
32.51%-35.0%	4.0%
Over 35.0%	4.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member under Section A8.600, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.600-5 and A8.600-6.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to seven percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required by the City and County under Subsection (b) for that fiscal year.

(d) Notwithstanding any other provision of this Section A8.600-8 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay at or above $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-5.0%
.01%-1.0%	-4.5%
1.01%-2.5%	-4.25%
2.51%-4.0%	-4.0%
4.01%-5.5%	-3.0%
5.51%-7.0%	-2.5%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	2.5%
20.01%-22.5%	3.0%

22.51%-25.0%	4.0%
25.01%-27.5%	4.0%
27.51%-30.0%	4.25%
30.01%-32.5%	4.25%
32.51%-35.0%	4.5%
Over 35.0%	5.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional Contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.600, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.600-5 and A8.600-6.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to seven percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required by the City and County under Subsection (b) for that fiscal year.

(e) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.600 shall be a part of the fund in which all other assets of said system are included.

(f) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including all impasse procedures under Section A8.409.

(Added by Proposition D, Approved 6/8/2010; amended by Proposition C, Approved 11/8/2011)

A8.600-9 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.600-2 as requisite to retirement, a member shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.600-2, and, except as provided in Section A8.600-14, nothing shall deprive said member of said right.

(Added by Proposition D, Approved 6/8/2010)

A8.600-10 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section A8.511 of this Charter and Subsection (b) of this section, no person retired as a member under Section A8.600 for service or disability and entitled to receive a retirement allowance under the Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall not be affected by the provisions of Subsection (a) of this section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said service does not

exceed 120 working days or 960 hours per fiscal year.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.600, he or she shall re-enter membership under Section A8.600 and his or her retirement allowance shall be cancelled immediately upon such re-entry. The provisions of Subsection (a) of this section shall not prevent such person from receiving the compensation for such position or office. The rate of contribution of such member shall be the same as that for other members under Section A8.600. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(4) The provisions of Subsection (a) shall not prevent such retired persons from employment which requires coverage under the Public Employees' Retirement System or the State Teachers' Retirement System.

(Added by Proposition D, Approved 6/8/2010)

A8.600-11 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.600 shall be adjusted for cost of living allowances and supplemental cost of living benefits as provided in this Charter.

(Added by Proposition D, Approved 6/8/2010)

A8.600-12 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.600 or with any part thereof, shall be superseded by the contents of Section A8.600. Section A8.600 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.600 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.600. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.600 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Section A8.600 which can be given effect. Section A8.600 shall be broadly construed to achieve its stated purposes.

(Added by Proposition D, Approved 6/8/2010; amended by Proposition C, Approved 11/8/2011)

A8.600-13 APPLICATION OF PLAN

For members of the Retirement System under Sections A8.584 or A8.587 who retired before July 1, 2010, and are later elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.600, all service on and after July 1, 2010, shall be subject to the provisions of Sections A8.600, et seq.

(Added by Proposition D, Approved 6/8/2010)

A8.600-14 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County, the school district, the college district, or the Superior Court of California, City and County of San Francisco, shall forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions: provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section A8.600-2, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated, contributions at the time of such removal from office or employment.

Any member, after retirement for service or disability or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and County, the school district, the college district, or the Superior Court of California, City and County of San

Francisco, shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if at the time of the conviction, said member has remaining accumulated contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions remaining at the time of the conviction.

(Added by Proposition D, Approved 6/8/2010)

A8.601 MEMBERS OF THE FIRE DEPARTMENT ON AND AFTER JULY 1, 2010

Persons who become members of the fire department, as defined in Section A8.601-1, on and after July 1, 2010, shall be members of the Retirement System subject to the provisions of Sections A8.601 through A8.601-16 (which shall apply only to members under Section A8.601) in addition to the provisions contained in Sections 12.100 to 12.103 and Sections A8.500, A8.510, A8.520, A8.526-2 and A8.526-3 of this Charter, notwithstanding the provisions of any other section of this Charter, and shall not be subject to any of the provisions of Sections A8.598 of this Charter.

The provisions of Section A8.601 shall not apply to any member of the Retirement System before July 1, 2010, or any member who separated from service, retired or died before July 1, 2010, or to his or her continuant.

(Added by Proposition D, Approved 6/8/2010)

A8.601-1 DEFINITIONS

The following words and phrases as used in this section, Section A8.601 and Section A8.601-2 through A8.601-16, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the fire department, but excluding remuneration paid for overtime. Subject to the requirement that it be payable in cash and that overtime be excluded, "compensation" for pension purposes may be defined in a collective bargaining agreement.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him or her during such period, it being assumed that during any absence, he or she was in the rank or position held by him or her at the beginning of the absence, and that prior to becoming a member of the fire department, he or she was in the rank or position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the average monthly compensation earned by a member during the higher of any two consecutive fiscal years of earnings or the twenty-four months of earnings immediately prior to retirement.

For the purpose of Sections A8.601 through A8.601-16, the terms "member of the fire department," "member of the department," or "member" shall mean any officer or employee of the fire department employed on and after July 1, 2010, who was or shall be subject to the Charter provisions governing entrance requirements of members of the uniformed force of said department and said terms shall further mean persons employed on and after July 1, 2010, at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform duties now performed under the titles of pilot of fireboats, or marine engineer of fireboats; provided,

however, that said terms shall not include any person who has not satisfactorily completed such course of training as may be required by the fire department prior to assignment to active duty with said department.

"Retirement System" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Sections 12.100 and A8.500 of the Charter.

"Retirement Board" shall mean "Retirement Board" as created in Section 12.100 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

(Added by Proposition D, Approved 6/8/2010)

A8.601-2 SERVICE RETIREMENT

Any member of the fire department who completes at least five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section A8.601-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of final compensation (as defined in Section A8.601-1) set forth below opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, as computed under Section A8.601-10:

Age at Retirement	***Percent for Each Year of Credited Service***
Age at Retirement	***Percent for Each Year of Credited Service***
50	2.400
50.25	2.430
50.5	2.460
50.75	2.490
51	2.520
51.25	2.550
51.5	2.580
51.75	2.610
52	2.640
52.25	2.670
52.5	2.700
52.75	2.730
53	2.760
53.25	2.790
53.5	2.820
53.75	2.850
54	2.880
54.25	2.910
54.5	2.940
54.75	2.970
55+	3.000

In no event, however, shall such a retirement allowance exceed ninety (90) percent of a member's final compensation.

(Added by Proposition D, Approved 6/8/2010)

A8.601-3 RETIREMENT FOR INCAPACITY

Any member of the fire department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.601-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the Retirement Board for that purpose; provided that the Retirement Board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section A8.601-1. Said allowance shall be paid to him or her until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years had he or she lived and rendered service without interruption in the rank held by him or her at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section A8.601-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.601-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.601-2, but not less than 50 percent of said final compensation. Any member of the fire department who becomes incapacitated for performance of his or her duty by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section A8.601-10, shall be retired upon an allowance of 1½ percent of the final compensation of said member as defined in Section A8.601-1 for each year of service, provided that said allowance shall not be less than 33% percent of said final compensation. The question of retiring a member under this section may be brought before the Retirement Board on said board's own motion, by recommendation of the fire commission or by said member or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease and he or she shall be restored to the service in the rank he or she occupied at the time of his or her retirement.

(Added by Proposition D, Approved 6/8/2010)

A8.601-4 DEATH ALLOWANCE

If a member of the fire department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance, payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but he or she had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the date of death, but such allowance shall not be less than 50 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, had he or she lived and rendered service without interruption in the rank held by him or her at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation. If he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he or she was a member under Section A8.601 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be adjusted upon the date

at which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died.

If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

(Added by Proposition D, Approved 6/8/2010)

A8.601-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the fire department resulting from any cause other than an injury received in, or illness caused by performance of duty,

(a) if the death occurred after qualification for service retirement under Section A8.601-2, or after retirement service or because of disability which result from any cause other than an injury received in, or illness caused by performance of duty one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service at the date of death or one-half of the retirement allowance as it was at his or her death, as the case may be, shall be continued throughout his or her life or until remarriage to his or her surviving spouse, or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, one-half of the retirement allowance to which he or she would have been entitled under Section A8.601-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, or

(c) if his or her death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, three-fourths of his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date on which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died, or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.601-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.601-3 if he or she had retired on the date of death because of incapacity for performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children, under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however shall be paid under this section to a surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her retirement if he or she had retired.

As used in this section and Section A8.601-4 "surviving spouse" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving spouse, in the event of death of the member after qualification for, but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.601-8, in lieu of the allowance which otherwise would be continued to him or her under this section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election. "Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under Section A8.601 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.601-10.

(Added by Proposition D, Approved 6/8/2010)

A8.601-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.601 shall be adjusted for cost of living allowances and supplemental cost of living benefits as provided in this Charter.

(Added by Proposition D, Approved 6/8/2010)

A8.601-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the fire department which is provided by contributions of the City and County, shall be reduced, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in, or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

(Added by Proposition D, Approved 6/8/2010)

A8.601-8 DEATH BENEFIT

If a member of the fire department shall die, before retirement from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause if no allowance shall be payable under Section A8.601-4 or A8.601-5 preceding, a death benefit shall be paid to his or her designated beneficiary or estate, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her designated beneficiary or estate, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

(Added by Proposition D, Approved 6/8/2010)

A8.601-9 REFUNDS AND REDEPOSITS

Should any member of the fire department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he or she shall again become a member of the department, he or she shall redeposit in the retirement fund the amount refunded to him or her. Should a member of the fire department become an employee of any other office or department, his or her accumulated contribution account shall be adjusted by payments to or from him or her as the case may be to make the accumulated contributions credited to him or her at the time of change equal to the amount which would have been credited to him or her if he or she had been employed in said other office or department at the rate of

compensation received by him or her in the fire department and he or she shall receive credit for service for which said contributions were made, according to the Charter section under which his or her membership in the Retirement System continues.

(Added by Proposition D, Approved 6/8/2010)

A8.601-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the fire department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other Charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the police or fire department.

(b) Time prior to July 1, 2010, during which said member was entitled to receive compensation while a member of the police or fire department under any other section of the Charter, provided that accumulated contributions on account of such service previously refunded are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the Retirement Board; and solely for the purpose of determining qualification for retirement under Section A8.601-3 for disability not resulting from injury received in or illness caused by performance of duty, time during which said member serves and receives compensation because of services rendered in other offices and departments.

(c) Time during which said member earned compensation as a paramedic with the fire department or department of public health, provided that the accumulated contributions on account of such service are transferred to his or her Section A8.601 account or, if previously refunded, are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the Retirement Board. The Retirement Board shall require said member to execute a waiver at any time prior to retirement so that any paramedic service covered by Section A8.601 is not also covered by other pension provisions in this Charter.

(d) Time during which said member is absent from a status included in Subsection (a) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his or her account.

(e) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(Added by Proposition D, Approved 6/8/2010)

A8.601-11 SOURCES OF FUNDS

All payments provided for members under Section A8.601 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.601 a sum equal to eight and one-half percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. The eight and one-half percent member contribution rate shall take effect immediately upon expiration of the agreement that is operative on June 30, 2010, between the City and County and the recognized bargaining organization representing said members. Prior to that time, there shall be deducted from each payment of compensation made to a member under Section A8.601 a sum equal to seven percent of such payment of compensation. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her beneficiary or estate as provided in Section A8.601-8, A8.601-9 and A8.601-10.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.601-11, to provide the benefits payable to members under Section A8.601. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.601 in accordance with the provisions of Section A8.510.

(c) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.601, shall be a part of the fund in which all other assets of said system are included.

(d) Any year in which, based upon the Retirement System's annual actuarial valuation, the employer contribution rate exceeds 0%, the employee organizations representing safety members shall jointly meet and confer with City representatives to implement a cost sharing arrangement between the City and employee organizations. Such arrangement will effect a material reduction of the cost impact of employer contributions on the City's general fund.

The dollar value of the cost sharing arrangement shall not exceed the total annual cost to the Retirement System of improving the police and fire safety retirement plans to the 3% @ 55 benefit level or the total employer contribution required by the Retirement System, whichever is lesser. Such cost sharing arrangement shall not require an employee contribution in excess of the limits set elsewhere in this Charter.

The meet and confer process, including all impasse procedures under Section A8.590-1 et seq., shall be concluded not later than April 1st except by mutual agreement of the parties. The cost sharing arrangement must be finalized to permit implementation effective July 1.

(e) Notwithstanding any other provision of this Section A8.601-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay less than $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-4.0%
.01%-1.0%	-4.0%
1.01%-2.5%	-3.75%
2.51%-4.0%	-3.5%
4.01%-5.5%	-2.5%
5.51%-7.0%	-2.0%
7.01%-8.5%	-1.5%
8.51%-10.0%	-1.0%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.0%
15.01%-17.5%	1.5%
17.51%-20.0%	2.0%
20.01%-22.5%	2.5%

22.51%-25.0%	3.5%
25.01%-27.5%	3.5%
27.51%-30.0%	3.75%
30.01%-32.5%	3.75%
32.51%-35.0%	4.0%
Over 35.0%	4.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.601, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.601-4, A8.601-5 and A8.601-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required by the City and County under Subsection (b) for that fiscal year.

(f) Notwithstanding any other provision of this Section A8.601-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay at or above $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the US. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-5.0%
.01%-1.0%	-4.5%
1.01%-2.5%	-4.25%
2.51%-4.0%	-4.0%
4.01%-5.5%	-3.0%
5.51%-7.0%	-2.5%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%

15.01%-17.5%	2.0%
17.51%-20.0%	2.5%
20.01%-22.5%	3.0%
22.51%-25.0%	4.0%
25.01%-27.5%	4.0%
27.51%-30.0%	4.25%
30.01%-32.5%	4.25%
32.51%-35.0%	4.5%
Over 35.0%	5.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.601. or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.601-4, A8.601-5 and A8.601-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required by the City and County under Subsection (b) for that fiscal year.

(g) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.601 shall be a part of the fund in which all other assets of said system are included.

(h) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including all impasse procedures under Section A8.590 et seq.

(Added by Proposition D, Approved 6/8/2010; amended by Proposition C, Approved 11/8/2011)

A8.601-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.601-2 as requisite to retirement, a member of the fire department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.601-2, and except as provided in Section A8.601-16, nothing shall deprive said member of said right.

(Added by Proposition D, Approved 6/8/2010)

A8.601-13 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section A8.511 of this Charter and in Subsection (b) of this section, no person retired as a member under Section A8.601 for service or disability and entitled to receive a retirement allowance under the Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for, or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall be affected by the provisions of

Subsection (a) of this section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said compensation does not exceed $100 per month.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.601, he or she shall re-enter membership under Section A8.601 and his or her retirement allowance shall be cancelled immediately upon his or her re-entry. The provisions of Subsection (a) of this section shall not prevent such person from receiving the compensation for such position or office. The rate of contributions of such member shall be the same as that for other members under Section A8.601. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(c) Notwithstanding any provision of this Charter to the contrary, should any person retired for disability engage in a gainful occupation prior to attaining the age of 55 years, the Retirement Board shall reduce that part of his or her monthly retirement allowance which is provided by contributions of the City and County to an amount which, when added to the amount of the compensation earnable, at the time he or she engages in the gainful occupation, by such person if he or she held the position which he or she held at the time of his or her retirement, or, if that position has been abolished, the compensation earnable by the member if he or she held the position from which he or she was retired immediately prior to its abolishment.

(Added by Proposition D, Approved 6/8/2010)

A8.601-14 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.601 or with any part thereof, shall be superseded by the contents of Section A8.601. Section A8.601 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.601 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, or provisions of Section A8.601. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.601 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Section A8.601 which can be given effect. Section A8.601 shall be broadly construed to achieve its stated purposes.

(Added by Proposition D, Approved 6/8/2010; amended by Proposition C, Approved 11/8/2011)

A8.601-15 VESTING

Notwithstanding any provisions of this Charter to the contrary, should any member of the fire department who is a member of the Retirement System under Charter Section A8.601 with five years of credited service, cease to be so employed, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance equal to the percent set forth in Section A8.601-2 opposite his or her age at retirement, for each year of service multiplied against the final compensation of said member, calculated at termination, payable beginning no earlier than age 50. No vesting retirement allowance under this section shall exceed ninety (90) percent of the member's final compensation.

(Added by Proposition D, Approved 6/8/2010)

A8.601-16 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section A8.601-2, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment to

receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such removal from office or employment.

Any member, after retirement for service or disability or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if at the time of the conviction, said member has remaining accumulated contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System, an annuity which shall be the actuarial equivalent of his or her accumulated contributions remaining at the time of the conviction.

(Added by Proposition D, Approved 6/8/2010)

A8.602 MEMBERS OF THE POLICE DEPARTMENT ON AND AFTER JULY 1, 2010

Those persons who become members of the police department, as defined in Section A8.602-1, on and after July 1, 2010, shall be members of the Retirement System subject to the provisions of Sections A8.602 through A8.602-16 (which shall apply only to members under Section A8.602) in addition to the provisions contained in Sections 12.100 to 12.103 and Sections A8.500, A8.510, A8.520, A8.526-2 and A8.526-3 of this Charter, notwithstanding the provisions of any other section of this Charter, and shall not be subject to any of the provisions of Section A8.597 of this Charter.

The provisions of Section A8.602 shall not apply to any member of the Retirement System before July 1, 2010, or to any member of the Retirement System who separated from service, retired or died before July 1, 2010, or to his or her continuant.

(Added by Proposition D, Approved 6/8/2010)

A8.602-1 DEFINITIONS

The following words and phrases as used in this Section, Section A8.602 and Sections A8.602-2 through A8.602-16, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the police department, but excluding remuneration paid for overtime.

Subject to the requirement that it be payable in cash and that overtime be excluded, "compensation" for pension purposes may be defined in a collective bargaining agreement. Provided, however, that for retirement purposes, any increase in compensation attached to a rank which is based solely upon the possession of a POST certificate, compared to the equivalent rank without a POST certificate, shall be subject to the following limitations:

(a) for possession of the intermediate POST certificate, no more than 4% shall be included in compensation,

(b) for possession of the advanced POST certificate, no more than an additional 2% over the maximum provided in Subsection (a), above, shall be included in compensation, These limits shall apply to any pay increments which are solely attributable to the possession of a POST certificate, including but not limited to premiums or special ranks which may be established in the future and which are solely attributable to the possession of a POST certificate.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him or her during such period, it being assumed that during any absence, he or she was in the rank or position held by him or her at the beginning of the absence, and that prior to becoming a member of the police department, he or she was in the rank or position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the average monthly compensation earned by a member during the higher of any two consecutive fiscal years of earnings or the twenty-four months of earnings immediately prior to retirement.

For purposes of calculation of final compensation, any increase in pay solely attributable to possession of a POST certificate shall be included only if the member possesses the qualifying POST certificate for a period of not less than four (4) years prior to his or her retirement date; provided, however, that should a member possess the qualifying POST certificate for a period of time less than four (4) years prior to retirement, final compensation shall be calculated based upon the monthly compensation in the next lower rank not requiring possession of the qualifying POST certificate.

For the purpose of Sections A8.602 through A8.602-16, the terms "member of the police department," "member of the department," or "member" shall mean any officer or employee of the police department employed on and after July 1, 2010, who was or shall be subject to the Charter provisions governing entrance requirements of members of the uniformed force of said department and said terms shall further mean persons employed on and after July 1, 2010, at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform duties now performed under the titles of criminologist, photographer, police woman or jail matron; provided, however, that said terms shall not include any person who has not satisfactorily completed such course of training as may be required by the police department prior to assignment to active duty with said department.

"Retirement System" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Sections 12.100 and A8.500 of the Charter.

"Retirement Board" shall mean "Retirement Board" as created in Section 12.100 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

(Added by Proposition D, Approved 6/8/2010)

A8.602-2 SERVICE RETIREMENT

Any member of the police department who completes at least five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section A8.602-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of final compensation (as defined in Section A8.602-1) set forth below opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, as computed under Section A8.602-10:

Age at Retirement	***Percent for Each Year of Credited Service***
Age at Retirement	***Percent for Each Year of Credited Service***
50	2.400
50.25	2.430
50.5	2.460
50.75	2.490

51	2.520
51.25	2.550
51.5	2.580
51.75	2.610
52	2.640
52.25	2.670
52.5	2.700
52.75	2.730
53	2.760
53.25	2.790
53.5	2.820
53.75	2.850
54	2.880
54.25	2.910
54.5	2.940
54.75	2.970
55+	3.000

In no event, however, shall such a retirement allowance exceed ninety (90) percent of a member's final compensation.

(Added by Proposition D, Approved 6/8/2010)

A8.602-3 RETIREMENT FOR INCAPACITY

Any member of the police department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.602-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the Retirement Board for that purpose; provided that the Retirement Board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section A8.602-1. Said allowance shall be paid to him or her until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years had he or she lived and rendered service without interruption in the rank held by him or her at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section A8.602-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.602-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.602-2, but not less than 50 percent of said final compensation. Any member of the police department who becomes incapacitated for performance of his or her duty by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section A8.602-10, shall be retired upon an allowance of 1½ percent of the final compensation of said member as defined in Section A8.602-1 for each year of service, provided that said allowance shall not be less than 33? percent of said final compensation. The question of retiring a member under this section may be brought before the Retirement Board on said board's own motion, by recommendation of the police commission or by said member or his or her guardian. If his or her disability shall

cease, his or her retirement allowance shall cease and he or she shall be restored to the service in the rank he or she occupied at the time of his or her retirement.

(Added by Proposition D, Approved 6/8/2010)

A8.602-4 DEATH ALLOWANCE

If a member of the police department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance, payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but he or she had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the date of death, but such allowance shall not be less than 50 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, had he or she lived and rendered service without interruption in the rank held by him or her at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation. If he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he or she was a member under Section A8.602 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died.

If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

(Added by Proposition D, Approved 6/8/2010)

A8.602-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the police department resulting from any cause other than an injury received in, or illness caused by performance of duty,

(a) if the death occurred after qualification for service retirement under Section A8.602-2, or after retirement service or because of disability which result from any cause other than an injury received in, or illness caused by performance of duty one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service at the date of death or one-half of the retirement allowance as it was at his or her death, as the case may be, shall be continued throughout his or her life or until remarriage to his or her surviving spouse, or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, one-half of the retirement allowance to which he or she would have been entitled under Section A8.602-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, or

(c) if his or her death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, three-fourths of his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date on which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died, or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.602-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.602-3 if he or she had retired on the date of death because of incapacity for performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children, under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however shall be paid under this section to a surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her retirement if he or she had retired.

As used in this section and Section A8.602-4 "surviving spouse" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving spouse, in the event of death of the member after qualification for, but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.602-8, in lieu of the allowance which otherwise would be continued to him or her under this section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election. "Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under Section A8.602 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.602-10.

(Added by Proposition D, Approved 6/8/2010)

A8.602-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.602 shall be adjusted for cost of living allowances and supplemental cost of living benefits as provided in this Charter.

(Added by Proposition D, Approved 6/8/2010)

A8.602-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the police department which is provided by contributions of the City and County, shall be reduced, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in, or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

(Added by Proposition D, Approved 6/8/2010)

A8.602-8 DEATH BENEFIT

If a member of the police department shall die, before retirement from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause if no allowance shall be payable under Section A8.602-4 or A8.602-5 preceding, a death benefit shall be paid to his or her estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her designated beneficiary or estate, the amount of which and the conditions for the payment of which, shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

(Added by Proposition D, Approved 6/8/2010)

A8.602-9 REFUNDS AND REDEPOSITS

Should any member of the police department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he or she shall again become a member of the department, he or she shall redeposit in the retirement fund the amount refunded to him or her. Should a member of the police department become an employee of any other office or department, his or her accumulated contribution account shall be adjusted by payments to or from him or her as the case may be to make the accumulated contributions credited to him or her at the time of change equal to the amount which would have been credited to him or her if he or she had been employed in said other office or department at the rate of compensation received by him or her in the police department and he or she shall receive credit for service for which said contributions were made, according to the Charter section under which his or her membership in the Retirement System continues.

(Added by Proposition D, Approved 6/8/2010)

A8.602-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the police department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other Charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the police or fire department on and after July 1, 2010.

(b) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(c) Time during which said member is absent from a status included in Subsection (a) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his or her account.

(Added by Proposition D, Approved 6/8/2010)

A8.602-11 SOURCES OF FUNDS

All payments provided for members under Section A8.602 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.602 a sum equal to eight and one-half percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. The eight and one-half percent member contribution rate shall take effect immediately

upon expiration of the agreement that is operative on June 30, 2010, between the City and County and the recognized bargaining organization representing said members. Prior to that time, there shall be deducted from each payment of compensation made to a member under Section A8.602 a sum equal to seven percent of such payment of compensation. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her beneficiary or as provided in Sections A8.602-8, A8.602-9 and A8.602-10.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.602-11, to provide the benefits payable to members under Section A8.602. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.602 in accordance with the provisions of Section A8.510.

(c) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.602, shall be a part of the fund in which all other assets of said system are included.

(d) Any year in which, based upon the Retirement System's annual actuarial valuation, the employer contribution rate exceeds 0%, the employee organizations representing safety members shall jointly meet and confer with City representatives to implement a cost sharing arrangement between the City and employee organizations. Such arrangement will effect a material reduction of the cost impact of employer contributions on the City's general fund.

The dollar value of the cost sharing arrangement shall not exceed the total annual cost to the Retirement System of improving the police and fire safety retirement plans to the 3% @ 55 benefit level or the total employer contribution required by the Retirement System, whichever is lesser. Such cost sharing arrangement shall not require an employee contribution in excess of the limits set elsewhere in this Charter.

The meet and confer process, including all impasse procedures under Section A8.590-1 et seq., shall be concluded not later than April 1st except by mutual agreement of the parties. The cost sharing arrangement must be finalized to permit implementation effective July 1.

(e) Notwithstanding any other provision of this Section A8.602-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay less than $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-4.0%
.01%-1.0%	-4.0%
1.01%-2.5%	-3.75%
2.51%-4.0%	-3.5%
4.01%-5.5%	-2.5%
5.51%-7.0%	-2.0%
7.01%-8.5%	-1.5%

8.51%-10.0%	-1.0%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.0%
15.01%-17.5%	1.5%
17.51%-20.0%	2.0%
20.01%-22.5%	2.5%
22.51%-25.0%	3.5%
25.01%-27.5%	3.5%
27.51%-30.0%	3.75%
30.01%-32.5%	3.75%
32.51%-35.0%	4.0%
Over 35.0%	4.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.602, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.602-4, A8.602-5 and A8.602-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required by the City and County under Subsection (b) for that fiscal year.

(f) Notwithstanding any other provision of this Section A8.602-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay at or above $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation; as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-5.0%
.01%-1.0%	-4.5%
1.01%-2.5%	-4.25%
2.51%-4.0%	-4.0%
4.01%-5.5%	-3.0%

5.51%-7.0%	-2.5%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	2.5%
20.01%-22.5%	3.0%
22.51%-25.0%	4.0%
25.01%-27.5%	4.0%
27.51%-30.0%	4.25%
30.01%-32.5%	4.25%
32.51%-35.0%	4.5%
Over 35.0%	5.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.602, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.602-4, A8.602-5 and A8.602-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required by the City and County under Subsection (b) for that fiscal year.

(g) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including all impasse procedures under Section A8.590 et seq.

(Added by Proposition D, Approved 6/8/2010; amended by Proposition C, Approved 11/8/2011)

A8.602-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.602-2 as requisite to retirement, a member of the police department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.602-2, and except as provided in Section A8.602-16, nothing shall deprive said member of said right.

(Added by Proposition D, Approved 6/8/2010)

A8.602-13 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section A8.511 of this Charter and in Subsection (b) of this section, no person retired as a member under Section A8.602 for service or disability and entitled to receive a retirement allowance under the

Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for, or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall be affected by the provisions of Subsection (a) of this section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said compensation does not exceed $100 per month.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.602, he or she shall re-enter membership under Section A8.602 and his or her retirement allowance shall be cancelled immediately upon his or her re-entry. The provisions of Subsection (a) of this section shall not prevent such person from receiving the compensation for such position or office. The rate of contributions of such member shall be the same as that for other members under Section A8.602. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(c) Notwithstanding any provision of this Charter to the contrary, should any person retired for disability engage in a gainful occupation prior to attaining the age of 55 years, the Retirement Board shall reduce that part of his or her monthly retirement allowance which is provided by contributions of the City and County to an amount which, when added to the amount of the compensation earnable, at the time he or she engages in the gainful occupation, by such person if he or she held the position which he or she held at the time of his or her retirement, or, if that position has been abolished, the compensation earnable by the member if he or she held the position from which he or she was retired immediately prior to its abolishment.

(Added by Proposition D, Approved 6/8/2010)

A8.602-14 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.602 or with any part thereof, shall be superseded by the contents of Section A8.602. Section A8.602 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.602 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.602. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.602 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Section A8.602 which can be given effect. Section A8.602 shall be broadly construed to achieve its stated purposes.

(Added by Proposition D, Approved 6/8/2010; amended by Proposition C, Approved 11/8/2011)

A8.602-15 VESTING

Notwithstanding any provisions of this Charter to the contrary, should any member of the police department who is a member of the Retirement System under Charter Section A8.602 with five years of credited service, cease to be so employed, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance equal to the percent set forth in Section A8.602-2 opposite his or her age at retirement, for each year of service multiplied against the final compensation of said member, calculated at termination, payable beginning no earlier than age 50. No vesting retirement allowance under this section shall exceed ninety (90%) percent of the member's final compensation.

(Added by Proposition D, Approved 6/8/2010)

A8.602-16 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section A8.602-2, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such removal from office or employment.

