

Case No. S242034

No Fee (Gov. Code § 6103)

In The Supreme Court Of The State Of California

CATHERINE A. BOLING, ET AL. and CITY OF SAN DIEGO,

Petitioners,

v.

PUBLIC EMPLOYMENT RELATIONS BOARD,

Respondent,

SUPREME COURT
FILED

DEC 29 2017

Jorge Navarrete Clerk

Deputy

SAN DIEGO MUNICIPAL EMPLOYEES ASSOCIATION; DEPUTY
CITY ATTORNEYS ASSOCIATION; AMERICAN FEDERATION OF
STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO,
LOCAL 127; SAN DIEGO CITY FIREFIGHTERS, LOCAL 145, IAFF,
AFL-CIO,

Real Parties in Interest.

AFTER A DECISION BY THE COURT OF APPEAL FOURTH APPELLATE DISTRICT,
DIVISION ONE, CONSOLIDATED CASE NOS. D069626 AND D069630

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF *AMICUS*
CURIAE BRIEF OF PETITIONER CITY OF SAN DIEGO BY *AMICI*
CURIAE LEAGUE OF CALIFORNIA CITIES, CALIFORNIA STATE
ASSOCIATION OF COUNTIES AND INTERNATIONAL MUNICIPAL
LAWYERS ASSOCIATION**

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Association of Counties and International Municipal Lawyers Association

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TO THE HONORABLE TANI CANTIL-SAKAUYE, CHIEF JUSTICE;
THE HONORABLE ASSOCIATE JUSTICES OF THE CALIFORNIA
SUPREME COURT; AND TO ALL PARTIES AND THEIR
ATTORNEYS OF RECORD HEREIN:

I. INTRODUCTION

Pursuant to Evidence Code section 452(b), and California Rules of Court 8.520 and 8.252, *Amici Curiae*, League of California Cities, California State Association of Counties and International Municipal Lawyers (hereinafter “*Amici*”) move this Court to take judicial notice of the citizens’ initiatives listed below.

The documents of which judicial notice is requested are described and indicated, under penalty of perjury, to be true and correct copies of the original in the declaration of *Amici*’s counsel, Arthur A. Hartinger, included herein:

Exhibit A: San Francisco Proposition I, November 1983, setting police and fire fighter salaries;

Exhibit B: San Francisco Proposition J, November 1982, setting police overtime rate;

Exhibit C: San Francisco Proposition J, November 1983, setting fire fighter overtime rate;

Exhibit D: San Francisco Proposition I, November 1982, setting police retirement benefits;

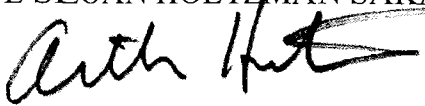
Exhibit E: San Francisco Proposition B, February 2008, establishing a deferred retirement program;

Exhibit F: Sacramento County, Measure A, November 2009, establishing binding arbitration for probation officers;

Exhibit G: San Francisco Proposition F, June 1990 concerning minimum staffing levels for fire fighters; and

This request is based upon the instant request, the memorandum of points and authorities, and the declaration of *Amici's* counsel, Arthur A. Hartinger, included herein.

Dated: December 1, 2017 RENNE SLOAN HOLTZMAN SAKAI LLP

By: 

ARTHUR A. HARTINGER

II. MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF *AMICI'S* REQUEST FOR JUDICIAL NOTICE

California Evidence Code sections 459 provides reviewing courts the same power to take judicial notice of documents as trial courts under Evidence Code section 450 et seq. Evid. Code § 459. In turn, Evidence Code section 452(b) provides that a court may take judicial notice of “[r]egulations and legislative enactments issued by or under the authority of the United States or any public entity in the United States.” *Id.* § 452, subd. (b).

California Rule of Court 8.520 requires that any request for judicial notice to the Supreme Court comply with the requirements set forth in California Rule of Court 8.252, subdivision (a) (hereinafter “Rule 8.252(a)”). (Cal. R. Court, § 8.520, subd. (g).) In turn, Rule 8.252(a) requires that any judicially noticed document be relevant to the appeal. (Cal. R. Court, § 8.252, subd. (a)(2)(A).)

Therefore, *Amici* requests this Court to take judicial notice of Exhibits A through H, legislative enactments by the citizens of the respective jurisdictions concerning matters related to terms and conditions of employment.

Respectfully submitted,

Dated: December 1, 2017 RENNE SLOAN HOLTZMAN SAKAI LLP

By: 
ARTHUR A. HARTINGER

**III. DECLARATION OF ARTHUR A. HARTINGER IN SUPPORT OF
AMICI CURIAE'S REQUEST FOR JUDICIAL NOTICE**

I, ARTHUR A. HARTINGER, declare:

1. I am an attorney admitted to practice in the state of California, and am one of the attorneys of record representing the *Amici Curiae* League of California Cities, California State Association of Counties and International Municipal Lawyers, in support of Petitioner City of San Diego.

2. I make this declaration in support of the instant request for judicial notice.

3. I am counsel for the *amici curiae* League of California Cities, California State Association of Counties and International Municipal Lawyers in this case.

3. The following documents are true and correct copies of excerpts from ballot pamphlets containing citizen's initiatives:

Exhibit A: San Francisco Proposition I, November 1983, setting police and fire fighter salaries;

Exhibit B: San Francisco Proposition J, November 1982, setting police overtime rate;

Exhibit C: San Francisco Proposition J, November 1983, setting fire fighter overtime rate;

Exhibit D: San Francisco Proposition I, November 1982, setting police retirement benefits;

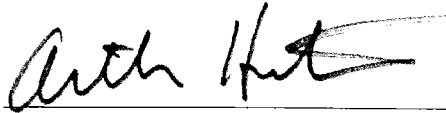
Exhibit E: San Francisco Proposition B, February 2008, establishing a deferred retirement program;

Exhibit F: Sacramento County, Measure A, November 2009, establishing binding arbitration for probation officers; and

Exhibit G: San Francisco Proposition F, June 1990 concerning minimum staffing levels for fire fighters.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I could competently testify thereto if called upon to do so.

Executed this 1st day of December, 2017, at Berkeley, California.

A handwritten signature in black ink, appearing to read "Arthur Hartinger", written over a horizontal line.

ARTHUR A. HARTINGER

EXHIBIT A

San Francisco Voter Information Pamphlet

Municipal Election
November 8, 1983

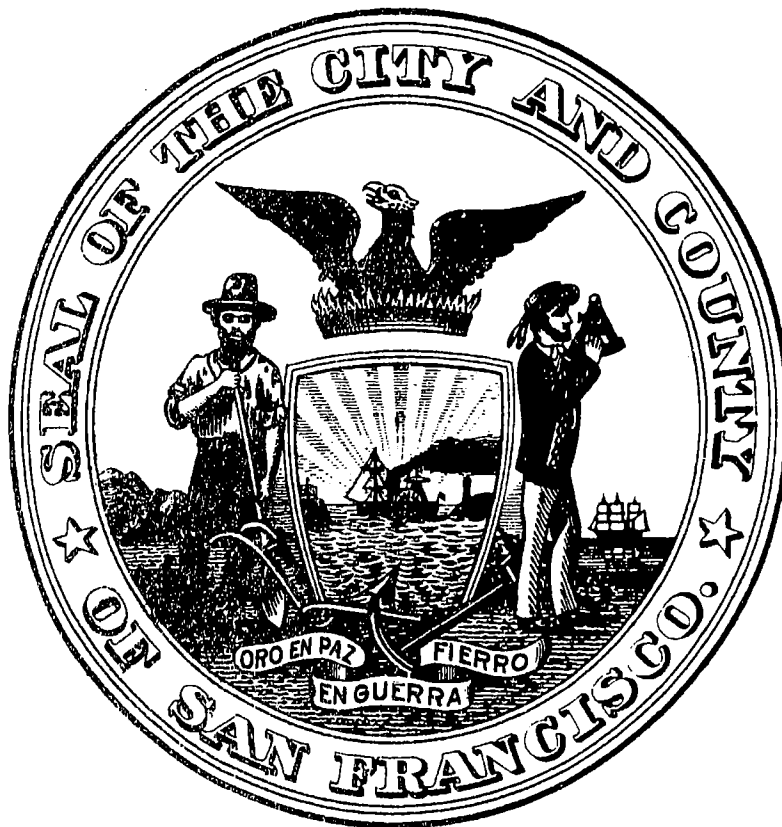
Sample Ballot
Page 5

DOCUMENTS DEPT.

