

ORIGINAL

RESOLUTION NO. 175

Adopted by the Sacramento City Council on date of

August 28,, 1952

RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF THE CITY OF SACRAMENTO TO SUBMIT CERTAIN PROPOSALS FOR THE AMENDMENT OF THE CHARTER OF THE CITY OF SACRAMENTO; FIXING THE TIME OF ELECTION AT WHICH SUCH PROPOSALS SHALL BE SUBMITTED TO THE ELECTORS; PROVIDING FOR THE CONSOLIDATION OF SAID SPECIAL MUNICIPAL ELECTION WITH THE GENERAL ELECTION ON NOVEMBER 4, 1952; PROVIDING FOR THE PLACING OF SAID PROPOSALS ON THE BALLOT; AND DIRECTING THE CITY CLERK TO ADVERTISE SAID PROPOSED AMENDMENTS AND TO CAUSE COPIES THEREOF TO BE PRINTED AND ADVERTISED FOR DISTRIBUTION.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF  
SACRAMENTO:

That it is the intention of the Council of the City of Sacramento to submit and does hereby on its own motion to the qualified electors of the City of Sacramento at a Special Municipal Election, consolidated with the General Election, to be held on Tuesday, November 4, 1952, the following proposed amendments to the Charter of the City of Sacramento, to-wit:

SECTION 1:

PROPOSAL NO. "F"

To amend Article XXII, Sections 206, 207 and  
208 <sup>OF</sup> ~~to~~ the Charter of the City of Sacramento to read as follows:

SUPERSEDING FRANCHISE

Sec. 206. The Council may, upon application of the holder of more than one existing franchise pertaining to the same utility or public service grant a new franchise to such holder, as hereinafter provided, to supersede all of the said existing franchises.

1.

RESOLUTION No. \_\_\_\_\_

## TERM OF FRANCHISE

Sec. 207. Any franchise granted by the City may be indeterminate or for a term of a specified number of years as the City Council may determine in the ordinance granting such franchise.

An indeterminate franchise is defined as one that shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase, or shall condemn and take under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the City of Sacramento, or until the franchise shall be forfeited for non-compliance with its terms by the possessor thereof.

## TERMINATION OF FRANCHISE

Sec. 208. Any franchise may be forfeited at any time within the term for which it was granted for a wilful breach of a material term or condition thereof, or the holder thereof may, with the consent of the City, surrender the franchise. During the term of any franchise, the City shall have the right at any time to purchase the property of the holder thereof as hereinafter provided. Upon the expiration or other termination of the corporate life of a corporation, any franchise held by it may, at the option of the City, be cancelled and terminated.

PROPOSAL NO. "G"

To amend Article XX, Sections 167, 173 and 175 <sup>OF</sup> the Charter of the City of Sacramento to read as follows:

## PENSION BOARD

Sec. 167. In order to continue in force, with such modifications as are set forth in this Charter, provisions already existing for retirement and death benefits for officers and employees of the City, the Sacramento City Employees' Retirement System, hereinafter referred to as the Retirement System or the System, is hereby created. Elective officers and members of Board and Commissions shall not be eligible to membership in said Retirement System, and the City Council may exclude from such membership persons employed on a temporary or part-time basis. The City Council 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 167 to 175, both inclusive, of this Charter provided that the said Council 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.

The City Manager in office upon the date when this Section becomes effective shall receive credit for service rendered by him to the City prior to that date, and shall pay to the Retirement System in one sum or in installments, (1) an amount equal to the contributions and interest which would have been credited to him on the effective date hereof, if he had never been excluded from membership in the Retirement System, and (2) interest on the amount in (1) immediately preceding from said effective date to the date of payment to said System. Payment of the amount due shall be completed not later than thirty-six months after

said effective date, or the date of his earlier retirement. Said City Manager's rate of contribution shall be based on his nearest age at the date of his employment by the City.

Sec. 173(b). Any member of the Retirement System who shall become disabled by reason of any bodily injury received in the performance of duty may be retired, and if not qualified for service retirement, he shall receive a retirement allowance equal to seventy-five per cent (75%) of the average monthly salary paid him one year prior to his retirement. Such retirement allowance shall be paid until the date upon which said member would have qualified for service retirement had such member rendered service without interruption, and on and after said date said retirement allowance shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the average monthly salary paid him one year prior to retirement, according to the rank or ranks held by him during the year next preceding his retirement. If at the time of retirement for disability, the member is qualified for retirement for service, said member shall receive a retirement allowance equal to one-half ( $1/2$ ) the average monthly salary paid him one year prior to his retirement. In case his disability shall cease, his allowance shall cease, and he shall be restored to service in the rank he occupied at the time of his retirement. If an allowance is continued, in accordance with paragraph (d) of this Section, because of the death of a member retired under this paragraph, prior to the date upon which the member would have qualified for service retirement, the allowance continued shall be reduced upon said date in the same manner as the member's allowance would have been reduced had the member not died.

Sec. 173.1. Persons who have not retired and who are members of the Retirement System under Section 175, and who elected to be such members rather than members under Section 173, shall have the option of being members under Section 173 instead of Section 175, said option to be exercised in writing on a form furnished by the Retirement Board, to be filed in the office of said Board not later than ninety (90) days after the effective date hereof, hereby declared to be the first day of the month next following its ratification by the Legislature. Any such person who affirmatively exercises such option within the time specified, shall be subject to the provisions of Section 173, beginning on the first day of the month in which said form is filed as required, and said person shall no longer be subject to the provisions of Section 175. The contributions with interest standing to the credit of such person on such effective date, however, shall not be affected by change of membership from Section 175 to Section 173.

#### RETIREMENT - MISCELLANEOUS OFFICERS AND EMPLOYEES

Sec. 175.1. Miscellaneous officers and employees, as defined in section 175.2, who are members of the Retirement System under section 175 of the Charter on the effective date hereof, hereby designated as the first day of July, 1953, and persons who become miscellaneous officers and employees after said effective date, shall be members of the Retirement System under this section 175.1 on and after said date and shall be subject to the following provisions of section 175.1 and sections 175.2, 175.3, 175.4, 175.5, 175.6, 175.7, 175.8, 175.9, 175.10, 175.11 and 175.12 (which shall apply only to members under section

175.1 unless otherwise indicated) in addition to the provisions contained in sections 167 to 172, both inclusive, 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 City Council shall determine by ordinance enacted by three-fourths of all members of the Council.

Sec. 175.2. 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 workmen's compensation laws of the State of California, shall mean all remuneration whether in cash or by other allowances made by the City 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 worked, throughout the period under consideration, the average number of days ordinarily worked by persons in the same grade of class of positions as the positions held by him during such period and at the rate of pay attached to such positions. The computation for any absence of a member shall be based on the compensation earnable by him at the

beginning of the absence, and that for time prior to entering the service of the City, shall be based on the compensation earnable by him in the position first held by him in such service.

"Benefit" shall include "allowance," "Retirement allowance," and "death benefit."

"Accumulated normal contributions" shall mean normal contribution <sup>S</sup>plus interest.

"Final compensation" means the highest average annual compensation earnable by a member during any period of five consecutive years during his membership in the system. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of five consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation.

For the purposes of the retirement system and of this section, the terms "miscellaneous officer or employees," or "member," as used in this section shall mean any officer or employee who is not a member of the fire or police departments as defined in the Charter for the purpose of the retirement system and is not a member of the Retirement System under section 173 of the Charter.

"Retirement system" or "system" shall mean Sacramento Employees' Retirement System as created in section 167 of the Charter.

"Board" or "retirement board" shall mean "retirement board as created in section 159 of the Charter.

"Council" shall mean the Council of the City of Sacramento.

"Charter" shall mean the Charter of the City of Sacramento.

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.