Any member after retirement for service or disability or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if at the time of the conviction, said member has remaining accumulated contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions remaining at the time of the conviction.

(Added by Proposition D, Approved 6/8/2010)

A8.603 MISCELLANEOUS OFFICERS AND EMPLOYEES ON AND AFTER JANUARY 7, 2012

Miscellaneous officers and employees who become employed on and after January 7, 2012, shall be eligible to become members of the Retirement System subject to the provisions of Sections A8.603 through A8.603-14, in addition to such other applicable provisions including, but not limited to, A8.500 of this Charter; provided that persons who become members under the Public Employees' Retirement System of the State of California or members of the State Teachers' Retirement System of the State of California shall not be members of the San Francisco City and County Employees' Retirement System and provided, further, that the Retirement System shall be applied to persons employed on a part-time or temporary basis only as the Board of Supervisors shall determine by ordinance enacted by three-fourths vote of all members of the Board.

(Added by Proposition C, Approved 11/8/2011)

A8.603-1 DEFINITIONS

The following words and phrases as used in this Section, unless a different meaning is plainly required by the context, shall have the following meaning:

"Retirement allowance," or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation laws of the State of California shall mean all remuneration whether in cash or by other premiums or allowances made by the City and County, for service qualifying for credit under this Section, but excluding remuneration for overtime and such other forms of compensation excluded by the Board of Supervisors pursuant to Section A8.500 of the Charter. Remuneration shall not mean new premiums or allowances first paid by the City and County after January 7, 2012, that exceed the rate of pay fixed for each classification for service qualifying for credit under this Section. For members with concurrent service in more than one position, "compensation" shall be limited to remuneration for the first hours paid during any fiscal year equal to one full time equivalent position. "Compensation" for any fiscal year shall not include remuneration that exceeds eighty five percent of the limits set forth in Internal Revenue Code Section 40l(a)(17) and as amended from time to time.

"Compensation earnable" shall mean the compensation as determined by the Retirement Board, which would have been earned by the member had he or she worked, throughout the period under consideration, the average number of days ordinarily worked by persons in the same grade or class of positions as the positions held by him or her during such period and at the rate of pay attached to such positions, it being assumed that during any absence,

he or she was in the position held by him or her at the beginning of the absence, and that prior to entering City service, he or she was in the position first held by him or her in City service.

"Benefit" shall include "allowance," "retirement allowance," and "death benefit."

"Average final compensation" shall mean the average monthly compensation earned by a member during the higher of any three consecutive fiscal years of earnings or the thirty six consecutive months of earnings immediately prior to retirement.

For the purposes of the Retirement System and of this section, Section A8.603 and Sections A8.603-2 through A8.603-14, the terms "miscellaneous officer or employee," or "member," shall mean any officer or employee employed on and after January 7, 2012, who is not a member of the police, fire or sheriffs departments or in a miscellaneous safety classification as defined in the Charter for the purposes of the Retirement System. Said terms shall not include those persons who become members under the Public Employees' Retirement System or members of the State Teachers' Retirement System.

"Retirement System" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Sections 12.100 and A8.500 of the Charter.

"Retirement Board" shall mean "Retirement Board" as created in Section 12.100 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

(Added by Proposition C, Approved 11/8/2011)

A8.603-2 SERVICE RETIREMENT

Any member who completes at least 20 years of service in the aggregate credited in the Retirement System and attains the age of 53 years, or at least 10 years of service in the aggregate credited in the Retirement System, and attains the age of 60 years, said service to be computed under Section A8.603-7 may retire for service at his or her option. Members may retire under this Section, on the first day of the month next following the attainment by them of the age of 65 years. A member retired after reaching the age of 65 years shall receive a service retirement allowance at the rate of 2.3 percent of said average final compensation for each year of service. The service retirement allowance of any member retiring a) prior to attaining the age of 60 years, and after rendering 20 years or more of such service, computed under Section A8.603-7, and having attained the age of 53 years, or b) attaining the age of 60 years, and after rendering 10 years or more of such service, computed under Section A8.603-7, shall be an allowance equal to the percentage of said average final compensation set forth opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, computed under Section A8.603-7:

Age at Retirement	Percent for Each Year of Credited Service

Age at Retirement	Percent for Each Year of Credited Service

53	1.000
53¼	1.027
53½	1.054
53¾	1.081
54	1.108
54¼	1.135
54½	1.162
54¾	1.189
55	1.216

55¼	1.243
55½	1.270
55¾	1.297
56	1.324
56¼	1.351
56½	1.378
56¾	1.405
57	1.432
57¼	1.459
57½	1.486
57¾	1.513
58	1.540
58¼	1.567
58½	1.594
58¾	1.621
59	1.648
59¼	1.675
59½	1.702
59¾	1.729
60	1.756
60¼	1.789
60½	1.810
60¾	1.837
61	1.864
61¼	1.891
61½	1.918
61¾	1.945
62	1.972
62¼	1.999
62½	2.026
62¾	2.053
63	2.080
63¼	2.107
63½	2.134
63¾	2.161
64	2.188
64¼	2.215
64½	2.242
64¾	2.269
65	2.3

In no event shall a member's retirement allowance exceed seventy-five percent of his or her average final compensation.

Before the first payment of a retirement allowance is made, a member retired under this Section or Section A8.603-3 may elect to receive the actuarial equivalent of his or her allowance, partly in an allowance to be received

by him or her throughout his or her life, and partly in other benefits payable after his or her death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the Board of Supervisors to govern similar elections by other members of the Retirement System, including the character and amount of such other benefits.

In the calculations under this Section of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed for each class of service, the average final compensation in each case being that for the respective class of service, provided that the aggregate retirement allowance shall be taken into account in applying the provisions of this Section providing for a minimum retirement allowance. Part-time service and compensation shall be converted to full-time service and compensation in the manner prescribed by the Board of Supervisors, and when so converted shall be applied on full-time service and compensation in the calculation of retirement allowances.

(Added by Proposition C, Approved 11/8/2011)

A8.603-3 RETIREMENT FOR INCAPACITY

Any member who becomes incapacitated for performance of duty because of disability determined by a qualified hearing officer to be of extended and uncertain duration, and who shall have completed at least 10 years of service credited in the Retirement System in the aggregate, computed as provided in Section A8.603-7, shall be retired upon an allowance of 1.8% (one and eight-tenths percent) of the average final compensation of said member, as defined in Section A8.603-1 for each year of credited service, if such retirement allowance exceeds 40 percent of his or her average final compensation; otherwise 1.8% (one and eight-tenths percent) of his or her average final compensation multiplied by the number of years of City service which would be credited to him or her were such City service to continue until attainment by him or her of age 60, but such retirement allowance shall not exceed 40 percent of such average final compensation.

In the calculation under this Section of the retirement allowance of a member having credit for service in more than one position eligible for membership in the Retirement System, separate retirement allowances shall be calculated, in the manner prescribed for each class of service, the average final compensation in each case being that for the respective class of service; provided that the average final compensation upon which the retirement allowance is calculated in such case shall be based on the compensation earned by the member in the classes of service rendered by him or her during the three years immediately preceding his or her retirement, and provided further that the member's combined initial retirement allowance shall be based on no more than one full-time equivalent position.

The question of retiring members under this Section may be brought before the Retirement Board on said Board's own motion, by the Retirement Board's Executive Director on its behalf, by said member, by his or her department head, or by his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease, and he or she shall be restored to service in the position or classification he or she occupied at the time of his or her retirement.

(Added by Proposition C, Approved 11/8/2011)

A8.603-4 NO ADJUSTMENT FOR COMPENSATION PAYMENTS

No modification of benefits provided in this Section shall be made because of any amounts payable to or on account of any member under Workers' Compensation laws of the State of California.

(Added by Proposition C, Approved 11/8/2011)

A8.603-5 DEATH BENEFIT

If a member shall die, before retirement:

(a) If no benefit is payable under subsection (b) of this Section:

(1) Regardless of cause, a death benefit shall be paid to the member's designated beneficiary or estate consisting of the compensation earnable by the member during the six months immediately preceding death, plus the member's contributions and interest credited thereon.

(2) If a member sustains a traumatic bodily injury through external and violent means in the course and scope of employment and death results within 180 days of such injury, an additional insurance benefit of 12 months of compensation earnable shall be paid to the member's designated beneficiary or estate.

(b) If, at the date of his or her death, he or she was qualified for service retirement by reason of service and age under the provisions of Section A8.603-2, and he or she has designated as beneficiary his or her surviving spouse, who was married to him or her for at least one full year immediately prior to the date of his or her death, one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service on the date of his or her death shall be paid to such surviving spouse who was his or her designated beneficiary at the date of his or her death, until such spouse's death or remarriage, or if there be no surviving spouse, to the unmarried child or children of such member under the age of 18 years, collectively, until every such child dies, marries or attains the age of 18 years, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. It at the death of such surviving spouse, who was receiving an allowance under this Subsection (b), there be one or more unmarried children of such member under the age of 18 years, such allowance shall continue to such child or children, collectively, until every such child dies, marries or attains the age of 18 years, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. If the total of the payments of allowance made pursuant to this Subsection (b) is less than the benefit which was otherwise payable under Subsection (a) of this Section, the amount of said benefit payable under Subsection (a) less an amount equal to the total of the payments of allowance made pursuant to this Subsection (b) shall be paid in a lump sum as follows:

(1) If the person last entitled to said allowance is the remarried surviving spouse of such member, to such spouse.

(2) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to said allowance.

The surviving spouse may elect, on a form provided by the Retirement System and filed in the office of the Retirement System before the first payment of the allowance provided herein, to receive the benefit provided in Subsection (a) of this Section in lieu of the allowance which otherwise would be payable under the provisions of this subdivision. If a surviving spouse, who was entitled to make the election herein provided, shall die before or after making such election but before receiving any payment pursuant to such election, then the legally appointed guardian of the unmarried children of the member under the age of 18 years may make the election herein provided before any benefit has been paid under this Section, for and on behalf of such children if in his or her judgment it appears to be in their interest and advantage, and the election so made shall be binding and conclusive upon all parties in interest.

If any person other than such surviving spouse shall have and be paid a community property interest in any portion of any benefit provided under this Section, any allowance payable under this Subsection (b) shall be reduced by the actuarial equivalent, at the date of the member's death, of the amount of benefits payable to such other person.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her designated beneficiary or estate in the manner and subject to the conditions prescribed by the Board of Supervisors for the payment of a similar death benefit upon the death of other retired members.

Upon the death of a member after retirement, an allowance, in addition to the death benefit provided in the immediately preceding paragraph, shall be paid to his or her surviving spouse, until such surviving spouse's death or remarriage, equal to one-half of his or her retirement allowance as it was prior to optional modification, including the part of such allowance which was provided by additional contributions. No allowance, however, shall be paid under this paragraph to a surviving spouse unless such surviving spouse was married to said member at least one year immediately prior to his or her retirement. If such retired person leaves no such surviving spouse, or if such surviving spouse should die or remarry before every child of such deceased retired person attains the age of 18 years, the allowance which such surviving spouse would have received had he or she lived and not remarried shall be paid to retired person's child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years.

(Added by Proposition C, Approved 11/8/2011)

A8.603-6 BENEFITS UPON TERMINATION OF MEMBERSHIP

Should any miscellaneous member cease to be employed as such a member, through any cause other than death or retirement, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to cover similar terminations of employment and re-employment with and without redeposit of withdrawn accumulated contributions of other members of the Retirement System, provided that, if such member is entitled to be credited with at least five years of service, he or she shall have the right to elect, without right of revocation and within 90 days after said termination of service, or if the termination was by lay-off, 90 days after the Retirement Board determines the termination to be permanent, whether to allow his or her accumulated contributions to remain in the retirement fund and to receive benefits only as provided in this paragraph. Failure to make such election shall be deemed an irrevocable election to withdraw his or her accumulated contributions. At or after 53 years of age, he or she shall be entitled to receive a retirement allowance which shall pe the actuarial equivalent of his or her accumulated contributions and an amount equal to 50% (fifty percent) of said accumulated contributions paid by the City and County, plus 1.667% (one and two-thirds percent) of his or her average final compensation for each year of service credited to him or her as rendered prior to his or her first membership in the Retirement System. Upon the death of such member prior to retirement, his or her contributions with interest credited thereon shall be paid to his or her estate or designated beneficiary.

(Added by Proposition C, Approved 11/8/2011)

A8.603-7 COMPUTATION OF SERVICE

The following time and service shall be included in the computation of the service to be credited to a member for the purpose of determining whether such member qualifies for retirement and calculating benefits:

(a) Time during which said member is a member of the Retirement System under Section A8.603 and for which said member is entitled to receive compensation because of service as a miscellaneous officer or employee.

(b) Service in the fire and police departments which is not credited as service as a member under Section A8.603 shall count under this Section upon transfer of a member of either of such departments to employment entitling him or her to membership in the Retirement System under Section A8.603, provided that the accumulated contributions standing to the credit of such member shall be adjusted by refund to the member or by payment by the member to bring the account at the time of such transfer to the amount which would have been credited to it had the member been a miscellaneous member throughout the period of his or her service in either of such departments at the compensation he or she received in such departments.

(c) Prior service, during which said member was entitled to receive compensation while a miscellaneous member under any other Section of the Charter, provided that accumulated contributions on account of such service previously refunded are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the Retirement Board.

(d) Prior service determined and credited as prescribed by the Board of Supervisors.

(e) The Board of Supervisors, by ordinance enacted by a three-fourths vote of its members, may provide for the crediting as service under the Retirement System service rendered as an employee of the federal government and service rendered as an employee of the State of California or any public entity or public agency in the State of California. Said ordinance shall provide that all contributions required as the result of the crediting of such service shall be made by the member and that no contributions there for shall be required of the City and County.

(f) Time during which said member is absent from a status included in Subsections (a) or (b) and for which such member is entitled to receive credit as service for the City and County by virtue of contributions made in accordance with the provisions of Sections A8.519, A8.520 or A8.521 of the Charter.

(g) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(Added by Proposition C, Approved 11/8/2011)

A8.603-8 SOURCES OF FUNDS

All payments provided for members under Section A8.603 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.603 a sum equal to seven percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member under Section A8.603, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.603-5 and A8.603-6. The individual accounts of members who purchased service credit for Unpaid Parental Leave shall also include the amount paid by the member for said purchase, plus interest.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.603-8, to provide the benefits payable to members under Section A8.603. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.603 in accordance with the provisions of Section A8.510.

(c) Notwithstanding any other provision of this Section A8.603-8 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay at or above $24.00 per hour, but less than $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The foregoing base rates of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index. San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-4.0%
.01%-1.0%	-4.0%
1.01%-2.5%	-3.75%
2.51%-4.0%	-3.5%
4.01%-5.5%	-2.5%
5.51%-7.0%	-2.0%
7.01%-8.5%	-1.5%
8.51%-10.0%	-1.0%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.0%
15.01%-17.5%	1.5%
17.51%-20.0%	2.0%
20.01%-22.5%	2.5%
22.51%-25.0%	3.5%
25.01%-27.5%	3.5%
27.51%-30.0%	3.75%
30.01%-32.5%	3.75%

32.51%-35.0%	4.0%
Over 35.0%	4.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.603, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.603-5 and A8.603-6.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to seven percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required under Subsection (b) for that fiscal year.

(d) Notwithstanding any other provision of this Section A8.603-8 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay at or above $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-5.0%
.01%-1.0%	-4.5%
1.01%-2.5%	-4.25%
2.51%-4.0%	-4.0%
4.01%-5.5%	-3.0%
5.51%-7.0%	-2.5%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	2.5%
20.01%-22.5%	3.0%
22.51%-25.0%	4.0%
25.01%-27.5%	4.0%

27.51%-30.0%	4.25%
30.01%-32.5%	4.25%
32.51%-35.0%	4.5%
Over 35.0%	5.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.603, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.603-5 and A8.603-6.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to seven percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required under Subsection (b) for that fiscal year.

(e) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.607 shall be a part of the fund in which all other assets of said system are included.

(f) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including all impasse procedures under Section A8.409 et seq.

(Added by Proposition C, Approved 11/8/2011)

A8.603-9 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.603-2 as requisite to retirement, a member shall be entitled to retire at any time thereafter in accordance with the provisions of Section A8.603-2, and, except as provided in Section A8.603-10, nothing shall deprive said member of said right, provided that age at retirement shall mean the age when the member terminated City and County employment.

(Added by Proposition C, Approved 11/8/2011)

A8.603-10 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County, the school district, the college district, or the Superior Court of California, City and County of San Francisco, shall forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions: provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section A8.603, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated, contributions at the time of such removal from office or employment.

Any member, after retirement for service or disability, or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and County, the school district, the college district, or the Superior Court of California, City and County of San

Francisco, shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if at the time of the conviction, said member has remaining accumulated contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions remaining at the time of the conviction.

(Added by Proposition C, Approved 11/8/2011)

A8.603-11 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section A8.511 of this Charter and Subsection (b) of this Section, no person retired as a member under Section A8.603 for service or disability, or who has elected vesting, and entitled to receive a retirement allowance under the Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall not be affected by the provisions of Subsection (a) of this Section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said service does not exceed 120 working days or 960 hours per fiscal year.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.603, he or she shall re-enter membership under Section A8.603 and his or her retirement allowance shall be cancelled immediately upon such re-entry. The provisions of Subsection (a) of this Section shall not prevent such person from receiving the compensation for such position-or office. The rate of contribution of such member shall be the same as that for other members under Section A8.603. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(4) The provisions of Subsection (a) shall not prevent such retired persons from employment which requires coverage under the Public Employees' Retirement System or the State Teachers' Retirement System.

(Added by Proposition C, Approved 11/8/2011)

A8.603-12 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.603 shall be adjusted for cost of living allowances as provided in this Charter.

(Added by Proposition C, Approved 11/8/2011)

A8.603-13 APPLICATION OF PLAN

For members of the Retirement System under Sections A8.509, A8.584, or A8.587 who retired before January 7, 2012, and are later elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.603, all service on and after January 7, 2012, shall be subject to the provisions of Sections A8.603, et seq.

(Added by Proposition C, Approved 11/8/2011)

A8.603-14 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.603 or with any part thereof shall be superseded by the contents of Section A8.603. Section A8.603 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.603 are held to be invalid or unconstitutional by a final

judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of this Section A8.603. If any words, phrases, clauses, sentences, subsections, provisions or portions of this Section A8.603 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of this Section A8.603 which can be given effect. Section A8.603 shall be broadly construed to achieve its stated purposes.

(Added by Proposition C, Approved 11/8/2011)

A8.604 MEMBERS OF THE FIRE DEPARTMENT ON AND AFTER JANUARY 7, 2012

Persons who become members of the fire department, as defined in Section A8.604-1, on and after January 7, 2012, shall be members of the Retirement System subject to the provisions of Sections A8.604 through A8.604-16 in addition to such other applicable provisions of this Charter, including but not limited to Sections 12.100 and A8.500.

(Added by Proposition C, Approved 11/8/2011)

A8.604-1 DEFINITIONS

The following words and phrases as used in this Section, Section A8.604 and Sections A8.604-2 through A8.604-16, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation laws of the State of California shall mean all remuneration whether in cash or by other allowances made by the City and County, for service qualifying for credit under this Section, but excluding remuneration for overtime and such other forms of compensation excluded by the Board of Supervisors pursuant to Section A8.500 of the Charter. Remuneration shall not mean new premiums or allowances first paid by the City and County after January 7, 2012, that exceed the rate of pay fixed for each classification for service qualifying for credit under this Section. For members with concurrent service in more than one position, "compensation" shall be limited to the first hours paid during any fiscal year equal to one full-time equivalent position. "Compensation" for any fiscal year shall not include remuneration that exceeds 75% of the limits set forth in Internal Revenue Code Section 401(a)(17) and as amended from time to time.

Subject to the requirements that it be payable in cash, and that overtime and new premiums or allowances first paid by the City and County after January 7, 2012 are excluded, "compensation" for pension purposes may be defined in a collective bargaining agreement.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him or her during such period, it being assumed that during any absence, he or she was in the rank or position held by him or her at the beginning of the absence, and that prior to becoming a member of the fire department, he or she was in the rank or position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the average monthly compensation earned by a member during the higher of any three consecutive fiscal years of earnings or the thirty six consecutive months of earnings immediately prior to retirement.

For the purpose of Sections A8.604 through A8.604-16, the terms "member of the fire department," "member of the department," or "member" shall mean any member of the fire department employed on and after January 7, 2012, who was or shall be subject to the Charter provisions governing entrance requirements of members of the uniformed force of said department and said terms shall further mean persons employed on and after January 7,

2012, at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform duties now performed under the titles of pilot of fireboats, or marine engineer of fireboats; provided, however, that said terms shall not include any person who has not satisfactorily completed such course of training as may be required by the fire department prior to assignment to active duty with said department.

Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this Section and other Sections to which persons who are members under Section A8.604 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.604-10.

"Retirement System" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Sections 12.100 and A8.500 of the Charter.

"Retirement Board" shall mean "Retirement Board" as created in Section 12.100 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

(Added by Proposition C, Approved 11/8/2011)

A8.604-2 SERVICE RETIREMENT

Any member of the fire department, who completes at least five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section A8.604-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of final compensation (as defined in Section A8.604-1) set forth below opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, as computed under Section A8.604-10:

Age at Retirement	Percent for Each Year of Credited Service
Age at Retirement	Percent for Each Year of Credited Service
50	2.200
50¼	2.225
50½	2.250
50¾	2.275
51	2.300
51¼	2.325
51½	2.350
51¾	2.375
52	2.400
52¼	2.425
52½	2.450
52¾	2.475
53	2.500
53¼	2.525
53½	2.550
53¾	2.575
54	2.600

54¼	2.625
54½	2.650
54¾	2.675
55	2.700
55¼	2.725
55½	2.750
55¾	2.775
56	2.800
56¼	2.825
56½	2.850
56¾	2.875
57	2.900
57¼	2.925
57½	2.950
57¾	2.975
58	3.0

In no event shall a member's initial retirement allowance exceed ninety percent of his or her average final compensation.

(Added by Proposition C, Approved 11/8/2011)

A8.604-3 RETIREMENT FOR INCAPACITY

Any member of the fire department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.604-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the Retirement Board for that purpose; provided that the Retirement Board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section A8.604-1. Said allowance shall be paid to him or her until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years had he or she lived and rendered service without interruption in the rank held by him or her at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section A8.604-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.604-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.604-2, but not less than 50 percent of said final compensation. Any member of the fire department who becomes incapacitated for performance of his or her duty by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section A8.604-10, shall be retired upon an allowance of 1½ percent of the final compensation of said member as defined in Section A8.604-1 for each year of service, provided that said allowance shall not be less than 33? percent of said final compensation. The question of retiring a member under this Section may be brought before the Retirement Board on said board's own motion, by the Retirement Board's Executive Director on its behalf, by recommendation of the fire commission or by said member, or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease and he or she shall be restored to the service in the rank he or she occupied at the time of his or her retirement.

(Added by Proposition C, Approved 11/8/2011)

A8.604-4 DEATH ALLOWANCE

If a member of the fire department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance, payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but he or she had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the date of death, but such allowance shall not be less than 50 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, had he or she lived and rendered service without interruption in the rank held by him or her at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation. If he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he or she was a member under Section A8.604 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died.

If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this Section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

(Added by Proposition C, Approved 11/8/2011)

A8.604-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the fire department resulting from any cause other than an injury received in, or illness caused by performance of duty,

(a) if the death occurred after qualification for service retirement under Section A8.604-2, or after retirement service or because of disability which results from any cause other than an injury received in, or illness caused by performance of duty, one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service at the date of death or one-half of the retirement allowance as it was at his or her death, as the case may be, shall be continued throughout his or her life or until remarriage to his or her surviving spouse, or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, one-half of the retirement allowance to which he or she would have been entitled under Section A8.604-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, or

(c) if his or her death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, three-fourths of his or her retirement allowance as it was at his or her death shall be continued

throughout life or until remarriage to his or her surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date on which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died, or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.604-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.604-3 if he or she had retired on the date of death because of incapacity for performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however shall be paid under this Section to a surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her retirement if he or she had retired.

As used in this Section and Section A8.604-4 "surviving spouse" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving spouse, in the event of death of the member after qualification for, but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.604-8, in lieu of the allowance which otherwise would be continued to him or her under this Section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election.

(Added by Proposition C, Approved 11/8/2011)

A8.604-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.604 shall be adjusted for cost of living allowances as provided in this Charter.

(Added by Proposition C, Approved 11/8/2011)

A8.604-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the fire department which is provided by contributions of the City and County, shall be reduced by the amount of any benefits, other than medical benefits, payable by the City and County to or on account of such person, under any Workers' Compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in, or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

(Added by Proposition C, Approved 11/8/2011)

A8.604-8 DEATH BENEFIT

If a member of the fire department shall die, before retirement from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause if no allowance shall be payable under Section A8.604-4 or A8.604-5 preceding, a death benefit shall be paid to his or her designated beneficiary or estate, the

amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her designated beneficiary or estate, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

(Added by Proposition C, Approved 11/8/2011)

A8.604-9 REFUNDS AND REDEPOSITS

Should any member of the fire department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he or she shall again become a member of the department, he or she shall redeposit in the retirement fund the amount refunded to him or her.

(Added by Proposition C, Approved 11/8/2011)

A8.604-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the fire department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other Charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the police or fire department.

(b) Time prior to January 7, 2012, during which said member was entitled to receive compensation while a member of the police or fire department under any other section of the Charter, provided that accumulated contributions on account of such service previously refunded are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the Retirement Board; and solely for the purpose of determining qualification for retirement under Section A8.604-3 for disability not resulting from injury received in or illness caused by performance of duty, time during which said member serves and receives compensation because of services rendered in other offices and departments.

(c) Time during which said member earned compensation as a paramedic with the fire department or department of public health, provided that the accumulated contributions on account of such service are transferred to his or her Section A8.604 account or, if previously refunded, are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the Retirement Board. The Retirement Board shall require said member to execute a waiver at any time prior to retirement so that any paramedic service covered by Section A8.604 is not also covered by other pension provisions in this Charter.

(d) Time during which said member is absent from a status included in Subsection (a) by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his or her account.

(e) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(Added by Proposition C, Approved 11/8/2011)

A8.604-11 SOURCES OF FUNDS

All payments provided for members under Section A8.604 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.604 a sum equal to eight and one-half percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.604-5, A8.604-6 and A8.604-8. The individual accounts of members who purchased service credit for Unpaid Parental Leave shall also include the amount paid by the member for said purchase, plus interest.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.604-11, to provide the benefits payable to members under Section A8.604. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.604 in accordance with the provisions of Section A8.510.

(c) Notwithstanding any other provision of this Section A8.604-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay less than $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-4.0%
.01%-1.0%	-4.0%
1.01%-2.5%	-3.75%
2.51%-4.0%	-3.5%
4.01%-5.5%	-2.5%
5.51%-7.0%	-2.0%
7.01%-8.5%	-1.5%
8.51%-10.0%	-1.0%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.0%
15.01%-17.5%	1.5%
17.51%-20.0%	2.0%
20.01%-22.5%	2.5%
22.51%-25.0%	3.5%
25.01%-27.5%	3.5%
27.51%-30.0%	3.75%
30.01%-32.5%	3.75%
32.51%-35.0%	4.0%
Over 35.0%	4.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.604, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.604-4, A8.604-5 and A8.604-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required under Subsection (b) for that fiscal year.

(d) Notwithstanding any other provision of this Section A8.604-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay at or above $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-5.0%
.01%-1.0%	-4.5%
1.01%-2.5%	-4.25%
2.51%-4.0%	-4.0%
4.01%-5.5%	-3.0%
5.51%-7.0%	-2.5%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	2.5%
20.01%-22.5%	3.0%
22.51%-25.0%	4.0%
25.01%-27.5%	4.0%
27.51%-30.0%	4.25%
30.01%-32.5%	4.25%
32.51%-35.0%	4.5%
Over 35.0%	5.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.604, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.604-4, A8.604-5 and A8.604-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required under Subsection (b) for that fiscal year.

(e) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.604 shall be a part of the fund in which all other assets of said system are included.

(f) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including all impasse procedures under Section A8.590 et seq.

(Added by Proposition C, Approved 11/8/2011)

A8.604-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.604-2 as requisite to retirement, a member of the fire department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.604-2, and except as provided in Section A8.604-13, nothing shall deprive said member of said right.

(Added by Proposition C, Approved 11/8/2011)

A8.604-13 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section 8.604-2, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment, to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such removal from office or employment.

Any member, after retirement for service or disability or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if at the time of the conviction, said member has remaining accumulated contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System, an annuity which shall be the actuarial equivalent of his or her accumulated contributions remaining at the time of the conviction.

(Added by Proposition C, Approved 11/8/2011)

A8.604-14 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section A8.511 of this Charter and in Subsection (b) of this Section, no person retired as a member under Section A8.604 for service or disability and entitled to receive a retirement allowance under the Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for, or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall not be affected by the provisions of Subsection (a) of this section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said compensation does not exceed $100 per month.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.604, he or she shall re-enter membership under Section A8.604 and his or her retirement allowance shall be cancelled immediately upon his or her re-entry. The provisions of Subsection (a) of this Section shall not prevent such person from receiving the compensation for such position or office. The rate of contributions of such member shall be the same as that for other members under Section A8.604. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(c) Notwithstanding any provision of this Charter to the contrary, should any person retired for disability engage in a gainful occupation prior to attaining the age of 55 years, the Retirement Board shall reduce that part of his or her monthly retirement allowance which is provided by contributions of the City and County to an amount which, when added to the amount of the compensation earnable, at the time he or she engages in the gainful occupation, by such person if he or she held the position which he or she held at the time of his or her retirement, or, if that position has been abolished, the compensation earnable by the member if he or she held the position from which he or she was retired immediately prior to its abolishment.