OCT 27 1983

SAN FRANCISCO
PUBLIC LIBRARY

SF
R45
*1
11/8/83
DIST.16



DISTRICT 16

Jay Patterson
Registrar of Voters

I

Police & Fire Salaries

PROPOSITION I.

Shall it be the duty of the Board of Supervisors to adjust rates of pay for police officers and firefighters based on rates fixed in certain California cities where those cities adopt their rates after August 25th but before June 30th of the following year?

YES 131 ➡

NO 132 ➡

Analysis

By Ballot Simplification Committee

THE WAY IT IS NOW: San Francisco's rates of pay for police and fire are fixed each year by averaging the rates of pay in police and fire departments in California cities with a population of more than 350,000. The averages are determined by a survey made by Civil Service. San Francisco's rates are fixed by the Board of Supervisors by August 25th of each year and are not adjusted until the next fiscal year.

the surveyed cities do not adopt their rates of pay until after August 25th the rates adopted by those cities before June 30th of the following year would be used to further adjust rates of pay for San Francisco police and fire.

A YES VOTE MEANS: If you vote yes, you want rates of pay for police and fire to be further adjusted by rates adopted after August 25th.

THE PROPOSAL: Proposition I would not change the present method of fixing rates of pay for police and fire. The proposition would provide that if any of

A NO VOTE MEANS: If you vote no, you want rates of pay for police and fire to be set using those rates which have been adopted by August 25th.

Controller's Statement on "I"

City Controller John C. Farrell has issued the following statement on the fiscal impact of Proposition I:

"Should the proposed Charter amendment be adopted, in my opinion, it would not, in and of itself, affect the cost of government. However, as a product of its future application, Police and Fire salaries may be increased by an indeterminate amount. The net effect on the cost of government, should this occur, is not determinable but should be substantial."

How "J" Got on Ballot

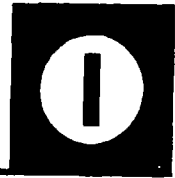
On August 22 Registrar of Voters Jay Patterson certified that the Firefighters' Overtime Initiative Petition had a sufficient number of signatures to be placed on the ballot.

The Firefighters Union, proponents of the petition, had gathered 34,129 signatures which they turned in to the Registrar on August 10.

A random check of the signatures showed that 26,490 of the signatures were valid. This is more than the 22,834 signatures needed to qualify an initiative charter amendment for the ballot.

TEXT OF PROPOSITION I APPEARS ON PAGE 87

Police & Fire Salaries



ARGUMENT IN FAVOR OF PROPOSITION I

As members of the Board of Supervisors, we are aware of the functions of our local government. We know when government works and more importantly, we know when it fails.

Proposition I corrects a failure in setting the average wage for San Francisco firefighters and police officers. This plan will allow the Board of Supervisors to correct a system that has failed seven out of nine years.

Proposition I is not asking for more than the true average wage provided for public safety officers in cities like Los Angeles, San Diego, Long Beach and San Jose.

Join with us to support a fair level of compensation for our public safety officers.

Vote Yes on Proposition I

Submitted by the Board of Supervisors

ARGUMENT IN FAVOR OF PROPOSITION I

In 1975, we co-authored a charter amendment, drafted by then Supervisor John J. Barbagelata, which set salaries of our police officers and firefighters at the average of police and fire salaries in all California cities of 350,000 or more.

VOTE YES ON "I".

By charter, the Board of Supervisors must pass the law for police officers and firefighters annual salary by August 25th. However, in some years since 1975, one or more of the California cities of over 350,000 population which are used to calculate the average pay of police officers and firefighters have not settled on their salaries before San Francisco's deadline of August 25th. Therefore,

Proposition I, which allows the salaries of police officers and firefighters to be adjusted after August 25th to reflect any new figures from a city which is late in setting its police/fire salaries, is absolutely consistent with the intent of our 1975 Charter amendment. It corrects an unfair deadline technicality which cheats our police officers and firefighters, and no matter whether there are additional costs, it redeems a moral, if not legal, obligation of all San Franciscans to such police officers and firefighters.

As co-authors of the original law, we urge you to vote "Yes" on Proposition I.

Supervisor Quentin L. Kopp

John J. Barbagelata

ARGUMENT IN FAVOR OF PROPOSITION I

YES ON I

The nature of police work means there are few clear-cut decisions and in my role as chief, they are all hard ones. Prop. I is a rare, clear choice for me. It only asks for what is fair, what the voter truly intended when Prop. "P" passed in 1975. Not an increase but an adjustment that will produce a fair average for police compensation.

The men and women of the S. F. Police Department are there when you need them. Be there for them at the polls. Vote Yes on Prop. I.

Cornelius P. Murphy

Chief of Police

S.F. Police Department

ARGUMENT IN FAVOR OF PROPOSITION I

YES ON I

As members of the San Francisco Police Commission, we have the awesome responsibility to oversee the actions of our police officers. As Commissioners, we demand fairness, compassion and a responsible attitude from our police officers. In return they have a right to ask from us the same. That's why we support Proposition I.

This measure corrects a flaw in the city charter that fails to compensate our police officers fairly for the often dangerous job they perform daily. This flaw has been in

existence for nine years and it has failed seven times. Police officers do not have the luxury of failure in their job. As citizens of San Francisco, we cannot let our police officers down and allow this weak law to continue to fail them. Join with us and support Proposition I. Vote Yes.

Commissioner David Sanchez
President

Commissioner Al Nelder
Commissioner Burl Toler

Commissioner Jo Daly

Commissioner Jane McKaskle

Murphy

Vice-President

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.



Police & Fire Salaries

ARGUMENT IN FAVOR OF PROPOSITION I

YES ON PROP. "I"

As police officers in San Francisco, we have a tremendously difficult job of protecting your personal safety. Our department works twenty-four hours a day, seven days a week, to provide you with the best possible protection. Our work is demanding and often times goes without notice. We know that our system works best at protecting you.

We now are asking you for your protection from a system that has failed us seven times in eight years. In 1975, the voters of San Francisco adopted a formula that sets the wages for public safety officers. The formula attempts to provide the average wage to police officers and firefighters in San Francisco that is given to our counterparts in California cities that serve a population of 350,000 or greater. However due to a flaw in the law, this formula has failed to compensate our officers with the average wage.

Proposition "I" will provide the true average wage that was intended by the voters in 1975. Proposition "I" will not change the formula but will only close the loophole that causes this continual failure.

Proposition "I" has broad based support from our Federal, State and local elected officials. More importantly Proposition "I" has the support of the original author, former Supervisor John Barbagelata, and its co-authors Supervisors John Molinari, Quentin Kopp and former Supervisor, present Police Commissioner Al Nelder.

Proposition "I" will close forever the loophole that has stopped the will of the voters eight years ago. We urge you to follow the guidance of our informed elected officials—past and present—and vote Yes on Proposition "I".

Croce "Al" Casciato, President
San Francisco Police Officers Assn.

ARGUMENT IN FAVOR OF PROPOSITION I

The existing pay formula for San Francisco Police and Fire Fighters provides that they shall be paid the average of the salaries paid to Police and Fire Fighters in five California cities (San Francisco, Los Angeles, San Diego, Long Beach, San Jose). The survey of salaries to establish equity is made on salaries paid prior to August 25th, the final date for the salary survey.

Often some of these cities settle their salaries for the current fiscal year *after* the August 25th deadline, retroactive to July 1st. The result is that the San Francisco Fire Fighters and Police Officers are *deprived* of the salary increase until the following fiscal year.

This is contrary to the intent of the voters who approved the present pay formula. The proposed change would rectify this inequity and assure that San Francisco

Fire Fighters and Police Officers would be paid the average pay received by other California jurisdictions.

The San Francisco Fire Fighters believe it is unfair for the entire Police and Fire Departments to be penalized because of the actions of one city or two.

Vote YES on PROPOSITION I

James T. Ferguson, President
SAN FRANCISCO FIRE FIGHTERS

ENDORSED BY:

Emmett D. Condon, Chief of Department
Henry E. Berman, President Fire Commission
Curtis McClain, Vice President, Fire Commission
Anne S. Howden, Member, Fire Commission
Robert Nicco, Member, Fire Commission

ARGUMENT IN FAVOR OF PROPOSITION I

VOTE YES ON PROPOSITION "I"

As an elected official who has served at all levels of state and municipal government, I have had the opportunity to make government more efficient for everyone. Proposition "I" is another opportunity to correct a serious inequity in local government. Proposition "I" is an adjustment to make the wage formula for firefighters and

police officers work, where it has failed seven out of eight years. In the interest of justice, I strongly support this measure and urge you to join with me and vote yes on Proposition "I".