Sec. 175.3. Any member who completes at least twenty years of service in the aggregate, credited in the retirement system and attains the age of fifty-five years, said service to be computed under section 175.8, may retire for service at his option. Members shall be retired for service on the first day of the month next following the attainment by them of the age of seventy years. Upon retirement for service, a member shall receive a service retirement allowance equal to the fraction of one-sixtieth of his final compensation, set forth opposite his age at retirement, taken and applied by interpolation of said fractions to the preceding quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of service with which he is entitled to be credited:



Age at Retirement	Fraction Men	Women
55	.7381968	.7606902
56	.7822692	.8015202
57	.8300286	.8454756
58	.8818560	.8929770
59	.9382848	.9443484
60	1.0000000	1.0000000
61	1.0544790	1.0529628
62	1.1113284	1.1085072
63	1.1712492	1.1672862
64	1.2344172	1.2296820
65 and over	1.3015110	1.2959700

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the Retirement System with respect to miscellaneous members on the effective date hereof, and shall be adjusted by the board in accordance with such interest and mortality tables as the board may adopt with respect to such members.

Before the first payment of a retirement allowance is made, a member retired under this section or section 175.4 may elect to receive the actuarial equivalent of his allowance, 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 Council to govern similar elections by other members of the retirement system, including the character and amount of such other benefits. The service retirement allowance upon retirement after twenty years of service and after attaining the age of sixty-five years, shall not be less than sixty dollars (\$60.00) per month, prior to modification under the election provided in the next preceding sentence, and exclusive of any benefit provided by additional contributions. Part-time service and compensation shall be reduced to full-time service and compensation in the manner prescribed by the Council, and when so reduced shall be applied on full-time service and compensation in the

calculation of retirement allowances.

Sec. 175.4. 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 ten years of service, in the aggregate, credited under the retirement system, computed as provided in section 175.8 shall be retired upon an allowance of one and one-half per cent of his final compensation, as defined in section 175.2 hereof for each year of credited service, if such retirement allowance exceeds one-fourth ( $1/4$ ) of his final compensation; otherwise one and one-half ( $1-1/2$ ) per cent of his final compensation multiplied by the number of years of service which would be creditable to him were such service to continue until attainment by him of age sixty, but such retirement allowance shall not exceed one-fourth ( $1/4$ ) of such final compensation. Part-time service and compensation shall be reduced to full-time service and compensation in the manner prescribed by the Council, 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 section may be brought before the retirement board on said board's own motion, by recommendation of the office or department in which the member is employed, or by said member or his guardian. The application or motion for retirement, however, only shall be made not later than the last day for which the member receives compensation, or within four months after the last day for which compensation is paid, or while he is physically or mentally incapacitated to perform his duties from such last day to the time of the

application or motion. 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.

Sec. 175.5. No modification of benefits provided for or on account of persons who are members under Section 175.1, shall be made because of any amounts payable to or on account of any member under workmen's compensation laws included in the Labor Code of the State of California.

Sec. 175.6. If a member shall die before retirement, regardless of cause, and not later than the last day for which he receives compensation, or within four months after the last day for which the member receives compensation, or while the member is physically or mentally incapacitated for the performance of his duties, if such incapacity has been continuous from such last day to the date of death, a death benefit shall be paid to his estate or designated beneficiary consisting of an amount equal to one-twelfth ( $1/12$ ) of the compensation earnable by him during the twelve months immediately preceding death multiplied by his completed years of service as a member of the System, not to exceed six, plus his contributions and interest credited thereon. Upon the death of a member after retirement and regardless of the cause of death, a death benefit in the amount of Three Hundred Dollars (\$300.00) shall be paid to his estate or designated beneficiary.

Sec. 175.7 Should any miscellaneous 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 contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the Council to cover similar terminations of employment and re-employment with and without re-deposits of withdrawn accumulated contributions, of other members of the retirement system, provided that if such a member is entitled to be credited with accumulated contributions which exceed Five Hundred Dollars (\$500.00), 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. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions unless the member is entitled to be credited with at least 20 years of service. A member whose membership continues under this section is subject to the same age and disability requirements as apply to other members for service or for disability retirement but he is not subject to a minimum service requirement. After the qualification of such member for retirement by reason of age or disability he shall be entitled to receive a retirement allowance based upon the amount of his accumulated contributions and service standing to his credit at the time of retirement and on the employer contributions held for him and calculated in the same manner as for other members, except that the provisions for minimum service and disability retirement allowances do not apply to him, unless he meets such minimum service requirements. Upon the death of such a member prior to retirement under this section,

such death benefit as may be payable under section 175.6 shall be computed upon the basis of his average annual compensation earnable for the year preceding the date of termination of such service, multiplied by the years of city service prior to such termination not to exceed six.

Sec. 175.8. 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 of calculating benefits, but only if withdrawn accumulated normal contributions based on such time and service, have been or are redeposited in the Retirement System:

(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 service as a miscellaneous officer or employee.

(2) Service in the fire and police departments which is not requisite to membership under Section 175.1, shall be credited under this section upon a change in status of a member of either of such departments entitling him to membership in the Retirement System under section 175.1, provided that the accumulated normal contributions standing to the credit of such member, including amounts redeposited by him, shall be adjusted by refund to the member or by payment by the member to bring the amount to the amount which would have been credited to him had the member been a miscellaneous employee throughout the period of his service in either of such departments at the compensation he received in such departments.

(3) Time during which said member is absent in

military service from a status included in paragraphs (1) or (2) next preceding, and for which such member is entitled to receive credit as service for the city by virtue of contributions made by or for him, as provided by the Council.

(4) Prior service determined and credited as prescribed by the Council for other members of the System.

Sec. 175.9. All payments provided hereunder to or on account of persons who are members under Section 175.1, shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The normal rate of contribution of each member under section 175.1 shall be based on his nearest age at the effective date of his membership in the Retirement System. The normal rate of contribution of each such member, to be effective from the effective date of membership under said section, shall be such as, on the average for such member, will provide, assuming service without interruption under section 175.3, one-half of that portion of the service retirement allowance to which he would be entitled if retired at age sixty. The normal rate established for age 59 shall be the rate for any member who has attained a greater age before entrance into the System, and that established for age 20 shall be the rate for any member who enters the System at a lesser age. Members' normal rates of contribution shall be changed by the Board in the manner prescribed by the Council for changing contribution rates of members on the basis of a periodical actuarial valuation and investigation provided by the Charter and the Council. No adjustment shall be included in members' normal rates because of time during which

members have contributed at different rates.

(2) There shall be deducted from each payment of compensation made to a member under Section 175.1, a sum determined by applying the member's normal rate of contribution to such 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 Council for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to said member, or shall be paid to said member or his estate or beneficiary as provided in sections 175.6 and 175.7. Subject to rules prescribed by the Board, any member may elect to make contributions in excess of his contributions herein required, for the purpose of providing additional benefits, and benefits provided hereunder for such member shall be exclusive of such additional benefits. The exercise of this privilege by a member does not require the City to make any contributions. Additional contributions shall be administered in the same manner as normal contributions.

(3) Contributions based on time included in paragraphs (1) and (3) of section 175.8, and deducted prior to the effective date hereof, from compensation of persons who become members under Section 175.1 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.

(4) The total contributions, with interest thereon, made by or charged against the City and standing to its

credit, on the effective date hereof, in the accounts of the Retirement System, on account of persons who become members under section 175.1, shall be applied to provide the benefits hereunder for or on account of them.

(5) The City 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 175.9, to provide the benefits payable to or on account of persons who are members under Section 175.1. Such contributions of the City 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 rate of contribution is determined in paragraph (1), Section 175.9, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the City 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 section 175.1, said percentage to be the ratio of the value at the effective date hereof or at the date of the last valuation prior to said date, or at the later date of a periodical actuarial valuation and investigation into the experience under the System as provided by the Charter and the Council, of the benefits thereafter to be paid to or on account of persons who are members under Section 175.1, from contributions of the City, 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 by the Board on the basis of said values determined in said periodical actuarial valuation and investigation into the experience under the system. Nothing in this paragraph, however, shall prevent the calculation and use under the System in the manner described for the percentage under this paragraph, of one percentage relating to all persons who are members under Section 175.1 and Section 175.13, and to be applied to the total compensation paid during the respective year to such persons, for the determination of the City's contribution to the Retirement System, with substantially the same effect as if separate percentages had been calculated under the respective sections. The percentage to be used under said two sections, shall be ten and forty-one hundredths per cent (10.41%) until redetermined by the Retirement Board on the basis of the periodical investigation and actuarial valuation under the System, and the contributions resulting from its use shall be applied to provide part of the benefits under both of said sections, without segregation according to section.