(Added by Proposition C, Approved 11/8/2011)

A8.604-15 DEFERRED RETIREMENT

Should any member of the fire department who is a member of the Retirement System under Charter Section A8.604 cease to be employed as such a member, through any cause other than death or retirement, all of his or her contributions with interest credited thereon, shall be refunded to him or her, provided that if such member is entitled to be credited with at least five years of service, then he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance equal to the percent set forth in Section A8.604-2 opposite his or her age at retirement, for each year of service multiplied against the final compensation of said member, calculated at termination, payable beginning no earlier than age 50. No deferred retirement allowance under this Section shall exceed ninety percent (90%) of the member's final compensation.

(Added by Proposition C, Approved 11/8/2011)

A8.604-16 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.604 or with any part thereof, shall be superseded by the contents of Section A8.604. Section A8.604 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.604 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.604. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.604 are held invalid as applied to any person, circumstance, employee or

category of employee, such invalidity shall not affect any application of Section A8.604 which can be given effect. Section A8.604 shall be broadly construed to achieve its stated purposes.

(Added by Proposition C, Approved 11/8/2011)

A8.605 MEMBERS OF THE POLICE DEPARTMENT ON AND AFTER JANUARY 7, 2012

Persons who become members of the police department, as defined in Section A8.605-1, on and after January 7, 2012, shall be members of the Retirement System subject to the provisions of Sections A8.605 through A8.605-16 in addition to such other applicable provisions of this Charter, including but not limited to Sections 12.100 and A8.500.

(Added by Proposition C, Approved 11/8/2011)

A8.605-1 DEFINITIONS

The following words and phrases as used in this Section, Section A8.605 and Sections A8.605-2 through A8.605-16, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation laws of the State of California shall mean all remuneration whether in cash or by other allowances made by the City and County, for service qualifying for credit under this Section, but excluding remuneration for overtime and such other forms of compensation excluded by the Board of Supervisors pursuant to Section A8.500 of the Charter. Remuneration shall not mean new premiums or allowances first paid by the City and County after January 7, 2012, that exceed the rate of pay fixed for each classification for service qualifying for credit under this Section. For members with concurrent service in more than one position, "compensation" shall be limited to the first hours paid during any fiscal year equal to one full-time equivalent position. "Compensation" for any fiscal year shall not include remuneration that exceeds 75% of the limits set forth in Internal Revenue Code Section 401(a)(17) and as amended from time to time.

Subject to the requirements that it be payable in cash, and that overtime and new premiums or allowances first paid by the City and County after January 7, 2012 are excluded, "compensation" for pension purposes may be defined in a collective bargaining agreement.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him or her during such period, it being assumed that during any absence, he or she was in the rank or position held by him or her at the beginning of the absence, and that prior to becoming a member of the police department, he or she was in the rank or position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the average monthly compensation earned by a member during the higher of any three consecutive fiscal years of earnings or the thirty six consecutive months of earnings immediately prior to retirement.

For the purpose of Sections A8.605 through A8.605-16, the terms "member of the police department," "member of the department," or "member" shall mean any officer or employee of the police department employed on and after January 7, 2012 who was or shall be subject to the Charter provisions governing entrance requirements of members of the uniformed force of said department and said terms shall further mean persons employed on and after January 7, 2012, at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform duties now performed under the titles of criminologist, photographer, police woman or jail matron; provided, however, that said terms shall not include any person who has not satisfactorily

completed such course of training as may be required by the police department prior to assignment to active duty with said department.

"Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this Section and other Sections to which persons who are members under Section A8.605 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.605-10.

"Retirement System" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Sections 12.100 and A8.500 of the Charter.

"Retirement Board" shall mean "Retirement Board" as created in Section 12.100 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

(Added by Proposition C, Approved 11/8/2011)

A8.605-2 SERVICE RETIREMENT

Any member of the police department, who completes at least five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section A8.605-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of final compensation (as defined in Section A8.605-1) set forth below opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, as computed under Section A8.605-10:

Age at Retirement	Percent for Each Year of Credited Service

Age at Retirement	Percent for Each Year of Credited Service

50	2.200
50¼	2.225
50½	2.250
50¾	2.275
51	2.300
51¼	2.325
51½	2.350
51¾	2.375
52	2.400
52¼	2.425
52½	2.450
52¾	2.475
53	2.500
53¼	2.525
53½	2.550
53¾	2.575
54	2.600
54¼	2.625
54½	2.650

54¾	2.675
55	2.700
55¼	2.725
55½	2.750
55¾	2.775
56	2.800
56¼	2.825
56½	2.850
56¾	2.875
57	2.900
57¼	2.925
57½	2.950
57¾	2.975
58	3.0

In no event shall a member's initial retirement allowance exceed ninety percent of his or her average final compensation.

(Added by Proposition C, Approved 11/8/2011)

A8.605-3 RETIREMENT FOR INCAPACITY

Any member of the police department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.605-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the Retirement Board for that purpose; provided that the Retirement Board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section A8.605-1. Said allowance shall be paid to him or her until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years had he or she lived and rendered service without interruption in the rank held by him or her at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section A8.605-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.605-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.605-2, but not less than 50 percent of said final compensation. Any member of the police department who becomes incapacitated for performance of his or her duty by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section A8.605-10, shall be retired upon an allowance of 1½ percent of the final compensation of said member as defined in Section A8.605-1 for each year of service, provided that said allowance shall not be less than 33 $^{1}/_{3}$ percent of said final compensation. The question of retiring a member under this section may be brought before the Retirement Board on said board's own motion, by the Retirement Board's Executive Director on its behalf, by recommendation of the police commission or by said member, or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease and he or she shall be restored to the service in the rank he or she occupied at the time of his or her retirement.

(Added by Proposition C, Approved 11/8/2011)

A8.605-4 DEATH ALLOWANCE

If a member of the police department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance, payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but he or she had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the date of death, but such allowance shall not be less than 50 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, had he or she lived and rendered service without interruption in the rank held by him or her at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation. If he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he or she was a member under Section A8.605 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died.

If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this Section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

(Added by Proposition C, Approved 11/8/2011)

A8.605-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the police department resulting from any cause other than an injury received in, or illness caused by performance of duty,

(a) if the death occurred after qualification for service retirement under Section A8.605-2, or after retirement service or because of disability which results from any cause other than an injury received in, or illness caused by performance of duty one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service at the date of death or one-half of the retirement allowance as it was at his or her death, as the case may be, shall be continued throughout his or her life or until remarriage to his or her surviving spouse, or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, one-half of the retirement allowance to which he or she would have been entitled under Section A8.605-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, or

(c) if his or her death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, three-fourths of his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, except that, if death occurred prior to qualification

for service retirement allowance, the allowance continued shall be adjusted upon the date on which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died, or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.605-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.605-3 if he or she had retired on the date of death because of incapacity for performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however shall be paid under this Section to a surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her retirement if he or she had retired.

As used in this Section and Section A8.605-4 "surviving spouse" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving spouse, in the event of death of the member after qualification for, but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.605-8, in lieu of the allowance which otherwise would be continued to him or her under this Section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election.

(Added by Proposition C, Approved 11/8/2011)

A8.605-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.605 shall be adjusted for cost of living allowances as provided in this Charter.

(Added by Proposition C, Approved 11/8/2011)

A8.605-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the police department which is provided by contributions of the City and County, shall be reduced, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any Workers' Compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in, or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

(Added by Proposition C, Approved 11/8/2011)

A8.605-8 DEATH BENEFIT

If a member of the police department shall die, before retirement from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause if no allowance shall be payable under Section A8.605-4 or A8.605-5 preceding, a death benefit shall be paid to his or her estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the

Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her designated beneficiary or estate, the amount of which, and the conditions for the payment of which, shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

(Added by Proposition C, Approved 11/8/2011)

A8.605-9 REFUNDS AND REDEPOSITS

Should any member of the police department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he or she shall again become a member of the department, he or she shall redeposit in the retirement fund the amount refunded to him or her.

(Added by Proposition C, Approved 11/8/2011)

A8.605-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the police department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other Charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the police or fire department on or after January 7, 2012.

(b) Time prior to January 7, 2012, during which said member was entitled to receive compensation while a member of the police department under any other section of the Charter, provided that accumulated contributions on account of such service previously refunded are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the Retirement board; and solely for the purpose of determining qualification for retirement under Section A8.605-3 for disability not resulting from injury received in or illness caused by performance of duty, time during which said member serves and receives compensation because of services rendered in other offices and departments.

(c) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(d) Time during which said member is absent from a status included in Subsection (a) by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his or her account.

(Added by Proposition C, Approved 11/8/2011)

A8.605-11 SOURCES OF FUNDS

All payments provided for members under Section A8.605 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.605 a sum equal to eight and one-half percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her beneficiary or as provided in Sections A8.605-4, A8.605-5 and A8.605-8.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.605-11, to provide the benefits payable to members under Section A8.605. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.605 in accordance with the provisions of Section A8.510.

(c) Notwithstanding any other provision of this Section A8.605-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay at less than $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	Change In Member Contribution
Employer Contribution Rate	**Change In Member Contribution**
0%	-4.0%
.01%-1.0%	-4.0%
1.01%-2.5%	-3.75%
2.51%-4.0%	-3.5%
4.01%-5.5%	-2.5%
5.51%-7.0%	-2.0%
7.01%-8.5%	-1.5%
8.51%-10.0%	-1.0%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.0%
15.01%-17.5%	1.5%
17.51%-20.0%	2.0%
20.01%-22.5%	2.5%
22.51%-25.0%	3.5%
25.01%-27.5%	3.5%
27.51%-30.0%	3.75%
30.01%-32.5%	3.75%
32.51%-35.0%	4.0%
Over 35.0%	4.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.605, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.605-4, A8.605-5 and A8.605-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required under Subsection (b) for that fiscal year.

(d) Notwithstanding any other provision of this Section A8.605-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay at or above $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-5.0%
.01%-1.0%	-4.5%
1.01%-2.5%	-4.25%
2.51%-4.0%	-4.0%
4.01%-5.5%	-3.0%
5.51%-7.0%	-2.5%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	2.5%
20.01%-22.5%	3.0%
22.51%-25.0%	4.0%
25.01%-27.5%	4.0%
27.51%-30.0%	4.25%
30.01%-32.5%	4.25%
32.51%-35.0%	4.5%
Over 35.0%	5.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or

allowance granted on account of, said member under Section A8.605, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.605-4, A8.605-5 and A8.605-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required under Subsection (b) for that fiscal year.

(e) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.605 shall be a part of the fund in which all other assets of said system are included.

(f) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including all impasse procedures under Section A8.590 et seq.

(Added by Proposition C, Approved 11/8/2011)

A8.605-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.605-2 as requisite to retirement, a member of the police department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.605-2, and except as provided in Section A8.605-13, nothing shall deprive said member of said right.

(Added by Proposition C, Approved 11/8/2011)

A8.605-13 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section A8.605-2, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such removal from office or employment.

Any member after retirement for service or disability, or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if at the time of the conviction, said member has remaining accumulated contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions remaining at the time of the conviction.

(Added by Proposition C, Approved 11/8/2011)

A8.605-14 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section A8.511 of this Charter and in Subsection (b) of this section, no person retired as a member under Section A8.605 for service or disability and entitled to receive a retirement allowance under the Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for, or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall not be affected by the provisions of Subsection (a) of this Section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said compensation does not exceed $100 per month.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.605, he or she shall re-enter membership under Section A8.605 and his or her retirement allowance shall be cancelled immediately upon his or her re-entry. The provisions of Subsection (a) of this Section shall not prevent such person from receiving the compensation for such position or office. The rate of contributions of such member shall be the same as that for other members under Section A8.605. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(c) Notwithstanding any provision of this Charter to the contrary, should any person retired for disability engage in a gainful occupation prior to attaining the age of 55 years, the Retirement Board shall reduce that part of his or her monthly retirement allowance which is provided by contributions of the City and County to an amount which, when added to the amount of the compensation earnable, at the time he or she engages in the gainful occupation, by such person if he or she held the position which he or she held at the time of his or her retirement, or, if that position has been abolished, the compensation earnable by the member if he or she held the position from which he or she was retired immediately prior to its abolishment.

(Added by Proposition C, Approved 11/8/2011)

A8.605-15 DEFERRED RETIREMENT

Should any member of the fire department who is a member of the Retirement System under Charter Section A8.605 cease to be employed as such a member, through any cause other than death or retirement, all of his or her contributions with interest credited thereon, shall be refunded to him or her, provided that if such member is entitled to be credited with at least five years of service, then he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance equal to the percent set forth in Section A8.605-2 opposite his or her age at retirement, for each year of service multiplied against the final compensation of said member, calculated at termination, payable beginning no earlier than age 50. No deferred retirement allowance under this Section shall exceed ninety percent (90%) of the member's final compensation.

(Added by Proposition C, Approved 11/8/2011)

A8.605-16 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.605 or with any part thereof, shall be superseded by the contents of Section A8.605. Section A8.605 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.605 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.605. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.605 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Section A8.605 which can be given effect. Section A8.605 shall be broadly construed to achieve its stated purposes.

(Added by Proposition C, Approved 11/8/2011)

A8.606 UNDERSHERIFFS AND DEPUTIZED PERSONNEL OF THE SHERIFF'S DEPARTMENT BEFORE JULY 1, 2010

Upon the thirty first day following the effective date of an ordinance enacted by the Board of Supervisors under Section A8.500 based on agreement between the City and the Undersheriffs and the recognized employee organizations representing the impacted employees, but not before July 1, 2012, the undersheriffs and all deputized personnel of the sheriff's department hired before July 1, 2010, shall be members of the Retirement System for prospective service subject to the provisions of this Section A8.606 through A8.606-16 in addition to such other applicable provisions of this Charter, including but not limited to Sections 12.100 and A8.500.

(Added by Proposition C, Approved 11/8/2011)

A8.606-1 DEFINITIONS

The following words and phrases as used in this Section, Section A8.606-1 and Sections A8.606-2 through A8.606-16, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation laws of the State of California shall mean all remuneration whether in cash or by other allowances made by the City and County, for service qualifying for credit under this Section, but excluding remuneration for overtime and such other forms of compensation excluded by the Board of Supervisors pursuant to Section A8.500 of the Charter.

Subject to the requirement that it be payable in cash and that overtime be excluded, "compensation" for pension purposes may be defined in a collective bargaining agreement.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the positions held by him or her during such period, it being assumed that during any absence, he or she was in the position held by him or her at the beginning of the absence, and that prior to becoming a member of the sheriff's department, he or she was in the position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the average monthly compensation earnable by a member during the higher of any one fiscal year of earnings or the twelve consecutive months of earnings immediately prior to retirement.

For the purpose of Section A8.606 through A8.606-16, the terms "member of the sheriff's department," "member of the department," or "member" shall mean any member of the sheriff's department before July 1, 2010, who was an active member of the Public Employees' Retirement System.

"Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this Section and other Sections to which persons who are members under Section A8.606 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.606-10.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section A8.500 of the Charter.

"Retirement Board" shall mean "retirement board" as created in Section 12.100 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

(Added by Proposition C, Approved 11/8/2011)

A8.606-2 SERVICE RETIREMENT

Any member of the sheriff's department who completes at least five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section A8.606-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of final compensation (as defined in Section A8.606-1) set forth below opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, as computed under Section A8.606-10:

Retirement Age	Percent for Each Year of Credited Service

Retirement Age	Percent for Each Year of Credited Service

50	2.400
50¼	2.430
50½	2.460
50¾	2.490
51	2.520
51¼	2.550
51½	2.580
51¾	2.610
52	2.640
52¼	2.670
52½	2.700
52¾	2.730
53	2.760
53¼	2.790
53½	2.820
53¾	2.850
54	2.880
54¼	2.910
54½	2.940
54¾	2.970
55+	3.000

In no event, however, shall such a retirement allowance exceed ninety (90) percent of a member's final compensation.

(Added by Proposition C, Approved 11/8/2011)

A8.606-3 RETIREMENT FOR INCAPACITY

Any member of the sheriff's department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.606-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the Retirement Board for that purpose; provided that the Retirement Board may, by five affirmative votes, adjust the percentage of disability as

determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section A8.606-1. Said allowance shall be paid to him or her until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years had he or she lived and rendered service without interruption in the position held by him or her at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section A8.606-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.606-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.606-2, but not less than 50 percent of said final compensation. Any member of the sheriff's department who becomes incapacitated for performance of his or her duty by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section A8.606-10, shall be retired upon an allowance of 1½ percent of the final compensation of said member as defined in Section A8.606-1 for each year of service, provided that said allowance shall not be less than 33 ^{1} /3 percent of said final compensation. The question of retiring a member under this Section may be brought before the Retirement Board on said board's own motion, by recommendation of the sheriff's department, or by said member or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease and he or she shall be restored to the service in the rank he or she occupied at the time of his or her retirement.

(Added by Proposition C, Approved 11/8/2011)

A8.606-4 DEATH ALLOWANCE

If a member of the sheriff's department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance, payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but he or she had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the date of death, but such allowance shall not be less than 50 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, had he or she lived and rendered service without interruption in the rank held by him or her at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation. If he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he or she was a member under Section A8.606 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died.

If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to

that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this Section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

(Added by Proposition C, Approved 11/8/2011)

A8.606-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the sheriff's department resulting from any cause other than an injury received in, or illness caused by performance of duty,

(a) if the death occurred after qualification for service retirement under Section A8.606-2, or after retirement for service or because of disability which result from any cause other than an injury received in, or illness caused by performance of duty one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service at the date of death or one-half of the retirement allowance as it was at his or her death, as the case may be, shall be continued throughout his or her life or until remarriage to his or her surviving spouse, or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, one-half of the retirement allowance to which he or she would have been entitled under Section A8.606-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, or

(c) if his or her death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, three-fourths of his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date on which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died, or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.606-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.606-3 if he or she had retired on the date of death because of incapacity for performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children, under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however shall be paid under this Section to a surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her retirement if he or she had retired.

The surviving spouse, in the event of death of the member after qualification for, but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.606-8, in lieu of the allowance which otherwise would be continued to him or her under this Section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election.

(Added by Proposition C, Approved 11/8/2011)

A8.606-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.606 shall be adjusted in accordance with the provisions of this Charter.

(Added by Proposition C, Approved 11/8/2011)

A8.606-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the sheriff's department which is provided by contributions of the City and County, shall be reduced, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in, or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

(Added by Proposition C, Approved 11/8/2011)

A8.606-8 DEATH BENEFIT

If a member of the sheriff's department shall die, before retirement from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause if no allowance shall be payable under Section A8.606-4 or A8.606-5 preceding, a death benefit shall be paid to his or her estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

(Added by Proposition C, Approved 11/8/2011)

A8.606-9 REFUNDS AND REDEPOSITS

Should any member of the sheriff's department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he or she shall again become a member of the department, he or she shall redeposit in the Retirement Fund the amount refunded to him or her.

(Added by Proposition C, Approved 11/8/2011)

A8.606-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the sheriff's department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other Charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the sheriff's department.

(b) Time prior to January 7, 2012, during which said member was entitled to receive compensation while a member of the sheriff's department under any other section of the Charter, provided that accumulated contributions on account of such service previously refunded are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the Retirement board; and solely for the purpose of determining qualification for retirement under Section A8.606-3 for disability not resulting from injury received in or illness caused by performance of duty, time during which said member serves and receives compensation because of services rendered in other offices and departments.

(c) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(d) Time during which said member is absent from a status included in Subsection (a) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his or her account.

(Added by Proposition C, Approved 11/8/2011)

A8.606-11 SOURCES OF FUNDS

All payments provided for members under Section A8.606 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.606 a sum equal to seven percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her estate or beneficiary as provided in Sections A8.606-8, A8.606-9 and A8.606-10. The individual accounts of members who purchased service credit for Unpaid Parental Leave shall also include the amount paid by the member for said purchase, plus interest.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.606-11, to provide the benefits payable to members under Section A8.606. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.606 in accordance with the provisions of Section A8.510.

(c) Notwithstanding any other provision of this Section A8.606-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	Change In Member Contribution
Employer Contribution Rate	Change In Member Contribution
0%	-6.0%
.01%-1.0%	-5.0%
1.01%-2.5%	-4.75%
2.51%-4.0%	-4.5%
4.01%-5.5%	-3.5%
5.51%-7.0%	-3.0%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	3.0%
20.01%-22.5%	3.5%

22.51%-25.0%	4.5%
25.01%-27.5%	4.5%
27.51%-30.0%	4.75%
30.01%-32.5%	4.75%
32.51%-35.0%	5.0%
Over 35.0%	6.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.606, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.606-4, A8.606-5 and A8.606-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required under Subsection (b) for that fiscal year.

(d) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.606 shall be a part of the fund in which all other assets of said system are included.

(e) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including all impasse procedures under Section A8.590 et seq.

(Added by Proposition C, Approved 11/8/2011)

A8.606-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.606-2 as requisite to retirement, a member of the sheriff's department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.606-2, and except as provided in Section A8.606-16, nothing shall deprive said member of said right.

(Added by Proposition C, Approved 11/8/2011)

A8.606-13 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section A8.511 of this Charter and in Subsection (b) of this section, no person retired as a member under Section A8.606 for service or disability and entitled to receive a retirement allowance under the Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for, or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall be affected by the provisions of Subsection (a) of this section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said compensation

does not exceed $100 per month.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.606, he or she shall re-enter membership under Section A8.606 and his or her retirement allowance shall be cancelled immediately upon his or her re-entry. The provisions of Subsection (a) of this section shall not prevent such person from receiving the compensation for such position or office. The rate of contributions of such member shall be the same as that for other members under Section A8.606. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(c) Notwithstanding any provision of this Charter to the contrary, should any person retired for disability engage in a gainful occupation prior to attaining the age of 55 years, the Retirement Board shall reduce that part of his or her monthly retirement allowance which is provided by contributions of the City and County to an amount which, when added to the amount of the compensation earnable, at the time he or she engages in the gainful occupation, by such person if he or she held the position which he or she held at the time of his or her retirement, or, if that position has been abolished, the compensation earnable by the member if he or she held the position from which he or she was retired immediately prior to its abolishment.

(Added by Proposition C, Approved 11/8/2011)

A8.606-14 DEFERRED RETIREMENT

Notwithstanding any provisions of this Charter to the contrary, should any member of the sheriff's department who is a member of the Retirement System under Charter Section A8.606 with five years of credited service, cease to be so employed, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance equal to the percent set forth in Section A8.606-2 opposite his or her age at retirement, for each year of service multiplied against the final compensation of said member, calculated at termination, payable beginning no earlier than age 50. No deferred retirement allowance under this Section shall exceed ninety (90%) percent of the member's final compensation.

(Added by Proposition C, Approved 11/8/2011)

A8.606-15 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section A8.606-2, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such removal from office or employment.

Any member after retirement for service or disability or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if at the time of the conviction, said member has remaining accumulated contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions remaining at the time of the conviction.

(Added by Proposition C, Approved 11/8/2011)

A8.606-16 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.606 or with any part thereof, shall be superseded by the contents of Section A8.606. Section A8.606 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.606 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of this Section A8.606. If any words, phrases, clauses, sentences, subsections, provisions or portions of this Section A8.606 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of this Section A8.606 which can be given effect. Section A8.606 shall be broadly construed to achieve its stated purposes.

(Added by Proposition C, Approved 11/8/2011)

A8.607 UNDERSHERIFFS AND DEPUTIZED PERSONNEL OF THE SHERIFF'S DEPARTMENT HIRED AFTER JULY 1, 2010 AND BEFORE JANUARY 7, 2012

Upon the thirty first day following the effective date of an ordinance enacted by the Board of Supervisors under Section A8.500 based on agreement between the City, the undersheriffs and the recognized employee organizations representing the impacted employees, but not before July 1, 2012, undersheriffs and all deputized personnel of the sheriff's department hired after July 1, 2010 and before January 7, 2012, shall be members of the Retirement System for prospective service subject to the provisions of this Section A8.607 through A8.607-16 in addition to such other applicable provisions of this Charter, including but not limited to Sections 12.100 and A8.500.

(Added by Proposition C, Approved 11/8/2011)

A8.607-1 DEFINITIONS

The following words and phrases as used in this Section, Section A8.607 and Sections A8.607-2 through A8.607-16, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation laws of the State of California shall mean all remuneration whether in cash or by other allowances made by the City and County, for service qualifying for credit under this Section, but excluding remuneration for overtime and such other forms of compensation excluded by the Board of Supervisors pursuant to Section A8.500 of the Charter.

Subject to the requirement that it be payable in cash and that overtime be excluded, "compensation" for pension purposes may be defined in a collective bargaining agreement.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the positions held by him or her during such period, it being assumed that during any absence, he or she was in the position held by him or her at the beginning of the absence, and that prior to becoming a member of the sheriff's department, he or she was in the position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the average monthly compensation earnable by a member during the higher of any two fiscal years of earnings or the twenty four consecutive months of earnings immediately prior to retirement.

For the purpose of Section A8.607 through A8.607-16, the terms "member of the sheriff's department," "member of the department," or "member" shall mean any member of the sheriff's department after July 1, 2010 and before January 7, 2012, who was an active member of the Public Employees' Retirement System.

"Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this Section and other Sections to which persons who are members under Section A8.606 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.607-10.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section A8.500 of the Charter.

"Retirement Board" shall mean "retirement board" as created in Section 12.100 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

(Added by Proposition C, Approved 11/8/2011)

A8.607-2 SERVICE RETIREMENT

Any member of the sheriff's department who completes at least five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section A8.607-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of final compensation (as defined in Section A8.607-1) set forth below opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, as computed under Section A8.607-10:

Retirement Age	Percent for Each Year of Credited Service

Retirement Age	Percent for Each Year of Credited Service

50	2.400
50¼	2.430
50½	2.460
50¾	2.490
51	2.520
51¼	2.550
51½	2.580
51¾	2.610
52	2.640
52¼	2.670
52½	2.700
52¾	2.730
53	2.760
53¼	2.790
53½	2.820
53¾	2.850
54	2.880
54¼	2.910
54½	2.940
54¾	2.970
55+	3.000

In no event, however, shall such a retirement allowance exceed ninety (90) percent of a member's final compensation.

(Added by Proposition C, Approved 11/8/2011)

A8.607-3 RETIREMENT FOR INCAPACITY

Any member of the sheriff's department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.607-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the Retirement Board for that purpose; provided that the Retirement Board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section A8.607-1. Said allowance shall be paid to him or her until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years had he or she lived and rendered service without interruption in the position held by him or her at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section A8.607-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.607-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.607-2, but not less than 50 percent of said final compensation. Any member of the sheriff's department who becomes incapacitated for performance of his or her duty by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section A8.607-10, shall be retired upon an allowance of 1½ percent of the final compensation of said member as defined in Section A8.607-1 for each year of service, provided that said allowance shall not be less than 33 ^{1} /3 percent of said final compensation. The question of retiring a member under this Section may be brought before the Retirement Board on said board's own motion, by recommendation of the sheriff's department, or by said member or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease and he or she shall be restored to the service in the rank he or she occupied at the time of his or her retirement.

(Added by Proposition C, Approved 11/8/2011)

A8.607-4 DEATH ALLOWANCE

If a member of the sheriff's department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance, payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but he or she had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the date of death, but such allowance shall not be less than 50 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, had he or she lived and rendered service without interruption in the rank held by him or her at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation. If

he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he or she was a member under Section A8.607 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died.

If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this Section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

(Added by Proposition C, Approved 11/8/2011)

A8.607-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the sheriff's department resulting from any cause other than an injury received in, or illness caused by performance of duty,

(a) if the death occurred after qualification for service retirement under Section A8.607-2, or after retirement for service or because of disability which result from any cause other than an injury received in, or illness caused by performance of duty one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service at the date of death or one-half of the retirement allowance as it was at his or her death, as the case may be, shall be continued throughout his or her life or until remarriage to his or her surviving spouse, or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, one-half of the retirement allowance to which he or she would have been entitled under Section A8.607-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, or

(c) if his or her death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, three-fourths of his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date on which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died, or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.6076-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.607-3 if he or she had retired on the date of death because of incapacity for performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children, under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No

allowance, however shall be paid under this Section to a surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her retirement if he or she had retired.

The surviving spouse, in the event of death of the member after qualification for, but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.607-8, in lieu of the allowance which otherwise would be continued to him or her under this Section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election.

(Added by Proposition C, Approved 11/8/2011)

A8.607-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.607 shall be adjusted in accordance with the provisions of this Charter.

(Added by Proposition C, Approved 11/8/2011)

A8.607-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the sheriff's department which is provided by contributions of the City and County, shall be reduced, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in, or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

(Added by Proposition C, Approved 11/8/2011)

A8.607-8 DEATH BENEFIT

If a member of the sheriff's department shall die, before retirement from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause if no allowance shall be payable under Section A8.607-4 or A8.607-5 preceding, a death benefit shall be paid to his or her estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

(Added by Proposition C, Approved 11/8/2011)

A8.607-9 REFUNDS AND REDEPOSITS

Should any member of the sheriff's department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he or she shall again become a member of the department, he or she shall redeposit in the Retirement Fund the amount refunded to him or her.

(Added by Proposition C, Approved 11/8/2011)

A8.607-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the sheriff's department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his

or her service while he or she was a member under any other Charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the sheriff's department.

(b) Time prior to January 7, 2012, during which said member was entitled to receive compensation while a member of the sheriff's department under any other section of the Charter, provided that accumulated contributions on account of such service previously refunded are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the Retirement board; and solely for the purpose of determining qualification for retirement under Section A8.607-3 for disability not resulting from injury received in or illness caused by performance of duty, time during which said member serves and receives compensation because of services rendered in other offices and departments.