Leo T. McCarthy
Lieutenant Governor

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Police & Fire Salaries



ARGUMENT IN FAVOR OF PROPOSITION I

I am in support of Proposition I because I believe in equity for our Police Officers and Firefighters. The men and women who work in public safety are asking us to correct the wage formula we gave them in 1975. They are not demanding an increase but a correction of the

present law. I support Prop. I; fairness demands you do too!

Sala Burton
Member of Congress
5th Congressional District

ARGUMENT IN FAVOR OF PROPOSITION I

VOTE YES ON PROPOSITION "I"

As your elected representatives from San Francisco, we are critically aware of the peoples' need for justice and equity under the law. Proposition "I" will give firefighters and police officers the fair and equitable salary formula that the voters intended when they approved the wage formula in 1975.

We believe that it was the voters intent, in 1975, to pay our police officers and firefighters the "true" average of other California cities, but the fact is the true average is not being paid.

We must correct this injustice that has existed for the

past eight years. Proposition "I" will accomplish this. Proposition "I" is an equity measure, not an increase in benefits.

Those who protect our lives and property deserve our support. We are strongly urging you to vote yes on Proposition "I".

Honorable *Willie L. Brown*, Honorable *John Foran Jr.*

Speaker of the Assembly	Member of the Senate
Honorable <i>Art Agnos</i>	Honorable <i>Lou Papan</i>
Member of the Assembly	Member of the Assembly

ARGUMENT IN FAVOR OF PROPOSITION I

YES ON I

Proposition "I" will end the unfairness in the way that the city sets the wages for police officers and firefighters.

I am often times critical of these departments, as I demand that they serve the interests of all the people of San Francisco. I am also aware that they have one of the most difficult and often times dangerous jobs in society.

They need our guidance and our support. If we ask fairness from them, they have a right to demand the same from us. That is why I support Proposition "I".

Please join with me and my friends and vote Yes on Proposition "I".

Carol Ruth Silver
Member, Board of Supervisors

ARGUMENT IN FAVOR OF PROPOSITION I

YES ON I

As President of the Board of Supervisors, I have always fought for fairness both for you and for the people who serve you—our city employees.

Eight years ago, the voters adopted a formula to set the wages of police officers and firefighters. The authors of that measure told the voters, "This will provide a fair average wage to our uniform services." However, because of an unforeseen flaw in the law the "fair average wage" has often not been given.

Proposition "I" will not change the formula but only correct the law to allow the city to carry out the intentions you stated eight years ago.

Proposition "I" is fair. Please join with me and support fairness for our uniform services.

Vote Yes on Proposition "I".

Wendy Nelder
President, Board of Supervisors

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I

Police & Fire Salaries

ARGUMENT IN FAVOR OF PROPOSITION I

When an inequity is discovered, it must be corrected. As a State Senator, I have worked very hard to assure all our citizens fair and equitable treatment.

Please join me in voting for Proposition I which corrects the inequity that currently exists in the formula

which sets our police and firefighter salaries.

Senator Milton Marks
Senate District 5
State of California

ARGUMENT AGAINST PROPOSITION I

VOTE NO ON "I"

Vote "NO" on Proposition "I". This proposition would throw the City's budget process into chaos. It would replace the careful management of City revenues with guesses and unexpected salary increases.

Certainly, San Francisco's police officers and fire fighters deserve to be paid at a rate commensurate with those in other large cities in California. Presently, the Charter requires the City to pay police officers and fire fighters salaries equal to the average paid in the five largest cities in the state. The Board of Supervisors must approve the salaries by a specific date—August 25 of each year.

This reasonable and prudent system has worked well for years, and there is no reason to change it. *Vote "NO" on "I".*

The proposition would eliminate the specific date and destroy the possibility of budgeting with certainty and confidence. Increases simply would become open ended and could occur any time during the year.

Consequently, the budget would have to be like a sponge to be squeezed for additional millions of dollars at any time.

The police union itself estimates that *if the proposition*

had been enacted six years ago the cost to the City would be \$6 million.

By careful budgeting, this City has been able to maintain and improve vital services. While other cities are cutting back drastically, this City has added 300 officers and sustained a level of fire fighting unsurpassed in the nation.

But if this unsound and unwarranted proposition should pass, it simply would open the floodgates to demands by all other City employees to get raises any time during the year.

Balanced, prudent budgeting, based on careful analysis of needs and services, would be overwhelmed, and this City no longer would be able to plan for the future.

Police and fire salaries have increased steadily, ranging from 5.4% to 14.4% in the last four years. A rookie police officer or fireman, now receives \$26,178 a year under the present, orderly system.

There is simply no valid reason to change this system.

Vote "NO" on Proposition I.

Dianne Feinstein
Mayor

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Apply for Your Absentee Ballot Early

**Your application must be received at least
one week before election day.**

~~his re-entry into membership after the withdrawal of his accumulated contributions, shall redeposit the accumulated contributions withdrawn with interest, as otherwise provided by the charter or ordinance, he shall redeposit the accumulated contributions made under this section with interest in the same manner and under the same conditions as the redeposit of his other accumulated contributions, and an amount equal to the amount of such~~

~~redeposit of accumulated contributions made under this section with interest, shall become payable forthwith by the city to be included in the city's contributions under this section.~~

(5) The rates of contribution of members and the city, as provided herein, shall be fixed by the retirement board from time to time as it determines necessary.

TEXT OF PROPOSED CHARTER AMENDMENT PROPOSITION H

NOTE: Additions or substitutions are indicated by **bold face**; deletions are indicated by ~~strike-out type~~.

5.100 Board of Education

All of the public schools of the school district of the city and county shall be under the control and management of a board of education, composed of seven commissioners, who, commencing with a special municipal election to be consolidated with the direct primary in 1972, shall be elected at large by the voters of the city and county and who shall be subject to recall, and to suspensions and removal in the same manner as elective officers, as provided by this charter. The compensation of each member shall be ~~\$100~~ **\$500** per month. Vacancies occurring on said board shall be filled by the mayor for the unexpired terms.

5.104 Board of Education-Community College District

Notwithstanding the provisions of Section 5.100 or of any other provisions of this charter, on and after August 8, 1972, the community college district of the city and county shall be under the control and management of a board of education, hereinafter referred to as the governing board of said district, composed of seven members who are not members of the board of education of the unified school district of the city and county and who shall be elected at large by vote of the electors as in this section provided and who shall be subject to recall, and to suspensions or removal in the same manner as elective officers, as provided by this charter. The compensation of each member shall be ~~\$100~~ **\$500** per month.

At a special municipal election to be consolidated with the direct primary in 1972 there shall be elected seven

members of the governing board of the community college district of the city and county. The term of each member shall be four years; provided, however, that the respective terms of office of the members first elected shall commence at 12:00 o'clock noon on the eighth day of August 1972, and shall expire as follows: the respective terms of office of the four members receiving the highest number of votes respectively, at said election, shall expire at 12:00 o'clock noon on the eighth day of January, 1977; the respective terms of office of the three members receiving the next highest number of votes respectively, shall expire at 12:00 o'clock noon on the eighth day of January, 1975.

At the general election in 1974 there shall be elected three members of the governing board of the community college district of the city and county to succeed those members thereof whose respective terms of office expire on the eighth day of January, 1975, and at the general election in each fourth year after 1974, the successors to said three members of the governing board of the community college district shall be elected, and at the general election in 1976 there shall be elected four members of the governing board of the community college district of the city and county to succeed those members thereof whose respective terms of office expire on the eighth day of January, 1977, and at the general election in each fourth year after 1976, the successors to said four members of the governing board of the community college district of the city and county shall be elected. Except as set forth herein, all terms of office of members of the governing board of the community college district of the city and county shall commence at 12:00 o'clock noon on the eighth day of January following the date of their election.

TEXT OF PROPOSED CHARTER AMENDMENT PROPOSITION I

NOTE: Additions or substitutions are indicated by **bold face type**; deletions are indicated by ~~strike-out type~~.

8.405 Salaries of Uniformed Forces in the Police and Fire Departments

(a) Not later than the first day of August of each year, the civil service commission shall survey and certify to the board of supervisors rates of compensation paid police officers or patrolmen employed in the respective police departments in all cities of 350,000 population or over in the State of California, based upon the latest federal decennial census. For the purpose of the civil service commission's survey and certification, the rates contained in said certification shall be the average of the maximum rates paid to each police officer or patrolman classification performing the same or essentially the same

duties as police officers or patrolmen in the City and County of San Francisco.