(6) 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 held by the system to provide the benefits for or on account of persons who are members under Section 175.1, 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 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 said effective date, in the accounts of said system by debits against the City.

Sec. 175.10. Upon the completion of the years of service set forth in section 175.3 of this Charter as requisite to retirement, a member shall be entitled to retire at any time thereafter in accordance with the provisions of said section 175.3 and nothing shall deprive said member of said right.

Sec. 175.11. No person retired for service under section 175.3 or for disability under section 175.4, and entitled to receive a retirement allowance under the Retirement System shall serve in any elective or appointive position in the City service, including membership on boards and commissions, nor shall such persons receive any payment for service rendered to the City after retirement, provided that service as an election officer or juror shall not be affected by this section.

Should any such person retired for disability, engage in gainful occupation prior to attaining the age of fifty-five years, the retirement board shall reduce that

part of his monthly pension or retirement allowance which is provided by contributions of the City, to an amount which, when added to the amount earned monthly by him in such occupation, shall not exceed the amount of the maximum compensation earnable by a person holding the position which he held at the time of his retirement, or if that position has been abolished, the maximum compensation earnable by a person holding it immediately prior to its abolition.

Sec. 175.12. Any section or part of any section in this Charter, insofar as it should conflict with these sections 175.1, 175.2, 175.3, 175.4, 175.5, 175.6, 175.7, 175.8, 175.9, 175.10, 175.11 and 175.12, or with any part thereof, shall be superseded by the contents of these sections. In the event that any word, phrase, clause or subsection of these sections shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

#### Retirement - Firemen and Policeman

Sec. 175.13. Members of the Fire and Police Departments, as defined in Section 170 who are members of the Retirement System under Section 175 of the Charter on the effective date hereof, hereby designated as the first day of July, 1953, and persons who become members of said departments after said effective date, shall be members of the Retirement System under this section 175.13 on and after said date, and shall be subject to the following provisions of Sections 175.14, 175.15, 175.16, 175.17, 175.18, 175.19, 175.20, 175.21, 175.22, 175.23, 175.24, 175.25 and 175.26 (which shall apply only to members under Section 175.13) in addition to the provisions contained in sections

167 to 172, both inclusive.

Sec. 175.14. 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 Workmen's Compensation laws of the State of California, shall mean the remuneration payable in cash, by the City, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the Police or Fire Department, but excluding remuneration paid 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 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. The computation for any absence of a member shall be based on the compensation earnable by him at the beginning of the absence and that for time prior to entering the Fire or Police Department, shall be based on the compensation earnable by him in the position first held by him in such departments.

"Benefit" shall include "allowance," "retirement

allowance", "death allowance" and "death benefit."

"Accumulated normal contributions shall mean normal contributions plus interest.

"Final compensation" means the highest average annual compensation earnable by a member during any period of five consecutive years during his membership in the System. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of five consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation.

"Retirement system" or "system" shall mean Sacramento City Employees' Retirement System as created in section 167 of the Charter.

"Retirement board" shall mean "retirement board" as created in section 168 of the Charter.

"Council" shall mean the Council of the City of Sacramento.

"Charter" shall mean the Charter of the City of Sacramento.

Words used in the masculine gender shall include the feminine and neuter genders, and singular members shall

include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

Sec. 175.15. Any member of the Fire or Police Department who completes at least twenty years of service in the aggregate and attains the age of fifty-five years, said service to be computed under Section 175.22, 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 sixty-five years. A member retired after meeting the service and age requirements in the two sentences next preceding, shall receive a retirement allowance equal to the same percentage of the final compensation of said member, regardless of his age at retirement, for each year of service in the aggregate, computed under Section 175.22, as the contributions of the member and the City are calculated to provide upon retirement for service at age 55, or upon completion of 20 years of such service at an age higher than 55, or upon retirement with less than 20 years of such service at age 65, for each year of such service. Any member may retire for service after attaining the age of fifty years and rendering at least twenty years of service in the aggregate, computed under Section 175.22, but if his retirement is below age fifty-five, his retirement allowance shall be such as can be provided at the age of retirement by the actuarial value, at the age of retirement, of the retirement allowance to which he would be entitled at the date upon which he would qualify for retirement under the first sentence of this paragraph, deferred to that date. 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 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 175.16, 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 Council to govern similar election by other members of the Retirement System, including the character and amount of such other benefits.

Sec. 175.16. Any member of the Fire or Police 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, and if such incapacity is determined by the Board as being of extended and uncertain duration, shall be retired. If he is not qualified for service retirement, he shall receive a retirement allowance equal to fifty per cent of the final compensation of said member. If at the time of retirement because of disability, he is qualified as to age and service for retirement under Section 175.15, he shall receive an

allowance equal to the retirement allowance he would receive if retired under Section 175.15, but not less than fifty per cent of said final compensation. Any member of the Fire or Police Department who becomes incapacitated for performance of his duty, by reason of a cause not included under the provisions of the immediately preceding sentence, and who shall have completed at least ten years of service in the aggregate, computed as provided in Section 175.22, shall be retired upon an allowance of one and one-half per cent of the final compensation of said member as defined in Section 175.14 for each year of service, provided that said allowance shall not be less than twenty-five per cent 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 head of his department, or by said member or his guardian. The application or motion for retirement, however, only shall be made not later than the last day for which the member received compensation, or within four months after the last day for which compensation is paid, or while he is physically or mentally incapacitated to perform his duties from such last day to the time of the application or motion. 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.

Sec. 175.17. If a member of the Fire or Police Department shall die before retirement by reason of an injury received in, or illness caused by the performance of his duty, a death allowance 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 fifty per cent of the average monthly compensation earnable by said member during the five years immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to fifty per cent of the average monthly compensation earnable by said member during the five years immediately preceding death. 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 eighteen 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, until every child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining age eighteen. Should said member leave no surviving wife and no children under the age of eighteen 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.

Sec. 175.18. Upon the death of a member after

retirement for service or because of disability which resulted from injury received in, or illness caused by the performance of duty, one-half his retirement allowance shall be continued 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 eighteen 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 eighteen years. Should said member leave no surviving wife and no children under the age of eighteen 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 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 was incurred in performance of duty and which results in death, or if death does not result from such injury or illness, unless she was married to the member at least one year prior to retirement.

Sec. 175.19. That portion of any allowance payable because of the death or retirement of any member of said departments which is provided by contributions of the City shall be reduced in the manner fixed by the Council, by the amount of any benefits other than medical benefits, payable

to or on account of such person, under the Workmen's Compensation Laws of the State of California and because of the injury or illness resulting in said death or retirement. Such portion as is paid because of death or retirement which resulted from injury received in or illness caused by performance of duty, and in the absence of payments of any benefits other than medical benefits under said laws, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under said laws, and shall be in satisfaction and discharge of the obligation of the City to pay such benefits.

Sec. 175.20. If a member of the Fire or 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 175.17 preceding, and if death shall occur not later than the last day for which he receives compensation, or within four months after the <sup>LAST</sup>~~1st~~ day for which the member receives compensation, or while the member is physically or mentally incapacitated for the performance of his duties, and if such incapacity has been continuous from such last day to the date of death, a death benefit shall be paid to his estate or designated beneficiary, consisting of an amount equal to one-twelfth of the compensation earnable by him during the twelve months immediately preceding death multiplied by his completed years as a member of the System not to exceed six, plus his contributions and interest credited thereon. Upon the death of a member after retirement and

regardless of the cause of death, the sum of three hundred dollars shall be paid to his estate or designated beneficiary in the manner and subject to the conditions prescribed by the Council for the payment of a similar benefit upon the death of other retired members.