(c) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(d) Time during which said member is absent from a status included in Subsection (a) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his or her account.

(Added by Proposition C, Approved 11/8/2011)

A8.607-11 SOURCES OF FUNDS

All payments provided for members under Section A8.607 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.607 a sum equal to eight and one-half percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her estate or beneficiary as provided in Sections A8.607-8, A8.607-9 and A8.607-10. The individual accounts of members who purchased service credit for Unpaid Parental Leave shall also include the amount paid by the member for said purchase, plus interest.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.607-11, to provide the benefits payable to members under Section A8.6076. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.607 in accordance with the provisions of Section A8.510.

(c) Notwithstanding any other provision of this Section A8.607-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay less than $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	Change In Member Contribution

Employer Contribution Rate	Change In Member Contribution
0%	-4.0%
.01%-1.0%	-4.0%
1.01%-2.5%	-3.75%
2.51%-4.0%	-3.5%
4.01%-5.5%	-2.5%
5.51%-7.0%	-2.0%
7.01%-8.5%	-1.5%
8.51%-10.0%	-1.0%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.0%
15.01%-17.5%	1.5%
17.51%-20.0%	2.0%
20.01%-22.5%	2.5%
22.51%-25.0%	3.5%
25.01%-27.5%	3.5%
27.51%-30.0%	3.75%
30.01%-32.5%	3.75%
32.51%-35.0%	4.0%
Over 35.0%	4.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.607, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.607-4, A8.607-5 and A8.607-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required under Subsection (b) for that fiscal year.

(d) Notwithstanding any other provision of this Section A8.607-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay at or above $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	Change In Member Contribution
Employer Contribution Rate	**Change In Member Contribution**
0%	-5.0%
.01%-1.0%	-4.5%
1.01%-2.5%	-4.25%
2.51%-4.0%	-4.0%
4.01%-5.5%	-3.0%
5.51%-7.0%	-2.5%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	2.5%
20.01%-22.5%	3.0%
22.51%-25.0%	4.0%
25.01%-27.5%	4.0%
27.51%-30.0%	4.25%
30.01%-32.5%	4.25%
32.51%-35.0%	4.5%
Over 35.0%	5.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.607, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.607-4, A8.607-5 and A8.607-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required under Subsection (b) for that fiscal year.

(e) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.607 shall be a part of the fund in which all other assets of said system are included.

(f) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including all impasse procedures under Section A8.590 et seq.

(Added by Proposition C, Approved 11/8/2011)

A8.607-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.607-2 as requisite to retirement, a member of the sheriff's department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.607-2, and except as provided in Section A8.607-16, nothing shall deprive said member of said right.

(Added by Proposition C, Approved 11/8/2011)

A8.607-13 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section A8.511 of this Charter and in Subsection (b) of this section, no person retired as a member under Section A8.607 for service or disability and entitled to receive a retirement allowance under the Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for, or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall be affected by the provisions of Subsection (a) of this section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said compensation does not exceed $100 per month.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.607, he or she shall re-enter membership under Section A8.607-6 and his or her retirement allowance shall be cancelled immediately upon his or her re-entry. The provisions of Subsection (a) of this section shall not prevent such person from receiving the compensation for such position or office. The rate of contributions of such member shall be the same as that for other members under Section A8.607. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(c) Notwithstanding any provision of this Charter to the contrary, should any person retired for disability engage in a gainful occupation prior to attaining the age of 55 years, the Retirement Board shall reduce that part of his or her monthly retirement allowance which is provided by contributions of the City and County to an amount which, when added to the amount of the compensation earnable, at the time he or she engages in the gainful occupation, by such person if he or she held the position which he or she held at the time of his or her retirement, or, if that position has been abolished, the compensation earnable by the member if he or she held the position from which he or she was retired immediately prior to its abolishment.

(Added by Proposition C, Approved 11/8/2011)

A8.607-14 DEFERRED RETIREMENT

Notwithstanding any provisions of this Charter to the contrary, should any member of the sheriff's department who is a member of the Retirement System under Charter Section A8.607 with five years of credited service, cease to be so employed, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance equal to the percent set forth in Section A8.607-2 opposite his or her age at retirement, for each year of service multiplied against the final compensation of said member, calculated at termination, payable beginning no earlier than age 50. No deferred retirement allowance under this Section shall exceed ninety (90%) percent of the member's final compensation.

(Added by Proposition C, Approved 11/8/2011)

A8.607-15 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section A8.607-2, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such removal from office or employment.

Any member after retirement for service or disability or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if at the time of the conviction, said member has remaining accumulated contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions remaining at the time of the conviction.

(Added by Proposition C, Approved 11/8/2011)

A8.607-16 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.607 or with any part thereof, shall be superseded by the contents of Section A8.606. Section A8.607 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.607 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of this Section A8.607. If any words, phrases, clauses, sentences, subsections, provisions or portions of this Section A8.607 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of this Section A8.607 which can be given effect. Section A8.607 shall be broadly construed to achieve its stated purposes.

(Added by Proposition C, Approved 11/8/2011)

A8.608 SHERIFF, UNDERSHERIFF AND DEPUTIZED PERSONNEL OF THE SHERIFF'S DEPARTMENT ASSUMING OFFICE ON AND AFTER JANUARY 7, 2012

Sheriffs assuming office on, and undersheriffs and all deputized personnel of the sheriff's department hired on and after January 7, 2012, shall be members of the Retirement System subject to the provisions of Sections A8.608 through A8.608-16 in addition to such other applicable provisions of this Charter, including but not limited to Sections 12.100 and A8.500.

(Added by Proposition C, Approved 11/8/2011)

A8.608-1 DEFINITIONS

The following words and phrases as used in this Section, Section A8.608 and Sections A8.608-2 through A8.608-16, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation laws of the State of California shall mean all remuneration whether in cash or by other allowances made by the City and County, for service qualifying for credit under this Section, but excluding remuneration for overtime and such other forms of compensation excluded by the Board of Supervisors pursuant to Section A8.500 of the Charter. Remuneration shall

not mean new premiums or allowances first paid by the City and County after January 7, 2012, that exceed the rate of pay fixed for each classification for service qualifying for credit under this Section. For members with concurrent service in more than one position, "compensation" shall be limited to the first hours paid during any fiscal year equal to one full-time equivalent position. "Compensation" for any fiscal year shall not include remuneration that exceeds 75% of the limits set forth in Internal Revenue Code Section 401(a)(17) and as amended from time to time.

Subject to the requirements that it be payable in cash, and that overtime and new premiums or allowances first paid by the City and County after January 7, 2012 are excluded, "compensation" for pension purposes may be defined in a collective bargaining agreement.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the positions held by him or her during such period, it being assumed that during any absence, he or she was in the position held by him or her at the beginning of the absence, and that prior to becoming a member of the sheriff's department, he or she was in the position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the average monthly compensation earned by a member during the higher of any three consecutive fiscal years of earnings or the thirty six consecutive months of earnings immediately prior to retirement.

For the purpose of Sections A8.608 through A8.608-16, the terms "member of the sheriff's department," "member of the department," or "member" shall mean any sheriff assuming office on and after January 7, 2012, and undersheriffs and deputized personnel of the sheriff's department hired on and after January 7, 2012.

"Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this Section and other Sections to which persons who are members under Section A8.608 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.608-10.

"Retirement System" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Sections 12.100 and A8.500 of the Charter.

"Retirement Board" shall mean "Retirement Board" as created in Section 12.100 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

(Added by Proposition C, Approved 11/8/2011)

A8.608-2 SERVICE RETIREMENT

Any member of the sheriff's department, who completes at least five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section A8.608-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of final compensation (as defined in Section A8.608-1) set forth below opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, as computed under Section A8.608-10.

Retirement Age	Percent for Each Year of Credited Service

| Retirement Age | Percent for Each Year of Credited Service |

50	2.200

50¼	2.225
50½	2.250
50¾	2.275
51	2.300
51¼	2.325
51½	2.350
51¾	2.375
52	2.400
52¼	2.425
52½	2.450
52¾	2.475
53	2.500
53¼	2.525
53½	2.550
53¾	2.575
54	2.600
54¼	2.625
54½	2.650
54¾	2.675
55	2.700
55¼	2.725
55½	2.750
55¾	2.775
56	2.800
56¼	2.825
56½	2.850
56¾	2.875
57	2.900
57¼	2.925
57½	2.950
57¾	2.975
58	3.0

In no event shall a member's initial retirement allowance exceed ninety percent of his or her average final compensation.

(Added by Proposition C, Approved 11/8/2011)

A8.608-3 RETIREMENT FOR INCAPACITY

Any member of the sheriff's department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.608-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the Retirement Board for that purpose; provided that the Retirement Board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section

A8.608-1. Said allowance shall be paid to him or her until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years had he or she lived and rendered service without interruption in the position held by him or her at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section A8.608-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.608-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.608-2, but not less than 50 percent of said final compensation. Any member of the sheriff's department who becomes incapacitated for performance of his or her duty by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section A8.608-10, shall be retired upon an allowance of 1½ percent of the final compensation of said member as defined in Section A8.608-1 for each year of service, provided that said allowance shall not be less than 33 $^{1}/_{3}$ percent of said final compensation. The question of retiring a member under this Section may be brought before the Retirement Board on said Board's own motion, by the Retirement Board's Executive Director on its behalf, by recommendation of the sheriff's department, or by said member, or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease and he or she shall be restored to the service in the position he or she occupied at the time of his or her retirement.

(Added by Proposition C, Approved 11/8/2011)

A8.608-4 DEATH ALLOWANCE

If a member of the sheriff's department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance, payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but he or she had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the date of death, but such allowance shall not be less than 50 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, had he or she lived and rendered service without interruption in the position held by him or her at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation. If he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he or she was a member under Section A8.608 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died.

If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however,

shall be paid under this Section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

(Added by Proposition C, Approved 11/8/2011)

A8.608-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the sheriff's department resulting from any cause other than an injury received in, or illness caused by performance of duty,

(a) if the death occurred after qualification for service retirement under Section A8.608-2, or after retirement for service or because of disability which results from any cause other than an injury received in, or illness caused by performance of duty one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service at the date of death or one-half of the retirement allowance as it was at his or her death, as the case may be, shall be continued throughout his or her life or until remarriage to his or her surviving spouse, or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, one-half of the retirement allowance to which he or she would have been entitled under Section A8.608-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, or

(c) if his or her death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, three-fourths of his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date on which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died, or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.608-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.608-3 if he or she had retired on the date of death because of incapacity for performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however shall be paid under this Section to a surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her retirement if he or she had retired.

The surviving spouse, in the event of death of the member after qualification for, but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.608-8, in lieu of the allowance which otherwise would be continued to him or her under this Section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election.

(Added by Proposition C, Approved 11/8/2011)

A8.608-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.608 shall be adjusted for cost of living allowances as provided in this Charter.

(Added by Proposition C, Approved 11/8/2011)

A8.608-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the sheriff's department which is provided by contributions of the City and County, shall be reduced, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any Workers' Compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in, or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

(Added by Proposition C, Approved 11/8/2011)

A8.608-8 DEATH BENEFIT

If a member of the sheriff's department shall die, before retirement from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause if no allowance shall be payable under Section A8.608-4 or A8.608-5 preceding, a death benefit shall be paid to his or her estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her designated beneficiary or estate, the amount of which, and the conditions for the payment of which, shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

(Added by Proposition C, Approved 11/8/2011)

A8.608-9 REFUNDS AND REDEPOSITS

Should any member of the sheriff's department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System. If he or she shall again become a member of the department, he or she shall redeposit in the retirement fund the amount refunded to him or her.

(Added by Proposition C, Approved 11/8/2011)

A8.608-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the sheriff's department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other Charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the sheriff's department hired on or after January 7, 2012.

(b) Time prior to January 7, 2012, during which said member was entitled to receive compensation while a member of the sheriff's department under any other section of the Charter, provided that accumulated contributions on account of such service previously refunded are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the Retirement board; and solely for the purpose of determining qualification for retirement under Section A8.608-3 for disability not resulting from injury received in or illness caused by performance of duty, time during which said member serves and receives compensation because of services rendered in other offices and departments.

(c) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(d) Time during which said member is absent from a status included in Subsection (a) by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his or her account.

(Added by Proposition C, Approved 11/8/2011)

A8.608-11 SOURCES OF FUNDS

All payments provided for members under Section A8.608 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.608 a sum equal to eight and one-half percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her beneficiary or as provided in Sections A8.608-4, A8.607-5 and A8.608-8.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.608-11, to provide the benefits payable to members under Section A8.608. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.608 in accordance with the provisions of Section A8.510.

(c) Notwithstanding any other provision of this Section A8.608-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay less than $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below

Employer Contribution Rate	Change In Member Contribution
Employer Contribution Rate	Change In Member Contribution
0%	-4.0%
.01%-1.0%	-4.0%
1.01%-2.5%	-3.75%
2.51%-4.0%	-3.5%
4.01%-5.5%	-2.5%
5.51%-7.0%	-2.0%
7.01%-8.5%	-1.5%
8.51%-10.0%	-1.0%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.0%
15.01%-17.5%	1.5%

17.51%-20.0%	2.0%
20.01%-22.5%	2.5%
22.51%-25.0%	3.5%
25.01%-27.5%	3.5%
27.51%-30.0%	3.75%
30.01%-32.5%	3.75%
32.51%-35.0%	4.0%
Over 35.0%	4.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.608, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.608-4, A8.608-5 and A8.608-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required under Subsection (b) for that fiscal year.

(d) Notwithstanding any other provision of this Section A8.608-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay at or above $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-5.0%
.01%-1.0%	-4.5%
1.01%-2.5%	-4.25%
2.51%-4.0%	-4.0%
4.01%-5.5%	-3.0%
5.51%-7.0%	-2.5%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%

13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	2.5%
20.01%-22.5%	3.0%
22.51%-25.0%	4.0%
25.01%-27.5%	4.0%
27.51%-30.0%	4.25%
30.01%-32.5%	4.25%
32.51%-35.0%	4.5%
Over 35.0%	5.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.608, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.607-4, A8.608-5 and A8.608-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required under Subsection (b) for that fiscal year.

(e) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.608 shall be a part of the fund in which all other assets of said system are included.

(f) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including all impasse procedures under Section A8.590 et seq.

(Added by Proposition C, Approved 11/8/2011)

A8.608-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.608-2 as requisite to retirement, a member of the sheriff's department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.608-2, and except as provided in Section A8.608-13, nothing shall deprive said member of said right.

(Added by Proposition C, Approved 11/8/2011)

A8.608-13 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section A8.608-2, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment to

receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such removal from office or employment.

Any member after retirement for service or disability, or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if at the time of the conviction, said member has remaining accumulated contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions remaining at the time of the conviction.

(Added by Proposition C, Approved 11/8/2011)

A8.608-14 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section A8.511 of this Charter and in Subsection (b) of this section, no person retired as a member under Section A8.608 for service or disability and entitled to receive a retirement allowance under the Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for, or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall not be affected by the provisions of Subsection (a) of this Section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said compensation does not exceed $100 per month.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.608, he or she shall re-enter membership under Section A8.608 and his or her retirement allowance shall be cancelled immediately upon his or her re-entry. The provisions of Subsection (a) of this Section shall not prevent such person from receiving the compensation for such position or office. The rate of contributions of such member shall be the same as that for other members under Section A8.608. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(c) Notwithstanding any provision of this Charter to the contrary, should any person retired for disability engage in a gainful occupation prior to attaining the age of 55 years, the Retirement Board shall reduce that part of his or her monthly retirement allowance which is provided by contributions of the City and County to an amount which, when added to the amount of the compensation earnable, at the time he or she engages in the gainful occupation, by such person if he or she held the position which he or she held at the time of his or her retirement, or, if that position has been abolished, the compensation earnable by the member if he or she held the position from which he or she was retired immediately prior to its abolishment.

(Added by Proposition C, Approved 11/8/2011)

A8.608-15 DEFERRED RETIREMENT

Should any member of the sheriff's department who is a member of the Retirement System under Charter Section A8.608 cease to be employed as such a member, through any cause other than death or retirement, all of his or her contributions with interest credited thereon, shall be refunded to him or her, provided that if such member is entitled to be credited with at least five years of service, then he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance equal to the percent set forth in Section A8.608-2 opposite his or her age at retirement, for each year of service multiplied against the final

compensation of said member, calculated at termination, payable beginning no earlier than age 50. No deferred retirement allowance under this Section shall exceed ninety percent (90%) of the member's final compensation.

(Added by Proposition C, Approved 11/8/2011)

A8.608-16 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.608 or with any part thereof, shall be superseded by the contents of Section A8.608. Section A8.608 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.608 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.608. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.608 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Section A8.608 which can be given effect. Section A8.608 shall be broadly construed to achieve its stated purposes.

(Added by Proposition C, Approved 11/8/2011)

A8.609 MISCELLANEOUS SAFETY PERSONNEL HIRED BEFORE JANUARY 7, 2012

Upon the thirty first day following the effective date of an ordinance enacted by the Board of Supervisors under Section A8.500 based on agreement between the City and the recognized employee organizations representing the impacted employees, but not before July 1, 2012, miscellaneous safety employees, as defined in Section A8.609-2, hired before January 7, 2012, shall be members of the Retirement System for prospective service subject to the provisions of this Section A8.609 through A8.609-16 in addition to such other applicable provisions of this Charter, including but not limited to Sections 12.100 and A8.500.

(Added by Proposition C, Approved 11/8/2011)

A8.609-1 DEFINITIONS

The following words and phrases as used in this Section, Section A8.609-1 and Sections A8.609-2 through A8.609-16, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation laws of the State of California shall mean all remuneration whether in cash or by other allowances made by the City and County, for service qualifying for credit under this Section, but excluding remuneration for overtime and such other forms of compensation excluded by the Board of Supervisors pursuant to Section A8.500 of the Charter.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the positions held by him or her during such period, it being assumed that during any absence, he or she was in the position held by him or her at the beginning of the absence, and that prior to becoming a miscellaneous safety member, he or she was in the position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the average monthly compensation earnable by a member during the higher of any one fiscal year of earnings or the twelve consecutive months of earnings immediately prior to retirement.

For the purpose of Sections A8.609 through A8.609-16, the terms "miscellaneous safety member" or "member" shall mean any probation officers, district attorney investigators and juvenile court counselors hired before January

7, 2012 who was an active member of the Public Employees' Retirement System.

"Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this Section and other Sections to which persons who are members under Section A8.609 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.609-10.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section A8.500 of the Charter.

"Retirement Board" shall mean "retirement board" as created in Section 12.100 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

(Added by Proposition C, Approved 11/8/2011)

A8.609-2 SERVICE RETIREMENT

Any miscellaneous safety member who completes at least five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section A8.609-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of final compensation (as defined in Section A8.609-1) set forth below opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, as computed under Section A8.609-10:

Retirement Age	Percent for Each Year of Credited Service

Retirement Age	Percent for Each Year of Credited Service

50	2.000
50¼	2.035
50½	2.070
50¾	2.105
51	2.140
51¼	2.175
51½	2.210
51¾	2.245
52	2.280
52¼	2.315
52½	2.350
52¾	2.385
53	2.420
53¼	2.455
53½	2.490
53¾	2.525
54	2.560
54¼	2.595
54½	2.630
54¾	2.665

55+ 2.700

In no event, however, shall such a retirement allowance exceed ninety (90) percent of a member's final compensation.

(Added by Proposition C, Approved 11/8/2011)

A8.609-3 RETIREMENT FOR INCAPACITY

Any miscellaneous safety member who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.6098-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the Retirement Board for that purpose; provided that the Retirement Board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section A8.609-1. Said allowance shall be paid to him or her until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years had he or she lived and rendered service without interruption in the position held by him or her at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section A8.609-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.609-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.609-2, but not less than 50 percent of said final compensation. Any miscellaneous safety member who becomes incapacitated for performance of his or her duty by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section A8.609-10, shall be retired upon an allowance of 1½ percent of the final compensation of said member as defined in Section A8.609-1 for each year of service, provided that said allowance shall not be less than 33 $^{1}/_{3}$ percent of said final compensation. The question of retiring a member under this Section may be brought before the Retirement Board on said board's own motion, by recommendation of the miscellaneous safety member's department, or by said member or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease and he or she shall be restored to the service in the rank he or she occupied at the time of his or her retirement.

(Added by Proposition C, Approved 11/8/2011)

A8.609-4 DEATH ALLOWANCE

If a miscellaneous safety member shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance, payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but he or she had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the date of death, but such allowance shall not be less than 50 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, had he or she lived and rendered service without interruption in the position held by him or her at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received prior to said date, had he or she

lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation.

If he or she had retired prior to death, the allowance payable shall be equal to one-half of his or her retirement allowance of the member as it was prior to optional modification and prior to reduction as provided in Subsection (a) of Section A8.514 of this Charter, but exclusive of the part of such allowance which was provided by additional contributions, except that if he or she was a member under Section A8.609 and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died. If such retired person leaves no such surviving spouse, or if such surviving spouse should die or remarry before every child of such deceased retired person attains the age of 18 years, the allowance which such surviving spouse would have received had he or she lived and not remarried shall be paid to retired person's child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her estate or designated beneficiary in the manner and subject to the conditions prescribed by the Board of Supervisors for the payment of a similar death benefit upon the death of other retired members.

No allowance, however, shall be paid under this section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death, or unless such surviving spouse was married to said member at least one year prior to his or her retirement. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency.

(Added by Proposition C, Approved 11/8/2011)

A8.609-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a miscellaneous safety member resulting from any cause other than an injury received in, or illness caused by performance of duty,

(a) if the death occurred after qualification for service retirement under Section A8.609-2, or after retirement for service or because of disability which result from any cause other than an injury received in, or illness caused by performance of duty one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service at the date of death or one-half of the retirement allowance as it was at his or her death, as the case may be, shall be continued throughout his or her life or until remarriage to his or her surviving spouse, or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, one-half of the retirement allowance to which he or she would have been entitled under Section A8.609-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, or

(c) if his or her death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, one-half of his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date on which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died, or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.609-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.609-3 if he or she had retired on the date of death because of incapacity for performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however shall be paid under this Section to a surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her retirement if he or she had retired.

The surviving spouse, in the event of death of the member after qualification for, but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.609-8, in lieu of the allowance which otherwise would be continued to him or her under this Section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election.

(Added by Proposition C, Approved 11/8/2011)

A8.609-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.609 shall be adjusted in accordance with the provisions of Subsection (c) of Section A8.526-2 of this Charter.

(Added by Proposition C, Approved 11/8/2011)

A8.609-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any miscellaneous safety member which is provided by contributions of the City and County, shall be reduced, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in, or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

(Added by Proposition C, Approved 11/8/2011)

A8.609-8 DEATH BENEFIT

If a miscellaneous safety member shall die, before retirement from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause if no allowance shall be payable under Section A8.609-4 or A8.609-5 preceding, a death benefit shall be paid to his or her estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her designated beneficiary or estate, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

(Added by Proposition C, Approved 11/8/2011)

A8.609-9 REFUNDS AND REDEPOSITS

Should any miscellaneous safety member cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System.

(Added by Proposition C, Approved 11/8/2011)

A8.609-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a miscellaneous safety member for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other Charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a miscellaneous safety member.

(b) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(c) Time during which said member is absent from a status included in Subsection (a) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his or her account.

(Added by Proposition C, Approved 11/8/2011)

A8.609-11 SOURCES OF FUNDS

All payments provided for members under Section A8.609 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.609 a sum equal to eight and one-half percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her estate or beneficiary as provided in Sections A8.609-8, A8.609-9 and A8.609-10. The individual accounts of members who purchased service credit for Unpaid Parental Leave shall also include the amount paid by the member for said purchase, plus interest.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.609-11, to provide the benefits payable to members under Section A8.609. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.608 in accordance with the provisions of Section A8.510.

(c) Notwithstanding any other provision of this Section A8.609-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay less than $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	Change In Member Contribution
Employer Contribution Rate	**Change In Member Contribution**
0%	-4.0%
.01%-1.0%	-4.0%
1.01%-2.5%	-3.75%
2.51%-4.0%	-3.5%
4.01%-5.5%	-2.5%
5.51%-7.0%	-2.0%
7.01%-8.5%	-1.5%
8.51%-10.0%	-1.0%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.0%
15.01%-17.5%	1.5%
17.51%-20.0%	2.0%
20.01%-22.5%	2.5%
22.51%-25.0%	3.5%
25.01%-27.5%	3.5%
27.51%-30.0%	3.75%
30.01%-32.5%	3.75%
32.51%-35.0%	4.0%
Over 35.0%	4.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.609, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.609-5 and A8.609-6.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required under Subsection (b) for that fiscal year.

(d) Notwithstanding any other provision of this Section A8.609-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay at or above $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor

Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	Change In Member Contribution
Employer Contribution Rate	Change In Member Contribution
0%	-5.0%
.01%-1.0%	-4.5%
1.01%-2.5%	-4.25%
2.51%-4.0%	-4.0%
4.01%-5.5%	-3.0%
5.51%-7.0%	-2.5%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	2.5%
20.01%-22.5%	3.0%
22.51%-25.0%	4.0%
25.01%-27.5%	4.0%
27.51%-30.0%	4.25%
30.01%-32.5%	4.25%
32.51%-35.0%	4.5%
Over 35.0%	5.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.609, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.609-5 and A8.609-6.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required by the City and County of San Francisco under Subsection (b) for that fiscal year.

(e) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.609 shall be a part of the fund in which all other assets of said system are included.

(f) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including all impasse procedures under Section A8.590 et seq.

(Added by Proposition C, Approved 11/8/2011)

A8.609-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.609-2 as requisite to retirement, a miscellaneous safety member shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.609-2, and except as provided in Section A8.609-16, nothing shall deprive said member of said right.

(Added by Proposition C, Approved 11/8/2011)

A8.609-13 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section A8.511 of this Charter and in Subsection (b) of this section, no person retired as a member under Section A8.609 for service or disability and entitled to receive a retirement allowance under the Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for, or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall be affected by the provisions of Subsection (a) of this section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said compensation does not exceed $100 per month.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.609, he or she shall re-enter membership under Section A8.609 and his or her retirement allowance shall be cancelled immediately upon his or her re-entry. The provisions of Subsection (a) of this section shall not prevent such person from receiving the compensation for such position or office. The rate of contributions of such member shall be the same as that for other members under Section A8.609. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(c) Notwithstanding any provision of this Charter to the contrary, should any person retired for disability engage in a gainful occupation prior to attaining the age of 55 years, the Retirement Board shall reduce that part of his or her monthly retirement allowance which is provided by contributions of the City and County to an amount which, when added to the amount of the compensation earnable, at the time he or she engages in the gainful occupation, by such person if he or she held the position which he or she held at the time of his or her retirement, or, if that position has been abolished, the compensation earnable by the member if he or she held the position from which he or she was retired immediately prior to its abolishment.

(Added by Proposition C, Approved 11/8/2011)

A8.609-14 DEFERRED RETIREMENT

Notwithstanding any provisions of this Charter to the contrary, should any miscellaneous safety member who is a member of the Retirement System under Charter Section A8.609 with at least five years of credited service cease to be employed as such a member, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance equal to the percent set forth in Section A8.609-2 opposite his or her age at retirement, for each year of service multiplied against the final compensation of said member, calculated at termination, payable beginning no earlier

than age 50. No deferred retirement allowance under this Section shall exceed ninety (90%) percent of the member's final compensation.

(Added by Proposition C, Approved 11/8/2011)

A8.609-15 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any benefits under the Retirement System except refund of his or her accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section A8.609-2, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such removal from office or employment.

Any member after retirement for service or disability or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if at the time of the conviction, said member has remaining accumulated contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions remaining at the time of the conviction.

(Added by Proposition C, Approved 11/8/2011)

A8.609-16 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.609 or with any part thereof, shall be superseded by the contents of Section A8.609. Section A8.609 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.609 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of this Section A8.609. If any words, phrases, clauses, sentences, subsections, provisions or portions of this Section A8.609 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of this Section A8.609 which can be given effect. Section A8.609 shall be broadly construed to achieve its stated purposes.

(Added by Proposition C, Approved 11/8/2011)

A8.610 MISCELLANEOUS SAFETY PERSONNEL HIRED ON AND AFTER JANUARY 7, 2012

Miscellaneous safety employees, as defined in Section A8.610-2, hired on and after January 7, 2012, shall be members of the Retirement System subject to the provisions of Sections A8.610 through A8.610-16 in addition to such other applicable provisions of this Charter, including but not limited to Sections 12.100 and A8.500.

(Added by Proposition C, Approved 11/8/2011)

A8.610-1 DEFINITIONS

The following words and phrases as used in this Section, Section A8.610 and Sections A8.610-2 through A8.610-16, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation laws of the State of California shall mean all remuneration whether in cash or by other allowances made by the City and County, for service qualifying for credit under this Section, but excluding remuneration for overtime and such other forms of compensation excluded by the Board of Supervisors pursuant to Section A8.500 of the Charter. Remuneration shall not mean new premiums or allowances first paid by the City and County after January 7, 2012, that exceed the rate of pay fixed for each classification for service qualifying for credit under this Section. For members with concurrent service in more than one position, "compensation" shall be limited to remuneration for the first hours paid during any fiscal year equal to one full time equivalent position. "Compensation" for any fiscal year shall not include remuneration that exceeds seventy five percent of the limits set forth in Internal Revenue Code Section 401(a)(17) and as amended from time to time.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the positions held by him or her during such period, it being assumed that during any absence, he or she was in the position held by him or her at the beginning of the absence, and that prior to becoming a miscellaneous safety member, he or she was in the position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the average monthly compensation earnable by a member during the higher of any three fiscal years of earnings or the thirty six consecutive months of earnings immediately prior to retirement.

