

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, AMENDING SECTION 3-330(a) OF THE
FRESNO MUNICIPAL CODE TO CLARIFY THE DEATH
PROVISIONS OF THE FIRST TIER OF THE FIRE AND
POLICE RETIREMENT SYSTEM

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 3-330 of the Fresno Municipal Code is amended to read as follows:

SECTION. 3-330. DEATH BENEFITS

(a) Upon the death before retirement of a member, the Retirement System shall be liable for a death benefit, which, if an amount be due under paragraph (3) of this subsection or an allowance be payable under Section 3-338, and if there be a surviving spouse or surviving domestic partner or surviving children or parents, shall be paid in monthly installments and to the surviving spouse or surviving domestic partner and children and parents as prescribed therein; otherwise such death benefit shall be paid to such person having an insurable interest in the member's life as the member shall nominate by written designation duly executed and filed with the Retirement Board or, if the member has not designated such a person or if the person so designated is not living at the time of the payment, to the member's estate. Such death benefits shall

1 of 5

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:  _____

Ordinance No. _____

consist of:

(1) The member's accumulated contributions, and in addition thereto;

(2) An amount equal to one-sixth of the member's compensation earnable during the six months immediately preceding the member's death multiplied by the member's completed years of service as a member of the System not to exceed six, and if such death is service-connected, in the opinion of the Retirement Board, in addition thereto;

(3) An amount sufficient, when added to the amounts provided in the next preceding paragraphs (1) and (2) to provide, when applied according to mortality tables and interest rate adopted by the Board, a monthly death allowance, equal to the service retirement allowance which the member would have received if the member had retired for service on the day of the member's death, provided the member was at least fifty years of age, and was entitled to be credited with at least twenty years of service, but such allowance shall not be less than ~~one-half~~ [fifty-five percent] of the member's average compensation; otherwise, equal to ~~one-half~~ [fifty-five percent] of the member's average compensation, to be paid to the surviving spouse or surviving domestic partner, to continue as long as the spouse or domestic partner shall live; or if there be no qualifying surviving spouse or qualifying surviving domestic partner,

or if the spouse or domestic partner shall die, to the unmarried child or children of such member who are unmarried or not in a domestic partnership, collectively, under the age of eighteen years, to continue until every such child dies or marries or attains age eighteen; provided that no child shall receive any allowance after marrying or attaining age eighteen. Should the member leave no surviving spouse or surviving domestic partner and no children under the age of eighteen but leave a child or children, who, pursuant to terms and conditions adopted by the Retirement Board, is or are determined by the Board to have been disabled prior to age eighteen and whose disability continues past age eighteen, the child or children while so disabled shall collectively receive a monthly allowance equal to that which a surviving spouse or surviving domestic partner otherwise would have received. Should the member leave no surviving spouse or surviving domestic partner and no children under the age of eighteen years, and no disabled child whose disability continued past the age of eighteen years, but leave a parent or parents dependent upon the member for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse or surviving domestic partner otherwise would have received during such dependency. If payment of the allowance be stopped because of death of the surviving spouse or death of the surviving domestic partner or attainment of the age of eighteen years

by, or the death or marriage of, a child, or cessation of disability in a child whose disability continued past the age of eighteen years, or the death or cessation of dependency of a parent, before the sum of the monthly payments made shall equal the sum of the amounts provided in the next preceding paragraphs (1) and (2), then an amount equal to the difference between said sums shall be paid in one amount, to the surviving children of the deceased member, share and share alike, and if none, to the member's estate.

SECTION 2. This ordinance shall be applicable to members, retired members, and beneficiaries of the Fire and Police Retirement System with respect to retirement allowances issued after July 1, 1998.

SECTION 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2024.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2024
Mayor Approval/No Return: _____, 2024
Mayor Veto: _____, 2024
Council Override Vote: _____, 2024

TODD STERMER, CMC
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

BY: _____
Deputy City Attorney Date

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