Sec. 175.21. Should any member of the Fire or 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 Council to cover similar terminations of employment and re-employment with and without re-deposits of withdrawn accumulated contributions, of other members of the retirement system, provided that if such a member is entitled to be credited with accumulated contributions which exceed Five Hundred Dollars (\$500.00)<sup>HE</sup> 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. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions unless the member is entitled to be credited with at least 20 years of service. A member whose membership continues under this section is subject to the same age and disability requirements as apply to other members for service or for disability retirement but he is not subject to a minimum service requirement. After the qualification of such member for retirement by reason of age or disability

he shall be entitled to receive a retirement allowance based upon the amount of his accumulated contributions and service standing to his credit at the time of retirement and on the employer contributions held for him and calculated in the same manner as for other members, except that the provisions for minimum service and disability retirement allowances do not apply to him, unless he meets such minimum service requirements. Upon the death of such a member prior to retirement under this section, such **DEATH** benefits as may be payable under section 175.20 shall be computed upon the basis of his average annual compensation earnable for the year preceding the date of termination of such service, multiplied by the years of City service prior to such termination not to exceed six.

Sec. 175.22. The following time shall be included in the computation of the service to be credited to the member for the purposes of determining whether such member qualifies 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:

(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 member of the Fire or Police Department.

(2) Service in other offices and departments of the City, which is not requisite to membership under Section 175.13, shall be credited under this section upon a change in status of a member of such offices and departments

entitling him to membership in the Retirement System under Section 175.13, provided that the accumulated normal contributions standing to the credit of such member, including amounts redeposited by him, shall be adjusted by refund to the member or by payment by the member to bring the amount to the amount which would have been credited to him had the member been a member of the Fire or Police Department throughout the period of his service in such other offices or departments at the compensation he received in such other offices and departments.

(3) Time during which said member is absent in military service from a status included in (1) or (2) next preceding, and for which said member is entitled to receive credit as service for the City by virtue of contributions made by or for him, as provided by the Council.

(4) Prior service determined and credited as prescribed by the Council for other members of the System.

Sec. 175.23. All payments provided hereunder for persons who are members under Section 175.13 shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The normal rate of contribution of each member under section 175.13 shall be based on his age taken to the next lower completed quarter year, (a) at the date he became a member under section 175, in the case of persons who are members under this section, or (b) at the date he becomes a member under section 175.13 in the case of persons who become members on or after the effective date hereof, without credit for service counted under section 175.22 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 175.13 shall be such as, on the average for such member, will provide, assuming service without interruption under section 175.15, one-half of that portion of the service retirement allowance to which he would be entitled, excluding automatic continuance to dependents, upon first qualifying as to service and age not less than 55 years, 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, it being the intention that the retirement allowance of such member, upon retirement for service when qualified at age 55 or higher age, shall be, on the average, one-half of his compensation.

(2) 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 Council 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 of his estate or beneficiary as pro-

vided in Sections 175.20 and 175.21. Subject to rules prescribed by the Board, any member may elect to make contributions in excess of his contributions herein required, for the purpose of providing additional benefits, and benefits provided hereunder for such member shall be exclusive of such additional benefits. The exercise of this privilege by a member does not require the City to make any contributions. Additional contributions shall be administered in the same manner as normal contributions.

(3) Contributions based on time included in paragraphs (1) and (3) of section 175.22, and deducted prior to the effective date thereof, from compensation of persons who become members under section 175.13, and standing with interest thereon, to the credit of such members on the records of the Retirement System on said date, shall continued 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.

(4) The total contributions, with interest thereon, made by or charged against the City and standing to its credit, in the accounts of the Retirement System, on account of persons who become members under Section 175.13, shall be applied to provide the benefits hereunder for or on account of them.

(5) The City 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 175.23, to provide the benefits payable to or on account of persons who are members under Section 175.13. Such contributions of the City 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 (1) of Section 175.23, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the City 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 175.13, said percentage to be the ratio of the value on the effective date hereof, or at the date of the last valuation prior to said date, or at the later date of a periodical actuarial valuation and investigation into the experience under the System as provided by the Council, of the benefits thereafter to be paid to or on account of persons who are members under Section 175.13, from contributions of the City, 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 retire-

ment. Said percentage shall be changed by the Board on the basis of said values determined in said periodical actuarial valuation and investigation into the experience under the System. Nothing in this paragraph, however, shall prevent the calculation and use under the System in the manner described for the percentage under this paragraph, of one percentage relating to all persons who are members under Section 175.1 and Section 175.13, and to be applied to the total compensation paid during the respective year to such persons, for the determination of the City's contribution to the Retirement System, with substantially the same effect as if separate percentages had been calculated under the respective sections. The percentage to be used under said two sections, shall be ten and forty-one hundredths per cent (10.41%) until redetermined by the Retirement Board on the basis of the periodical investigation and actuarial valuation under the System, and the contributions resulting from its use shall be applied to provide part of the benefits under both of said sections, without segregation according to section.

(6) 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 held by the System to provide the benefits for or on account of persons who are members under Section 175.13, 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 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 said effective date, in the accounts of said System by debits against the City.

Sec. 175.24. Upon the completion of the years of service set forth in Section 175.15 as requisite to retirement, a member shall be entitled to retire at any time thereafter in accordance with the provisions of said section 175.15, and nothing shall deprive said member of said right.

Sec. 175.25. No person retired for service under section 175.15 or for disability under section 175.16 and entitled to receive a retirement allowance under the Retirement System shall serve in any elective or appointive position in the City service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the City after retirement, provided that service as an election officer or juror shall not be affected by this section. Should any such person retired for disability engage in a gainful occupation prior to attaining the age of fifty-five years, the Retirement Board shall reduce that part of his monthly retirement allowance which is provided by contributions of the City, to an amount which, when added to the amount earned monthly by him in such occupation, shall not exceed the amount of the maximum compensation earnable by a person holding the position which he held at the time of his retirement, or, if that position has been abolished, the compensation earnable by the member holding it immediately prior to its abolition.

Sec. 175.26. Any section or part of any section in this Charter, insofar as it should conflict with these sections 175.13, 175.14, 175.15, 175.16, 175.17, 175.18, 175.19, 175.20, 175.21, 175.22, 175.23, 175.24, 175.25 or 175.26, 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 these sections shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect."

SECTION 2: For the purpose of submitting the foregoing proposals to the qualified electors of the City of Sacramento, a Special Municipal Election is hereby called to be held in said City on Tuesday, November 4, 1952.

SECTION 3: That said Special Municipal Election hereby called shall be consolidated and combined with the General Election to be held on November 4, 1952, pursuant to Sections 10050 to 10058, inclusive, of the Election's Code. That the Board of Canvassers to certify and canvass the vote as provided by law and thereafter to be certified to the City Council.

SECTION 4: That said proposals to be placed on the General Election ballot for November 4, 1952, by the County Clerk of Sacramento, shall be in the words and figures as follows, to-wit:

PROPOSITION "F"

TERM OF UTILITY FRANCHISES

To amend Article XXII, Sections 206, 207 and 208 of City Charter, allowing the City to grant franchises to Public Utility Companies without definite term, and in return the City to benefit by increased franchise payments.

:		
:	YES	
:		
:	NO	
:		

PROPOSITION "G"

RETIREMENT SYSTEM

To amend Sections 167, 173 and 175 of the City Employees' Retirement System, to provide additional benefits by increasing employee's contribution rates; reducing retirement allowance for disability in line of duty from three-quarter salary to one-half salary; reducing compulsory retirement age for Patrolmen and Firemen from age 70 to 65 and changing method of computing final compensation from ten year average prior to retirement to any five consecutive years of membership.