For the purpose of Sections A8.610 through A8.610-16, the terms "miscellaneous safety member" or "member" shall mean any probation officers, district attorney investigators, and juvenile court counselors hired on and after January 7, 2012.

"Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this Section and other Sections to which persons who are members under Section A8.610 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.610-10.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section A8.500 of the Charter.

"Retirement Board" shall mean "retirement board" as created in Section 12.100 of the Charter.

"Charter" shall mean the Charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

(Added by Proposition C, Approved 11/8/2011)

A8.610-2 SERVICE RETIREMENT

Any miscellaneous safety member, who completes at least five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section A8.610-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of final compensation (as defined in Section A8.610-1) set forth below opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, as computed under Section A8.610-1

Retirement Age	Percent for Each Year of Credited Service

| Retirement Age | Percent for Each Year of Credited Service |

50	1.800

50½	1.828
50½	1.856
50¾	1.884
51	1.912
51¼	1.940
51½	1.968
51¾	1.996
52	2.020
52¼	2.048
52½	2.076
52¾	2.104
53	2.132
53¼	2.160
53½	2.188
53¾	2.216
54	2.244
54¼	2.272
54½	2.300
54¾	2.328
55	2.356
55¼	2.384
55½	2.412
55¾	2.440
56	2.468
56¼	2.496
56½	2.524
56¾	2.552
57	2.590
57¼	2.618
57½	2.646
57¾	2.674
58	2.700

In no event shall a member's initial retirement allowance exceed ninety percent of his or her average final compensation.

(Added by Proposition C, Approved 11/8/2011)

A8.610-3 RETIREMENT FOR INCAPACITY

Any miscellaneous safety member who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.610-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the Retirement Board for that purpose; provided that the Retirement Board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section A8.610-1. Said

allowance shall be paid to him or her until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years had he or she lived and rendered service without interruption in the rank held by him or her at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section A8.610-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.610-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.610-2, but not less than 50 percent of said final compensation. Any miscellaneous safety member who becomes incapacitated for performance of his or her duty by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section A8.610-10, shall be retired upon an allowance of 1½ percent of the final compensation of said member as defined in Section A8.610-1 for each year of service, provided that said allowance shall not be less than 33 $^{1}/_{3}$ percent of said final compensation. The question of retiring a member under this Section may be brought before the Retirement Board on said Board's own motion, by the Retirement Board's Executive Director on its behalf, by recommendation of the miscellaneous safety member's department, or by said member, or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease and he or she shall be restored to the service in the position he or she occupied at the time of his or her retirement.

(Added by Proposition C, Approved 11/8/2011)

A8.610-4 DEATH ALLOWANCE

If a miscellaneous safety member shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance, payable under any other section of the Charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but he or she had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the date of death, but such allowance shall not be less than 50 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, had he or she lived and rendered service without interruption in the position held by him or her at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation.

If he or she had retired prior to death, the allowance payable shall be equal to one-half of his or her retirement allowance of the member as it was prior to optional modification and prior to reduction as provided in Subsection (a) of Section A8.514 of this Charter, but exclusive of the part of such allowance which was provided by additional contributions, except that if he or she was a member under Section A8.610 and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died. If such retired person leaves no such surviving spouse, or if such surviving spouse should die or remarry before every child of such deceased retired person attains the age of 18 years, the allowance which such surviving spouse would have received had he or she lived and not remarried shall be paid to retired person's child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her estate or designated beneficiary in the

manner and subject to the conditions prescribed by the Board of Supervisors for the payment of a similar death benefit upon the death of other retired members.

No allowance, however, shall be paid under this section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of injury or onset of the illness which results in death, or unless such surviving spouse was married to said member at least one year prior to his or her retirement. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency.

(Added by Proposition C, Approved 11/8/2011)

A8.610-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a miscellaneous safety resulting from any cause other than an injury received in, or illness caused by performance of duty,

(a) if the death occurred after qualification for service retirement under Section A8.610-2, or after retirement for service or because of disability which results from any cause other than an injury received in, or illness caused by performance of duty one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service at the date of death or one-half of the retirement allowance as it was at his or her death, as the case may be, shall be continued throughout his or her life or until remarriage to his or her surviving spouse, or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, one-half of the retirement allowance to which he or she would have been entitled under Section A8.610-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, or

(c) if his or her death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, one-half of his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date on which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died, or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.610-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.610-3 if he or she had retired on the date of death because of incapacity for performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however shall be paid under this Section to a surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her retirement if he or she had retired.

The surviving spouse, in the event of death of the member after qualification for, but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.610-8, in lieu of the allowance which otherwise would be continued to him or her under this Section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election.

(Added by Proposition C, Approved 11/8/2011)

A8.610-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.6109 shall be adjusted for cost of living allowances as provided in this Charter.

(Added by Proposition C, Approved 11/8/2011)

A8.610-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any miscellaneous safety member which is provided by contributions of the City and County, shall be reduced, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any Workers' Compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in, or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

(Added by Proposition C, Approved 11/8/2011)

A8.610-8 DEATH BENEFIT

If a miscellaneous safety member shall die, before retirement from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause if no allowance shall be payable under Section A8.610-4 or A8.610-5 preceding, a death benefit shall be paid to his or her estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her designated beneficiary or estate, the amount of which, and the conditions for the payment of which, shall be determined in the manner prescribed by the Board of Supervisors for the death benefit of other members of the Retirement System.

(Added by Proposition C, Approved 11/8/2011)

A8.610-9 REFUNDS AND REDEPOSITS

Should any miscellaneous safety member cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the Board of Supervisors to govern similar terminations of employment of other members of the Retirement System.

(Added by Proposition C, Approved 11/8/2011)

A8.610-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a miscellaneous safety member for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other Charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a miscellaneous safety member on or after January 7, 2012.

(b) Time during which said member was on Unpaid Parental Leave pursuant to Charter Section A8.523, and for which said member has purchased service credit in the Retirement System.

(c) Time during which said member is absent from a status included in Subsection (a) by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the Charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the Retirement System or for which the City and County contributed or contributes on his or her account.

(Added by Proposition C, Approved 11/8/2011)

A8.610-11 SOURCES OF FUNDS

All payments provided for members under Section A8.610 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.610 a sum equal to eight and one-half percent of such payment of compensation. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her beneficiary or as provided in Sections A8.610-4, A8.610-5 and A8.610-8. The individual accounts of members who purchased service credit for Unpaid Parental Leave shall also include the amount paid by the member for said purchase, plus interest.

(b) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.610-11, to provide the benefits payable to members under Section A8.610. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.610 in accordance with the provisions of Section A8.510.

(c) Notwithstanding any other provision of this Section A8.610-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay less than $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	Change In Member Contribution
Employer Contribution Rate	**Change In Member Contribution**
0%	-4.0%
.01%-1.0%	-4.0%
1.01%-2.5%	-3.75%
2.51%-4.0%	-3.5%
4.01%-5.5%	-2.5%
5.51%-7.0%	-2.0%
7.01%-8.5%	-1.5%
8.51%-10.0%	-1.0%
10.01%-11.0%	-0.5%
11.01%-12.0%	0%

12.01%-13.0%	0.5%
13.01%-15.0%	1.0%
15.01%-17.5%	1.5%
17.51%-20.0%	2.0%
20.01%-22.5%	2.5%
22.51%-25.0%	3.5%
25.01%-27.5%	3.5%
27.51%-30.0%	3.75%
30.01%-32.5%	3.75%
32.51%-35.0%	4.0%
Over 35.0%	4.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.610, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.610-4, A8.610-5 and A8.610-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required under Subsection (b) for that fiscal year.

(d) Notwithstanding any other provision of this Section A8.610-11 or this Charter, beginning on July 1, 2012, the employee contribution rate set forth in Subsection (a) for each member with a base rate of pay at or above $48.00 per hour shall be increased or decreased each fiscal year based on the employer contribution rate for that fiscal year calculated by the Retirement System's actuary as prescribed in Subsection (b). The base rate of pay shall be adjusted each fiscal year by the percentage increase in the cost of living during the previous calendar year, as shown by the then current CPI-U Index, San Francisco-Oakland-San Jose issued by the U.S. Bureau of Labor Statistics, but not to exceed three and one-half percent (3.5%). Said increase or decrease in the employee contribution rate shall be calculated as a percentage of compensation, as set forth below:

Employer Contribution Rate	**Change In Member Contribution**
Employer Contribution Rate	**Change In Member Contribution**
0%	-5.0%
.01%-1.0%	-4.5%
1.01%-2.5%	-4.25%
2.51%-4.0%	-4.0%
4.01%-5.5%	-3.0%
5.51%-7.0%	-2.5%
7.01%-8.5%	-2.0%
8.51%-10.0%	-1.5%

10.01%-11.0%	-0.5%
11.01%-12.0%	0%
12.01%-13.0%	0.5%
13.01%-15.0%	1.5%
15.01%-17.5%	2.0%
17.51%-20.0%	2.5%
20.01%-22.5%	3.0%
22.51%-25.0%	4.0%
25.01%-27.5%	4.0%
27.51%-30.0%	4.25%
30.01%-32.5%	4.25%
32.51%-35.0%	4.5%
Over 35.0%	5.0%

The employee contribution increases shall be deducted from each payment of compensation and shall be paid forthwith to the Retirement System. Said additional contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Board of Supervisors for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of, said member under Section A8.6010, or shall be paid to said member or his or her beneficiary or estate as provided in Sections A8.610-4, A8.610-5 and A8.610-8.

The percentage increase in member contributions shall reduce, by a corresponding percentage, the City and County contributions to the Retirement System otherwise required for said member for that fiscal year.

The employee contribution decreases shall be paid by the City and County at the time each member is paid compensation, such that the Retirement System receives from the member and the City and County combined, a sum equal to eight and one half percent of the member's compensation as provided in Subsection (a). The sums so received shall be credited to the individual accounts of the member on whose behalf the contributions are made.

The percentage increase in contributions by the City and County shall be in addition to the contributions required under Subsection (b) for that fiscal year.

(e) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.610 shall be a part of the fund in which all other assets of said system are included.

(f) The Retirement Board's authority under Charter Sections 12.100 and A8.500 and in Section A8.510 concerning the annual setting of the rates of contribution is not subject to the meet and confer process, including all impasse procedures under Section A8.590 et seq.

(Added by Proposition C, Approved 11/8/2011)

A8.610-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.610-2 as requisite to retirement, a member of the sheriff's department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.610-2, and except as provided in Section A8.610-13, nothing shall deprive said member of said right.

(Added by Proposition C, Approved 11/8/2011)

A8.610-13 FORFEITURE FOR CRIMES INVOLVING MORAL TURPITUDE

Any member convicted of a crime involving moral turpitude committed in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any benefits under the Retirement System

except refund of his or her accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section A8.610-2, he or she shall have the right to elect, without right of revocation and within 90 days after his or her removal from office or employment to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such removal from office or employment.

Any member after retirement for service or disability, or while receiving a vesting allowance, who is convicted of a crime involving moral turpitude in connection with his or her duties as an officer or employee of the City and County shall forfeit all rights to any further benefit from the Retirement System and the Retirement System shall immediately cease all future payments to such member; provided however, that if at the time of the conviction, said member has remaining accumulated contributions, then such member shall have the right to elect, without right of revocation and within 30 days after his or her conviction, to receive as his or her sole benefit under the Retirement System an annuity which shall be the actuarial equivalent of his or her accumulated contributions remaining at the time of the conviction.

(Added by Proposition C, Approved 11/8/2011)

A8.610-14 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section A8.511 of this Charter and in Subsection (b) of this section, no person retired as a member under Section A8.610 for service or disability and entitled to receive a retirement allowance under the Retirement System shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for, or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall not be affected by the provisions of Subsection (a) of this Section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said compensation does not exceed $100 per month.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the Retirement System under Section A8.610, he or she shall re-enter membership under Section A8.609 and his or her retirement allowance shall be cancelled immediately upon his or her re-entry. The provisions of Subsection (a) of this Section shall not prevent such person from receiving the compensation for such position or office. The rate of contributions of such member shall be the same as that for other members under Section A8.610. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(c) Notwithstanding any provision of this Charter to the contrary, should any person retired for disability engage in a gainful occupation prior to attaining the age of 58 years, the Retirement Board shall reduce that part of his or her monthly retirement allowance which is provided by contributions of the City and County to an amount which, when added to the amount of the compensation earnable, at the time he or she engages in the gainful occupation, by such person if he or she held the position which he or she held at the time of his or her retirement, or, if that position has been abolished, the compensation earnable by the member if he or she held the position from which he or she was retired immediately prior to its abolishment.

(Added by Proposition C, Approved 11/8/2011)

A8.610-15 DEFERRED RETIREMENT

Notwithstanding any provision of this Charter to the contrary, should any miscellaneous safety member who is a member of the Retirement System under Charter Section A8.610 with at least five years of credited service cease to be employed as such a member, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance

equal to the percent set forth in Section A8.610-2 opposite his or her age at retirement, for each year of service multiplied against the final compensation of said member, calculated at termination, payable beginning no earlier than age 50. No deferred retirement allowance under this section shall exceed ninety percent (90%) of the member's final compensation.

(Added by Proposition C, Approved 11/8/2011)

A8.610-16 SEVERABILITY

Any Section or part of any Section in this Charter, insofar as it should conflict with the provisions of Section A8.610 or with any part thereof, shall be superseded by the contents of Section A8.610. Section A8.610 shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.610 are held to be invalid or unconstitutional by a final judgment of a court, such decision shall not affect the validity of the remaining words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.610. If any words, phrases, clauses, sentences, subsections, provisions or portions of Section A8.610 are held invalid as applied to any person, circumstance, employee or category of employee, such invalidity shall not affect any application of Section A8.6109 which can be given effect. Section A8.610 shall be broadly construed to achieve its stated purposes.

(Added by Proposition C, Approved 11/8/2011)

[A8.900 - A8.910 POLICE DEPARTMENT DEFERRED RETIREMENT OPTION PROGRAM ("DROP")]*

A8.900 PREAMBLE.

(a) It is critical to the health, the safety, and economic vitality of the City and County of San Francisco, that the City be able to recruit new Police Officers, and retain veteran Police Officers. Recent experience has demonstrated that the City's Police Department has had difficulty recruiting qualified Police Officers, and, more significantly, has had difficulty retaining the services of veteran Police Officers.

(b) There is a highly competitive labor market for the services of Police Officers. Additionally, due to the historical hiring patterns in this Department, hundreds of Police Officers will become eligible for normal service retirement in the next three to five years. The City Police Department is already three hundred officers below the Charter mandated staffing level.

(c) In order to address this recruitment and this retention problem, through this measure the voters establish a voluntary Deferred Retirement Option Program (DROP) which would be offered to members of the Police Department in order to create an incentive for the retention of experienced Police Officers, and as well, to attract new Officers.

(d) Specifically, as well, the voters intend that this Charter provision, if adopted, shall be "cost neutral" to the City; that is, it shall not impose new costs upon the City as a consequence of the participation by Police Officers in the DROP.

(e) Finally, in order that the cost impact of the DROP may be assessed, this measure additionally provides that at the end of the third year after the implementation of the Program, the Board of Supervisors, pursuant to data provided by the Police Department along with an analysis by the Controller of the City and County and the consulting actuary of the Retirement Board, shall determine whether the Program has been cost-neutral, and whether in light of its achievement of the goals of the measure, it should be continued for an additional three year term, and thereafter, subject to similar evaluations.

(Added by Proposition B, Approved 2/5/2008)

A8.901 ELIGIBILITY TO PARTICIPATE IN THE DEFERRED RETIREMENT OPTION PROGRAM.

(a) Sworn members of the Police Department occupying the rank of Police Officer (currently Q2—Q4) at their date of entry into the Program, shall be eligible to participate in the DROP for up to a maximum of 36 months from their date of entry into the Program, provided they otherwise meet the eligibility standards set forth in Section A8.901(c). Sworn members of the Police Department occupying the ranks of Sergeant (currently Q50—Q52) and Inspector (currently 0380-0382) at their date of entry into the Program, shall be eligible to participate in the DROP of up to a maximum of 24 months from their date of entry into the Program, provided they otherwise meet the eligibility standards set forth in Section A8.901(c).

(b) Sworn members of the Police Department occupying the ranks of Lieutenant (currently Q60—Q62) and Captain (currently Q80—Q82) at their date of entry into the Program shall be eligible to participate in the Program for a maximum of 12 months from their date of entry into the Program, provided that they otherwise meet the eligibility standards set forth in Section A8.901(c). No sworn member of the Police Department occupying a rank above that of Captain shall be eligible to participate in the Program.

(c) To be eligible to participate in the DROP, a sworn member occupying one of the eligible ranks must additionally be an active employee of the San Francisco Police Department, have at least 25 years of service as a sworn member of the Department, including any service as a member of the San Francisco Airport Police, and be at least 50 years of age at the time of entry into the Program. Additionally, a member must be a "full duty sworn officer" as that term is used in Charter Section 4.127. As a condition of participation the sworn member must agree that they shall terminate their employment through retirement at the conclusion of their participation in the Program.

(Added by Proposition B, Approved 2/5/2008)

A8.902 EFFECT OF DISABILITY ON CONTINUED PARTICIPATION.

(a) If, after a member becomes a participant in the DROP, the member shall become incapacitated for the performance of duty by reason of any bodily injury received in or illness caused by the performance of duty, said member will be eligible to apply for a retirement for incapacity and be subject to the same eligibility requirements provided elsewhere in this Charter as though the participant was not enrolled in the DROP. If a member receives a retirement for this duty related incapacity, said retirement shall be in lieu of the benefits provided in accordance with these DROP provisions, and the participant shall be paid an industrial disability retirement benefit as if the participant had never entered the DROP.

(b) If, after a member becomes a participant in the DROP, the member shall become incapacitated for the performance of duty by reason of any bodily injury received or illness not related to the performance of duty, said member will be eligible to apply to terminate participation in DROP in accordance with Section A8.906. The participant will be paid the balance credited in their DROP Account, and will begin to receive a monthly payment as determined under Section A8.903, including any cost of living adjustments to which the member would otherwise be entitled.

(c) In the event a member shall become temporarily incapacitated for the performance of duty while participating in the DROP, the member is entitled to disability benefits only as provided for in this Charter. The member is thus no longer a "full duty sworn officer," as defined in Section A8.901(c), and therefore the member's service retirement payments will be suspended for the period during which disability benefits are received. The member's DROP enrollment shall be extended for the period during which disability benefits were received, provided that this extension may not exceed one-half of the permitted maximum participation period for the rank occupied by the member at the time of enrollment in the DROP.

(d) In the event a member who is participating in the DROP applies for a retirement for incapacity, and the application remains unresolved at the conclusion of their DROP participation period, that member must leave the DROP when their participation period concludes, but they shall be permitted to continue on disability status with the Department until such time as their application is finally determined. In no event, however, shall any such member receive the distribution of their DROP Account until their disability retirement status is finally determined.

(Added by Proposition B, Approved 2/5/2008)

A8.903 THE EFFECT OF PARTICIPATION IN THE DROP UPON PENSION BENEFIT CALCULATIONS.

Upon the voluntary entry of a qualified member into the DROP, that member's Retirement System benefits, including survivor benefits, shall be frozen, and shall not be increased as a result of any additional service time, increase in age or compensation earned by the member while they are participating in the DROP. During the period of a member's participation in the DROP, the monthly service pension payment described herein shall be increased by any cost of living adjustment to which the member would otherwise be entitled, if retired, during the period of their participation in the DROP, pursuant to the terms of the retirement plan which applies to the member.

(Added by Proposition B, Approved 2/5/2008)

A8.904 ESTABLISHMENT OF THE DROP ACCOUNT.

(a) The DROP Account is an account established for book-keeping purposes within the Retirement System for each member who elects to enter DROP.

(b) Commencing with the first pay period after the entry of a member into the DROP, and for each pay period thereafter so long as the member participates in the DROP, the service pension (including any Cost of Living Adjustments) to which the member would otherwise be entitled based on their compensation, age, and length of service as of their date of their entry into the Program, shall be credited monthly into a DROP Account established within the Retirement System for each individual participant.

(c) A participating member, to the extent permitted by law and regulations established by the Retirement Board and the Board of Supervisors, may direct the crediting into that member's DROP Account the dollar value of any compensatory time off, accrued unused vacation, or accrued Sick Pay, if any, to which the member may be entitled, in lieu of receiving a payout of those amounts upon the date of entry into the DROP.

(d) The DROP Account into which the member's monthly service pension is credited shall also be credited on a monthly basis with interest at an annual effective rate of four percent throughout the period of the member's participation in the DROP.

(Added by Proposition B, Approved 2/5/2008)

A8.905 RIGHTS OF SURVIVING SPOUSE, DOMESTIC PARTNER, OR DEPENDENTS.

(a) If a member shall die by reason of an injury received in, or illness caused by the performance of duty during the period of their participation in the DROP, the member's qualified surviving spouse, qualified registered/certified domestic partner or other qualified dependents provided for in this Charter shall receive a death allowance pursuant to the applicable provisions of the Charter as if the member had never elected to enter DROP. Whichever of the member's qualified surviving spouse, qualified registered/certified domestic partner or other qualified dependents provided for in this Charter is entitled to receive this allowance may, instead of receiving the benefit under this paragraph, elect to receive a non-work related death benefit as specified in paragraph (b) below.

(b) If a member shall die during the period of their participation in the DROP for non-work related causes, the surviving qualified spouse, qualified registered/certified domestic partner, or other qualified dependents provided for in this Charter, shall be entitled to a post-retirement continuation allowance, along with any amounts credited to the deceased member's DROP Account, determined as if the participant had elected to voluntarily withdraw from DROP under Section A8.906 on the participant's date of death. Such payments shall be made on the basis of beneficiary elections made by the member at the time of his or her entry into DROP, and updated from time to time, as set forth in Section A8.905(d).

(c) In order for a surviving spouse or registered/certified domestic partner to be qualified for the monthly allowance described in this section, the member must have been married, or have established a domestic partnership within the time limits specified by this Charter. In order for surviving dependents to be qualified for the monthly allowance described in this section, such dependents must satisfy the requirements of the retirement provisions of this Charter. In any circumstance where the eligibility requirements specify the member's date of retirement, those requirements must be met at the date of entry into DROP.

(d) A member who elects to participate in the DROP may designate a beneficiary for the proceeds of the member's DROP Account in writing, not later than the time of entry into the DROP. The member may change the designation at any time prior to the distribution of the DROP Account. If the designated beneficiary predeceases the

participating member, and the member becomes deceased before designating a new beneficiary, any distribution of the proceeds of the DROP Account shall be made to the estate of the member, pursuant to law.

(e) Notwithstanding the above provisions, a member's designation of a DROP Account beneficiary shall be subject to community property obligations, if any, under applicable California law.

(Added by Proposition B, Approved 2/5/2008)

A8.906 TERMINATION OF PARTICIPATION IN THE DROP.

(a) A member's participation in the DROP shall be terminated, other than by death or disability, by the first occurrence of any of the following: (1) the member's completion of the applicable DROP participation period set forth in Section A8.901(a) or (b); (2) the member's voluntary termination of employment while a DROP participant; (3) involuntary termination of the member's employment; provided, however, that distribution of the member's DROP Account shall be deferred during the pendency of any hearing or appeal of the member's termination of employment. Should the member be reinstated to employment, the member may continue to participate in the DROP for the full duration of the member's original participation period. Any time during which the member was excluded from DROP participation shall not be deducted from the member's maximum participation period set forth in Section A8.901(a) or (b).

(Added by Proposition B, Approved 2/5/2008)

A8.907 EMPLOYMENT STATUS OF THE MEMBER DURING PARTICIPATION IN THE DROP.

(a) During the period of a member's participation in the DROP, the member shall continue to receive the regular compensation attached to the rank occupied by the member at the time of enrollment in the Program, and the member shall have all of the rights, privileges, benefits and obligations of employment, including health benefits, attached to said rank, and shall be subject to all of the other terms and conditions of active employment in their respective rank and assignment. No member shall be eligible for a promotion during the time of their participation in the DROP.

(b) Notwithstanding the continued receipt by a participating member of the regular compensation and benefits attached to the rank and assignment which they occupy during their time in the DROP, no participating member shall receive service credit or compensation credit for retirement purposes pursuant to this Charter on account of their participation in the DROP. The member shall be subject to the employee contribution, as required by this Charter for all other active members of the Police Department, into the Retirement System. The City and County need not continue to make its required contributions for any DROP participant. Member contributions made during a participation in the DROP shall be deemed a contribution to the general assets of the Retirement System, and shall not be a part of the member's DROP Account.

(Added by Proposition B, Approved 2/5/2008)

A8.908 COMPLIANCE WITH TAX LAWS.

(a) It is the intent of the voters that the DROP shall not jeopardize in any way the tax qualified status of the Retirement System under Section 401 of the Internal Revenue Code of 1986, as amended from time to time, including, but not limited to, Section 415 of the Code, as amended.

(b) The Board of Supervisors shall adopt ordinances and the Retirement Board shall adopt such rules as may be necessary to implement the DROP, regulate investment and distribution of the DROP contributions, establish forms and procedures for designating beneficiaries of the DROP Account, and all such other matters as may be necessary, in its discretion, to implement the Program no later than July 1, 2008 and to assure its tax-qualified character.

(Added by Proposition B, Approved 2/5/2008)

A8.909 DETERMINATION OF COST NEUTRALITY.

(a) The implementation of the DROP shall not result in any net increase in cost to the City. This determination shall take into account the costs associated with payroll, the expenditures associated with the recruitment and training of Police Officers, the costs of conducting academies for such recruits and trainees, the Field Training

Officer costs, the retirement contributions made by members participating in the DROP, and the City, and the City's share of the return on the investment of the DROP funds, along with any other cost or savings elements related to the implementation of the Program. Notwithstanding this objective, the DROP shall be given a sufficient trial period to determine whether, as implemented, it is cost-neutral to the City as so defined.

(b) Not later than April 15, in the third year after the effective date of the DROP, a joint report prepared by the Controller of the City and the consulting actuary of the Retirement System documenting the net cost effect of the Program shall be submitted to the Board of Supervisors, and the Board shall determine by majority vote whether, on the basis of said report, the Program shall be renewed for an additional period of time as specified by the Board, but in no event beyond an additional three years.

(c) The net cost effect of the Program shall be similarly evaluated periodically thereafter, pursuant to a schedule established by ordinance adopted by the Board of Supervisors by majority vote; provided, however, that in no event may such an evaluation be conducted less often than every three years after the initial evaluation.

(d) If the Board of Supervisors determines not to renew the Program, those members then enrolled shall be permitted to complete their Program participation pursuant to the terms in effect when they entered into the Program.

(Added by Proposition B, Approved 2/5/2008)

A8.910 WITHDRAWAL OR ROLLOVER OF DROP ACCOUNTS.

(a) Upon the termination or conclusion of a member's participation in the DROP, the member shall be paid a lump sum equal to the balance in the member's DROP Account, or, pursuant to the member's instructions, that balance shall be paid as a direct rollover into a qualified retirement plan. The Retirement Board shall establish rules, and may develop such forms as may be appropriate, regarding distribution of the DROP Account proceeds, the rollover of such proceeds into a qualified retirement plan, and the time periods within such which distributions may be made.

(b) Upon the voluntary withdrawal of a member from the DROP, or the expiration of their participation period, the member shall be deemed to be retired on a service pension and shall then commence receiving directly the monthly service pension amount calculated pursuant to Section A8.903, including any cost of living adjustments to which the member would have been otherwise entitled during the time of their participation in the DROP, and shall, for all other purposes under this Charter and state law be deemed to be a retired member of the Police Department.

(Added by Proposition B, Approved 2/5/2008)

APPENDIX B:

PORT AGREEMENTS*

B3.581	Powers and Duties
B3.582	Transfer of Harbor
B3.583	Status of Employees
B3.584	Budgeting and Fiscal Procedure
B3.585	Legal Advisor
B6.406	Harbor Revenues and Expenditures
B7.305	Revenue Bonds of the Port Commission
B7.310.	Pier 70 Waterfront District.
B7.320.	Agreements With Other City Departments.