Thereupon the board of supervisors shall have the power, and it shall be its duty, by ordinance, to fix rates of compensation for the members of the police department whose annual compensations are set forth in section 3.531 of this charter and said rates shall be in lieu of said annual compensations and shall be effective from the first day of July of the current fiscal year.

The rates of compensation, fixed in said ordinance,

(1) for the fourth year of service and thereafter, for police officers, police patrol drivers and women protective officers, ~~the compensation~~ shall be fixed at a rate which is the average maximum wage paid to the police officers or patrolmen classifications in regular service in the cities included in the certified report of the civil

service commission. "Average wage" as used in this paragraph shall mean the sum of the maximum averages certified by the civil service commission divided by the number of police officer classifications in cities in said certification;

(2) for the first, second and third year of service, for police officers, police patrol drivers and women protective officers, shall be established in accordance with the general percentage differential between seniority steps found in the salary ranges included in the cities certified by the civil service commission for the same class;

(3) for said members of the police department other than police officers, police patrol drivers and women protective officers, shall include the same percent of adjustment as that established by said ordinance for police officers in the fourth year of service; and

(4) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The rates of compensation set forth in the budget estimates, the budget and the annual salary ordinance shall be those fixed by the board of supervisors as in this section provided and appropriations therefor shall be based thereon.

The expression "rates of compensation", as used in this section in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other city by way of holidays, vacations, other permitted absences of any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation".

Working benefits and premium pay differentials of any type shall be allowed or paid to members of the police department referred to herein only as is otherwise provided in this charter.

For all purposes of the retirement system, the expression "rates of compensation" as used in this section shall mean "salary attached to the rank" as used in section 166 of the charter of 1932, as amended, and, with the addition of \$15 per month now provided in subsection (b) with respect to members assigned to two-wheel motorcycle traffic duty, shall also mean "compensation earnable" as used in section 8.549.

The term "police officers or patrolmen" as used in this section shall mean the persons employed in the police departments of said cities of 350,000 population or over of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by police officers, police patrol drivers and women protective officers in the San Francisco Police Department.

In determining years of service necessary for a police officer, woman protective officer and police patrol driver to receive the annual compensation as provided for herein, service rendered prior to the effective date of this amendment shall be given full credit and allowed.

The absence of any police officer, woman protective officer, or police patrol driver on military leave, as

defined by section 8.361 of this charter, shall be reckoned a part of his service under the city and county, for the purpose of computing years of service in gaining added compensation as provided for herein.

On the recommendation of the chief of police, the police commission may reward any member of the department for heroic or meritorious conduct, the form or amount of said reward to be discretionary with the commission, but not to exceed one month's salary in any one instance.

If any member of the department appointed as an assistant inspector is a sergeant at the time of the appointment or is appointed a sergeant thereafter, he shall receive the rate of compensation attached to the rank of sergeant.

(b) Not later than the first day of August of each year, the civil service commission shall survey, and certify to the board of supervisors, additional rates of pay paid to members assigned to two-wheel motorcycle traffic duty in the respective police departments of all cities of 350,000 population or over in the State of California, based upon the latest decennial census. For the purpose of the civil service commission's survey and certification, the additional rates for two-wheel motorcycle traffic duty shall include the average additional amount paid to members assigned to two-wheel motorcycle traffic duty in the cities surveyed.

Thereupon the board of supervisors shall have the power, and it shall be its duty, by ordinance, to fix the additional rate of pay for the members of the police department who are assigned two-wheel motorcycle traffic duty. The additional rate of pay will be determined by the average additional wage paid to members in regular service in the cities included in the certified report of the civil service commission who are assigned to two-wheel motorcycle traffic duty. "Average wage" as used in this paragraph shall mean the sum of the additional rates of pay certified by the civil service commission divided by the number of cities in said certification. Said additional rates shall be in lieu of said annual compensations and shall be effective from the first day of July of the current fiscal year.

Said rate of pay shall be in addition to the rate of compensation provided for in subsection (a).

In no event shall the additional rate so fixed be less than \$15 per month.

(c) Not later than the first day of August of each year, the civil service commission shall survey and certify to the board of supervisors rates of compensation paid firemen employed in the respective fire departments of all cities of 350,000 population or over in the State of California, based upon the latest federal decennial census. For the purpose of the civil service commission's survey and certification, the rates contained in said certification shall be the average of the maximum rates paid to each fireman classification performing the same or essentially the same duties as firemen in the City and County of San Francisco.

Thereupon, the board of supervisors shall have the power, and it shall be its duty, by ordinance, to fix rates of compensation for the members of the fire department whose annual compensations are set forth or otherwise provided in section 3.542 of this charter, and said rates shall be in lieu of said annual compensations and shall be effective from the first day of July of the current fiscal year.

The rates of compensation, fixed in said ordinance,

(1) for the fourth year of service and thereafter, ~~the rate of compensation~~ shall be fixed at a rate which is the average of the maximum compensation paid firemen classifications in regular service in the cities included in the certified report of the civil service commission. "Average wage" as used in this paragraph shall mean the sum of the maximum averages certified by the civil service commission divided by the number of firemen classifications in cities in said certification;

(2) for the first, second and third year of service, for firemen, shall be established in accordance with the general percentage differential between seniority steps found in the salary ranges included in the cities certified by the civil service commission for the same class;

(3) for said members of the fire department other than firemen, shall include the same percent of adjustment as that established by said ordinance for firemen in the fourth year of service; and

(4) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The expression "rates of compensation", as used in this section, in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other city by way of holidays, vacations, other permitted absences ~~for~~ of any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation".

Working benefits and premium pay differentials of any type shall be allowed or paid to members of the fire department referred to herein only as is otherwise provided in this charter.

For all purposes of the retirement system, the expression "rates of compensation", as used in subsections (c) and (d) of this section shall mean "salary attached to the rank" as used in section 169 of the charter of 1932, as amended, and "compensation earnable" as used in section 8.549.

The term "firemen" as used in this section shall mean the persons employed, in the fire departments of said cities of 350,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by drivers, stokers, tillermen, truckmen, or hosemen, in the San Francisco Fire Department.

The expression "members of the fire department" does not include members of the fire commission.

The absence of any officer or member of the fire department on military leave of absence, as defined by section 8.361 of this charter shall be reckoned a part of his service under the city and county, for the purpose of computing years of service in gaining added compensation as provided in ~~this charter~~ for herein.

On the recommendation of the chief of the department, the fire commission may reward any ~~officer or~~ member of the department for heroic or meritorious conduct, the form of amount of said award to be discre-

tionary with the ~~fire~~ commission, but not to exceed one month's salary in any one instance.

The rates of compensation for the ranks of captain, bureau of fire prevention and public safety, and lieutenant, bureau of fire investigation, shall be ~~13 percent~~ **thirteen percent (13%)** above the compensation established for the ranks of captain and lieutenant as provided for in this section. The rates of compensation for the ranks of inspector, bureau of fire prevention and public safety, and investigator, bureau of fire investigation, shall be ~~10 percent~~ **ten percent (10%)** above the compensation established for the rank of chief's operator as provided for in this section. The rate of compensation shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this subsection, half dollars being taken to the next higher dollar amount.

(d) The rates of compensation fixed pursuant to the provisions of subsections (a) (1), (2) and (3) and the rates of compensation fixed pursuant to the provisions of subsections (c) (1), (2) and (3) shall be the same. Such rates shall not exceed the highest average rate of compensation fixed pursuant to subsections (a) (1), (2) and (3) and (c) (1), (2) and (3) above, whether it be paid to police officers, patrolmen, or firemen; provided, further, that the minimum rate of compensation attached to the rank of sergeant in the police department shall be equal to the rate of compensation attached to the rank of lieutenant in the fire department.

(e) Not later than the 25th day of August the board of supervisors shall have the power, and it shall be its duty, subject to the fiscal provisions of the charter, but, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance as necessary to include the provisions of paying the rates of compensation fixed by the board of supervisors as in this section provided for uniformed members of the police and fire departments for the then current fiscal year.

Notwithstanding any other charter provision, the rates of compensation for police officers and firefighters shall be annually further increased as follows:

(1) In the event that any city of 350,000 population or over in the State of California as defined in subsection (a) and (c) of this section has not finalized, fixed, or reached agreement as to the rate(s) of compensation prior to the 25th day of August, the date for further and additional fixing of the rates of compensation and for further and additional amending of the annual appropriation ordinance and annual salary ordinance to provide for the paying of additional rates of compensation to police officers and firefighters shall extend to the 30th day of June of the following year.

