



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Board of Administration for  
the Police and Fire  
Department Retirement  
Plan

**SUBJECT:** Ordinance to Revise Definition  
of Surviving Child

**DATE:** 04-12-06

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**COUNCIL DISTRICT:** City-Wide

## RECOMMENDATION

Approval of an ordinance amending the San José Municipal Code changing the definition of surviving child/children to include children born to retirees or adopted by retirees after retirement; to be effective April 15, 2006.

## OUTCOME

Approval of the ordinance revising the definition of surviving child which would broaden the coverage to include those born or adopted after retirement.

## BACKGROUND

Under the current provisions of the Police and Fire Department Retirement Plan contained in Chapter 3.36 of the San José Municipal Code, surviving child or children means:

- i. The child survives the deceased person's death; and
- ii. the child is unmarried at the time of the deceased person's death; and
- iii. the child is under the age of eighteen years at the time of the deceased persons' death; and
- iv. the child is in existence or conceived at the time the deceased person retired for disability or service; and
- v. if the child is an adopted child of the deceased person, the adoption was complete pursuant to law prior to the time the deceased person retired for disability or service."

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The Police and Fire Retirement Board has asked that this definition be revised to include children who were born to retirees, either service or disability, or who were adopted after the member retires.

### **ANALYSIS**

Some of our safety employees may have children (natural or adopted) after retiring. Currently, these children are not eligible for benefits if the member dies. The Board has sought to remedy this situation by proposing an amendment to the Plan.

The Retirement Board reviewed the proposed ordinance and requested that Retirement staff forward it to the City's Rules Committee. At that time the item appeared on Council Agenda for October 25<sup>th</sup>, 2005 as Rules' Referral 3.2G(1). Council approved moving forward with the benefit change.

### **PUBLIC OUTREACH**

Not applicable.

### **COORDINATION**

This ordinance was drafted by the City Attorney's Office and reviewed by Employee Relations, POA, Local 230 and Retirement Staff.

### **COST IMPLICATIONS**

Actuarial review of this proposed benefit change has been conducted by the Retirement Board's actuary and the estimated cost at the time of the review was .037% of the City's covered payroll.

### **CEQA**

Not a project.



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