B3.581 POWERS AND DUTIES

The Port Commission shall have all the powers and duties given to boards and Commissions by Section 3.500 of the Charter and shall have the power to establish such departments and bureaus as may be necessary or convenient for the conduct of its affairs. Subject to the terms and conditions of the transfer and any supplemental agreements relating thereto, the Port Commission shall have the control and management of all real and personal property transferred under the Statutes 1968, ch. 1333, or otherwise acquired or purchased with funds under its control or acquired or purchased by it within the scope of its authority, or otherwise placed under its management, supervision and control. The property under the control and management of the Commission shall be known as the port area. The Port Commission shall have the power and duty to use, conduct, operate, maintain, manage, regulate, and control the port area of San Francisco and to do all things it deems necessary in connection with the use, conduct, operation, management, maintenance, regulation, improvement and control of said port area, or which may further the interests of the port in world trade, including, without limiting the generality of the foregoing, the exclusive power to perform or accomplish the following:

(a) The improvement, operation and conduct of the harbor, and any and all improvements or facilities located thereon;

(b) The construction, reconstruction, repair, operation and use of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation, or located within the port area;

(c) The establishment, improvement and conduct of railroad and aviation facilities and all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and conduct of air commerce and navigation and railroad transportation;

(d) The construction, reconstruction, repair, maintenance and operation of public buildings, parks, playgrounds, public educational and recreation facilities and all works, buildings, facilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses;

(e) The preservation or restoration of marine resources consistent with the primary mission of the Harbor of San Francisco;

(f) The grant of franchises thereof for limited periods not exceeding 66 years for wharves and other public uses and purposes and the lease of said lands, facilities, or any part thereof for limited periods not exceeding 66 years, and the collection and retention of rents and other revenues from such leases, franchises, permits, licenses and privileges. Such lease or leases, franchises, permits, licenses, and privileges shall be for purposes consistent with the trusts upon which the lands are held by the State and with the requirements of commerce and navigation, or if the Port Commission of the City and County of San Francisco determines that any portion of the transferred lands is not required for the foregoing uses described in this section, such lease or leases, franchises, permits, licenses, and privileges, may be for the purposes of such development and use as the Commission finds will yield maximum profits to be used by the Commission in the furtherance of commerce and navigation;

(g) Leases and franchises granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission;

(h) The power to nominate for appointment a Port Director who shall be the chief executive of the Port Commission and who shall have the management of all the affairs and activities placed under the jurisdiction of the Commission. The Mayor shall appoint a Port Director. He shall devote his entire time to the duties of his office and his salary shall be fixed by the Commission. He shall hold his office at the pleasure of the Commission and shall have the management of said harbor and of all of the facilities and equipment thereof and all bureaus and departments established for the operation of said harbor or for the operation of any equipment or facility thereof. Subject to the approval of the Commission he shall appoint and remove any and all heads of departments or bureaus, who may not be subject to the civil service provisions of the Charter. He shall possess the necessary administrative, executive and technical qualifications necessary to enable him to perform the duties of his office. His compensation shall not exceed prevailing salaries paid those holding similar positions in comparable maritime employment. The Commission may confer on him such additional powers and authority as it may see fit;

(i) To regulate the berthing, anchoring, towing, loading and unloading and mooring of vessels within the port;

(j) To issue receipts, negotiable or otherwise, for property or merchandise in its charge or possession;

(k) To fix all rates, dockage, rentals, tolls, wharfage, and charges, for the use and occupation of the public facilities or appliances of the port, and for services rendered by the Port Commission, and to provide for the collection thereof;

(l) To enter into contracts, agreements, or stipulations germane to the scope of its powers and duties;

(m) To give such bonds or assurances as may be required by the United States in the operations permitted hereunder;

(n) To provide and equip offices within or without the port, within other states, or in foreign countries, and through such employees and agencies as it may deem expedient;

(o) To contract for and operate foreign trade zones within the port area or auxiliary to the port area, or such zones or sub-zones as have been operated by the San Francisco Port Authority. Agreement may be made with the Public Utilities Commission for operation of future zones or sub-zones in other areas;

(p) Members and officers of the Port Commission shall be exempt from the provisions of the City Charter relating to absences from the State, but shall advise the Mayor and the Board of Supervisors in advance of such absences;

(q) May promote the maritime and commercial interests of the harbor by advertising its advantages and facilities and by the solicitation of business. The advertising and solicitation may be conducted within or without this State and through such agencies, mediums, employees and agents as are determined by the Commission. The Commission may, in its discretion, publish and distribute a magazine, pamphlets, booklets and other printed and advertising matter for the purpose of developing traffic and promoting and maintaining the commerce and prestige of the port, and may use any moneys of the harbor fund for the special purposes authorized by this provision. Members and employees of the Commission in attending conventions of port authorities and meetings of transportation clubs, trade associations and business organizations that may advance the interests of the port shall be allowed their actual necessary expenses in the performance of such services as may from time to time be deemed desirable by the Commission and shall be allowed hospitality expenses necessarily incurred in furthering the interests of the port;

(r) To issue revenue bonds as provided in Section 7.305;

(s) To expend all funds necessary to the carrying out of the powers and duties herein expressed;

(t) This section does hereby vest in the Port Commission all of the powers set forth in Section 3 and Section 5 of the Statutes of 1968, Chapter 1333, which provisions are hereby incorporated in the Charter by this reference.

B3.582 TRANSFER OF HARBOR

The City and County of San Francisco shall accept the transfer and assume jurisdiction and control of the Harbor of San Francisco and the facilities thereof in accordance with the terms and conditions of Statutes 1968, ch. 1333. All the powers and duties incident to the management, government, control and administration of said harbor and all properties and utilities used in connection therewith, shall be vested in the Port Commission of the City and County of San Francisco.

The Board of Supervisors of the City and County of San Francisco shall have and is hereby granted power to enter into any agreement with the State of California, the Director of Finance, or any officer, agency or Commission of the State of California, and to pass all necessary legislation and to do or perform any other act or acts deemed necessary to effect the transfer of the jurisdiction and control of the Harbor of San Francisco, or any of the facilities thereof, to the City and County of San Francisco.

B3.583 STATUS OF EMPLOYEES

All employees of the port authority who, at the time the transfer provided for herein shall go into effect, are members of the Public Employees' Retirement System of the State of California shall continue to be members of said Public Employees' Retirement System, with all the rights, privileges and benefits of said system and they shall not be members of the San Francisco City and County Employees' Retirement System; and, notwithstanding any other provisions of this Charter, the City and County shall perform all acts necessary to continue the membership of such employees in said Public Employees' Retirement System.

All employees of the port authority who, at the time the transfer provided for herein shall go into effect, are covered under the provisions of a retirement program other than the Public Employees' Retirement System of the State of California shall thereafter continue to be covered under such retirement program and they shall not be members of the San Francisco City and County Employees' Retirement System; and, notwithstanding any other provisions of this Charter, the City and County shall perform all acts necessary to continue the coverage of such employees under such retirement program.

Persons who, after the transfer provided for herein has gone into effect, become employees of the City and County in positions related to the operation of the State Belt Railroad and who become covered under the provisions of the Railroad Retirement Act by virtue of their employment in such positions shall not be members of the San Francisco City and County Employees' Retirement System.

B3.584 BUDGETING AND FISCAL PROCEDURE

In the matter of the control and operation of the harbor and of the facilities and equipment thereof, including the matter of budgets and appropriations, the Port Commission shall be subject to the budgetary and fiscal procedure elsewhere provided for in this Charter.

B3.585 LEGAL ADVISOR

The City Attorney shall be the legal advisor of the Commission, and may, with the approval of the Commission, compromise, settle or dismiss any litigation or legal proceeding, pending for or on behalf of the Commission relative to any matter under its jurisdiction, and said Commission may with the consent of the Mayor and the approval of the City Attorney appoint special counsel.

B6.406 HARBOR REVENUES AND EXPENDITURES

The revenues of the harbor and of all properties and facilities incident thereto, or used in connection therewith, shall be deposited in a separate fund in the treasury of the City and County; and a harbor trust fund or trust funds shall be established by the City and County; and the City and County shall deposit in the fund or funds all monies received attributable to facilities on the transferred lands in the harbor.

Subject to the terms and conditions of Statute 1968, ch. 1333, appropriations from such funds shall be made for the following purposes and in the order named, viz:

(a) for the payment of maintenance and operating expenses, pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the Commission may established the Board of Supervisors may require;

(b) for the payment of principal, interest, reserve funds, sinking funds, and other funds established for the benefit of any forms of indebtedness issued or undertaken by or on behalf of the Commission for any purpose authorized under this Charter, including, but not limited to, revenue bonds, general obligation bonds, infrastructure financing

district bonds, certificates of participation, lease revenue bonds, commercial paper, variable rate demand notes, auction rate securities, bond anticipation notes and other evidences of indebtedness:

(c) for capital improvements to, and reconstruction and replacement of, the properties, equipment and facilities of the harbor , and

(d) to establish a reserve, surplus or sinking fund for harbor operations, capital improvements, reconstruction, and replacement of equipment or facilities used in connection thereto as the Commission may establish.

In the event of a conflict between any trust indenture or other instrument securing or evidencing indebtedness outstanding as of January 1, 2009 and authorized in this Charter and the priorities set forth in this Section B6.406, the priorities of the debt instrument will control.

(Amended by Proposition D, 11/4/2008)

B7.305 REVENUE BONDS OF THE PORT COMMISSION

The Port Commission shall have the exclusive power to perform or accomplish the issuance of revenue bonds in the same manner and to the same extent as is provided for by the San Francisco Harbor Revenue Bond Act of 1951, enacted by Stats. 1951, Chapter 1712, page 4020, of the Statutes of California and codified as Sections 3300 to 3369 of the Harbors and Navigation Code of the State of California, except that the provisions of said Act codified as Section 3338 of the said Harbors and Navigation Code shall not be applicable to these bonds and the bonds shall instead be governed by the following provision:

The San Francisco Port Commission may fix terms and conditions for the sale or other disposition of any authorized issue of bonds and may provide that the bonds may be sold on the basis of the lowest net interest cost to the San Francisco Port Commission, the coupon rates to be fixed by the successful bidder on the sale of the bonds. The San Francisco Port Commission may authorize the City Treasurer to sell bonds at less than their par or face value, but no bond may be sold at a price below 95 percent of the principal amount of the bond and accrued interest thereon. The said San Francisco Port Commission may set the annual rate or rates of interest which the bonds to be issued shall bear, which rate or rates, at the discretion of the said Commission, may be determined by the bidder at the time of sale of said bonds. Such interest may be payable at such periods as may be fixed by the Commission.

All of the other provisions of said Act are by this reference incorporated in and made a part of this Charter, except that where the term "Board of State Harbor Commissioners" is used it shall be deemed to mean the "Port Commission," and where the term "San Francisco Harbor" is used it shall be deemed to mean all the property under the jurisdiction of the San Francisco Port Commission, and where the term "San Francisco Harbor Bond Finance Board" or "Bond Finance Board" is used it shall be deemed to mean "Board of Supervisors of the City and County of San Francisco," and where the term "Attorney General of the State of California" is used it shall be deemed to mean "City Attorney," and where the term "State Treasurer" is used it shall be deemed to mean "City Treasurer," and where the term "State Controller" is used it shall be deemed to mean "City Controller." The revenue bonds issued hereunder shall be known as "Revenue Bonds of the Port Commission of San Francisco."

SEC. B7.310. PIER 70 WATERFRONT DISTRICT.

(a) The Port of San Francisco's southern waterfront includes a site known as Pier 70. For over 150 years, some portion of this site has been in use for ship building and repair, or steel production, as well as for other heavy industrial uses. In 2001, the California State Office of Historic Preservation determined that Pier 70's approximately 40 historic buildings, structures, and features are eligible for the National Register collectively as contributors to a Pier 70 historic district. This Section B7.310 is intended to enable the City and County, through its Port Commission, to rehabilitate the Pier 70 area by establishing planning, financing and project approval mechanisms appropriate to the area. These mechanisms will serve a significant public purpose by preserving and restoring historic waterfront properties in need of repair, restoring waterfront land, and building new waterfront parks and maritime facilities.

(b) The Port Commission may submit to the Board of Supervisors for approval a financial and land use plan or plans for all or a portion of Pier 70 (each a "Pier 70 Plan") that includes a description of the boundaries of a Pier 70 planning area ("Pier 70 Waterfront District") and projections of the Port's need for financing, in addition to authorized property tax increment financing, to preserve and restore deteriorated Pier 70 historic waterfront properties, seismically strengthen Pier 70 piers and structures, remediate and restore contaminated waterfront land and structures, build new waterfront parks, and build maritime facilities ("Waterfront Improvements"). The financing plan may include, without limitation, issuance of debt to finance Waterfront Improvements or direct payments to a tenant for the Waterfront Improvements. As used in this Section B7.310, Waterfront Improvements include rehabilitation of an existing historic resource consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, seismic strengthening of existing structures, environmental remediation and/or mitigation consistent with applicable regulations and/or a plan approved by a regulatory agency with jurisdiction over the contaminated area, construction and landscaping of waterfront open space, including natural shoreline habitat, construction of utility infrastructure necessary to achieve compliance with environmental performance standards that exceed applicable building code requirements, and the construction or rehabilitation of maritime facilities.

(c) Before proposing to issue indebtedness to finance Waterfront Improvements or to assume the responsibility to pay for the improvements pursuant to this Section B7.310, the Port Commission, by resolution, must approve a capital budget for the proposed Waterfront Improvements and find that the new lease revenues from private investment in and development of the proposed Pier 70 Waterfront District for a period of 20 years, commencing with the Port's projected date of issuance of a certificate of occupancy for a lease identified by the Port for all or a portion of the Pier 70 Waterfront District, and property tax increment available under the Pier 70 Plan, are insufficient to finance the Waterfront Improvements.

(d) The Clerk of the Board of Supervisors shall refer the Pier 70 Plan to the Controller within 30 days after the Port Commission's submission to the Board of Supervisors. Within 90 days of the Clerk's referred, the Controller and the Tax Collector, in consultation with the Department of Real Estate and the Port Commission, shall report to the Board of Supervisors the following:

1. The total amount of taxes received by the City and County from (A) the City Payroll Expense Tax under Article 12-A of the Business and Tax Regulations Code, as amended from time to time (the "Payroll Tax"), from businesses located in the Pier 70 Waterfront District, and (B) Tax on Transient Occupancy of Hotel Rooms under Article 7 of the Business and Tax Regulations Code, as amended from time to time (the "Hotel Tax"), from any hotel rooms located in the Pier 70 Waterfront District (the "Base Year Tax Revenues") in the full fiscal year immediately preceding the submission of the proposed Pier 70 Plan to the Board of Supervisors; and

2. The projected annual increases in Payroll Tax and the Hotel Tax above the Base Year Tax Revenue that will accrue to the General Fund for each year ("Pier 70 Annual Payroll and Hotel Tax Increment") for a twenty year period following the issuance of a certificate of occupancy related to a Port lease identified by the Port for all or a portion of the Pier 70 Waterfront District, using assumptions about new lease and tax revenues from development of allowed uses in the Pier 70 Waterfront District.

The publication of the Controller's and Tax Collector's report will not be a violation of Business & Tax Regulations Code Section 6.22-1. The Controller and the Tax Collector shall be entitled to reimbursement of their costs to perform their responsibilities under this Section B7.310.

(e) The Board of Supervisors may approve the Pier 70 Plan, with or without the financing for Waterfront Improvements described by the plan. The Board of Supervisors may approve the financing for Waterfront Improvements described in the plan, if it finds that new lease revenues from private investment in and development of the proposed Pier 70 Waterfront District for a period of twenty years, commencing with the Port's projected date of issuance of a certificate of occupancy for a lease identified by the Port for all or a portion of the Pier 70 Waterfront District, and property tax increment available under the Pier 70 Plan, are insufficient to finance the Waterfront Improvements.

(f) If the Board of Supervisors approves the Pier 70 Plan and associated financing for Waterfront Improvements, then, for the purposes of this Section B7.310, the Base Year Tax Revenues for the Pier 70 Plan will be the total Payroll Tax from businesses located in the Pier 70 Waterfront District and any Hotel Tax from any hotel rooms in the Pier 70 Waterfront District in the fiscal year preceding Port Commission issuance of debt to finance Waterfront

Improvements or obligation to first pay for Waterfront Improvements pursuant to this Section B7.310, and the Controller and the Tax Collector, in consultation with the Department of Real Estate and the Port Commission, shall revise their projections of Pier 70 Annual Payroll and Hotel Tax Increment for a 20-year period, commencing on the Port's projected date of its issuance of debt for, or obligation to pay for the construction of Waterfront Improvements pursuant to this Section B7.310, based on updated assumptions about new lease and tax revenues from development of allowed uses in the Pier 70 Waterfront District. These updated assumptions shall serve as the basis for appropriations pursuant to this Section B7.310 for the remainder of the term of the Pier 70 Plan.

(g) If the Board of Supervisors approves financing for Waterfront Improvements described in the Pier 70 Plan, then the City and County shall appropriate from discretionary General Fund revenues to the harbor trust fund the amount necessary to pay debt service on indebtedness issued by the Port Commission to finance Waterfront Improvements or to fund the Port's obligation to pay for Waterfront Improvements pursuant to this Section B7.310 in an amount up to seventy-five percent (75%) of the Pier 70 Annual Payroll and Hotel Tax Increment beginning in the fiscal year in which the Port Commission is obligated to A) begin paying for the Waterfront Improvements, or B) pay debt service on indebtedness that it has issued to finance Waterfront Improvements and for each subsequent fiscal year until the earlier of (i) the date the Controller certifies that the Port Commission has retired all indebtedness issued or to finance the Waterfront Improvements or fully satisfied its obligation to pay for the Waterfront Improvements or (ii) 20 fiscal years commencing with the first fiscal year that the Port Commission is obligated to pay such debt service or payment on the Waterfront Improvements. The City and County shall appropriate the funds to the harbor trust fund notwithstanding the actual amount of the annual increase in Payroll Taxes and Hotel Taxes during any fiscal year, without any adjustment based on the actual amounts of such taxes paid or accruing to the City and County. In no event may the amount appropriated to the harbor trust fund in the aggregate be greater than seventy-five percent (75%) of the amount of Pier 70 Annual Payroll and Hotel Tax Increment estimated by the Controller for a 20-year period pursuant to subsection (f). The Port may use the funds appropriated solely to finance the construction of Waterfront Improvements described in its Pier 70 Plan and any amendments to the plan by the Port Commission and the Board of Supervisors.

(h) The Board of Supervisors' approval of the Pier 70 Plan, with or without approval of the financing for Waterfront Improvements, shall constitute approval by the Board of Supervisors of any lease for a project developed under the Pier 70 Plan under Article IX, Section 9.118 of this Charter upon approval by the Port Commission if all of the following conditions are met:

1. The Controller, in consultation with the Department of Real Estate, finds the lease consistent with the Pier 70 Plan;

2. If required for purposes of the receipt of federal historic tax credits, the lease binds the lessee to obtain from the National Park Service and/or State Historic Preservation Office a finding of consistency of the federally-subsidized historic rehabilitation project(s) contemplated by the lease with the Secretary of the Interior's Standards for the Treatment of Historic Properties;

3. If required, the lease binds the lessee to obtain a permit from the Bay Conservation and Development Commission for the improvement and maintenance of the 100 foot shoreline bond along Pier 70 in the premises of the lease;

4. If required, the State of California has approved the consistency of the Pier 70 Plan, or portions thereof, with the Burton Act trust and the public trust for navigation, commerce and fisheries; and

5. If required, any applicable environmental regulatory agency has approved a site remediation or site management plan, or the equivalent, for the relevant portion of Pier 70, where the Port or a former owner, occupant, or operator is the primarily responsible party.

(Added by Proposition D, 11/4/2008)

SEC. B7.320. AGREEMENTS WITH OTHER CITY DEPARTMENTS.

(a) The Mayor may submit to the Board of Supervisors for approval a memorandum of understanding or other form of interagency agreement between the Port Commission and another department or departments of the City

and County, approved by the Port Commission by resolution, that requires the department(s) to expend funds or to transfer funds to the Port Commission, or requires the Port Commission to transfer funds to the department(s).

(b) If the Board of Supervisors approves the interagency agreement by resolution, the City and County shall appropriate funds sufficient to fund the expenditure or transfer until such time as the agreement expires, or is terminated by the Port Commission and other departmental parties, subject to the approval of the Mayor and the Board of Supervisors by resolution.

(c) Any modification of the agreement affecting the amount to be expended or transferred shall be approved by the Mayor and the Board of Supervisors by resolution.

(Added by Proposition D, 11/4/2008)

APPENDIX C:

ETHICS PROVISIONS*

C3.699-10	Administration and Implementation
C3.699-11	Duties
C3.699-12	Requests for and Issuance of Options; Advice
C3.699-13	Investigations and Enforcement Proceedings
C3.699-14	Commission Funding
C3.699-15	[Repealed]
C3.699-16	Transfer of Position
C8.105	[Repealed]

C3.699-10 ADMINISTRATION AND IMPLEMENTATION

The Commission shall have responsibility for the impartial and effective administration and implementation of the provisions of this charter, statutes and ordinances concerning campaign finance, lobbying, conflicts of interest and governmental ethics.

C3.699-11 DUTIES

The ethics commission shall have the following duties and responsibilities:

1. To administer the provisions of the San Francisco Municipal Elections Campaign Contribution Control Ordinance, and Proposition F, adopted by voters at the June 1986 election, which appears as Appendix K to this charter or any successors to these ordinances.

2. To receive documents required to be filed pursuant to, and to otherwise administer, the provisions of the City's lobbyist registration ordinance.

3. To act as the filing officer and to otherwise receive documents in any instance where the clerk of the board of supervisors, the registrar of voters and, with respect to members of the boards and commissions, department heads would otherwise be authorized to do so pursuant to Chapters 4 and 7 of the California Political Reform Act of 1974 (Government Code sections 81000, et seq.), as amended.

4. To audit campaign statements and other relevant documents and investigate alleged violations of state law, this charter and City ordinances relating to campaign finance, governmental ethics and conflicts of interest and to report the findings to the district attorney, City attorney and other appropriate enforcement authorities. Commission

investigation of alleged violations of state law shall be conducted only after the commission has provided to the district attorney and City attorney the information set forth in Section 3.699-12 and the district attorney and City attorney notify the commission that no investigation will be pursued.

5. To provide assistance to agencies, public officials and candidates in administering the provisions of this charter and other laws relating to campaign finance, conflicts of interest and governmental ethics.

6. To make recommendations to the mayor and the board of supervisors concerning (a) campaign finance reform, (b) adoption of and revisions to City ordinances laws related to conflict of interest and lobbying laws and governmental ethics and (c) the submission to the voters of charter amendments relating to campaign finance, conflicts of interest and governmental ethics. The commission shall report to the board of supervisors and mayor annually concerning the effectiveness of such laws. The commission shall transmit its first set of recommendations to the board of supervisors and mayor no later than July 1, 1995.

7. To maintain a whistleblower hot line and administer the provisions of the City's improper government activities ordinance.

8. To annually adjust any limitation and disclosure thresholds imposed by City law to reflect any increases or decreases in the Consumer Price Index. Such adjustments shall be rounded off to the nearest hundred dollars for the limitations on contributions.

9. To assist departments in developing and maintaining their conflict of interest codes as required by state law.

10. To advocate understanding of the charter and City ordinances related to campaign finance, conflicts of interest, lobbying, governmental ethics and open meetings and public records, and the roles of elected and other public officials, City institutions and the City electoral process.

11. To have full charge and control of its office, to be responsible for its proper administration, subject to the budgetary and fiscal provisions of the charter.

12. To prescribe forms for reports, statements, notices and other documents required by this charter or by ordinances now in effect or hereafter adopted relating to campaign finance, conflicts of interest, lobbying and governmental ethics.

13. To prepare and publish manuals and instructions setting forth methods of bookkeeping, preservation of records to facilitate compliance with and enforcement of the laws relating to campaign finance, conflicts of interest, lobbying and governmental ethics, and explaining applicable duties of persons and committees.

14. To develop an educational program, including but not limited to the following components:

(a) Seminars, when deemed appropriate, to familiarize newly elected and appointed officers and employees, candidates for elective office and their campaign treasurers, and lobbyists with City, state and federal ethics laws and the importance of ethics to the public's confidence in municipal government.

(b) Annual seminars for top-level officials, including elected officers and commissioners, to reinforce the importance of compliance with, and to inform them of any changes in, the law relating to conflicts of interest, lobbying, governmental ethics and open meetings and public records.

(c) A manual which will include summaries, in simple, non-technical language, of ethics laws and reporting requirements applicable to City officers and employees, instructions for completing required forms, questions and answers regarding common problems and situations, and information regarding sources of assistance in resolving questions. The manual shall be updated when necessary to reflect changes in applicable City, state and federal laws governing the ethical conduct of City employees.

(d) A manual which will include summaries, in simple, non-technical language, of City ordinances related to open meetings and public records, questions and answers regarding common problems and situations, and information regarding sources of assistance in resolving questions. The manual shall be updated when necessary to reflect changes in applicable City ordinances related to open meetings and public records.

C3.699-12 REQUESTS FOR AND ISSUANCES OF OPINIONS; ADVICE

(a) Any person may request the commission to issue a written opinion with respect to that person's duties under provisions of this charter or any ordinance relating to campaign finance, conflicts of interest, lobbying or governmental ethics. The commission shall, within 21 days, transmit its proposed opinion to the City attorney and district attorney, provided that the commission, or its executive director, can extend this time for good cause. Within ten working days of receipt of the proposed opinion, the City attorney and district attorney shall advise the commission whether they concur in the proposed opinion. If either the City attorney or district attorney do not concur with the proposed opinion, he or she shall inform the commission in writing concerning the basis for disagreement. No person who acts in good faith on an opinion issued by the commission and concurred in by the City attorney and district attorney shall be subject to criminal or civil penalties for so acting, provided that the material facts are as stated in the opinion request. The commission's opinions shall be public records and may from time to time be published.

(b) The commission may authorize its staff to issue informal oral advice to any person with respect to that person's duties under provisions of this charter or any ordinance relating to campaign finance, conflicts of interest, lobbying or governmental ethics. Reliance on such oral advice shall not be a defense in any enforcement proceeding.

(c) Subject to the civil service provisions of this charter, the commission may employ individuals who have graduated from a state accredited law school for the purpose of assisting the commission prepare opinions and providing advice under this section. These employees shall have no authority to provide advice to or represent the City and County or any of its officers or employees.

(d) Nothing in this section shall be construed to prevent City and County officers and employees from seeking advice from the City attorney concerning conflict of interest and governmental ethics laws.

C3.699-13 INVESTIGATIONS AND ENFORCEMENT PROCEEDINGS

The commission shall conduct investigations in accordance with this subdivision of alleged violations of this charter and City ordinances relating to campaign finance, lobbying, conflicts of interest and governmental ethics.

(a) Investigations.

If the commission, upon the receipt of a sworn compliant of any person or its own initiative, has reason to believe that a violation of this charter or City ordinances relating to campaign finance, lobbying, conflicts of interest or governmental ethics has occurred, the commission immediately shall forward the complaint or information in its possession regarding the alleged violation to the district attorney and City attorney. Within ten working days, after receipt of the complaint or information, the district attorney and City attorney shall inform the commission in writing regarding whether the district attorney or City attorney has initiated or intends to pursue an investigation of the matter

If the commission, upon the sworn complaint or on its own initiative, determines that there is sufficient cause to conduct an investigation, it shall investigate alleged violations of this charter or City ordinances relating to campaign finance, lobbying, conflicts of interest and governmental ethics. A complaint filed with the commission shall be investigated only if it identifies the specific alleged violations which form the basis for the complaint and the commission determines that the complaint contains sufficient facts to warrant an investigation.

Within 14 days after receiving notification that neither the district attorney nor City attorney intends to pursue an investigation, the commission shall notify in writing the person who made the complaint of the action, if any, the commission has taken or plans to take on the complaint, together with the reasons for such action or non-action. If no decision has been made within 14 days, the person who made the complaint shall be notified of the reasons for the delay and shall subsequently receive notification as provided above.

The investigation shall be conducted in a confidential manner. Records of any investigation shall be considered confidential information to the extent permitted by state law. Any member or employee of the commission or other

person who, prior to a determination concerning probable cause, discloses information about any preliminary investigation, except as necessary to conduct the investigation, shall be deemed guilty of official misconduct. The unauthorized release of confidential information shall be sufficient grounds for the termination of the employee or removal of the commissioner responsible for such release.

(b) Findings of Probable Cause.

No finding of probable cause to believe that a provision of this charter or City ordinances relating to campaign finance, lobbying, conflicts of interest or governmental ethics has been violated shall be made by the commission unless, at least 21 days prior to the commission's consideration of the alleged violation, the person alleged to have committed the violation is notified of the alleged violation by service of process or registered mail with return receipt requested, is provided with a summary of the evidence, and is informed of his or her right to be present in person and to be represented by counsel at any proceeding of the commission held for the purpose of considering whether probable cause exists for believing the person committed the violation. Notice to the alleged violator shall be deemed made on the date of service, the date the registered mail receipt is signed, or, if the registered mail receipt is not signed, the date returned by the post office. A proceeding held for the purpose of considering probable cause shall be private to the extent permitted by state law unless the alleged violator files with the commission a written request that the proceeding be public.

(c) Administrative Orders and Penalties.

(i) When the commission determines there is probable cause for believing a provision of this charter or City ordinance has been violated, it may hold a public hearing to determine if such a violation has occurred. When the commission determines on the basis of substantial evidence presented at the hearing that a violation has occurred, it shall issue an order which may require the violator to:

(1) Cease and desist the violation;

(2) File any reports, statements or other documents or information required by law; and/or

(3) Pay a monetary penalty to the general fund of the City of up to five thousand dollars ($5,000) for each violation or three times the amount which the person failed to report properly or unlawfully contributed, expended, gave or received, whichever is greater. Penalties that are assessed but uncollected after 60 days shall be referred to the bureau of delinquent revenues for collection.

In addition, with respect to City officers other than those identified in Section 8.107 of this charter, when the commission determines on the basis of substantial evidence presented at the hearing that a violation has occurred, the commission may recommend to the appointing officer that the officer be removed from office.

When the commission determines that no violation has occurred, it shall publish a declaration so stating.

(d) In addition to any other penalty that may be imposed by law, any person who violates any provision of this charter or of a City ordinance relating to campaign finance, lobbying, conflicts of interest or governmental ethics, or who causes any other person to violate any such provision, or who aids and abets any other person in such violation, shall be liable under the provisions of this section.

(Amended November 2001)

C3.699-14 COMMISSION FUNDING

The ethics commission may impose fees related to the administration and enforcement of ordinances and provisions of this charter related to campaign finance, lobbying, campaign consultants and governmental ethics. The fees shall become effective 30 days after their approval by the commission unless the board of supervisors, by a vote of two-thirds of all of its members, disapproves the fees within this 30 day period.