(2) Should any city as defined in subsections (a) and (c) of this section finalize, fix or reach agreement as to the rate(s) of compensation after the 25th day of August but prior to the 30th day of June of the following year, the board of supervisors shall have the power, and it shall be its duty, by ordinance, within 30 calendar days of said finalizing, fixing, or reaching agreement, further to fix the rates of compensation for the uniformed members of the police and fire departments and to further amend the annual appropriation ordinance and the annual salary ordinance to include provisions for paying the rates of compensation as so further fixed pursuant to subsections (a) and (c) of this section, and said rates of compensation shall be effective retroactive for the period provided for

in the agreement or legislation of the city designated in subsections (a) or (c).

(f) Not later than the first day of August of each year, the civil service commission shall determine and certify to the board of supervisors the percentage of increase or decrease in the cost of living during the 12-month period ending March 31st of that same year as shown by the Consumer Price Index, All Items San Francisco, and the percentage of increase or decrease in the cost of living during the same period as shown by the Consumer Price Index, All Items, in the cities included in the certified report of said commission. The Consumer Price Index referred to herein is defined as that certain index issued by the U.S. Bureau of Labor Statistics and published in the Monthly Labor Review or a successor publication. In the event the U.S. Bureau of Labor Statistics discontinues the compilation and publication of said indexes, the board of supervisors shall have the power, and it shall be its duty, to appoint a statistical fact finding committee to determine the same data pursuant to the methods theretofore used by the U.S. Bureau of Labor Statistics. The cost of living adjustments as hereinafter provided shall be based upon the percentage of such increases or decreases. The board of supervisors may, in addition to the rates of compensation as established herein, and at the same time said rates of compensation are established, increase said rates of compensation by an amount equal to the difference between the average cost of living increase of the cities included in the certified report of the civil service commission and the actual cost of living increase for San Francisco. In the event the board of supervisors elects not to grant such cost of living increase in any year in which any such increase might be granted, the board of supervisors shall, upon a written

request filed with the clerk of the board of supervisors not later than the 10th day of September of said year by representatives of the uniformed members of the police and fire departments, as designated by the police and fire commissions, respectively, submit the question of said cost of living increase to the qualified electors of the city and county at the next succeeding citywide election. In the event said cost of living increase is approved by a majority of the qualified electors voting thereon, said cost of living increase shall be effective as of the first day of the then current fiscal year.

(g) Notwithstanding any of the provisions contained in this section, no uniformed member of the police or fire department employed before July 1, 1976, whose compensation is fixed pursuant to the formula contained herein, shall suffer a salary reduction by the application of any new compensation schedules, and the rates for fiscal year 1975-76 shall continue until such time as the new schedules equal or exceed the current salary increment schedules, provided, however, that such time shall not be extended beyond June 30, 1982, and provided further that this prohibition against reduction of compensation for the designated employees shall not be deemed to supersede the provisions of section 8.406 of this charter.

(h) Notwithstanding any of the provisions contained in this section, no uniformed member of the police or fire department, whose compensation is fixed pursuant to the formula contained herein, shall suffer a salary reduction by the application of the compensation schedules provided for herein. Provided, however, that this prohibition against reduction of compensation for the designated employees shall not be deemed to supersede the provisions of section 8.406 of this charter.

TEXT OF PROPOSED INITIATIVE CHARTER AMENDMENT PROPOSITION J

NOTE: Additions or substitutions are indicated by **bold face**; deletions are indicated by ~~strike-out type~~.

8.452 Fire Department

The chief of department shall recommend and the fire commission shall provide by rule for work schedules or tours of duty for the officers and members occupying the several ranks of the fire department; provided, however, that the normal work week determined on an annual basis for such officers and members shall not exceed 48.7 hours. All tours of duty established for officers and members assigned to the fire fighting companies and fire fighting units excepting the arson investigation unit, shall start at eight o'clock A.M. No such officer or member shall be required to work more than twenty-four consecutive hours except in a case of conflagration, disaster, or sudden and unexpected emergency of a temporary nature requiring the services of more than the available on duty officers and members of the uniformed force of the department. Officers and members may exchange watches with permission of the chief of the department and time worked on such exchange of watches shall not be construed as time in violation of the limitation of 48.7 hours in any normal work week nor twenty-four consecutive hours. Each such officer and each such member shall be entitled to at least one (1) day off during each week.

When in the judgment of the chief of department, it is in the public interest that any such officer or member

shall work on his day off and said officer or member consents to so work, he may at the direction of the chief of department work on said day off, and in addition to the regular compensation provided for said officer or member as set forth in the Charter, said officer or member shall, as requested by the officer or member, be entitled to be compensated at ~~his regular rate of pay~~ the rate of time and one-half his regular rate of pay as provided for herein for extra time served, or he shall be allowed the equivalent time off at the rate of time and one-half.

In any computation in the administration of the San Francisco City and County Employees' Retirement System in which the compensation, as defined in any provisions relating to the retirement system, is a factor, compensation for overtime provided for in this section shall be excluded, and no such overtime compensation shall be deemed as compensation for any purpose relating to such retirement provisions.

Officers and members of the uniformed force shall be entitled to the days declared to be holidays for employees whose compensations are fixed on a monthly basis in the schedule of compensation adopted by the board of supervisors, pursuant to the provisions of section 8.401 of the charter, as additional days off with pay. ~~Officers or members required to perform service in said department on said days shall be compensated~~ Officers or members shall be compensated for said days on the basis of straight-time time and one-half as herein computed or shall be granted

EXHIBIT B

San Francisco Voter Information Pamphlet

General Election
November 2, 1982
Sample Ballot
Page 3

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Jay Patterson
Registrar of Voters



Police Overtime

PROPOSITION J

Shall Police Officers be paid at the rate of time and one-half or be given time off duty at the rate of time and one-half for overtime or holiday work as requested by the officer?

Analysis

By Ballot Simplification Committee

THE WAY IT IS NOW: When a police officer works overtime or works on a holiday, the officer gets one hour's pay for each extra hour worked or gets one hour off for each extra hour worked.

THE PROPOSAL: Proposition J provides that when a police officer works overtime or on a holiday the officer shall be paid for time and one-half or shall be given time off at the rate of one and one-half hours for each hour worked. The officer may choose to be paid or to take the time off.

A YES VOTE MEANS: If you vote yes, you want police officers to be paid for overtime or holidays worked at the rate of time and one-half or to be given time off at the rate of one and one-half hours for each hour worked.

A NO VOTE MEANS: If you vote no, you want police officers to be paid for overtime or holidays worked at the rate of one hour's pay or one hour off for each extra hour worked.

Controller's Statement on "J"

City Controller John C. Farrell has issued the following statement on the fiscal impact of Proposition J:

Should the proposed initiative Charter amendment be adopted, in my opinion, it would increase the cost of government by approximately \$1,250,000.

How Prop J Got on Ballot

On August 18, Registrar of Voters Jay Patterson certified that the initiative petition designated as Proposition J had a sufficient number of signatures to be placed on the ballot.

The Police Officers Association, proponents of the initiative petition, had gathered 29,010 signatures which they turned in to the Registrar on August 4th.

A random check of the signatures showed that 24,860 of the signatures were valid. This is more than the 22,547 signatures needed to qualify an initiative Charter amendment for the ballot.

NOTE

Your polling place location appears on the back cover of this pamphlet (see "arrow").

**THE FULL LEGAL TEXT
OF PROP J APPEARS
ON PAGE 99**

Police Overtime



ARGUMENT IN FAVOR OF PROPOSITION J

PROPOSAL FROM SAN FRANCISCO POLICE OFFICERS ASSOCIATION FOR BALLOT INITIATIVE

Time & One Half for Overtime & Holiday

The members of the San Francisco Police Department are requesting a change in the rate of pay Sworn Officers receive for working overtime and holidays.

Sworn Officers currently receive straight time for working overtime and holidays. Proposition J will increase this rate of pay from straight time to time and one half for every hour of overtime or holiday they work.

Time and one half is a justified compensation for the work our police officers perform. In addition, time and one half for overtime and holidays is the common rate of pay for many police departments in this

state. Increasing overtime and holiday benefits for San Francisco police officers will help our department maintain a competitive edge with other police departments in this state.

The San Francisco Police Department is currently losing many of their officers every year, many of whom are transferring to other departments that offer better benefit packages. If we are to keep our well trained police officers in San Francisco, we need to provide adequate compensation for the work they perform. I encourage you to join me in supporting Proposition J.