:		
:	YES	
:		
:	NO	
:		

SECTION 5: The City Clerk of the City of Sacramento is hereby ordered and directed to cause said amendments to the Charter of said City of Sacramento to be published once in the "Sacramento Union," the official newspaper of said City, and in each edition thereof during the day of publication, said newspaper being a newspaper of general circulation published in said City; and such publication may be in substantially the following form, to-wit:

PROPOSED AMENDMENTS TO  
THE CHARTER OF THE  
CITY OF SACRAMENTO.

SPECIAL MUNICIPAL ELECTION CONSOLIDATED  
WITH GENERAL ELECTION NOVEMBER 4, 1952.

The City Council of the City of Sacramento proposes to submit on its own motion to the qualified electors of said City, at a Special Municipal Election consolidated with the General Election to be held in said City on November 4, 1952, proposals to add to and amend the Charter of said City of Sacramento as follows, to-wit:

PROPOSAL NO. "F"

*OF*  
208 ~~to~~ the Charter of the City of Sacramento to read as follows:

SUPERSEDING FRANCHISE

Sec. 206. The Council may, upon application of the holder of more than one existing franchise pertaining to the same utility or public service grant a new franchise to such holder, as hereinafter provided, to supersede <sup>*E*</sup> all of the said existing franchises.

## TERM OF FRANCHISE

Sec. 207. Any franchise granted by the City may be indeterminate or for a term of a specified number of years as the City Council may determine in the ordinance granting such franchise.

An indeterminate franchise is defined as one that shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase, or shall condemn and take under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the City of Sacramento, or until the franchise shall be forfeited for non-compliance with its terms by the possessor thereof.

## TERMINATION OF FRANCHISE

Sec. 208. Any franchise may be forfeited at any time within the term for which it was granted for a wilful breach of a material term or condition thereof, or the holder thereof may, with the consent of the City, surrender the franchise. During the term of any franchise, the City shall have the right at any time to purchase the property of the holder thereof as hereinafter provided. Upon the expiration or other termination of the corporate life of a corporation, any franchise held by it may, at the option of the City, be cancelled and terminated.

PROPOSAL NO.     "G"    

To amend Article XX, Sections 167, 173 and 175 ~~to~~ <sup>OF</sup> the Charter of the City of Sacramento to read as follows:



## PENSION BOARD

Sec. 167. In order to continue in force, with such modifications as are set forth in this Charter, provisions already existing for retirement and death benefits for officers and employees of the City, the Sacramento City Employees' Retirement System, hereinafter referred to as the Retirement System or the System, is hereby created. Elective officers and members of Board and Commissions shall not be eligible to membership in said Retirement System, and the City Council may exclude from such membership persons employed on a temporary or part-time basis. The City Council 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 167 to 175, both inclusive, of this Charter provided that the said Council 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.

The City Manager in office upon the date when this Section becomes effective shall receive credit for service rendered by him to the City prior to that date, and shall pay to the Retirement System in one sum or in installments, (1) an amount equal to the contributions and interest which would have been credited to him on the effective date hereof, if he had never been excluded from membership in the Retirement System, and (2) interest on the amount in (1) immediately preceding from said effective date to the date of payment to said System. Payment of the amount due shall be completed not later than thirty-six months after

said effective date, or the date of his earlier retirement. Said City Manager's rate of contribution shall be based on his nearest age at the date of his employment by the City.

Sec. 173(b). Any member of the Retirement System who shall become disabled by reason of any bodily injury received in the performance of duty may be retired, and if not qualified for service retirement, he shall receive a retirement allowance equal to seventy-five per cent (75%) of the average monthly salary paid him one year prior to his retirement. Such retirement allowance shall be paid until the date upon which said member would have qualified for service retirement had such member rendered service without interruption, and on and after said date said retirement allowance shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the average monthly salary paid him one year prior to retirement, according to the rank or ranks held by him during the year next preceding his retirement. If at the time of retirement for disability, the member is qualified for retirement for service, said member shall receive a retirement allowance equal to one-half (1/2) the average monthly salary paid him one year prior to his retirement. In case his disability shall cease, his allowance shall cease, and he shall be restored to service in the rank he occupied at the time of his retirement. If an allowance is continued, in accordance with paragraph (d) of this Section, because of the death of a member retired under this paragraph, prior to the date upon which the member would have qualified for service retirement, the allowance continued shall be reduced upon said date in the same manner as the member's allowance would have been reduced had the member not died.

Sec. 173.1. Persons who have not retired and who are members of the Retirement System under Section 175, and who elected to be such members rather than members under Section 173, shall have the option of being members under Section 173 instead of Section 175, said option to be exercised in writing on a form furnished by the Retirement Board, to be filed in the office of said Board not later than ninety (90) days after the effective date hereof, hereby declared to be the first day of the month next following its ratification by the Legislature. Any such person who affirmatively exercises such option within the time specified, shall be subject to the provisions of Section 173, beginning on the first day of the month in which said form is filed as required, and said person shall no longer be subject to the provisions of Section 175. The contributions with interest standing to the credit of such person on such effective date, however, shall not be affected by change of membership from Section 175 to Section 173.

#### RETIREMENT - MISCELLANEOUS OFFICERS AND EMPLOYEES

Sec. 175.1. Miscellaneous officers and employees, as defined in section 175.2, who are members of the Retirement System under section 175 of the Charter on the effective date hereof, hereby designated as the first day of July, 1953, and persons who become miscellaneous officers and employees after said effective date, shall be members of the Retirement System under this section 175.1 on and after said date and shall be subject to the following provisions of section 175.1 and sections 175.2, 175.3, 175.4, 175.5, 175.6, 175.7, 175.8, 175.9, 175.10, 175.11 and 175.12 (which shall apply only to members under section

175.1 unless otherwise indicated) in addition to the provisions contained in sections 167 to 172, both inclusive, 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 City Council shall determine by ordinance enacted by three-fourths of all members of the Council.

Sec. 175.2. 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 workmen's compensation laws of the State of California, shall mean all remuneration whether in cash or by other allowances made by the City 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 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. The computation for any absence of a member shall be based on the compensation earnable by him at the

beginning of the absence, and that for time prior to entering the service of the City, shall be based on the compensation earnable by him in the position first held by him in such service.

"Benefit" shall include "allowance," "Retirement allowance," and "death benefit."

"Accumulated normal contributions" shall mean normal contribution<sup>S</sup>plus interest.

"Final compensation" means the highest average annual compensation earnable by a member during any period of five consecutive years during his membership in the system. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of five consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation.

For the purposes of the retirement system and of this section, the terms "miscellaneous officer or employees," or "member," as used in this section shall mean any officer or employee who is not a member of the fire or police departments as defined in the Charter for the purpose of the retirement system and is not a member of the Retirement System under section 173 of the Charter.

"Retirement system" or "system" shall mean Sacramento Employees' Retirement System as created in section 167 of the Charter.

"Board" or "retirement board" shall mean "retirement board as created in section 159 of the Charter.

"Council" shall mean the Council of the City of Sacramento.

"Charter" shall mean the Charter of the City of Sacramento.

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.

Sec. 175.3. Any member who completes at least twenty years of service in the aggregate, credited in the retirement system and attains the age of fifty-five years, said service to be computed under section 175.8, may retire for service at his option. Members shall be retired for service on the first day of the month next following the attainment by them of the age of seventy years. Upon retirement for service, a member shall receive a service retirement allowance equal to the fraction of one-sixtieth of his final compensation, set forth opposite his age at retirement, taken and applied by interpolation of said fractions to the preceding quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of service with which he is entitled to be credited:

Age at Retirement	Fraction Men	Women
55	.7381968	.7606902
56	.7822692	.8015202
57	.8300286	.8454756
58	.8813560	.8929770
59	.9382848	.9443484
60	1.0000000	1.0000000
61	1.0544790	1.0529628
62	1.1113284	1.1085072
63	1.1712492	1.1672862
64	1.2344172	1.2296820
65 and over	1.3015110	1.2959700

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the Retirement System with respect to miscellaneous members on the effective date hereof, and shall be adjusted by the board in accordance with such interest and mortality tables as the board may adopt with respect to such members.