(Amended November 2001)

C3.699-15

(Repealed November 2001)

C3.699-16 TRANSFER OF POSITION

Upon the effective date of this section, the civil service commission immediately shall conduct a study to classify a position and determine the proper salary for the ethics commission employee who will be primarily responsible for administering and enforcing the City's Improper Government Activities Ordinance. Effective July 1, 1994, the mayor and board of supervisors shall transfer from the mayor's office to the ethics commission one position. This transfer will be effected as follows. The mayor and board of supervisors will adopt an ordinance eliminating one position in the mayor's office. The position eliminated shall be the position with the salary that most closely approximates the salary determined by the civil service commission for the employee who will be primarily responsible for administering and enforcing the City's Improper Government Activities Ordinance. At the same time, the mayor and board of supervisors shall adopt an ordinance creating and funding the position of the ethics commission employee who will be primarily responsible for administering and enforcing the City's Improper Government Activities Ordinance.

C8.105

(Repealed November 2003)

APPENDIX D:

BUILDING INSPECTION PROVISIONS*

D3.750	Establishment
D3.750-1	Commission; Compensation
D3.750-2	Director of Building Inspection; Other Executives
D3.750-3	Secretary of Commission; Consultants
D3.750-4	Powers and Duties
D3.750-5	Actions of Commission
D3.750-6	Approval of Budgets
D3.750-7	Technical Boards and Advisory Committees
D3.750-8	Severability



New Legislation Notice

Publisher's Note: This Appendix has been **AMENDED** by new legislation (Proposition B, 6/7/2022, operative 7/1/2023). The text of the section will be included below when the new legislation is effective.

D3.750 ESTABLISHMENT

Recognizing that the provision of safe and sanitary buildings is essential to the welfare of the inhabitants of the City and County of San Francisco, there is hereby established a Department of Building Inspection which shall consist of a Building Inspection Commission, a Director of Building Inspection, and such employees as may be necessary to carry out the functions and duties of said department. The commission shall organize, reorganize, and manage the department. When the commission assumes management of the department, the Bureau of Building Inspection shall cease to exist. Unless modified or repealed by the commission, all orders, regulations, rules, and policies of the Bureau of Building Inspection will remain in effect. Except as limited below, positions in the Bureau of Building Inspection of the Department of Public Works legally authorized on the date the commission assumes management of the department shall be continued, and incumbents therein legally appointed thereto shall be continued as officers and employees of the department under the conditions governing their respective appointments.

D3.750-1 COMMISSION; COMPOSITION

The Department of Building Inspection shall be under the management of a Building Inspection Commission consisting of seven members. Four members shall be appointed by the mayor for a term of two years; provided that the respective terms of office of those first appointed shall be as follows: two for one year, and two for two years from the effective date of this section. Three members shall be appointed by the President of the Board of Supervisors for a term of two years; provided that the respective terms of office of those first appointed shall be as follows: three for one year from the effective date of this section. The initial appointments shall be made no later than fifteen days after the effective date of this section, and the commission's management shall begin no later than forty-five days after the effective date of this section. Vacancies occurring in the offices of appointive members, either during or at expiration of term, shall be filled by the electoral office that made the appointment. The four mayoral appointments shall be comprised of a structural engineer, a licensed architect, a residential builder, and a representative of a community- based non-profit housing development corporation. The three Supervisorial appointments shall be comprised of a residential tenant, a residential landlord, and a member of the general public. The members of the commission shall serve without compensation.

Pursuant to Government Code Section 87103, individuals appointed to the commission under this section are intended to represent and further the interest of the particular industries, trades, or professions specified herein. Accordingly, it is found that for purposes of persons who hold such office, the specified industries, trades, or professions are tantamount to and constitute the public generally within the meaning of Government Code Section 87103.

D3.750-2 DIRECTOR OF BUILDING INSPECTION; OTHER EXECUTIVES

The Director of Building Inspection shall be the department head and appointing officer of the Department of Building Inspection and shall be qualified by either technical training or administrative experience in the enforcement of building and other construction codes. The Director shall serve as the building official of the City and County and, upon his or her appointment, shall assume all of the powers and duties of the Director of Public Works with respect to the administration and enforcement of the building code and other construction codes. The Director shall have all the powers provided for department heads as set forth in Section 3.501 of this Charter. The Director shall be appointed by the commission and hold office at its pleasure; the person who has civil service status in the position of Superintendent of the Bureau of Building Inspection on the date the commission assumes management of the department shall serve as interim Director pending the appointment of a Director by the commission. Subject to the approval of the commission, and the budgetary and fiscal provisions of this Charter, the Director shall have the power to appoint and remove, at his or her pleasure, up to one deputy superintendent and no more than two assistant superintendents, all of whom shall be exempt from the civil service provisions of this Charter.

The Director shall not serve as an officer or member of any standing or ad hoc committee of any building industry or code development or enforcement organization or public agency other than the City and County of San Francisco without the prior approval of the commission.

D3.750-3 SECRETARY OF COMMISSION; CONSULTANTS

The Building Inspection Commission may appoint a secretary, which appointment shall not be subject to the civil service provisions of this Charter. Subject to the provisions of Section 6.302, 6.312 and 6.313 of this Charter, the commission may also contract with engineers or other consultants for such services as it may require.

D3.750-4 POWERS AND DUTIES

The Building Inspection Commission shall organize, reorganize, and manage the Department of Building Inspection which shall have responsibility for the enforcement, administration, and interpretation of the City's Housing, Building, Mechanical, Electrical, and Plumbing Codes, except where this Charter specifically grants that power to another department. The Central Permit Bureau, formerly within the Bureau of Building Inspection, shall also be managed by the commission.

The commission shall inspect and regulate additions, alterations, and repairs in all buildings and structures covered by the San Francisco Housing, Building, Mechanical, Electrical, and Plumbing Codes. Nothing in this chapter shall diminish or alter the jurisdiction of the Planning Department over changes of use or occupancy under the Planning Code. The commission shall ensure the provision of minimum standards to safeguard life or limb, health, property, and the public welfare by regulating and controlling the safe use of such buildings and structures. The commission shall ensure the vigorous enforcement of City laws mandating the provision of heat and hot water to residential tenants. The commission shall also ensure the enforcement of local, state, and federal disability access laws. The commission shall be a policy-making and supervisory body with all the powers provided for in Section 3.500 of this Charter.

The commission shall constitute the Abatement Appeals Board, and shall assume all powers granted to this entity under this Charter and the San Francisco Building Code. The commission shall appoint and may remove at its pleasure members of the Board of Examiners, Access Appeals Board, and Code Advisory Committee, all of which shall have the powers and duties to the extent set forth in the San Francisco Building Code.

The commission shall have the power to hold hearings and hear appeals on all decisions made by the Department of Public Works regarding permits under one or more of the codes enumerated in this section and on sidewalk or encroachment permits. The commission may reverse, affirm or modify determinations made by the Department of Public Works, Water Department, or Department of Building Inspection on all permits required for a final certificate of completion. The commission's jurisdiction under this section, however, shall not extend to permits appealable to the Planning Commission or Board of Permit Appeals. Departmental decisions on permits subject to commission review shall be made within the time mandates of the state Permit Streamlining Act. Appeals of decisions must be filed with the commission within fifteen days of the challenged determination. The commission shall act on the appeal within a reasonable time. The commission's action shall be final.

D3.750-5 ACTIONS OF COMMISSION

The commission shall adopt rules and regulations consistent with fulfilling its responsibilities under this Charter. The commission shall also adopt rules and regulations governing commission meetings and also adopt requirements for notification and mailing for commission business. The commission shall hold public hearings on all proposed amendments to the San Francisco Building Code, Electrical Code, Housing Code, Plumbing Code, and Mechanical Code.

The Building Inspection Commission shall have the sole authority to contract for the publication of the San Francisco Housing, Building, Mechanical, Electrical, and Plumbing Codes, and any amendments thereto. Other provisions of this Charter and the Administrative Code notwithstanding, the selection of a publisher shall be based on the lowest retail cost to the public of a complete set of these codes.

D3.750-6 APPROVAL OF BUDGETS

The commission shall initially be funded out of the 1994-95 budget approved for the Bureau of Building Inspection, and subsequent funding shall come from the budget of the Department of Building Inspection.

The Director of Building Inspection shall submit a proposed department budget for each upcoming fiscal year for approval by the commission. The proposed budget shall be compiled in such detail as shall be required on uniform blanks furnished by the controller. The Building Inspection Commission must hold at least two public hearings on the respective budget proposal.

The final budget for the Department of Building Inspection must be approved by a favorable vote of at least five commissioners.

D3.750-7 TECHNICAL BOARDS AND ADVISORY COMMITTEES

The technical boards and advisory committees established in the Building Code by ordinance of the Board of Supervisors shall continue in existence as boards and committees within the Department of Building Inspection. Members of the boards and committees shall be appointed by the commission. Incumbents legally appointed to these respective bodies prior to the commission's assumption of management of the department shall serve at the pleasure of the commission.

D3.750-8 SEVERABILITY

If any provision of this section, or its application to any person or circumstance, shall be held invalid or unenforceable, the remainder of this section and its applications shall not be affected; every provision of this section is intended to be severable.

The Clerk of the Board of Supervisors is hereby authorized to recodify this amendment as may be necessary.

APPENDIX E:

SUPERVISORIAL DISTRICT BOUNDARIES

In accordance with Charter Section 13.110, the eleven supervisorial districts are described in this appendix to the Charter as follows:

Supervisorial District 1 shall comprise all of that portion of the City and County commencing at the point of the intersection of the shoreline of the Pacific Ocean and the eastern boundary of Lincoln Park, and proceeding southerly and westerly along the eastern boundary of Lincoln Park to the intersection of said line with California Street, and proceeding easterly along California Street to 26th Avenue, and proceeding northerly along 26th Avenue to Lake Street, and proceeding easterly along Lake Street to 6th Avenue, and proceeding southerly along 6th Avenue to California Street, and proceeding easterly along California Street to Arguello Boulevard, and proceeding southerly along Arguello Boulevard to Geary Boulevard, and proceeding easterly along the northern edge of Geary Boulevard to Masonic Avenue, and proceeding southerly along the eastern edge of Masonic Avenue to Turk Street, and proceeding southerly along Masonic Avenue to Fulton Street, and proceeding westerly along Fulton Street to Cole Street, and proceeding southerly along Cole Street to Grove Street, and proceeding westerly along Grove Street to Shrader Street, and proceeding southerly along Shrader Street to Hayes Street, and proceeding westerly along Hayes Street to Stanyan Street, and proceeding southerly along Stanyan Street to John F Kennedy Drive, and proceeding westerly along John F Kennedy Drive to Middle Drive East, and proceeding southerly along Middle

Drive East to Martin Luther King Jr Drive, and proceeding westerly along Martin Luther King Jr Drive to Crossover Drive, and proceeding southerly along the eastern edge of Crossover Drive to Lincoln Way, and proceeding westerly along the northern edge of Lincoln Way and following a straight-line extension of Lincoln Way to the Pacific Ocean, and proceeding northerly and easterly along the shoreline to the point of commencement.

This district includes Seal Rocks, which are islands west of the shoreline near the intersection of Great Highway and Point Lobos Avenue. It also includes the water areas within the City and County of San Francisco that are to the west and northwest of the District 1 shoreline areas, including the following water area census blocks: in Census Tract 0479.01, Blocks 2000 and 2001; in Census Tract 9802.00, Block 1000; in Census Tract 9803.00, Block 1023; and in Census Tract 9901.00, Blocks 0001, 0002 and 0003.

Supervisorial District 2 shall comprise all of that portion of the City and County commencing at the point of the intersection of the shoreline of the San Francisco Bay and a straight-line extension of Leavenworth Street, and proceeding southerly along Leavenworth Street to Columbus Avenue, and proceeding easterly and southerly along Columbus Avenue to Jones Street, and proceeding southerly along Jones Street to Lombard Street, and proceeding westerly along Lombard Street to Leavenworth Street, and proceeding southerly along Leavenworth Street to Greenwich Street, and proceeding easterly along Greenwich Street to Jones Street, and proceeding southerly along Jones Street to Union Street, and proceeding westerly along Union Street to Van Ness Avenue, and proceeding southerly along the eastern edge of Van Ness Avenue to Broadway, and proceeding southerly along the western edge of Van Ness Avenue to California Street, and proceeding southerly along the eastern edge of Van Ness Avenue to Post Street, and proceeding westerly along Post Street to Franklin Street, and proceeding southerly along Franklin Street to Geary Boulevard, and proceeding westerly along Geary Boulevard to Gough Street, and proceeding northerly along Gough Street to Pine Street, and proceeding westerly along Pine Street to Octavia Street, and proceeding northerly along Octavia Street to California Street, and proceeding westerly along California Street to Buchanan Street, and proceeding southerly along Buchanan Street to Pine Street, and proceeding westerly along Pine Street to Scott Street, and proceeding southerly along Scott Street to Bush Street, and proceeding easterly along Bush Street to Steiner Street, and proceeding southerly along Steiner Street to Sutter Street, and proceeding westerly along Sutter Street to Presidio Avenue, and proceeding southerly along Presidio Avenue to Post Street, and proceeding easterly along Post Street to Broderick Street, and proceeding southerly along Broderick Street to Turk Boulevard, and proceeding westerly along Turk Boulevard to Masonic Avenue, and proceeding northerly along Masonic Avenue to Geary Boulevard, and proceeding westerly along the northern edge of Geary Boulevard to Arguello Boulevard, and proceeding northerly along Arguello Boulevard to California Street, and proceeding westerly along California Street to 6th Avenue, and proceeding northerly along 6th Avenue to Lake Street, and proceeding westerly along Lake Street to 26th Avenue, and proceeding southerly along 26th Avenue to California Street, and proceeding westerly along California Street to the intersection of California Street and the eastern boundary of Lincoln Park, and proceeding northerly along said line, including homes on both sides of 32nd Avenue, to the shoreline of the Pacific Ocean, and proceeding northerly and easterly along the shoreline to the point of commencement.

This district includes the Golden Gate Bridge and all Piers, Rows and Vessels adjacent to the District 2 shoreline. It also includes the water areas within the City and County of San Francisco that are to the north and northwest of the District 2 shoreline areas, including the following water area census blocks: in Census Tract 0102.00, Blocks 1000 and 1002; in Census Tract 0126.02, Block 1000; in Census Tract 0127.00, Block 1000; in Census Tract 0428.00, Block 2000; in Census Tract 0601.00, Blocks 1000, 1016 and 1017.

Supervisorial District 3 shall comprise all of that portion of the City and County commencing at the point of the intersection of the shoreline of the San Francisco Bay and the straight-line extension of Mission Street, and proceeding westerly along Mission Street to Steuart Street, and proceeding northerly along Steuart Street to Market Street, and proceeding southerly and westerly along the northern edge of Market Street to New Montgomery Street, and proceeding southerly and westerly along the southern edge of Market Street to 3rd Street, and proceeding southerly and westerly along the northern edge of Market Street to Cyril Magnin Street, and proceeding northerly along Cyril Magnin Street to Eddy Street, and proceeding westerly along Eddy Street to Mason Street, and proceeding northerly along Mason Street to Ellis Street, and proceeding easterly along Ellis Street to Cyril Magnin Street, and proceeding northerly along Cyril Magnin Street to O'Farrell Street, and proceeding westerly along O'Farrell Street to Taylor Street, and proceeding northerly along Taylor Street to Geary Street, and proceeding westerly along Geary Street to Leavenworth Street, and proceeding northerly along Leavenworth Street to Post Street, and proceeding westerly along Post Street to Polk Street, and proceeding southerly along Polk Street to

Cedar Street, and proceeding westerly along Cedar Street to Van Ness Avenue, and proceeding northerly along the eastern edge of Van Ness Avenue to California Street, and proceeding northerly along the western edge of Van Ness Avenue to Broadway Street, and proceeding northerly along the eastern edge of Van Ness Avenue to Union Street, and proceeding easterly along Union Street to Jones Street, and proceeding northerly along Jones Street to Greenwich Street, and proceeding westerly along Greenwich Street to Leavenworth Street, and proceeding northerly along Leavenworth Street to Lombard Street, and proceeding easterly along Lombard Street to Jones Street, and proceeding northerly along Jones Street to Columbus Avenue, and proceeding northerly and westerly along Columbus Avenue to Leavenworth Street and proceeding northerly along Leavenworth Street to the intersection of Leavenworth Street and the shoreline of the San Francisco Bay and proceeding easterly and southerly along the shoreline of the San Francisco Bay to the point of commencement.

This district includes all Piers, Rows and Vessels adjacent to the District 3 shoreline. It also includes the water areas within the City and County of San Francisco to the north and northeast of the District 3 shoreline areas, including the following water area census blocks: in Census Tract 0101.00, Block 1000; and in Census Tract 0105.00, Blocks 1000 and 2000.

Supervisorial District 4 shall comprise all of that portion of the City and County commencing at the point of the intersection of the shoreline of the Pacific Ocean and a straight-line extension of Lincoln Way, and proceeding easterly along the northern edge of Lincoln Way to 17th Avenue, and proceeding southerly along 17th Avenue to Judah Street, and proceeding westerly along the southern edge of Judah Street to 19th Avenue, and proceeding southerly along the eastern edge of 19th Avenue to Kirkham Street, and proceeding southerly along the western edge of 19th Avenue to Quintara Street, and proceeding southerly along the eastern edge of 19th Avenue to Rivera Street, and proceeding southerly along the western edge of 19th Avenue to Vicente Street, and proceeding southerly along the eastern edge of 19th Avenue to Wawona Street, and proceeding southerly along the western edge of 19th Avenue to Sloat Boulevard, and proceeding westerly along the northern edge of Sloat Boulevard, and following a straight-line extension of Sloat Boulevard to the shoreline of the Pacific Ocean and proceeding northerly along said line to the point of commencement.

This district includes the Farallon Islands. It also includes the water areas within the City and County of San Francisco that are to the west of the District 4 shoreline areas, including the following water area census blocks: in Census Tract 9901.00, Blocks 0004, 0005; in Census Tract 0352.01, Block 2004; and in Census Tract 0354.00, Block 1008.

Supervisorial District 5 shall comprise all of that portion of the City and County commencing at the point of the intersection of Martin Luther King Jr Drive and Crossover Drive, and proceeding easterly along Martin Luther King Jr Drive to Middle Drive East, and proceeding easterly along Middle Drive East to John F Kennedy Drive, and proceeding easterly along John F Kennedy Drive to Stanyan Street, and proceeding northerly along Stanyan Street to Hayes Street, and proceeding easterly along Hayes Street to Shrader Street, and proceeding northerly along Shrader Street to Grove Street, and proceeding easterly along Grove Street to Cole Street, and proceeding northerly along Cole Street to Fulton Street, and proceeding easterly along Fulton Street to Masonic Avenue, and proceeding northerly along Masonic Avenue to Turk Boulevard, and proceeding easterly along Turk Boulevard to Broderick Street, and proceeding northerly along Broderick Street to Post Street, and proceeding westerly along Post Street to Presidio Avenue, and proceeding northerly along Presidio Avenue to Sutter Street, and proceeding easterly along Sutter Street to Steiner Street, and proceeding northerly along Steiner Street to Bush Street, and proceeding westerly along Bush Street to Scott Street, and proceeding northerly along Scott Street to Pine Street, and proceeding easterly along Pine Street to Buchanan Street, and proceeding northerly along Buchanan Street to California Street, and proceeding easterly along California Street to Octavia Street, and proceeding southerly along Octavia Street to Pine Street, and proceeding easterly along Pine Street to Gough Street, and proceeding southerly along Gough Street to Geary Boulevard, and proceeding easterly along Geary Boulevard to Franklin Street, and proceeding northerly along Franklin Street to Post Street, and proceeding easterly along Post Street to Van Ness Avenue, and proceeding southerly along the eastern edge of Van Ness Avenue to Ellis Street, and proceeding southerly along the western edge of Van Ness Avenue to Market Street, and proceeding southerly and westerly along the northern edge of Market Street to Octavia Street, and proceeding northerly along Octavia Street to Waller Street, and proceeding westerly along Waller Street to Laguna Street, and proceeding northerly along Laguna Street to Haight Street, and proceeding westerly along Haight Street to Buchanan Street, and proceeding southerly along Buchanan Street to Hermann Street, and proceeding westerly along Hermann Street to Steiner Street, and proceeding northerly along Steiner Street to Waller Street, and proceeding westerly along Waller Street to Buena

Vista Avenue East, and proceeding westerly along Buena Vista Avenue East to Haight Street, and proceeding westerly along Haight Street to Buena Vista Avenue West, and proceeding southerly along Buena Vista Avenue West to Frederick Street, and proceeding westerly along Frederick Street to Ashbury Street, and proceeding southerly along Ashbury Street to Clayton Street, and proceeding southerly along Clayton Street to Twin Peaks Boulevard, and proceeding southerly along Twin Peaks Boulevard to Clarendon Avenue, and proceeding westerly along Clarendon Avenue to Stanyan Street, and proceeding northerly along Stanyan Street to Belgrave Avenue, and proceeding westerly along Belgrave Avenue to a westerly extension of Belgrave Avenue, and proceeding southerly and westerly to the intersection of said line and Johnstone Drive, and proceeding westerly along Johnstone Drive to Medical Center Way, and proceeding northerly along Medical Center Way to Parnassus Avenue, and proceeding westerly along Parnassus Avenue to 4th Avenue, and proceeding southerly along the southern extension of 4th Avenue to Kirkham Street, and proceeding westerly along Kirkham Street to 9th Avenue, and proceeding northerly along 9th Avenue to Judah Street, and proceeding westerly along the southern edge of Judah Street to 17th Avenue, and proceeding northerly along 17th Avenue to Lincoln Way, and proceeding westerly along the northern edge of Lincoln Way to Crossover Drive, and proceeding northerly along the eastern edge of Crossover Drive to the point of commencement.

Supervisorial District 6 shall comprise all of that portion of the City and County commencing at the point of the intersection of the shoreline of the San Francisco Bay and a straight-line extension of 16th street, and proceeding westerly along said line to Terry A. Francois Boulevard, and proceeding southerly along Terry A. Francois Boulevard to Mariposa Street, and proceeding westerly along Mariposa Street to Interstate 280, and proceeding northerly along Interstate 280 to Hubbell Street, and proceeding westerly along Hubbell Street to 7th Street, and proceeding northerly along 7th Street to Townsend Street, and proceeding westerly along Townsend Street to Division Street, and proceeding westerly along Division Street to 13th Street, and proceeding westerly along 13th Street to Duboce Avenue, and proceeding westerly along Duboce Avenue to Highway 101, and proceeding westerly and northerly along Highway 101 to Market Street, and proceeding easterly along the northern edge of Market Street to Van Ness Avenue, and proceeding northerly along the western edge of Van Ness Avenue to Ellis Street, and proceeding northerly along the eastern edge of Van Ness Avenue to Cedar Street, and proceeding easterly along Cedar Street to Polk Street, and proceeding northerly along Polk Street to Post Street, and proceeding easterly along Post Street to Leavenworth Street, and proceeding southerly along Leavenworth Street to Geary Street, and proceeding easterly along Geary Street to Taylor Street, and proceeding southerly along Taylor Street to O'Farrell Street, and proceeding easterly along O'Farrell Street to Cyril Magnin Street, and proceeding southerly along Cyril Magnin Street to Ellis Street, and proceeding westerly along Ellis Street to Mason Street, and proceeding southerly along Mason Street to Eddy Street, and proceeding easterly along Eddy Street to Cyril Magnin Street, and proceeding southerly along Cyril Magnin Street to Market Street, and proceeding easterly and northerly along the northern edge of Market Street to 3rd Street, and proceeding easterly and northerly along the southern edge of Market Street to New Montgomery Street, and proceeding easterly and northerly along the northern edge of Market Street to Steuart Street, and proceeding southerly along Steuart Street to Mission Street, and proceeding easterly along Mission Street to the shoreline of the San Francisco Bay, and proceeding southerly along the shoreline to the point of commencement.

This district includes Alcatraz, Yerba Buena and Treasure Islands, and all Piers, Rows and Vessels adjacent to the District 6 shoreline. It also includes the water areas within the City and County of San Francisco that are in the following water area census blocks: in Census Tract 0179.02, Blocks 1000 and 1007; in Census Tract 0607.00, Blocks 1000, 1015, 1016, 1034, 1035, 1043 and1046; and in Census Tract 0615.00, Blocks 1000, 3000, 3002 and 6000.

Supervisorial District 7 shall comprise all of that portion of the City and County commencing at the point of the intersection of the shoreline of the Pacific Ocean and a straight-line extension of Sloat Boulevard, proceeding easterly along the northern edge of Sloat Boulevard to 19th Avenue, and proceeding northerly along the western edge of 19th Avenue to Wawona Street, and proceeding northerly along the eastern edge of 19th Avenue to Vicente Street, and proceeding northerly along the western edge of 19th Avenue to Rivera Street, and proceeding northerly along the eastern edge of 19th Avenue to Quintara Street, and proceeding northerly along the western edge of 19th Avenue to Kirkham Street, and proceeding northerly along the eastern edge of 19th Avenue to Judah Street, and proceeding easterly along the southern edge of Judah Street to 9th Avenue, and proceeding southerly along 9th Avenue to Kirkham Street, and proceeding easterly along Kirkham Street to the straight-line extension of 4th Avenue, and proceeding northerly along the straight-line extension of 4th Avenue to Parnassus Avenue, and

proceeding easterly along Parnassus Avenue to Medical Center Way, and proceeding southerly along Medical Center Way to Johnstone Drive, and proceeding easterly along Johnstone Drive to a southwesterly extension of Belgrave Avenue and proceeding easterly along said line to Belgrave Avenue, and proceeding easterly along Belgrave Avenue to Stanyan Street, and proceeding southerly along a straight-line extension of Stanyan Street to Clarendon Avenue, and proceeding easterly along Clarendon Avenue to Twin Peaks Boulevard, and proceeding southerly along Twin Peaks Boulevard to Portola Drive, and proceeding westerly along the northern edge of Portola Drive to O'Shaughnessy Boulevard, and proceeding southerly along the western edge of O'Shaughnessy Boulevard to Malta Drive, and proceeding southerly along the eastern edge of O'Shaughnessy Boulevard to Bosworth Street, and proceeding easterly along the northern edge of Bosworth Street to Congo Street, and proceeding westerly and southerly along Congo Street to Joost Avenue, and proceeding easterly along Joost Avenue to Monterey Boulevard, and proceeding westerly along Monterey Boulevard to Circular Avenue, and proceeding easterly along the extension of Monterey Boulevard to San Jose Avenue, and proceeding southerly along San Jose Avenue to Interstate 280, and proceeding westerly along the northwest lane Interstate 280 to the extension of Tingley, and proceeding westerly along the southeast lane of Interstate 280 to Paulding Street, and proceeding westerly along Paulding Street to Interstate 280, and proceeding westerly along the northwest lane of Interstate 280 to Geneva Avenue, and proceeding westerly along the northern edge of Geneva Avenue to Howth Street, and proceeding westerly along the southern edge of Geneva Avenue to Ocean Avenue, and proceeding westerly along the southern edge of Ocean Avenue to Harold Avenue, and proceeding southerly along Harold Avenue to Holloway Avenue, and proceeding westerly along Holloway Avenue to Ashton Avenue, and proceeding southerly along Ashton Avenue to Holloway Avenue, and proceeding westerly along Holloway Avenue to Junipero Serra Boulevard, and proceeding southerly along the eastern edge of Junipero Serra Boulevard to Brotherhood Way, and proceeding easterly along the northern edge of Brotherhood Way to Alemany Boulevard, and proceeding easterly along the northern edge of Alemany Boulevard to Orizaba Avenue, and proceeding southerly on a straight-line extension of Orizaba Avenue to Interstate 280, and proceeding westerly along the northwest lane of Interstate 280 to Saint Charles Avenue, and proceeding southerly along Saint Charles Avenue to the San Francisco/San Mateo county border, and proceeding along said border westerly to the shoreline, and proceeding northerly along the shoreline to the point of commencement.

This district includes the water areas within the City and County of San Francisco that are to the west of the District 7 shoreline areas, including the following water area census blocks: Census Tract 9901.00, Block 0006; and Census Tract 0604.00, Block 1017.

Supervisorial District 8 shall comprise all of that portion of the City and County commencing at the point of the intersection of Portola Drive and O'Shaughnessy Boulevard, and proceeding easterly along the northern edge of Portola Drive to Twin Peaks Boulevard, and proceeding easterly and northerly along Twin Peaks Boulevard to Clayton Street, and proceeding northerly along Clayton Street to Ashbury Street, and proceeding northerly along Ashbury Street to Frederick Street, and proceeding easterly along Frederick Street to Buena Vista Avenue West, and proceeding northerly along Buena Vista Avenue West to Haight Street, and proceeding easterly along Haight Street to Buena Vista Avenue East, and proceeding easterly along Buena Vista Avenue East to Waller Street, and proceeding easterly along Waller Street to Steiner Street, and proceeding southerly along Steiner Street to Hermann Street, and proceeding easterly along Hermann Street to Buchanan Street, and proceeding northerly along Buchanan Street to Haight Street, and proceeding easterly along Haight Street to Laguna Street, and proceeding southerly along Laguna Street to Waller Street, and proceeding easterly along Waller Street to Octavia Street, and proceeding southerly along Octavia Street to Market Street, and proceeding northerly along the northern edge of Market Street to Highway 101, and proceeding southerly and easterly along Highway 101 to Valencia Street, and proceeding southerly along Valencia Street to Cesar Chavez Street, and proceeding westerly along the northern edge of Cesar Chavez Street to Guerrero Street, and proceeding southerly along the eastern edge of Guerrero Street to 27th Street, and proceeding easterly along 27th Street to San Jose Avenue, and proceeding southerly along San Jose Avenue to Duncan Street, and proceeding easterly along Duncan Street to Tiffany Avenue, and proceeding southerly along Tiffany Avenue to 29th Street, and proceeding westerly along 29th Street to San Jose Avenue, and proceeding southerly along the western edge of San Jose Avenue to Brook Street, and proceeding southerly along the eastern edge of San Jose Avenue to Randall Street, and proceeding easterly along Randall Street to Mission Street, and proceeding southerly along Mission Street to Crescent Avenue, and proceeding southerly along the western edge of Mission Street to Bosworth Street, and proceeding southerly along Mission Street to Alemany Boulevard, and proceeding westerly along the northern edge of Alemany Boulevard to Tingley Street, and proceeding northerly along Tingley Street to San Jose Avenue, and proceeding northerly along a straight-line extension of Tingley to the

northern lane of Interstate 280, and proceeding easterly along Interstate 280 to San Jose Avenue, and proceeding easterly along San Jose Avenue to the extension of Monterey Boulevard, and proceeding westerly along the extension of Monterey Boulevard to Circular Avenue, and proceeding easterly along Monterey Boulevard to Joost Avenue, and proceeding westerly along Joost Avenue to Congo Street, and proceeding northerly and easterly along Congo Street to Bosworth Street, and proceeding westerly along the northern edge of Bosworth Street to O'Shaughnessy Boulevard, and proceeding northerly and westerly along the eastern edge of O'Shaughnessy Boulevard to Malta Drive, and proceeding northerly and westerly along the western edge of O'Shaughnessy Boulevard to the point of commencement.

