



## CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk  
200 East Santa Clara Street  
San José, California 95113  
Telephone (408) 535-1260  
FAX (408) 292-6207

City Clerk

STATE OF CALIFORNIA)  
COUNTY OF SANTA CLARA)  
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28752**", the original copy of which is attached hereto, was passed for publication of title on the **15<sup>th</sup> day of June, 2010**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **22<sup>nd</sup> day of June, 2010**, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,  
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **23<sup>rd</sup> day of July, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **28<sup>th</sup> day of June, 2010**.

(SEAL)

LEE PRICE, MMC  
CITY CLERK & EX-OFFICIO  
CLERK OF THE CITY COUNCIL

/rmk

**ORDINANCE NO. 28752**

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTERS 3.28 AND 3.44 OF TITLE 3 OF THE SAN JOSE MUNICIPAL CODE TO ADD NEW SECTIONS 3.28.755, 3.28.955 AND 3.44.105 AND AMEND SECTIONS 3.28.770 AND 3.28.780 TO IMPLEMENT REVISIONS IN EMPLOYEE AND EMPLOYER RETIREMENT CONTRIBUTIONS FOR THE FEDERATED CITY EMPLOYEES RETIREMENT SYSTEM**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**SECTION 1.** Part 6 of Chapter 3.28 of Title 3 of the San José Municipal Code is hereby amended by adding a new section to be numbered, entitled and to read as follows:

**3.28.755 Additional Employee Contributions**

Notwithstanding any other provisions of this Part 6 or of Chapter 3.44, members of this system shall make such additional retirement contributions as may be required by resolution adopted by the City Council or by executed agreement with a recognized bargaining unit.

**SECTION 2.** Section 3.28.770 of Part 6 of Chapter 3.28 of Title 3 of the San José Municipal Code is hereby amended to read as follows:

**3.28.770 Contributions - Individual Account Requirements**

- A. Each member's normal contributions, including those made under the Chapter 3.24 system and those made under this system, shall be credited by the Director of Finance to an individual account kept for such member. Such account shall also show any and all withdrawals or redeposits of normal contributions, if any, made by the member pursuant to the provisions of the Chapter 3.24 retirement

system or this system. The total normal contribution so credited to a member, plus interest, if any, on such contributions which has been credited to such account, less all such contributions which have been withdrawn and not redeposited, shall be deemed, unless and except as may be otherwise provided by other provisions of this system, to be the accumulated normal contributions of such member in this system.

- B. Each member's prior service contributions, made on or after July 1, 1975 under the provisions of this system, also shall be credited by the Director of Finance to an individual account kept for such member. Such account shall also show all withdrawals of prior service contributions, if any, made by such member pursuant to the provisions of this system. The total prior service contributions thus credited to a member, plus interest if any on such contributions which has been credited to such account, less withdrawals, shall be deemed, unless and except as may be otherwise provided by other provisions of this system, to be the accumulated prior service contributions of such member in this system.
  
- C. Each member's additional contributions made on or after July 1, 2010 under the provisions of this system, also shall be credited by the Director of Finance to an individual account kept for such member. Such account shall also show all withdrawals of additional contributions, if any, made by such member pursuant to the provisions of this system. The total additional contributions thus credited to a member, plus interest if any on such contributions which has been credited to such account, less withdrawals, shall be deemed, unless and except as may be otherwise provided by other provisions of this system, to be the accumulated additional contributions of such member in this system.
  
- D. Payment of salaries and wages, less contributions required of a member, is in full discharge of all claims and demands whatsoever for the services rendered by

the members during the periods covered by such payment, except the benefits afforded by the provisions of this Chapter.

**SECTION 3.** Section 3.28.780 of Part 6 of Chapter 3.28 of Title 3 of the San José Municipal Code is hereby amended to read as follows:

**3.28.780 Return of Contributions**

- A. Except as otherwise provided in Sections 3.28.580, 3.28.590, 3.28.785, and 3.28.2420 of this Chapter, if the membership herein of a member of this system is terminated for any reason other than death or retirement, the member shall be paid, within six (6) months after the date of such termination, all of his or her accumulated normal contributions, all of his or her accumulated prior service contributions and all of his or her accumulated additional contributions.
  