Before the first payment of a retirement allowance is made, a member retired under this section or section 175.4 may elect to receive the actuarial equivalent of his allowance, 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 Council to govern similar elections by other members of the retirement system, including the character and amount of such other benefits. The service retirement allowance upon retirement after twenty years of service and after attaining the age of sixty-five years, shall not be less than sixty dollars (\$60.00) per month, prior to modification under the election provided in the next preceding sentence, and exclusive of any benefit provided by additional contributions. Part-time service and compensation shall be reduced to full-time service and compensation in the manner prescribed by the Council, and when so reduced shall be applied on full-time service and compensation in the

calculation of retirement allowances.

Sec. 175.4. 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 ten years of service, in the aggregate, credited under the retirement system, computed as provided in section 175.8 shall be retired upon an allowance of one and one-half per cent of his final compensation, as defined in section 175.2 hereof for each year of credited service, if such retirement allowance exceeds one-fourth ( $1/4$ ) of his final compensation; otherwise one and one-half ( $1-1/2$ ) per cent of his final compensation multiplied by the number of years of service which would be creditable to him were such service to continue until attainment by him of age sixty, but such retirement allowance shall not exceed one-fourth ( $1/4$ ) of such final compensation. Part-time service and compensation shall be reduced to full-time service and compensation in the manner prescribed by the Council, 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 section may be brought before the retirement board on said board's own motion, by recommendation of the office or department in which the member is employed, or by said member or his guardian. The application or motion for retirement, however, only shall be made not later than the last day for which the member receives compensation, or within four months after the last day for which compensation is paid, or while he is physically or mentally incapacitated to perform his duties from such last day to the time of the



application or motion. 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.

Sec. 175.5. No modification of benefits provided for or on account of persons who are members under Section 175.1, shall be made because of any amounts payable to or on account of any member under workmen's compensation laws included in the Labor Code of the State of California.

Sec. 175.6. If a member shall die before retirement, regardless of cause, and not later than the last day for which he receives compensation, or within four months after the last day for which the member receives compensation, or while the member is physically or mentally incapacitated for the performance of his duties, if such incapacity has been continuous from such last day to the date of death, a death benefit shall be paid to his estate or designated beneficiary consisting of an amount equal to one-twelfth ( $1/12$ ) of the compensation earnable by him during the twelve months immediately preceding death multiplied by his completed years of service as a member of the System, not to exceed six, plus his contributions and interest credited thereon. Upon the death of a member after retirement and regardless of the cause of death, a death benefit in the amount of Three Hundred Dollars (\$300.00) shall be paid to his estate or designated beneficiary.

Sec. 175.7 Should any miscellaneous 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 contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the Council to cover similar terminations of employment and re-employment with and without re-deposits of withdrawn accumulated contributions, of other members of the retirement system, provided that if such a member is entitled to be credited with accumulated contributions which exceed Five Hundred Dollars (\$500.00), 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. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions unless the member is entitled to be credited with at least 20 years of service. A member whose membership continues under this section is subject to the same age and disability requirements as apply to other members for service or for disability retirement but he is not subject to a minimum service requirement. After the qualification of such member for retirement by reason of age or disability he shall be entitled to receive a retirement allowance based upon the amount of his accumulated contributions and service standing to his credit at the time of retirement and on the employer contributions held for him and calculated in the same manner as for other members, except that the provisions for minimum service and disability retirement allowances do not apply to him, unless he meets such minimum service requirements. Upon the death of such a member prior to retirement under this section,

such death benefit as may be payable under section 175.6 shall be computed upon the basis of his average annual compensation earnable for the year preceding the date of termination of such service, multiplied by the years of city service prior to such termination not to exceed six.

Sec. 175.8. 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 of calculating benefits, but only if withdrawn accumulated normal contributions based on such time and service, have been or are redeposited in the Retirement System:

(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 service as a miscellaneous officer or employee.

(2) Service in the fire and police departments which is not requisite to membership under Section 175.1, shall be credited under this section upon a change in status of a member of either of such departments entitling him to membership in the Retirement System under section 175.1, provided that the accumulated normal contributions standing to the credit of such member, including amounts redeposited by him, shall be adjusted by refund to the member or by payment by the member to bring the amount to the amount which would have been credited to him had the member been a miscellaneous employee throughout the period of his service in either of such departments at the compensation he received in such departments.

(3) Time during which said member is absent in

military service from a status included in paragraphs (1) or (2) next preceding, and for which such member is entitled to receive credit as service for the city by virtue of contributions made by or for him, as provided by the Council.

(4) Prior service determined and credited as prescribed by the Council for other members of the System.

Sec. 175.9. All payments provided hereunder to or on account of persons who are members under Section 175.1, shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The normal rate of contribution of each member under section 175.1 shall be based on his nearest age at the effective date of his membership in the Retirement System. The normal rate of contribution of each such member, to be effective from the effective date of membership under said section, shall be such as, on the average for such member, will provide, assuming service without interruption under section 175.3, one-half of that portion of the service retirement allowance to which he would be entitled if retired at age sixty. The normal rate established for age 59 shall be the rate for any member who has attained a greater age before entrance into the System, and that established for age 20 shall be the rate for any member who enters the System at a lesser age. Members' normal rates of contribution shall be changed by the Board in the manner prescribed by the Council for changing contribution rates of members on the basis of a periodical actuarial valuation and investigation provided by the Charter and the Council. No adjustment shall be included in members' normal rates because of time during which

members have contributed at different rates.

(2) There shall be deducted from each payment of compensation made to a member under Section 175.1, a sum determined by applying the member's normal rate of contribution to such 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 Council for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to said member, or shall be paid to said member or his estate or beneficiary as provided in sections 175.6 and 175.7. Subject to rules prescribed by the Board, any member may elect to make contributions in excess of his contributions herein required, for the purpose of providing additional benefits, and benefits provided hereunder for such member shall be exclusive of such additional benefits. The exercise of this privilege by a member does not require the City to make any contributions. Additional contributions shall be administered in the same manner as normal contributions.

(3) Contributions based on time included in paragraphs (1) and (3) of section 175.8, and deducted prior to the effective date hereof, from compensation of persons who become members under Section 175.1 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.

(4) The total contributions, with interest thereon, made by or charged against the City and standing to its

credit, on the effective date hereof, in the accounts of the Retirement System, on account of persons who become members under section 175.1, shall be applied to provide the benefits hereunder for or on account of them.

(5) The City 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 175.9, to provide the benefits payable to or on account of persons who are members under Section 175.1. Such contributions of the City 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 rate of contribution is determined in paragraph (1), Section 175.9, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the City 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 section 175.1, said percentage to be the ratio of the value at the effective date hereof or at the date of the last valuation prior to said date, or at the later date of a periodical actuarial valuation and investigation into the experience under the System as provided by the Charter and the Council, of the benefits thereafter to be paid to or on account of persons who are members under Section 175.1, from contributions of the City, 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 by the Board on the basis of said values determined in said periodical actuarial valuation and investigation into the experience under the system. Nothing in this paragraph, however, shall prevent the calculation and use under the System in the manner described for the percentage under this paragraph, of one percentage relating to all persons who are members under Section 175.1 and Section 175.13, and to be applied to the total compensation paid during the respective year to such persons, for the determination of the City's contribution to the Retirement System, with substantially the same effect as if separate percentages had been calculated under the respective sections. The percentage to be used under said two sections, shall be ten and forty-one hundredths per cent (10.41%) until redetermined by the Retirement Board on the basis of the periodical investigation and actuarial valuation under the System, and the contributions resulting from its use shall be applied to provide part of the benefits under both of said sections, without segregation according to section.

(6) 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 held by the system to provide the benefits for or on account of persons who are members under Section 175.1, 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 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 said effective date, in the accounts of said system by debits against the City.

Sec. 175.10. Upon the completion of the years of service set forth in section 175.3 of this Charter as requisite to retirement, a member shall be entitled to retire at any time thereafter in accordance with the provisions of said section 175.3 and nothing shall deprive said member of said right.