VOTE YES ON PROP. J

Leo McCarthy

Speaker Pro Tempore of the Assembly

Gordon Lau

Former S.F. Supervisor

ARGUMENT IN FAVOR OF PROPOSITION J

VOTE YES ON PROPOSITION J

Proposition J is a simple issue of allowing our police officers to be paid at the same rate of pay for overtime as other city and state law enforcement agencies. These dedicated people deserve to be treated equally and fairly. Proposition J is equal and fair.

Please join with me by voting yes on Proposition J.

Art Agnos

State Assemblyman

16th District

Chuck Ayala

Director C.Y.O.

Phillip Burton

Member of Congress

5th Congressional District

John Foran

State Senator

6th District

Jo Daly

San Francisco Police

Commissioner

ARGUMENT IN FAVOR OF PROPOSITION J

VOTE YES ON PROPOSITION J

Proposition J will change the rate of pay for overtime and holidays for members of the Police Department. The change will bring the Police Department up to a comparable level to other local law enforcement agencies and other city employees.

Join with me and vote yes on Proposition J.

Willie Lewis Brown, Jr.

Speaker of the Assembly

Assembly

Assemblyman, 17th District

Doris M. Ward

Supervisor

C/C San Francisco

ARGUMENT IN FAVOR OF PROPOSITION J

Dear Concerned Citizen:

I would like to ask your support for Proposition J. This measure would bring the San Francisco Police Department up to the standards the City has set for other City employees. Proposition J will allow members of the Police Department who work overtime and holidays to be paid at the same rate as

street sweepers, plumbers and other City employees. A Yes vote will bring equality to the Police Department.

Join me with a Yes Vote on Proposition J. Show our devoted officers that they are as important as other City employees.

Cornelius P. Murphy

Chief of Police

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.



Police Overtime

ARGUMENT IN FAVOR OF PROPOSITION J

VOTE YES ON PROPOSITION J

Put yourself in the uniform of the San Francisco Police Officer for just one moment. You have now just joined one of the finest major police departments in the United States. We deal with every major crime imaginable on a daily basis. We have a tremendous work load that requires our officers to work over their normal eight hour day and on holidays. Crime knows no time limitations or holidays, yet our officers rise to meet the challenges every time crime rears its

ugly head. The Charter, written decades ago, prohibits these dedicated officers from receiving time and one half pay for overtime or holidays. Proposition J will change the charter and compensate the police officer for holidays and overtime worked at the same rate as all other local police departments and the same as most other city employees.

San Francisco Police Officers Association
Bob Barry, President

ARGUMENT IN FAVOR OF PROPOSITION J

FIGHT CRIME! Vote "YES"!!!

BART Board Candidate *Bob Geary*
(Democratic Committeeman)

Democratic Committeeman *Arlo Hale Smith*
Republican Committeeman *Terence Faulkner*

NO ARGUMENT AGAINST PROP J WAS SUBMITTED

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.

CAPITULO I. OPORTUNIDAD DE EMPLEO

Usted puede trabajar en las elecciones de la Ciudad de San Francisco el 2 de noviembre. Si usted es bilingüe será especialmente bienvenido. Trabajará auxiliando a los electores en los lugares de votación de su distrito electoral.

Pida una solicitud en la Oficina 155 de la Alcaldía, Avenida Van Ness y Calle Grove.

第一章 工作良機

你可以在十一月二日三藩市選舉日工作。特別歡迎雙語言人士應聘。在你鄰近投票站協助選民投票。請往市政廳（潤街夾高街）一五五室申請。

(Proposition I, Continued)

fiscal year an amount equal to the total disability benefits paid by said system during that year.

A member of the police department shall receive credit as service, under the retirement system, for time during which he is incapacitated for performance of duty and receives said disability benefit; provided,

however, that contributions for the retirement system shall be deducted from payments of such disability benefits paid to him. The city and county shall contribute, in addition to its other contributions provided herein, to the retirement system on the basis of said benefits in the same manner as it would contribute on salary paid to said member. *(end)*

**TEXT OF PROPOSED INITIATIVE CHARTER AMENDMENT
PROPOSITION J**

NOTE: Additions or substitutions are indicated by **bold-face**; deletions are indicated by ((double parentheses)).

8.451 Police Department

(a) The word "member" or "members" as used in this section shall mean the members in the police department set forth in section 3.531 of this charter.

(b) The basic week of service for each member shall be forty hours and the annual compensation set forth in Section 3.531 of this charter shall be based upon said basic week of service.

(c) Each member shall be entitled to at least two days off during each week, except as hereinafter provided.

(d) Whenever in the judgement of the chief of police public interest or necessity requires the services of any member to serve in excess of the basic week of service during any week, the chief of police may permit said service, and said member shall be compensated therefor or shall receive equivalent time credited to him in lieu thereof in accordance with this sub-section. For service performed in excess of the basic week, member shall, as **requested by the member**, be compensated on the basis of ((straight time)) **time and one-half** in accordance with the ratio which said excess service bears to the basic week of service and the annual compensation provided therefor in Section 3.531 or in lieu thereof equivalent time off duty with pay **at the rate of time and one-half**.

(e) Nothing contained in this section shall be deemed to interfere with a vacation, as provided for in Section 8.440 of this charter, or the normal days off per week; provided, however, that when in the judgment of the chief of police public interest or necessity requires the services of any member to serve on his vacation, or part thereof, or normal days off, and he shall receive additional compensation for the

period so served. Said additional compensation shall be computed on the basis of ((straight time)) **time and one-half** in accordance with the ratio which said extra service performed bears to the basic week of service and the annual compensation provided therefor in Section 3.531.

(f) Nothing in this section shall abridge or limit in any way the provisions of Section 301, Part 1 of the San Francisco Municipal Code, approving rule 32 of the civil service commission, insofar as sick leave and disability leaves for members are concerned.

(g) Whenever in the judgement of the police commission the efficient performance of police duty requires that one or more members of the police department should report for roll call, orders, and assignments, prior to going on duty, the said commission may designate a period not to exceed fifteen minutes in any one day for said reporting, and the said periods of fifteen minutes need not be compensated for in money or in time off with pay.

(h) Notwithstanding the provisions of any of the foregoing sub-sections, the members of the police department shall be entitled to the days declared to be holidays for employees whose compensations are fixed on a monthly basis in the schedules of compensations adopted by the board of supervisors pursuant to the provisions of Section 8.401 of the charter as additional days off with pay. Members shall be compensated on the basis of ((straight time)) **time and one-half** as herein computed or shall be granted equivalent time off duty with pay **at the rate of time and one-half** ((in the judgment of the police commission)) **as requested by the member**.

(i) **The provisions of this section changing compensation for service in excess of the basic week of service from straight time compensation and equivalent time off duty with pay to time and one-half for compensation and for time off duty with pay shall be effective on and after July 1, 1983.**

**TEXT OF PROPOSED INITIATIVE ORDINANCE
PROPOSITION K**

Be it ordained by the People of the City and County of San Francisco:

That, in order to bring about lower electricity rates for the residents of San Francisco, and in furtherance of the stated policy of the City and County of San Francisco, as embodied in Charter Section 3.599, which states:

"It is the declared purpose and intention of the people of the city and county, when public interest and necessity demand, that public utilities be gradually acquired and ultimately owned by the city and county,"

the following steps be taken in order to bring about public ownership of the electric utility in San Francisco:

1. That within 90 days of the passage of this ordinance the Board of Supervisors shall begin hearings on the scope of a study to determine the feasibility of public ownership of the electric utility in San Francisco; which hearings are to include public testimony and to be conducted at times of day conducive to the widest possible public participation. The scope of such feasibility study shall include, but not be limited to: determination of the cost of acquisition of such electric facilities as may be necessary for adequate provision of electric utility service within the city and county; determination of the potential revenue to a municipally owned system providing such services; determination of rates chargeable to consumers by such