Supervisorial District 9 shall comprise all of that portion of the City and County commencing at the point where Mission Street crosses over Interstate 280, and proceeding northerly along Mission Street to Bosworth Street, and proceeding northerly along the western edge of Mission Street to Crescent Avenue, and proceeding northerly along Mission Street to Randall Street, and proceeding westerly along Randall Street to San Jose Avenue, and proceeding northerly along the eastern edge of San Jose Avenue to Brook Street, and proceeding northerly along the western edge of San Jose Avenue to 29th Street, and proceeding easterly along 29th Street to Tiffany Avenue, and proceeding northerly along Tiffany Avenue to Duncan Street, and proceeding westerly along Duncan Street to San Jose Avenue, and proceeding northerly along San Jose Avenue to 27th Street, and proceeding westerly along 27th Street to Guerrero Street, and proceeding northerly along the eastern edge of Guerrero Street to Cesar Chavez Street, and proceeding easterly along the northern edge of Cesar Chavez Street to Valencia Street, and proceeding northerly along Valencia Street to Highway 101, and proceeding easterly along Highway 101 to Duboce Avenue, and proceeding easterly along Duboce Avenue to 13th Street, and proceeding easterly along 13th Street to Bryant Street, and proceeding southerly along Bryant Street to 20th Street, and proceeding easterly along 20th Street to Potrero Avenue, and proceeding southerly along the eastern edge of Potrero Avenue to 23rd Street, and proceeding southerly along Potrero Avenue to Cesar Chavez Street, and proceeding easterly along Cesar Chavez Street to Bayshore Boulevard, and proceeding southerly along the eastern edge of Bayshore Boulevard to Helena Street, and proceeding southerly along Bayshore Boulevard to Interstate 280, and proceeding westerly along the southern lane of Interstate 280 to Highway 101, and proceeding southerly along the eastern lane of Highway 101 to Paul Avenue, and proceeding easterly along Paul Avenue to Bayshore Boulevard, and proceeding southerly along Bay Shore Boulevard to Wheat Street, and proceeding southerly along a straight-line extension of Wheat Street to the straight-line extension of Salinas Avenue, and proceeding westerly along the straight-line extension of Salinas Avenue to Mansell Street, and proceeding westerly along the northern edge of Mansell Street to Brussels Street, and proceeding westerly along the southern edge of Mansell Street to Somerset Street, and proceeding westerly along the northern edge of Mansell Street to Brazil Avenue, and proceeding westerly along Brazil Avenue to the western border of John McLaren Park, and proceeding northerly along the western border of John McLaren Park to Burrows Street, and proceeding easterly along Burrows Street to Peru Avenue, and proceeding northerly along Peru Avenue to Valmar Terrace, and proceeding northerly along Valmar Terrace to Madison Street, and proceeding northerly along Madison Street to Silver Avenue, and proceeding easterly along Silver Avenue to Sunglow Lane, proceeding northerly along Sunglow Lane to Gladstone Drive, and proceeding westerly along Gladstone Drive to Stoneyford Avenue, and proceeding northerly along Stoneyford Avenue to Cambridge Street, and proceeding westerly along Cambridge Street to Stoneybrook Avenue, and proceeding northerly along Stoneybrook Avenue to a straight-line extension of Stoneybrook Avenue, and proceeding along said line to the northernmost lane of Interstate 280, and proceeding westerly along Interstate 280 to the point of commencement.

Supervisorial District 10 shall comprise all of that portion of the City and County commencing at the intersection of Carter Street and Geneva Avenue, and proceeding westerly along the northern edge of Geneva Avenue to the southwestern corner of John McLaren Park, and proceeding northerly along the western border of John McLaren Park to La Grande Avenue, and proceeding northerly along La Grande Avenue to the western border of John McLaren Park, and proceeding northerly along the western border of John McLaren Park to Persia Avenue, and proceeding easterly along Persia Avenue to Mansell Street, and proceeding easterly along the northern border of Mansell Street to Somerset Street, and proceeding easterly along the southern border of Mansell Street to Brussels Street, and proceeding easterly along the northern border of Mansell Street to the straight-line extension of Salinas Avenue, and proceeding easterly along Salinas Avenue to the straight-line extension of Wheat Street, and proceeding northerly along that line to Wheat Street, and proceeding northerly along Wheat Street to Bayshore Boulevard, and proceeding northerly along Bayshore Boulevard to Paul Avenue, and proceeding westerly along Paul Avenue to Highway 101, and proceeding northerly along the western lane of Highway 101 to Interstate 280, and proceeding easterly along Interstate 280 to Bayshore Boulevard, and proceeding northerly along Bayshore

Boulevard to Helena Street, and proceeding northerly and westerly along the eastern edge of Bayshore Boulevard to Cesar Chavez Street, and proceeding westerly along Cesar Chavez Street to Potrero Avenue, and proceeding northerly along Potrero Avenue to 23rd Street, and proceeding northerly along the eastern edge of Potrero Avenue to 20th Street, and proceeding westerly along 20th Street to Bryant Street, and proceeding northerly along Bryant Street to Central Fwy/13th Street, and proceeding easterly along Central Fwy/13th Street to Division Street, and proceeding easterly along Division Street to Townsend Street, and proceeding easterly along Townsend Street to 7th Street, and proceeding southerly along 7th Street to Hubbell Street, and proceeding easterly along the straight-line extension of Hubbell Street to Interstate 280, and proceeding southerly along the westernmost lane of Interstate 280 to Mariposa Street, and proceeding easterly along Mariposa Street to Terry A. Francois Boulevard, and proceeding northerly along Terry A. Francois Boulevard to a straight-line extension from 16th Street, and proceeding easterly along said extension to the shoreline to the San Francisco Bay, and proceeding southerly along shoreline to the San Francisco/San Mateo county border, and proceeding westerly along the San Francisco/San Mateo county border to the point between Robinson Drive and Saddleback Drive that is the eastern boundary of Census Tract 0263.02, Block 3005, and following the boundary of this Census Block northeast to the point of commencement.

This district includes all Piers, Rows and Vessels adjacent to the District 10 shoreline; the portion of the Bay Bridge within the boundaries of the City and County of San Francisco; and the westernmost portion of the Alameda Naval Air Station. It also includes the water areas within the City and County of San Francisco that are to the east and northeast of the District 10 shoreline areas, including the following water area census blocks: in Census Tract 0179.02, Block 1003; in Census Tract 0226.00, Block 1000; in Census Tract 0610.00, Blocks 1003 and 1021; in Census Tract 9806.00, Blocks 1000, 1046, 1059, 1060 and 1061; in Census Tract 9809.00, Blocks 1000, 1028, 1038 and 1039.

Supervisorial District 11 shall comprise all of that portion of the City and County commencing at the point of the intersection of Junipero Serra Boulevard and Brotherhood Way, and proceeding northerly along the eastern edge of Junipero Serra Boulevard to Holloway Avenue, and proceeding easterly along Holloway Avenue to Ashton Avenue, and proceeding northerly along Ashton Avenue to Holloway Avenue, and proceeding easterly along Holloway Avenue to Harold Avenue, and proceeding northerly along Harold Avenue to Ocean Avenue, and proceeding easterly along the southern edge of Ocean Avenue to Geneva Avenue, and proceeding easterly along the southern edge of Geneva Avenue to Howth Street, and proceeding easterly along the northern edge of Geneva Avenue to Interstate 280, and proceeding northerly along the western lane of Interstate 280 to Paulding Street, and proceeding easterly along Paulding Street to Interstate 280, and proceeding northerly along the easternmost lane of Interstate 280 to the straight-line extension of Tingley Street, and proceeding southerly along said line to Tingley, and proceeding southerly along Tingley Street to Alemany Boulevard, and proceeding easterly along the northern edge of Alemany Boulevard to Mission Street, and proceeding northerly along Mission Street to the point where it crosses over Interstate 280, and proceeding easterly along the northernmost lane of Interstate 280 to a straight-line extension of Stoneybrook Avenue, and proceeding southerly along said extension to Stoneybrook Avenue, and proceeding southerly along Stoneybrook Avenue to Cambridge Street, and proceeding easterly along Cambridge Street to Stoneyford Avenue, and proceeding southerly along Stoneyford Avenue to Gladstone Drive, and proceeding easterly along Gladstone Drive to Sunglow Lane, and proceeding southerly along Sunglow Lane to Silver Avenue, and proceeding westerly along Silver Avenue to Madison Street, and proceeding southerly along Madison Street to Valmar Terrace, and proceeding southerly along Valmar Terrace to Peru Avenue, and proceeding southerly along Peru Avenue to Burrows Street, and proceeding westerly along Burrows Street to the western border of John McLaren Park, and proceeding southerly along the western border of John McLaren Park to Brazil Avenue, and proceeding southerly along Brazil Avenue to Mansell Street, and proceeding westerly along Mansell Street to Persia Avenue, and proceeding northerly along Persia Avenue to the western border of John McLaren Park, and proceeding southerly along the western border of John McLaren Park to La Grande Avenue, and proceeding southerly along La Grande Avenue to the western border of John McLaren Park, and proceeding southerly along the western border of John McLaren Park to Geneva Avenue, and proceeding easterly along the northern edge of Geneva Avenue to the intersection of Geneva Avenue and Carter Street, and proceeding westerly along the southeastern boundary of Census Tract 0263.02, Block 3005 to the San Francisco/San Mateo county border, and proceeding westerly along the San Francisco/San Mateo county border to Saint Charles Avenue, and proceeding northerly along Saint Charles Avenue to Interstate 280, and proceeding northeasterly along along the northern lane of Interstate 280 to a northerly straight-line extension to Orizaba Avenue, and proceeding northerly along said line to Alemany Boulevard, and proceeding westerly along the northern edge of Alemany Boulevard to Brotherhood Way, and proceeding westerly along Brotherhood Way to the point of commencement.

Unless specifically designated to the contrary, all references to streets, boulevards, drives, avenues, terraces and ways contained in the foregoing descriptions shall refer to the centerlines of said streets, boulevards, drives, avenues, terraces and ways, respectively.

(Appendix updated 6/28/2012)

APPENDIX F:

AUTHORITY AND DUTIES OF CITY SERVICES AUDITOR

F1.100. Findings.
F1.101. City Services Auditor; Services Audit Unit.
F1.102. Street, Sidewalk, and Park Cleaning and Maintenance.
F1.103. Management Practices.
F1.104. Performance Audits.
F1.105. Audit Results.
F1.106. Oversight of Contracting Procedures
F1.107. Citizens' Complaints; Whistleblowers.
F1.108. Customer Service Plans.
F1.109. Legislation.
F1.110. Access to Records; Preliminary Reports.
F1.111. Citizens Audit Review Board.
F1.112. Outside Experts.
F1.113. Controller's Audit Fund.
F1.114. Operative Date; Severability.

F1.100. FINDINGS.

(a) City residents rely upon the government of the City and County to deliver many important services affecting the health, vitality and economy of San Francisco. These include services related to the maintenance and cleanliness of streets and parks, health care, emergency services, transportation and public works. Recognizing the difficult economic times the City faces, preservation and enhancement of such services can be achieved only by ensuring that City services are delivered in an efficient, cost- effective manner, and that government waste and unnecessary bureaucracy are curtailed to the greatest extent possible.

(b) It is often difficult for individual San Franciscans to judge the effectiveness and efficiency of local government in providing direct services to residents because of the size and complexity of City government. Consistent with the goals of open government, City government should establish tools to enable residents to assess the effectiveness and efficiency of City services; to compare the City's progress in delivering such services to that of other cities, counties and government agencies; and, where appropriate, to adopt "best practices" used in other jurisdictions when consistent with the goals of San Francisco residents.

(c) The San Francisco Controller is uniquely situated to provide objective, rigorous measurement of City service levels and effectiveness because the Controller is already charged with assessment of departmental performance and fiscal soundness. In addition, the Controller is appointed to a ten-year term, and therefore is sufficiently independent to render impartial assessments of the City's provision of public services.

(d) Therefore, this Charter Amendment:

(1) Establishes the Controller as the City Services Auditor, with the authority to conduct independent management and performance audits of departments providing services to San Francisco residents;

(2) Instructs the Controller/City Services Auditor to publish comparisons of the performance of San Francisco departments, the services they deliver, and the outcomes they achieve with other public agencies;

(3) Requires that the Controller/City Services Auditor perform comprehensive financial and performance audits of selected City departments each year;

(4) Mandates that the Controller/City Services Auditor review standards for street and park maintenance in consultation with responsible City departments and perform an annual Clean Streets/Clean Parks audit to track whether these standards are met;

(5) Provides the Controller/City Services Auditor the authority to review Citywide standards for government contracting processes and the development of "Requests For Proposals" to ensure that the selection process is fair and unbiased;

(6) Prohibits conflicts of interest in the auditing process by preventing companies that have participated in departmental operations from acting as outside auditors, requiring that all employees participating in audits be designated confidential employees for labor-relations purposes, and permitting the Controller to obtain outside independent assistance when in-house employees are subject to potential conflicts of interest;

(7) Requires the Controller/City Services Auditor to administer and publicize a whistleblower hotline and website for citizens and employees to report wrongdoing, waste, inefficient practices and poor performance in City government and service delivery;

(8) Authorizes the Citizens' General Obligation Bond Oversight Committee to also function as an independent Citizens Audit Review Board to advise the Controller/City Services Auditor, to recommend departments in need of comprehensive audit, and to review citizen complaints received through the whistleblower program; and

(9) Provides a dedicated source of revenue equivalent to two-tenths of one percent of the budget of the City and County of San Francisco.

(Added November 2003)

F1.101. CITY SERVICES AUDITOR; SERVICES AUDIT UNIT.

(a) In addition to the other duties prescribed by this Charter, the Controller shall perform the duties of a City Services Auditor, responsible for monitoring the level and effectiveness of services provided by the government of the City and County of San Francisco to the people of San Francisco. The City Services Auditor shall establish and maintain a Services Audit Unit in the Controller's Office to ensure the financial integrity and improve the overall performance and efficiency of City government. The Services Audit Unit shall review performance and cost benchmarks developed by City departments in consultation with the Controller and based on their departmental efficiency plans under Chapter 88 of the Administrative Code, and conduct comparisons of the cost and performance of San Francisco City government with other cities, counties and public agencies performing similar functions. In particular, the Services Audit Unit shall assess:

(1) Measures of workload addressing the level of service being provided or providing an assessment of need for a service;

(2) Measures of efficiency including cost per unit of service provided, cost per unit of output, or the units of service provided per full time equivalent position; and

(3) Measures of effectiveness including the quality of service provided, citizen perceptions of quality, and the extent a service meets the needs for which it was created.

(b) The service areas for which data is collected and comparisons conducted shall include, but not be limited to:

(1) The cleanliness and condition of streets, sidewalks, and the urban environment and landscape;

(2) The performance of other public works and government-controlled public utilities, including water and clean water programs;

(3) Parks, cultural and recreational facilities;

(4) Transportation, as measured by the standards set out in Charter Section 8A.103, provided, however, that primary responsibility for such assessment shall continue to be exercised by the Municipal Transportation Agency pursuant to Charter Section 8A.100 et seq.;

(5) The criminal justice system, including the Police Department, Juvenile and Adult Probation Departments, Sheriff, District Attorney and Public Defender;

(6) Fire and paramedic services;

(7) Public health and human services;

(8) City management; and,

(9) Human resources functions, including personnel and labor relations.

(c) The information obtained using the service measurement standards set forth above shall be compiled on at least an annual basis, and the results of such benchmark studies, as well as comparative data, shall be available on the City's website.

(Added November 2003)

F1.102. STREET, SIDEWALK, AND PARK CLEANING AND MAINTENANCE.

(a) The Services Audit Unit shall conduct annually a performance audit of the City's street, sidewalk, and public park maintenance and cleaning operations. The annual audit shall:

(1) Include quantifiable, measurable, objective standards for street, sidewalk, and park maintenance, to be developed in cooperation and consultation with the Department of Sanitation and Streets, the Department of Public Works, and the Recreation and Park Department;

(2) Based upon such measures, report on the condition of each geographic portion of the City;

(3) To the extent that standards are not met, assess the causes of such failure and make recommendations of actions that will enhance the achievement of those standards in the future;

(4) Ensure that all bond funds related to streets, parks and open space are spent in strict accordance with the stated purposes and permissible uses of such bonds, as approved by the voters.

Outside of the audit process, the City departments charged with cleaning and maintaining streets, sidewalks, and parks shall remain responsible for addressing individual complaints regarding specific sites, although the Controller may receive and investigate such complaints under Section F1.107.

(b) The Services Audit Unit shall conduct annually a cost and waste analysis evaluating whether there are inefficiencies or waste in the administration and operations of the Department of Sanitation and Streets, and the Department of Public Works or inefficiencies or waste in the division of labor between the two departments. The annual audit shall make quantifiable, measurable recommendations for the elimination of inefficient operations and functions, and shall include:

(1) Consolidation of duplicative and overlapping activities and functions;

(2) Integration and standardization of information maintenance systems that promote interdepartmental sharing of information and resources;

(3) Departmental accounting for expenditure of resources in terms of effectiveness of the service or product delivered;

(4) Departmental deployment and utilization of personnel, the City's personnel procurement system, and reforms to enhance the quality of work performance of public employees; and

(5) Methods of operation to reduce consumption and waste of resources.

(c) In addition, all City agencies engaged in street, sidewalk, or park maintenance shall establish regular maintenance schedules for streets, sidewalks, parks and park facilities, which shall be available to the public and on the department's website. Each such department shall monitor compliance with these schedules, and shall publish regularly data showing the extent to which the department has met its published schedules. The City Services Audit Unit shall audit each department's compliance with these requirements annually, and shall furnish recommendations for meaningful ways in which information regarding the timing, amount and kind of services provided may be gathered and furnished to the public.

(Added November 2003; amended by Proposition B, Approved 11/3/2020)

F1.103. MANAGEMENT PRACTICES.

The City Services Audit Unit shall:

(1) Conduct and publish an annual review of management and employment practices, including City policies and MOU provisions, that either promote or impede the effective and efficient operation of City government;

(2) Identify the top five City departments by workers compensation claims, list the cost of these claims, and recommend ways to reduce both workplace injuries and improper claims;

(3) Identify the top five departments by overtime expenditures and report on the cause and potential mitigations for any excessive overtime spending; and,

(4) Conduct best practices reviews and other studies and assist departments in implementing their findings.

(Added November 2003)

F1.104. PERFORMANCE AUDITS.

The City Services Audit Unit shall conduct periodic, comprehensive financial and performance audits of City departments, services, and activities. Except as provided in Section F1.102, the Controller shall have discretion to select, on a rotating basis, departments, services, and activities for audit, giving priority to matters affecting direct services to the residents of the City and County of San Francisco. In selecting audit subjects, the Controller shall give preference to requests for performance audits made by the Audit Review Board, the Mayor, the Board of Supervisors, department heads, and commissions; provided, however, that absent extraordinary circumstances, no department, activity, or service shall be subject to repeated audits in two successive years.

(Added November 2003)

F1.105. AUDIT RESULTS.

(a) Before making public any portion of any draft, notes, preliminary or final report relating to the operations or activities of a City officer or agency, the Controller shall deliver a copy of the draft report to any such officer, and to the head of any agency discussed in such report and provide the officer and agency, in writing, with a reasonable deadline for their review and response. The Controller shall include in any report, or portion thereof that is made public, a copy or summary of all such officer and agency responses. In addition, the audit shall include an analysis of the anticipated costs and/or savings of any recommendations contained in the report.

(b) The Controller shall publish the results of all final performance audits and a summary of agency responses, shall deliver copies of such audits to relevant department heads, Audit Review Board, Mayor, City Attorney, Board of Supervisors, San Francisco Civil Grand Jury, and San Francisco Public Library, and shall make the audits available on the City's website. Each department subject to recommendations by the Controller shall include with its next two annual budget requests following such audit a report on the status of the Controller's recommendations. In particular, the report shall include:

(1) the Controller's final audit recommendations;

(2) a plan to address the Controller's findings and to implement the Controller's recommendations;

(3) any costs or savings reflected in the proposed budget attributable to implementation of Controller recommendations; and

(4) a statement of the recommendations that the department does not intend to implement and the basis of the department head's determination not to adopt the Controller's recommendation.

(c) To avoid conflicts of interest, all employees engaged in preparation of audits shall be designated as confidential employees. If the Controller determines that any member of the regular audit staff is unable to participate in an audit due to a potential conflict of interest, or as a result of the employee's collective bargaining representation, the Controller shall have the option of assigning other employees regardless of civil service job description, hiring outside experts, or contracting for such services with an outside individual or agency.

(Added November 2003)

F1.106. OVERSIGHT OF CONTRACTING PROCEDURES.

The Controller shall have the duty to perform regular oversight of the City's contracting procedures, including developing model criteria and terms for City Requests for Proposals (RFPs), auditing compliance with City contracting rules and procedures, and, where appropriate, investigating cases of alleged abuse or conflict of interest. Nothing in this Section shall be construed to alter the existing jurisdiction of City departments and agencies with respect to contracting. Should the Controller find that there has been an abuse or conflict of interest, he or she shall refer that finding to the Ethics Commission, the District Attorney, and the City Attorney for possible enforcement action.

(Added November 2003)

F1.107. CITIZENS' COMPLAINTS; WHISTLEBLOWERS.

(a) The Controller shall have the authority to receive individual complaints concerning the quality and delivery of government services, wasteful and inefficient City government practices, misuse of City government funds, and improper activities by City government officers and employees. When appropriate, the Controller shall investigate and otherwise attempt to resolve such individual complaints except for those which:

(1) another City agency is required by federal, state, or local law to adjudicate,

(2) may be resolved through a grievance mechanism established by collective bargaining agreement or contract,

(3) involve allegations of conduct which may constitute a violation of criminal law, or

(4) are subject to an existing, ongoing investigation by the District Attorney, the City Attorney, or the Ethics Commission, where either official or the Commission states in writing that investigation by the Controller would substantially impede or delay his, her, or its own investigation of the matter.

If the Controller receives a complaint described in items (1), (2), (3), or (4) of this paragraph, the Controller shall advise the complainant of the appropriate procedure for the resolution of such complaint.

(b) If the Controller receives a complaint alleging conduct that may constitute a violation of criminal law or a governmental ethics law, he or she shall promptly refer the complaint regarding criminal conduct to the District Attorney or other appropriate law enforcement agency and shall refer complaints regarding violations of governmental ethics laws to the Ethics Commission and the City Attorney. Nothing in this Section shall preclude the Controller from investigating whether any alleged criminal conduct also violates any civil or administrative law, statute, ordinance, or regulation.

(c) Notwithstanding any provision of this Charter, including, but not limited to Section C3.699-11, or any ordinance or regulation of the City and County of San Francisco, the Controller shall administer a whistleblower and citizen complaint hotline telephone number and website and publicize the hotline and website through press releases, public advertising, and communications to City employees. The Controller shall receive and track calls and emails related to complaints about the quality and delivery of government services, wasteful and inefficient City government practices, misuse of government funds and improper activities by City government officials, employees and contractors and shall route these complaints to the appropriate agency subject to subsection (a) of this Section. The Board of Supervisors shall enact and maintain an ordinance protecting the confidentiality of whistleblowers, and protecting City officers and employees from retaliation for filing a complaint with, or providing information to, the Controller, Ethics Commission, District Attorney, City Attorney or a City department or commission about improper government activity by City officers and employees. The City may incorporate all whistleblower functions set forth in this Charter or by ordinances into a unified City call center, switchboard, or information number at a later time, provided the supervision of the whistleblower function remains with the Controller and its responsibilities and function continue unabridged.

(Added November 2003)

F1.108. CUSTOMER SERVICE PLANS.

The Controller shall assess the progress of City departments' compliance with Charter Section 16.120 and any implementing ordinances requiring City departments to prepare effective customer service plans. The Controller shall make recommendations to departments to improve the effectiveness of such plans. The Controller shall report to the Board of Supervisors and Mayor the failure of any department to comply substantially with the Controller's recommendations regarding customer service plans.

(Added November 2003)

F1.109. LEGISLATION.

The Controller may propose legislation to the Board of Supervisors and the Mayor to improve City programs and services and to make the delivery of such programs and services more efficient.

(Added November 2003)

F1.110. ACCESS TO RECORDS; PRELIMINARY REPORTS.

(a) The Controller shall have timely access to all records and documents the Controller deems necessary to complete the inquiries and reviews required by this Appendix. If a City officer, employee, agency, department, commission, or agency does not comply with the Controller's request for such records and documents, the Controller may issue a subpoena. The provisions of this subdivision shall not apply to those records and documents of City agencies for which a claim of privilege has been properly and appropriately raised, or which are prepared or maintained by the City Attorney, the District Attorney, or the Ethics Commission for use in any investigation authorized by federal, state law or local law.

(b) Notwithstanding any other provision of this Charter, or any ordinance or regulation of the City and County of San Francisco, and except to the extent required by state or federal law, all drafts, notes, preliminary reports of

Controller's benchmark studies, audits, investigations and other reports shall be confidential.

(Added November 2003)

F1.111. CITIZENS AUDIT REVIEW BOARD.

In addition to its duties under Article V of Chapter 5 of the Administrative Code, the Citizens' General Obligation Bond Oversight Committee shall serve as a Citizens Audit Review Board. In its role as the Review Board, the Oversight Committee shall provide advisory input to the Controller on matters pertaining to the functions set forth in this Appendix, and, in particular, shall:

(1) Review the Controller's service standards and benchmarks to ensure their accuracy and usefulness;

(2) Review all audits to ensure that they meet the requirements set forth above;

(3) Subject to appropriate rules ensuring the confidentiality of complainants, as well as the confidentiality of complaints referred to and handled by the District Attorney, the City Attorney, and the Ethics Commission, review citizen and employee complaints received through the whistleblower/complaint hotline and website and the Controller's disposition of those complaints; and

(4) Where it deems appropriate, hold public hearings regarding the results of benchmark studies and audits to encourage the adoption of "best practices" consistent with the conclusions of the studies and audits. An audio or video recording of such hearings shall be made available for public inspection free of charge.

(Added November 2003)

F1.112. OUTSIDE EXPERTS.

(a) Notwithstanding any other provision of this Charter or any ordinance or regulation of the City and County of San Francisco, the Controller shall be authorized to contract with outside, independent experts to assist in performing the requirements of this Appendix. In doing so, the Controller shall make good faith efforts as defined in Chapter 12D of the Administrative Code to comply with the provisions of Chapters 12 et seq. of the Administrative Code, but shall not be subject to the approval processes of other City agencies. The Controller shall submit an annual report to the Board of Supervisors summarizing any contracts issued pursuant to this Section and discussing the Controller's compliance with Chapters 12 et seq. Contracts issued by the Controller pursuant to this Section shall be subject, where applicable, to the requirements of Section 9.118.

(b) No outside expert or firm shall be eligible to participate or assist in an audit or investigation of any issue, matter, or question as to which that expert or firm has previously rendered compensated advice or services to any individual, corporation or City department other than the Controller. The Controller shall adopt appropriate written regulations implementing this provision, and shall incorporate this requirement in all written contracts with outside experts and firms utilized pursuant to this Section.

(Added November 2003)

F1.113. CONTROLLER'S AUDIT FUND.

Notwithstanding any other provision of this Charter, the Mayor and Board of Supervisors shall be required to budget an amount equal to at least two- tenths of one percent (0.2%) of the City's overall budget, apportioned by fund and excluding bond related debt, to implement this provision. This amount shall be referred to as the Controller's Audit Fund, and shall be used exclusively to implement the duties and requirements of this Appendix, and shall not be used to displace funding for the non-audit related functions of the Controller's Office existing prior to the date this provision is enacted. If the funds are not expended or encumbered by the end of the fiscal year, the balance in the fund shall revert to the General Fund or the enterprise funds where it originated.

(Added November 2003)

F1.114. OPERATIVE DATE; SEVERABILITY.

(a) This charter amendment shall be operative on July 1, 2004. This amendment shall not affect the term or tenure of the incumbent Controller.

(b) If any section, subsection, provision or part of this charter amendment or its application to any person or circumstances is held to be unconstitutional or invalid, the remainder of the amendment, and the application of such provision to other persons or circumstances, shall not be affected.

(Added November 2003)