



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

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

SUBJECT: Amendment of Ordinance
Implementing
Benefits for Domestic Partners
in the Police and Fire Retirement Plan

DATE: 06-04-07

Approved

Kay Wines

Date

6/10/07

COUNCIL DISTRICT: City-Wide
SNI AREA:

RECOMMENDATION

Approval of an ordinance amending Section 18 of Ordinance No. 27712 to revise the transition provisions relating to domestic partners' benefits in the Police and Fire Department Retirement Plan.

OUTCOME

Approval of the amendment will provide recognition of domestic partnerships that were established prior to the City's adoption of the Affidavit of Domestic Partnership program for active employees.

BACKGROUND

The City Council approved Ordinance No. 27712 on May 5, 2006. The Ordinance amended the Police and Fire Department Retirement Plan to implement the California Domestic Partner Rights and Responsibilities Act of 2003 and gave the same recognition to domestic partnerships as is provided to a married couple. In an uncodified section, the ordinance included transition provisions so domestic partnerships would qualify if prior to retirement the member had filed an Affidavit of Domestic Partnership with the City even though the partnership had not yet been

registered with the Secretary of State. Subsequent to Ordinance No. 27712 becoming effective it was discovered that there is a small number of members who were inadvertently excluded from the ability to qualify as a domestic partnership and to take full advantage of the same benefits offered to married couples. This group consists of retirees who retired prior to the establishment of the City's program for Affidavit of Domestic Partnership and prior to the enactment of the state statute.

ANALYSIS

It was the intent of the Police and Fire Retirement Board of Administration to include all valid domestic partnerships that were established prior to a member's retirement. The Board of Administration has since learned that there was an oversight in the transition provisions of Ordinance No. 27712 that excludes a member of the Police and Fire Retirement Plan who retired prior to both the City's establishment of the Affidavit of Domestic Partnership Program and the legislation allowing domestic partnerships to register with the Secretary of State.

The Board of Administration believes that all persons who can substantiate with appropriate evidence that they were in a domestic partner relationship on the date of their retirement and are still in the same domestic partnership should have the opportunity to have their domestic partnerships recognized and receive the appropriate benefit. The Board of Administration is recommending that the transition period be amended to allow a retired member the ability to provide evidence satisfactory to the Board of Administration that the member had established a domestic partnership prior to retirement. In addition, the Declaration of Domestic Partnership must be filed with the Secretary of State and evidence of the establishment and registration of the domestic partnership must be filed with the Director of Retirement Services on or before December 1, 2007.

The proposed ordinance would provide survivors' benefits, health benefits and dental benefits to surviving State-registered domestic partners of these retirees on the same basis as benefits are provided for surviving spouses and domestic partners of other retirees.

PUBLIC OUTREACH

Not applicable.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, and the Office of Employee Relations. The Office of Employee Relations has forwarded a draft of the proposed

amendment to the Police Officers' Association and the International Association of Firefighters, Local 230.

COST IMPLICATIONS

The Plan Actuary estimated that providing the domestic partner benefits in accordance with state law would increase the City's contribution rate to the Police and Fire System by 0.39 percent (\$861,000 annually) of covered payroll annually and the employees' contribution rate by 0.13 percent (\$287,000 annually). The Retirement Board has already implemented these changes in the contribution rates. No additional changes in contribution rates are needed.

CEQA

Not a project.

A handwritten signature in black ink, appearing to read "Edward F. Overton". The signature is fluid and cursive, with a large initial "E" and "O".

EDWARD F. OVERTON
Secretary, Board of Administration