EXHIBIT C

San Francisco Voter Information Pamphlet

Municipal Election
November 8, 1983

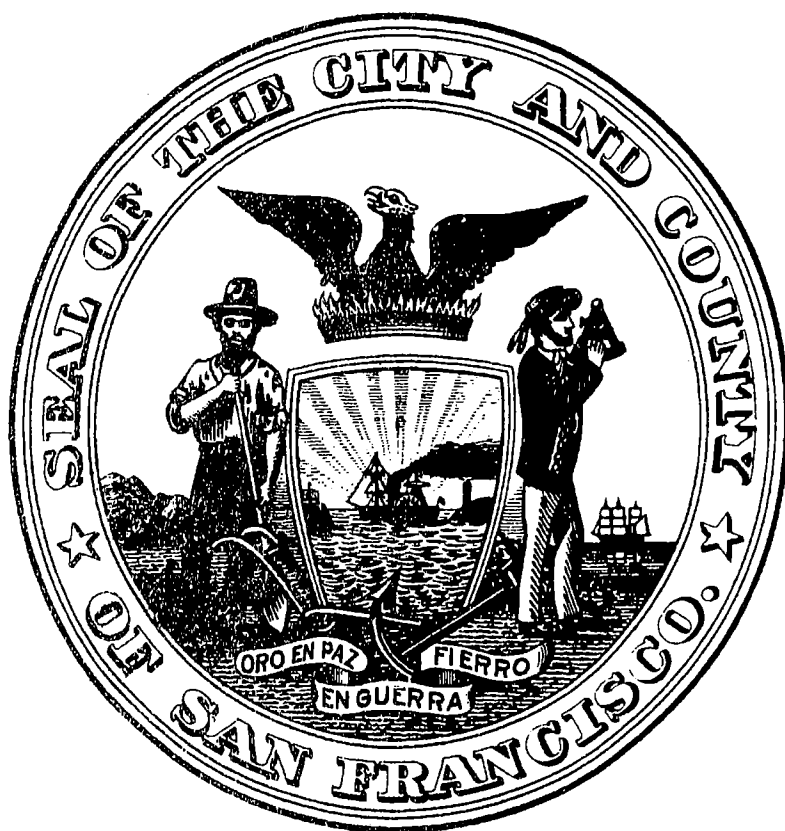
Sample Ballot
Page 5

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DISTRICT 16

Jay Patterson
Registrar of Voters

Firefighter Overtime



PROPOSITION J.

Shall firefighters be compensated at the rate of time-and-one-half for working overtime or working on a holiday?

YES 134 ➡

NO 135 ➡

Analysis

By Ballot Simplification Committee

THE WAY IT IS NOW: Firefighters who work on their days off or on city holidays are paid at their normal rates of pay, or given another day off. The fire commission decides whether to pay the firefighters for overtime or to give them extra time off.

THE PROPOSAL: Proposition J would provide that firefighters who work on their days off would be paid at the rate of time and one-half their regular rates of pay, or given another one and one-half days off. Firefighters would decide whether to be paid for overtime, or to take extra time off. Firefighters who work on city holidays would be paid at the rate of time

and one-half their regular rates of pay.

A YES VOTE MEANS: If you vote yes, you want firefighters who work on their days off to be paid at the rate of time and one-half their regular rates of pay, or to be given another one and one-half days off. You also want firefighters who work on city holidays to be paid at the rate of time and one-half their regular rates of pay.

A NO VOTE MEANS: If you vote no, you want firefighters who work on their days off or on city holidays to be paid at their normal rates of pay, or to be given another day off.

Controller's Statement on "J"

City Controller John C. Farrell has issued the following statement on the fiscal impact of Proposition J:

"Should the proposed initiative Charter amendment be adopted, in my opinion, based on current staffing patterns of the San Francisco Fire Department and 1983-84 salary rates, the cost of government would increase by approximately \$1,500,000."

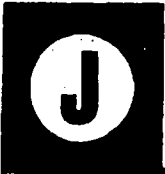
How "J" Got on Ballot

On August 22 Registrar of Voters Jay Patterson certified that the Firefighters' Overtime Initiative Petition had a sufficient number of signatures to be placed on the ballot.

The Firefighters Union, proponents of the petition, had gathered 34,129 signatures which they turned in to the Registrar on August 10.

A random check of the signatures showed that 26,490 of the signatures were valid. This is more than the 22,834 signatures needed to qualify an initiative charter amendment for the ballot.

THE TEXT OF PROPOSITION J APPEARS ON PAGE 90



Firefighter Overtime

ARGUMENT IN FAVOR OF PROPOSITION J

Proposition "J" is a simple matter of fairness.

Currently, the San Francisco Police Department, MUNI, and 19 major northern California city Fire Fighters already are receiving time and one-half for overtime pay.

San Francisco Fire Fighters are not receiving time and one-half for their overtime while performing in the line of duty. They are not receiving this benefit while working overtime to face serious personal injury or possible death while fighting fires under all kinds of conditions.

These highly trained professionals must be treated in a fair and equitable fashion.

Time and one-half is a common and accepted rate of pay for many Fire Fighters including Berkeley, Burlingame, Contra Costa County, Daly City, Fremont, Livermore, Milpitas, Mountain View, Palo Alto, Petaluma, Newark, Oakland, Piedmont, Pleasanton, Richmond, Sacramento, San Jose, Santa Rosa, Santa Clara, and Vallejo.

By establishing this overtime provision, our San Fran-

cisco Fire Fighters will become equal with other city employees.

Last year, the San Francisco Police Department was granted time and one-half for their overtime.

This year, the logical answer is to allow the San Francisco Fire Fighters the same benefit.

Make the difference and vote YES on PROPOSITION "J".

- Mayor Dianne Feinstein
- Fire Chief Emmet D. Condon
- Fire Commission President Henry E. Berman
- Fire Commission Vice-President Curtis McClain
- Fire Commissioner Anne Saito Howden
- Fire Commissioner Robert Nicco
- Supervisor Wendy Nelder, Pres. BD.
- Supervisor Harry G. Britt
- Supervisor Richard Hongisto
- Supervisor Willie B. Kennedy
- Supervisor Quentin L. Kopp
- Supervisor Bill Maher
- Supervisor John L. Molinari
- Supervisor Louise H. Renne
- Supervisor Carol Ruth Silver
- Supervisor Nancy G. Walker
- Supervisor Doris M. Ward

NO ARGUMENT AGAINST PROPOSITION J WAS SUBMITTED

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.

Polls are open from 7 a.m. to 8 p.m.

in the agreement or legislation of the city designated in subsections (a) or (c).

(f) Not later than the first day of August of each year, the civil service commission shall determine and certify to the board of supervisors the percentage of increase or decrease in the cost of living during the 12-month period ending March 31st of that same year as shown by the Consumer Price Index, All Items San Francisco, and the percentage of increase or decrease in the cost of living during the same period as shown by the Consumer Price Index, All Items, in the cities included in the certified report of said commission. The Consumer Price Index referred to herein is defined as that certain index issued by the U.S. Bureau of Labor Statistics and published in the Monthly Labor Review or a successor publication. In the event the U.S. Bureau of Labor Statistics discontinues the compilation and publication of said indexes, the board of supervisors shall have the power, and it shall be its duty, to appoint a statistical fact finding committee to determine the same data pursuant to the methods theretofore used by the U.S. Bureau of Labor Statistics. The cost of living adjustments as hereinafter provided shall be based upon the percentage of such increases or decreases. The board of supervisors may, in addition to the rates of compensation as established herein, and at the same time said rates of compensation are established, increase said rates of compensation by an amount equal to the difference between the average cost of living increase of the cities included in the certified report of the civil service commission and the actual cost of living increase for San Francisco. In the event the board of supervisors elects not to grant such cost of living increase in any year in which any such increase might be granted, the board of supervisors shall, upon a written

request filed with the clerk of the board of supervisors not later than the 10th day of September of said year by representatives of the uniformed members of the police and fire departments, as designated by the police and fire commissions, respectively, submit the question of said cost of living increase to the qualified electors of the city and county at the next succeeding citywide election. In the event said cost of living increase is approved by a majority of the qualified electors voting thereon, said cost of living increase shall be effective as of the first day of the then current fiscal year.

(g) Notwithstanding any of the provisions contained in this section, no uniformed member of the police or fire department employed before July 1, 1976, whose compensation is fixed pursuant to the formula contained herein, shall suffer a salary reduction by the application of any new compensation schedules, and the rates for fiscal year 1975-76 shall continue until such time as the new schedules equal or exceed the current salary increment schedules, provided, however, that such time shall not be extended beyond June 30, 1982, and provided further that this prohibition against reduction of compensation for the designated employees shall not be deemed to supersede the provisions of section 8.406 of this charter.

(h) Notwithstanding any of the provisions contained in this section, no uniformed member of the police or fire department, whose compensation is fixed pursuant to the formula contained herein, shall suffer a salary reduction by the application of the compensation schedules provided for herein. Provided, however, that this prohibition against reduction of compensation for the designated employees shall not be deemed to supersede the provisions of section 8.406 of this charter.

