

Ordinance No. 9994 (N.S)

AN ORDINANCE AMENDING THE RETIREE COST OF LIVING ADJUSTMENT
APPLICABLE TO EMPLOYEES WHOSE SERVICES
COMMENCE ON OR AFTER AUGUST 28, 2009

The Board of Supervisors of the County of San Diego ordains as follows:

SECTION 1. FINDINGS.

WHEREAS, Government Code section 31483 authorizes this Board, whenever it has made a particular provision of the County Employees Law of 1937, 31450 et seq., applicable in the County by ordinance, to adopt a further ordinance terminating the applicability of such provision as to employees of the County whose services commence after a given date specified in the latter ordinance; and

WHEREAS, on April 18, 1972, the Board of Supervisors adopted Ordinance No. 3875 (N.S.), which made applicable within the County Article 16.5 (commencing with Section 31870), Chapter 3, Part 3, Division 4, Title 3 of the Government Code relating to cost of living adjustments on retirement allowances; and

WHEREAS, in Section 1 of Ordinance No. 3875 (N.S.), the Board elected that the 3% maximum cost of living adjustment authorized by Government Code section 31870.1 apply to retirement allowances from and after July 1, 1972; and

WHEREAS, on August 22, 1978, the Board of Supervisors adopted Ordinance No. 5234 (N.S.), which added section 4.5 to Ordinance No. 3875 (N.S.) to make applicable the 2% maximum cost of living adjustment authorized by Government Code section 31870, instead of the 3% maximum cost of living adjustment authorized by Government Code section 31870.1 to persons who were first employed on or after October 1, 1978, in a position authorizing or requiring membership in the San Diego County Employees Retirement Association ("SDCERA"); and

WHEREAS, on February 26, 2002, the Board repealed Section 4.5 of Ordinance No. 3875 (N.S.), thereby reinstating the 3% maximum cost of living adjustment for all retired members subject to the 2% maximum cost of living adjustment and all active members; and

WHEREAS, this Board now intends to terminate the cost of living adjustment provisions of Government Code section 31870.1 and make applicable within the County the cost of living adjustment provisions of Government Code section 31870 to all persons whose services commence in a position authorizing or requiring membership in SDCERA or persons reemployed after a break in SDCERA membership (except as

required by Government Code section 31652(a)) and except as provided in section 5(b), below, on or after August 28, 2009.

SECTION 2. Section 5 is added to Ordinance No. 3875 to read:

Section 5. (a) Government Code section 31870.1 providing for a maximum 3% cost of living adjustment is hereby terminated and Government Code section 31870 providing for a maximum 2% cost of living adjustment is hereby made applicable to those persons who are first employed or reemployed after a break in SDCERA membership on or after August 28, 2009 (except as required by Government Code section 31652(a)) in a position authorizing or requiring SDCERA membership.

(b) Notwithstanding subsection (a), Government Code section 31870.1 shall apply to cadets who graduate from the 80th Regional Law Enforcement Academy, and who are thereafter employed by the County as deputy sheriffs.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 21st of July, 2009.