

AMENDED, SEE ORD. NO. 1628
AMENDED, SEE ORD. NO. 1687

AMENDED, SEE ORD. NO. 3015
7015

AMENDED, SEE ORD. NO. 3215

AMENDED, SEE ORD. NO. 1762
AMENDED, SEE ORD. NO. 1800

ORDINANCE NO. 1608

AN ORDINANCE CONCERNING CERTAIN ASPECTS OF ADMINISTERING THE PENSION SYSTEMS FOR ACTIVE AND RETIRED EMPLOYEES OF THE CITY OF RICHMOND.

The Council of the City of Richmond do ordain as follows:

Section 1. TITLE OF ORDINANCE

This ordinance shall be known and referred to as the Pension Administration Ordinance.

Section 2. GENERAL PURPOSES OF ORDINANCE

Section 2.1 One purpose is to bring together in one place certain information of value in administering the pension systems.

Section 2.2 Another purpose is to record the policies established and actions taken by the Pension Boards as well as others concerned with administering the pension systems.

Section 3. DEFINITIONS

The following definitions apply in the interpretation and administration of this Ordinance:

City Charter: Charter of the City of Richmond.

City Council: City Council of the City of Richmond.

City government: The municipal government of and for the City of Richmond, as established by City Charter and other basic law.

Class of positions: A grouping, based essentially upon duties and responsibilities, of one or more positions as established, defined and used in Article XIII of the City Charter, the Salary Ordinance, the Personnel Rules and other basic laws of the City government.

Employee: A person properly appointed to and working in a properly authorized position in the City government.

General Pension Board: The body established by Article XII of the City Charter to administer the General Pension Fund of the City government and the retirement system based thereon.

Health plan: Either the Kaiser Foundation Health Plan (Permanente) or the California Hospital Service (Blue Cross).

Membership dues or premiums: The amount or amounts charged by either health plan for membership in either health plan.

Pension roll: A document, similar to a pay roll, which provides the monetary benefits of one of the pension systems to a retired employee, or to a survivor of an active or retired employee.

Pension System: Any one of the retirement or pension systems established by City Charter Article XI, by City Charter Article XII, or by the contract between the City government and the State Employees Retirement System, in order to provide certain benefits to active or retired employees or to survivors.

Police and Fire Pension Board: The body established by Article XI of the City Charter to administer the Police and Firemen's Pension Fund of the City government and the retirement system based thereon.

Retired Employee: A person who is a former employee of the City government or who is the legal survivor of an active or retired employee and who is receiving, as a retiree or survivor, benefits from one of the three pension systems.

Salary Ordinance: The legal document enacted by the City Council which provides salary rates and ranges for the various classes of positions in the City government.

Salary Rate or Rates: The amounts of money, usually on a monthly basis, established by either the Salary Ordinance, the Police and Fire Pension Board, or this Pension Administration Ordinance, either as payment for services rendered by employees or as one of the bases for determining pension amounts under either of the Charter-established pension systems.

Section 4. CERTAIN RELATIONSHIPS

Section 4.1 This ordinance is a supplement to Article XI of the City Charter (Police and Firemen's Pension Fund), Article XII of the City Charter (General Pension Fund), and the contract between the City government and the State Employees' Retirement System.

Section 4.2 This ordinance also is an aid to the Police and Fire Pension Board, the General Pension Board, City officials, and the City Council in discharging their various responsibilities concerned with administering the pension systems and with active and retired employees.

Section 5. AMENDMENT OF THIS ORDINANCE

Section 5.1 This ordinance may be amended from time to time as circumstances indicate.

Section 5.2 When amending this ordinance, the City Council shall consider, among other things, the recommendations of the Police and Fire Pension Board, the General Pension Board and the City Manager, the facts and laws involved, and the desires of the retired employees.

Section 5.3 The section of this ordinance pertaining to titles of classes of positions, relations of classes of positions, and monthly salary amounts should be amended at such times as the Salary Ordinance is amended in a manner that affects the pension rights of active or retired employees.

Section 5.4 This ordinance should be replaced in the same general manner and time that the Salary Ordinance is replaced, when the Salary Ordinance replacement affects the pension rights of active or retired employees.

Section 6. CERTAIN BASIC DETERMINATIONS

Section 6.1 City Charter Articles XI and XII indicate that the "City Treasurer" and "City Auditor" shall be members of the pension boards. This subsection 6.1 hereby records and affirms the pension board determinations, due to abolition of the two classes cited above and based upon City Attorney opinions, that the membership of the Finance Director on the pension boards satisfies the Charter requirement concerning pension board memberships of the "City Treasurer" and/or "City Auditor".

Section 6.2 Charter Article XI provides, among other things, for pension amounts for retired employees which are based upon the ". . . salary attached to the rank or position . . ." held for one year prior to retirement. This subsection 6.2 hereby records and affirms the determination of the Police and Fire Pension Board that the phrase "rank or position" is the same as the concept "class of positions" as found in Charter Article XIII, the Salary Ordinance and other basic City government personnel law, for purposes of pension system administration.

Section 6.3 Charter Article XII provides, among other things, for pension amounts for retired employees which are based upon the ". . . salary attached to the positions . . ." held for 3 years prior to the retirement. This subsection 6.3 hereby records and affirms the determination of the General Pension Board that the concept "position" in City Charter Article XII is the same as the concept "class of positions" as found in Charter Article XIII, the Salary Ordinance and other basic City government personnel law, for purposes of pension system administration.

Section 6.4 If the City Council designates any part of gross monthly compensation for Police Department employees as "subsistence" as related to the provisions of Section 120 of the Internal Revenue Code of the United States Government, such amounts so designated shall be considered as if they were monthly salary by the Police and Fire Pension Board for purposes of administering the Police and Fire Pension Fund of the City government and the retirement system based thereon.

