

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SUBSECTION (f) OF SECTION 3-402; AND ADDING SECTION 3-427 TO ARTICLE 4 OF CHAPTER 3 OF THE FRESNO MUNICIPAL CODE, RELATING TO TIER 2 OF THE FIRE AND POLICE RETIREMENT SYSTEM

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

SECTION 1. Subsection (f) of Section 3-402 of the Fresno Municipal Code is amended to read:

SECTION 3-402. CREATION OF THE SECOND TIER OF THE FIRE AND POLICE RETIREMENT SYSTEM.

(f) Since this article is a second tier of the Retirement System, (i) such administrative provisions of article 3 as sections 3-305, 3-306, 3-308, 3-309, 3-310, 3-311, 3-312, 3-313, 3-314, 3-315, 3-316, 3-317, 3-322, 3-323, 3-324, 3-325, 3-326, 3-327, 3-334, 3-345, 3-346, 3-350, 3-351, and 3-352, and (ii) Section 3-354 are applicable to members who commenced service on or after August 27, 1990.

SECTION 2. Section 3-427 is added to Article 4 of Chapter 3 of the Fresno Municipal Code:

SECTION 3-427. REFUND OF CONTRIBUTIONS.

(a) Should the service of a member in a status requisite for membership in the System be discontinued, except by death or retirement, the member shall be paid no less than six months after the date of discontinuance, and upon the member's demand, the member's

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:



Ordinance No.

accumulated contributions; provided that, if in the opinion of the Retirement Board, said member is permanently separated from service by reason of such discontinuance, the member shall be paid forthwith all of the member's accumulated contributions. In intervals between meetings of the Retirement Board, the Retirement Administrator shall act under this section, for and in lieu of the Board, by making payment of accumulated contributions in the same manner and with the same effect as if the conditions prescribed herein for the Board were prescribed instead for the Retirement Administrator. Such payments shall be reported to the Board at its next meeting.

(b) Any member upon re-entry to the Retirement System may within thirty days of re-entry elect to redeposit in the Retirement Fund, in one lump sum or in equal bi-weekly payments spread over a time period not to exceed five years, an amount equal to that which the member withdrew from the Retirement Fund at the member's last termination of membership, including the amount of additional interest, which would have been credited to the member's account had such contributions not been withdrawn. If a member elects to make repayments in equal bi-weekly payments but fails to complete the repayment schedule, the member shall only receive credit for the amount of service which is the actuarial equivalent to the amount of repayment actually made by the member. In the case of members electing to make repayment other than in one lump sum, interest shall be paid on the unpaid balance of the amount payable

to the System under such an election, beginning on the effective date of such election at the rate of interest currently being used under the System. If a member does not make such a redeposit upon re-entry to the Retirement System the member shall re-enter as a new member without credit for any service. Notwithstanding the foregoing redeposit limitation there is an open one hundred twenty-day period beginning March 1, 2017, for the purpose of allowing any member who has re-entered service and has not elected to redeposit, to make or not make an election to redeposit in the Retirement Fund in accord with this subsection. The Retirement Board may also create an open thirty-day period for allowing an individual member to elect to redeposit in accordance with this subsection upon a finding that an employee has been inequitably denied an opportunity to redeposit due to financial hardship or other circumstances beyond the control of the employee.

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, YVONNE SPENCE, 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 \_\_\_\_\_, 2017.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2017  
Mayor Approval/No Return: \_\_\_\_\_, 2017  
Mayor Veto: \_\_\_\_\_, 2017  
Council Override Vote: \_\_\_\_\_, 2017

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN,  
City Attorney

BY: \_\_\_\_\_  
Seth Mehrten  
Deputy City Attorney

SM:nd (73655nd/sm)