Sec. 175.11. No person retired for service under section 175.3 or for disability under section 175.4, and entitled to receive a retirement allowance under the Retirement System shall serve in any elective or appointive position in the City service, including membership on boards and commissions, nor shall such persons receive any payment for service rendered to the City after retirement, provided that service as an election officer or juror shall not be affected by this section.

Should any such person retired for disability, engage in gainful occupation prior to attaining the age of fifty-five years, the retirement board shall reduce that



part of his monthly pension or retirement allowance which is provided by contributions of the City, to an amount which, when added to the amount earned monthly by him in such occupation, shall not exceed the amount of the maximum compensation earnable by a person holding the position which he held at the time of his retirement, or if that position has been abolished, the maximum compensation earnable by a person holding it immediately prior to its abolition.

Sec. 175.12. Any section or part of any section in this Charter, insofar as it should conflict with these sections 175.1, 175.2, 175.3, 175.4, 175.5, 175.6, 175.7, 175.8, 175.9, 175.10, 175.11 and 175.12, or with any part thereof, shall be superseded by the contents of these sections. In the event that any word, phrase, clause or subsection of these sections shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

#### Retirement - Firemen and Policeman

Sec. 175.13. Members of the Fire and Police Departments, as defined in Section 170 who are members of the Retirement System under Section 175 of the Charter on the effective date hereof, hereby designated as the first day of July, 1953, and persons who become members of said departments after said effective date, shall be members of the Retirement System under this section 175.13 on and after said date, and shall be subject to the following provisions of Sections 175.14, 175.15, 175.16, 175.17, 175.18, 175.19, 175.20, 175.21, 175.22, 175.23, 175.24, 175.25 and 175.26 (which shall apply only to members under Section 175.13) in addition to the provisions contained in sections

167 to 172, both inclusive.

Sec. 175.14. 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 Workmen's Compensation laws of the State of California, shall mean the remuneration payable in cash, by the City, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the Police or Fire Department, but excluding remuneration paid 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 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. The computation for any absence of a member shall be based on the compensation earnable by him at the beginning of the absence and that for time prior to entering the Fire or Police Department, shall be based on the compensation earnable by him in the position first held by him in such departments.

"Benefit" shall include "allowance," "retirement

allowance", "death allowance" and "death benefit."

"Accumulated normal contributions shall mean normal contributions plus interest.

"Final compensation" means the highest average annual compensation earnable by a member during any period of five consecutive years during his membership in the System. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of five consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation.

"Retirement system" or "system" shall mean Sacramento City Employees' Retirement System as created in section 167 of the Charter.

"Retirement board" shall mean "retirement board" as created in section 168 of the Charter.

"Council" shall mean the Council of the City of Sacramento.

"Charter" shall mean the Charter of the City of Sacramento.

Words used in the masculine gender shall include the feminine and neuter genders, and singular members shall

include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

Sec. 175.15. Any member of the Fire or Police Department who completes at least twenty years of service in the aggregate and attains the age of fifty-five years, said service to be computed under Section 175.22, 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 sixty-five years. A member retired after meeting the service and age requirements in the two sentences next preceding, shall receive a retirement allowance equal to the same percentage of the final compensation of said member, regardless of his age at retirement, for each year of service in the aggregate, computed under Section 175.22, as the contributions of the member and the City are calculated to provide upon retirement for service at age 55, or upon completion of 20 years of such service at an age higher than 55, or upon retirement with less than 20 years of such service at age 65, for each year of such service. Any member may retire for service after attaining the age of fifty years and rendering at least twenty years of service in the aggregate, computed under Section 175.22, but if his retirement is below age fifty-five, his retirement allowance shall be such as can be provided at the age of retirement by the actuarial value, at the age of retirement, of the retirement allowance to which he would be entitled at the date upon which he would qualify for retirement under the first sentence of this paragraph, deferred to that date. 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 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 175.16, 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 Council to govern similar election by other members of the Retirement System, including the character and amount of such other benefits.

Sec. 175.16. Any member of the Fire or Police 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, and if such incapacity is determined by the Board as being of extended and uncertain duration, shall be retired. If he is not qualified for service retirement, he shall receive a retirement allowance equal to fifty per cent of the final compensation of said member. If at the time of retirement because of disability, he is qualified as to age and service for retirement under Section 175.15, he shall receive an

allowance equal to the retirement allowance he would receive if retired under Section 175.15, but not less than fifty per cent of said final compensation. Any member of the Fire or Police Department who becomes incapacitated for performance of his duty, by reason of a cause not included under the provisions of the immediately preceding sentence, and who shall have completed at least ten years of service in the aggregate, computed as provided in Section 175.22, shall be retired upon an allowance of one and one-half per cent of the final compensation of said member as defined in Section 175.14 for each year of service, provided that said allowance shall not be less than twenty-five per cent 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 head of his department, or by said member or his guardian. The application or motion for retirement, however, only shall be made not later than the last day for which the member received compensation, or within four months after the last day for which compensation is paid, or while he is physically or mentally incapacitated to perform his duties from such last day to the time of the application or motion. 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.

Sec. 175.17. If a member of the Fire or Police Department shall die before retirement by reason of an injury received in, or illness caused by the performance of his duty, a death allowance 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 fifty per cent of the average monthly compensation earnable by said member during the five years immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to fifty per cent of the average monthly compensation earnable by said member during the five years immediately preceding death. 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 eighteen 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, until every child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining age eighteen. Should said member leave no surviving wife and no children under the age of eighteen 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.

Sec. 175.18. Upon the death of a member after

retirement for service or because of disability which resulted from injury received in, or illness caused by the performance of duty, one-half his retirement allowance shall be continued 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 eighteen 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 eighteen years. Should said member leave no surviving wife and no children under the age of eighteen 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 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 was incurred in performance of duty and which results in death, or if death does not result from such injury or illness, unless she was married to the member at least one year prior to retirement.

Sec. 175.19. That portion of any allowance payable because of the death or retirement of any member of said departments which is provided by contributions of the City shall be reduced in the manner fixed by the Council, by the amount of any benefits other than medical benefits, payable



to or on account of such person, under the Workmen's Compensation Laws of the State of California and because of the injury or illness resulting in said death or retirement. Such portion as is paid because of death or retirement which resulted from injury received in or illness caused by performance of duty, and in the absence of payments of any benefits other than medical benefits under said laws, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under said laws, and shall be in satisfaction and discharge of the obligation of the City to pay such benefits.

Sec. 175.20. If a member of the Fire or 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 175.17 preceding, and if death shall occur not later than the last day for which he receives compensation, or within four months after the ~~last~~ <sup>LAST</sup> day for which the member receives compensation, or while the member is physically or mentally incapacitated for the performance of his duties, and if such incapacity has been continuous from such last day to the date of death, a death benefit shall be paid to his estate or designated beneficiary, consisting of an amount equal to one-twelfth of the compensation earnable by him during the twelve months immediately preceding death multiplied by his completed years as a member of the System not to exceed six, plus his contributions and interest credited thereon. Upon the death of a member after retirement and

regardless of the cause of death, the sum of three hundred dollars shall be paid to his estate or designated beneficiary in the manner and subject to the conditions prescribed by the Council for the payment of a similar benefit upon the death of other retired members.

Sec. 175.21. Should any member of the Fire or 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 Council to cover similar terminations of employment and re-employment with and without re-deposits of withdrawn accumulated contributions, of other members of the retirement system, provided that if such a member is entitled to be credited with accumulated contributions which exceed Five Hundred Dollars (\$500.00) <sup>HE</sup> 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. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions unless the member is entitled to be credited with at least 20 years of service. A member whose membership continues under this section is subject to the same age and disability requirements as apply to other members for service or for disability retirement but he is not subject to a minimum service requirement. After the qualification of such member for retirement by reason of age or disability

he shall be entitled to receive a retirement allowance based upon the amount of his accumulated contributions and service standing to his credit at the time of retirement and on the employer contributions held for him and calculated in the same manner as for other members, except that the provisions for minimum service and disability retirement allowances do not apply to him, unless he meets such minimum service requirements. Upon the death of such a member prior to retirement under this section, such **DEATH** benefits as may be payable under section 175.20 shall be computed upon the basis of his average annual compensation earnable for the year preceding the date of termination of such service, multiplied by the years of City service prior to such termination not to exceed six.