- B. Anything elsewhere in this Chapter 3.28 to the contrary notwithstanding, if during a member's employment with the City, the member is required to or elects to become a member of any other retirement system supported in whole or in part by public funds, or is required to or elects to discontinue such federated City service as qualifies him or her for membership in this system and thereafter renders City service other than federated City service, such member shall be considered as having resigned from federated City service and, except as otherwise provided in Sections 3.28.580, 3.28.590, 3.28.785, and 3.28.2420, to have terminated membership in this system, as of the date he or she becomes a member of said other system or ceases to render said federated City service as aforesaid.
  
- C. Except as provided in Section 3.28.785, upon termination of a member's membership in this system for any reason other than death or retirement, the member, and any and all other persons or estates who might otherwise be

entitled to any rights or benefits under this system because of such member's membership, shall thereupon cease to have or be entitled to any rights or benefits under this system.

**SECTION 4.** Part 7 of Chapter 3.28 of Title 3 of the San José Municipal Code is hereby amended by adding a new section to be numbered, entitled and to read as follows:

**3.28.955 Offset to City for Additional Employee Contributions**

Notwithstanding any other provision of this Part 7, the City shall be entitled to an offset of a percentage, as is determined appropriate by the actuary for the Federated City Employees Retirement System, of the additional employee retirement contributions that are made under Section 3.28.755 against the retirement contributions that the City would otherwise be required to make under this Part 7.

**SECTION 5.** Chapter 3.44 of Title 3 of the San José Municipal Code is hereby amended by adding a new section to be numbered, entitled and to read as follows:

**3.44.105 Additional Employee Contributions**

Notwithstanding any other provisions of this Chapter 3.44, the City shall be entitled to an offset of a percentage, as is determined appropriate by the actuary for the Federated City Employees Retirement System, of the additional employee retirement contributions that are made under Section 3.28.755 against the COLA fund contributions that the City would otherwise be required to make under this Chapter 3.44.

PASSED FOR PUBLICATION of title this 15<sup>th</sup> day of June, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED  
Mayor

ATTEST:



LEE PRICE, MMC  
City Clerk

**SAN JOSE POST-RECORD**

95 S. Market St., Ste. 535, SAN JOSE, CA 95113  
Telephone (408) 287-4866 / Fax (408) 287-2544

RECEIVED  
San Jose City Clerk

2010 JUN 23 A 10: 17

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SUZANNE GUZZETTA  
SAN JOSE CITY CLERK  
200 E. SANTA CLARA ST.  
SAN JOSE, CA - 95113

SJ#: 1886526

ORDINANCE NO. 28752

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTERS 3.28 AND 3.44 OF TITLE 3 OF THE SAN JOSE MUNICIPAL CODE TO ADD NEW SECTIONS 3.28.755, 3.28.955 AND 3.44.105 AND AMEND SECTIONS 3.28.770 AND 3.28.780 TO IMPLEMENT REVISIONS IN EMPLOYEE AND EMPLOYER RETIREMENT CONTRIBUTIONS FOR THE FEDERATED CITY EMPLOYEES RETIREMENT SYSTEM PASSED FOR PUBLICATION of title this 15<sup>th</sup> day of June, 2010, by the following vote:  
AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, REED  
NOES: NONE.  
ABSENT: NONE.  
DISQUALIFIED: NONE.

CHUCK REED  
Mayor  
ATTEST:  
LEE PRICE, MMC  
City Clerk  
6/18/10

SJ-1886526#

**PROOF OF PUBLICATION**

(2015.5 C.C.P.)

State of California )  
County of SANTA CLARA ) ss

Notice Type: GORSJ - SAN JOSE ORDINANCE (1 PUB)

Ad Description: ORDINANCE #28752

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN JOSE POST-RECORD, a newspaper published in the English language in the city of SAN JOSE, county of SANTA CLARA, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SANTA CLARA, State of California, under date 02/03/1922, Case No. 27844. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

06/18/2010

Executed on: 06/18/2010  
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