AMENDED. SEE ORD. NO. 1628 + 1697 + 1752 + 1800 + 70 NS.
Section 7. DISCONTINUED CLASSES OF POSITIONS

Section 7.1 Certain classes of positions must be discontinued, abolished or eliminated from time to time due, among other proper reasons, to changes in the organization and functioning of the City government. Some of these discontinued classes must be retained for purposes of administering Article XI of the City Charter. Therefore, in accord with the established policy and accomplished actions of the Police and Fire Pension Board, and in compliance with the City Attorney's opinion of December 16, 1957, the following classes of positions are retained for the purpose of facilitating pension system administration:

Discontinued class of positions used at time of retirement	Class of positions in current Salary Ordinance used for reference purposes	Salary rate or rates, as used in current Salary Ordinance	Assumed or derived salary rate or rates to be used for discontinued class of positions
City Electrician	- - -	- - -	\$474 - \$572 (range at time class of positions was abolished) + 10% (amount of Police and Fire salary adjustments effective July 1, 1957)
Fire Alarm Operator	Hoseman, as assigned to fire dispatcher duties	- - -	\$468 + \$10; 482 + 10; 498 + 10; 513 + 10; all monthly
Senior Captain, Fire Department	Fire Captain	\$598 monthly	- - -

Section 8. EFFECT OF SALARY DIFFERENTIALS UPON PENSIONERS

Section 8.1 To record the policies established by the Police and Fire Pension Board and the General Pension Board, and based upon City Attorney opinion of May 14, 1958, the following salary differentials shall not be used when making pension system deductions from payrolls or other sources or when computing or otherwise determining pension amounts for retired or retiring employees:

Salary differentials for night shift work;

Salary differentials for assignment to special duties such as Fire Captain working as Drillmaster, Hosemen working as Dispatchers, the Police Captain responsible for the uniform division and for Police Chief relief, and Patrolmen working as Dispatchers.

AMENDED. SEE ORD. NO. 824 NS. add

Section 8.2 To record the policies established by the Police and Fire Pension Board and the General Pension Board, and based upon City Attorney opinion of May 14, 1958, premium pay (such as holiday pay, overtime pay and temporary pay for short periods of relief in the next higher class of positions) shall not be used when making pension system deductions from payrolls or other sources or when computing or otherwise determining pension amounts for retired or retiring employees.

Section 9. HEALTH PLAN MEMBERSHIPS

Section 9.1 Eligible retired employees are entitled to pension roll deduction of membership dues or premiums for either or both health plans, in accordance with the provisions of this Section 9.

Section 9.2 Eligible retired employees are those who can be covered by the contract of insurance between the City government and either health plan.

Section 9.3 The City government shall not directly contribute any amounts of money towards the membership dues or premiums for any retired employee.

Section 9.4 The City Finance Director is hereby authorized and instructed to deduct from the pension amounts due to any retired employee such amounts as the retired employee authorizes in writing for membership or memberships in either or both health plans. The City Finance Director, the City Personnel Director, and other City officials involved are responsible for working with representatives of both health plans and the staff of the State Employees' Retirement System to effect proper pension roll deductions for such retired employees as are eligible for the benefits of the contract between the City government and the State Employees' Retirement System.

Section 9.5 Any retired employee who maintains membership in or becomes a member of either health plan shall have the right to cancel membership in either health plan at times acceptable to the health plans, or to change membership from one health plan to the other health plan in such time and manner as the health plans provide.

Section 9.6 No retired employee can be compelled or required by the provisions of this ordinance to become a member of either health plan.

Section 9.7 Retired employees who avail themselves of the benefits of Section 9 of this ordinance shall have no claim or recourse against any of the funds of the City government by virtue of membership in either or both health plans but the claims and recourse of any such health plan member shall be against the health plans only.

Section 10. CONTINUANCES

The Police and Fire Pension Board, the General Pension Board and other City employees involved in administering the pension systems shall continue to perform their advisory, appellate, administrative and other functions as heretofore performed by them or which may be assigned to them by subsequent change in the Charter or other basic law.

Section 11. RECISION

Resolution No. 6700 and all ordinances, or parts of ordinances, resolutions, or parts of resolutions, or motions, or parts of motions, which are in direct conflict with this Ordinance No. 1608 are hereby repealed.

Section 12. SEPARABILITY

In case any section, or sections, or parts of sections, or part of any part or section of this Ordinance shall be found to be unconstitutional or invalid for any reason, the remainder of this Ordinance No. 1608 shall not thereby be invalidated but shall remain in full force and effect.

Section 13. EFFECTIVE DATE

This Ordinance No. 1608 shall take effect and be in force on and after January 12, 1959.

First read at a regular meeting of the Council of the City of Richmond held January 5, 1959, and finally passed and adopted as read at a regular meeting thereof held January 12, 1959, by the following vote:

Ayes: Councilmen Miller, Bradley, Sheridan, Viano and Lyford.

Noes: None.

Absent: Councilmen Erickson, Cannon and Vargas. (One Vacancy)

HARLAN J. HEYDON
Clerk of the City of Richmond

(SEAL)

Approved:

~~CARL F. LYFORD~~
Mayor

State of California)
County of Contra Costa : ss.
City of Richmond)

I certify that the foregoing is a true copy of Ordinance No. 1608, finally passed and adopted by the Council of the City of Richmond at a regular meeting January 12, 1959, and published in accordance with law January 15, 1959..

Harlan J. Heydon
Clerk of the City of Richmond