Sec. 175.22. The following time shall be included in the computation of the service to be credited to the member for the purposes of determining whether such member qualifies 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:

(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 member of the Fire or Police Department.

(2) Service in other offices and departments of the City, which is not requisite to membership under Section 175.13, shall be credited under this section upon a change in status of a member of such offices and departments

entitling him to membership in the Retirement System under Section 175.13, provided that the accumulated normal contributions standing to the credit of such member, including amounts redeposited by him, shall be adjusted by refund to the member or by payment by the member to bring the amount to the amount which would have been credited to him had the member been a member of the Fire or Police Department throughout the period of his service in such other offices or departments at the compensation he received in such other offices and departments.

(3) Time during which said member is absent in military service from a status included in (1) or (2) next preceding, and for which said member is entitled to receive credit as service for the City by virtue of contributions made by or for him, as provided by the Council.

(4) Prior service determined and credited as prescribed by the Council for other members of the System.

Sec. 175.23. All payments provided hereunder for persons who are members under Section 175.13 shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The normal rate of contribution of each member under section 175.13 shall be based on his age taken to the next lower completed quarter year, (a) at the date he became a member under section 175, in the case of persons who are members under this section, or (b) at the date he becomes a member under section 175.13 in the case of persons who become members on or after the effective date hereof, without credit for service counted under section 175.22 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 175.13 shall be such as, on the average for such member, will provide, assuming service without interruption under section 175.15, one-half of that portion of the service retirement allowance to which he would be entitled, excluding automatic continuance to dependents, upon first qualifying as to service and age not less than 55 years, 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, it being the intention that the retirement allowance of such member, upon retirement for service when qualified at age 55 or higher age, shall be, on the average, one-half of his compensation.

(2) 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 Council 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 pro-

vided in Sections 175.20 and 175.21. Subject to rules prescribed by the Board, any member may elect to make contributions in excess of his contributions herein required, for the purpose of providing additional benefits, and benefits provided hereunder for such member shall be exclusive of such additional benefits. The exercise of this privilege by a member does not require the City to make any contributions. Additional contributions shall be administered in the same manner as normal contributions.

(3) Contributions based on time included in paragraphs (1) and (3) of section 175.22, and deducted prior to the effective date thereof, from compensation of persons who become members under section 175.13, and standing with interest thereon, to the credit of such members on the records of the Retirement System on said date, shall continued 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.

(4) The total contributions, with interest thereon, made by or charged against the City and standing to its credit, in the accounts of the Retirement System, on account of persons who become members under Section 175.13, shall be applied to provide the benefits hereunder for or on account of them.

(5) The City 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 175.23, to provide the benefits payable to or on account of persons who are members under Section 175.13. Such contributions of the City 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 (1) of Section 175.23, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the City 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 175.13, said percentage to be the ratio of the value on the effective date hereof, or at the date of the last valuation prior to said date, or at the later date of a periodical actuarial valuation and investigation into the experience under the System as provided by the Council, of the benefits thereafter to be paid to or on account of persons who are members under Section 175.13, from contributions of the City, 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 retire-

ment. Said percentage shall be changed by the Board on the basis of said values determined in said periodical actuarial valuation and investigation into the experience under the System. Nothing in this paragraph, however, shall prevent the calculation and use under the System in the manner described for the percentage under this paragraph, of one percentage relating to all persons who are members under Section 175.1 and Section 175.13, and to be applied to the total compensation paid during the respective year to such persons, for the determination of the City's contribution to the Retirement System, with substantially the same effect as if separate percentages had been calculated under the respective sections. The percentage to be used under said two sections, shall be ten and forty-one hundredths per cent (10.41%) until redetermined by the Retirement Board on the basis of the periodical investigation and actuarial valuation under the System, and the contributions resulting from its use shall be applied to provide part of the benefits under both of said sections, without segregation according to section.

(6) 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 held by the System to provide the benefits for or on account of persons who are members under Section 175.13, 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 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 said effective date, in the accounts of said System by debits against the City.

Sec. 175.24. Upon the completion of the years of service set forth in Section 175.15 as requisite to retirement, a member shall be entitled to retire at any time thereafter in accordance with the provisions of said section 175.15, and nothing shall deprive said member of said right.

Sec. 175.25. No person retired for service under section 175.15 or for disability under section 175.16 and entitled to receive a retirement allowance under the Retirement System shall serve in any elective or appointive position in the City service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the City after retirement, provided that service as an election officer or juror shall not be affected by this section. Should any such person retired for disability engage in a gainful occupation prior to attaining the age of fifty-five years, the Retirement Board shall reduce that part of his monthly retirement allowance which is provided by contributions of the City, to an amount which, when added to the amount earned monthly by him in such occupation, shall not exceed the amount of the maximum compensation earnable by a person holding the position which he held at the time of his retirement, or, if that position has been abolished, the compensation earnable by the member holding it immediately prior to its abolition.

Sec. 175.26. Any section or part of any section in this Charter, insofar as it should conflict with these sections 175.13, 175.14, 175.15, 175.16, 175.17, 175.18, 175.19, 175.20, 175.21, 175.22, 175.23, 175.24, 175.25 or 175.26, 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 these sections shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

That the aforesaid propositions to be voted on will appear on the ballot under the heading "Sacramento City Charter Amendments" in words and figures as follows, to-wit:

### SACRAMENTO CITY CHARTER AMENDMENTS

#### TERM OF UTILITY FRANCHISES

To amend Article XXII, Sections 206, 207 :  
and 208 of City Charter, allowing the  
City to grant franchises to Public  
Utility Companies without definite term,<sup>s</sup>  
and in return the City to benefit by  
increased franchise payments.

YES	
NO	

#### RETIREMENT SYSTEM

To amend Sections 167, 173 and 175 of  
the City Employees' Retirement System,  
to provide additional benefits by in-  
creasing employee's contribution rates;  
reducing retirement allowance for dis-  
ability in line of duty from three-  
quarter salary to one-half salary; re-  
ducing compulsory retirement age for  
Patrolmen and Firemen from age 70 to  
65 and changing method of computing final  
compensation from ten year average prior  
to retirement to any five consecutive  
years of membership.

YES	
NO	

I hereby certify that the foregoing Charter Amendments were ordered submitted by the City Council of the City of Sacramento.

DATED:

H. G. DENTON  
City Clerk of the  
City of Sacramento.

SECTION 6: The City Clerk of said City is hereby authorized and directed to cause copies of said proposed amendments of said Charter to be printed in convenient pamphlet form and in type of not less than ten (10) point.


SECTION 7: The City Clerk of said City is hereby ordered and directed upon the printing of said pamphlet

setting forth said proposed amendments to said Charter, and until November 4, 1952, (being the date fixed for the election upon said Charter amendments) to publish in the "Sacramento Union", the official newspaper of the City of Sacramento (being a newspaper of general circulation printed in said City) pursuant to the provisions of the Constitution of the State of California, a notice that copies of said pamphlet may be had at the office of said City Clerk upon application therefor. Such notice may substantially be in the following form, to-wit:

NOTICE OF PROPOSED AMENDMENTS TO  
THE CHARTER OF THE CITY OF  
SACRAMENTO.

Notice is hereby given that the City Council of the City of Sacramento proposes to submit on its own motion to the electors of said City, at the Special Municipal Election to be consolidated with the General Election to be held on November 4, 1952, proposed amendments to the Charter of said City, and that copies of said proposed amendments, in convenient pamphlet form, may be had at the office of the undersigned City Clerk upon application therefor.

H. G. DENTON  
City Clerk of the  
City of Sacramento  
Room 203, City Hall. "

  
City Clerk.

  
Mayor