

**Office of
The City Attorney
City of San Diego**

**MEMORANDUM
MS 59**

(619) 236-6220

DATE: August 20, 2018

TO: Elizabeth Maland, City Clerk

FROM: City Attorney

SUBJECT: Title, Summary, and City Attorney Impartial Analysis for Ballot Measure – Industrial Disability Retirement Benefit for Police Officers (**Measure N**)

The City Council has directed the City Attorney to prepare a ballot title, summary and impartial analysis of a San Diego Municipal Code (Municipal Code) amendment measure related to an industrial disability retirement benefit for police officers, which the City Council voted to place on the November ballot. (*See* Resolution R-311919, adopted July 30, 2018).

The measure seeks voter approval to amend the Municipal Code by amending Chapter 2, Article 4, Division 5, Section 24.0501, Industrial Disability – Safety and General Members.

The City Council adopted San Diego Ordinance O-20968 on July 30, 2018, to submit the Municipal Code amendment measure to the voters on the November 6, 2018 Municipal Special Election ballot.

BALLOT TITLE

Amendments to the San Diego Municipal Code to Reinstate an Industrial Disability Retirement Benefit for Members of the San Diego Police Officers Association Who Suffer Certain Violent Attacks at Work Resulting in Great Bodily Harm.

BALLOT SUMMARY

This measure would amend the San Diego City Municipal Code to reinstate an industrial disability retirement benefit in the City’s retirement system for City employees who are

represented by the San Diego Police Officers Association (SDPOA) and who suffer a violent attack at work that results in great bodily harm. The benefit would be provided when a resulting mental or nervous disorder renders the member incapable of performing his or her normal or customary duties. The benefit would be provided to members of the SDPOA who are part of the San Diego City Employees' Retirement System.

The benefit cannot be reinstated unless it is approved by a majority vote of the City of San Diego's voters. The ballot measure was the result of a negotiated agreement between the City and the SDPOA requiring the City to place the measure on the November 2018 Municipal Special Election ballot.

If approved, the Municipal Code amendments would become effective after the City Council adopts a resolution certifying the results of the November 2018 election.

CITY ATTORNEY'S IMPARTIAL ANALYSIS

This measure would amend the San Diego Municipal Code (Municipal Code) regarding industrial disability retirement benefits for members of the San Diego City Employees' Retirement System (Retirement System) who are represented by the San Diego Police Officers Association (SDPOA).

A member of the Retirement System who was employed by the City on July 1, 2000, and who suffered a violent attack at work that occurred before July 1, 2010, is eligible for an industrial disability retirement benefit if a resulting mental or nervous disorder rendered the member incapable of performing his or her normal and customary duties.

The industrial disability retirement benefit has not been provided in the Municipal Code for any SDPOA member who suffered a violent attack at work that occurred after July 1, 2010.

This measure would reinstate the benefit for members of the SDPOA who are part of the Retirement System. The reinstated benefit would cover those violent acts that occur on or after the date this measure takes effect, and for which a resulting mental or nervous disorder renders the member incapable of performing his or her normal and customary duties.

San Diego City Charter (Charter) section 143.1(a) requires a vote of the City's electors to reinstate this industrial disability retirement benefit. The Charter requires the vote because the reinstatement would increase the benefits of employees under the Retirement System.

The City of San Diego (City) agreed, in a Memorandum of Understanding between the City and the SDPOA, to take steps to reinstate the disability retirement benefit. The City Council then voted to place this measure on the ballot.

Charter section 143.1(b) also obligates the Retirement System to prepare an actuarial study of the cost of the proposed benefits increase. A summary of the actuarial study is to be published in the ballot pamphlet.

If approved by voters, the measure would become effective after the City Council adopts a resolution certifying the results of the November 2018 Municipal Special Election.