TEXT OF PROPOSED INITIATIVE CHARTER AMENDMENT PROPOSITION J

NOTE: Additions or substitutions are indicated by **bold face**; deletions are indicated by ~~strike-out type~~.

8.452 Fire Department

The chief of department shall recommend and the fire commission shall provide by rule for work schedules or tours of duty for the officers and members occupying the several ranks of the fire department; provided, however, that the normal work week determined on an annual basis for such officers and members shall not exceed 48.7 hours. All tours of duty established for officers and members assigned to the fire fighting companies and fire fighting units excepting the arson investigation unit, shall start at eight o'clock A.M. No such officer or member shall be required to work more than twenty-four consecutive hours except in a case of conflagration, disaster, or sudden and unexpected emergency of a temporary nature requiring the services of more than the available on duty officers and members of the uniformed force of the department. Officers and members may exchange watches with permission of the chief of the department and time worked on such exchange of watches shall not be construed as time in violation of the limitation of 48.7 hours in any normal work week nor twenty-four consecutive hours. Each such officer and each such member shall be entitled to at least one (1) day off during each week.

When in the judgment of the chief of department, it is in the public interest that any such officer or member

shall work on his day off and said officer or member consents to so work, he may at the direction of the chief of department work on said day off, and in addition to the regular compensation provided for said officer or member as set forth in the Charter, said officer or member shall, as requested by the officer or member, be entitled to be compensated at ~~his regular rate of pay the rate of time and one-half his regular rate of pay as provided for herein for extra time served, or he shall be allowed the equivalent time off- at the rate of time and one-half.~~

In any computation in the administration of the San Francisco City and County Employees' Retirement System in which the compensation, as defined in any provisions relating to the retirement system, is a factor, compensation for overtime provided for in this section shall be excluded, and no such overtime compensation shall be deemed as compensation for any purpose relating to such retirement provisions.

Officers and members of the uniformed force shall be entitled to the days declared to be holidays for employees whose compensations are fixed on a monthly basis in the schedule of compensation adopted by the board of supervisors, pursuant to the provisions of section 8.401 of the charter, as additional days off with pay. ~~Officers or members required to perform service in said department on said days shall be compensated~~ Officers or members shall be compensated for said days on the basis of straight time time and one-half as herein computed or shall be granted

equivalent time off duty with pay at the rate of time and one-half in the judgment of the fire commission, as requested by the officer or member.

For payroll purposes, that portion of each tour of duty which falls within each calendar day shall constitute a single tour of duty. The rate of compensation for the service performed by officers or members on a holiday

~~or for service performed on an assigned day off, as in this charter provided, or equivalent time off as provided for in this section, shall be calculated by dividing the annual rates of pay for each fiscal year by two-thirds (2/3's) of the number of single tours of duty as scheduled for the several ranks in the fire fighting companies in said fiscal year.~~

TEXT OF PROPOSED ORDINANCE PROPOSITION K

NOTE; Additions or substitutions are indicated by **bold face type**; deletions are indicated by ~~strike-out type~~.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Section 6 of the ordinance cited in the title hereof is amended to read as follows:

Section 6. Certificate Fee; Period. The fee for any certificate issued pursuant to the provisions of this ordi-

nance shall be \$20.00 and said certificate shall be valid for a period of three months from the date of issuance; **except that any person certified pursuant to the provisions of this ordinance shall have the option of purchasing for \$80.00 a certificate valid for a period of one year from the date of issuance. The Board of Supervisors may increase the certificate fee when necessary in order to finance the costs of the Art Commission in administering and enforcing the provisions of this ordinance.**

TEXT OF PROPOSED ORDINANCE PROPOSITION L

AMENDING ORDINANCE NO. 402-83, SALARY STANDARDIZATION ORDINANCE, FISCAL YEAR 1983-84, CHARTER SECTIONS 8.400, 8.401, AND 8.407, MISCELLANEOUS EMPLOYEES, PURSUANT TO CHARTER SECTION 9.108(b), TO REFLECT ADDITIONAL RATES AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY PAINTERS UNION LOCAL NO. 4, BASED UPON LAST DEMANDS OF SAID EMPLOYEES.

Be it ordained by the People of the City and County of San Francisco:

SECTION 1. Pursuant to the provisions of Charter Section 9.108(b), Ordinance No. 402-83, Salary Standardization Ordinance, Fiscal Year 1983-1984, Charter Sections 8.400, 8.401 and 8.407, Miscellaneous Employees, is hereby amended by amending Section XIII to read as follows:

Section XIII, Schedules of Compensation.

7346 Painter

ENTRANCE AT STEP 5

TEXT OF PROPOSED INITIATIVE ORDINANCE PROPOSITION M

Be it ordained by the people of the City and County of San Francisco that Part II, Chapter II, of the San Francisco Municipal Code (City Planning Code) is hereby amended by adding Article 9, to read as follows:

It is the policy of the People of San Francisco that the Master Plan which guides the future of the City shall be effective and comprehensive. This Master Plan shall protect and foster the diversity of San Francisco, its Neighborhoods, Economy and Communities. It shall protect and enhance the quality of our Human and Urban Environment. It shall establish a Balanced Development Policy. It shall ensure that development occurs only when the just needs of San Franciscans for employment, affordable housing, adequate MUNI service, local business services and a liveable environment are furthered by that development. In order to achieve this policy the People direct the following actions:

A. ADOPTION OF A CONSISTENT MASTER PLAN

By September 1, 1984 the City Planning Commission shall, after extensive public participation and hearings, adopt in one action a revised and complete Master Plan. The Preamble, Elements, Objectives and Policies of the Master Plan shall comprise an integrated, internally consistent and compatible statement of policy. The following Priority Policies shall govern revision of the Master Plan, and are hereby adopted as the preamble to the Master Plan.

PRIORITY POLICIES FOR SAN FRANCISCO'S FUTURE

It is the principal purpose of the Master Plan of the City and County of San Francisco to protect and foster the economic, neighborhood and community diversity of our City, to protect and enhance the quality of its human and urban environment, and to maintain its special character. In order to accomplish this purpose, these Priorities shall govern the Elements of the Master Plan, including Objectives, Policies and maps:

1. Protecting the physical and historic character, the landmarks and distinguished buildings, and the beauty of our City, given to us in trust by prior generations of San Franciscans.
2. Securing the greatest possible proportion of new employment in San Francisco for our residents, especially those in economic need.
3. Protecting existing small businesses and their employees from forced relocation out of their neighborhoods.
4. Conserving and expanding affordable housing and maintaining existing housing to protect the diverse communities of our City.
5. Maintaining a balance between the capacities of public services, transit and transportation systems, and the demands placed upon them by commercial

EXHIBIT D

San Francisco Voter Information Pamphlet

General Election
November 2, 1982
Sample Ballot
Page 3

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Jay Patterson
Registrar of Voters

Police Retirement



PROPOSITION I

Shall a new Retirement and Disability Plan be created for uniformed members of the Police Department hired after November 1, 1982, with rights of members of the present plans to transfer to the new plan?

Analysis

By Ballot Simplification Committee

THE WAY IT IS NOW: San Francisco police officers belong to one of two different plans that cover retirement, disability and death benefits. Officers become eligible for retirement benefits at the age of 50, after a minimum of 25 years of service.

THE PROPOSAL: Proposition I creates a new retirement and disability plan for police officers. Officers hired after November 1, 1982, would belong to this plan. Officers hired before November 1, 1982, would be able to change from their present retirement and disability plan to the new one.

Under the new plan officers could retire after 20 years of service. There would be

no minimum age requirement for benefits.

An annual cost of living increase paid to a retired officer would equal half of the annual salary increase paid to active officers who hold the rank at which the officer retired.

Disability payments would be set on a sliding scale, depending on the severity of the disabling injury.

A YES VOTE MEANS: If you vote yes, you want a new retirement and disability plan for police officers.

A NO VOTE MEANS: If you vote no, you want to keep the existing retirement and disability plans for police officers.

Controller's Statement on "I"

City Controller John C. Farrell has issued the following statement on the fiscal impact of Proposition I:

Based on actuarial analysis by the City Retirement System, the proposed initiative Charter amendment would, in my opinion, increase the cost of government by approximately \$17 million.

How Prop I Got on Ballot

On August 17, Registrar of Voters Jay Patterson certified that the initiative petition designated as Proposition I had a sufficient number of signatures to be placed on the ballot.

The Police Officers Association, proponents of the initiative petition, had gathered 27,932 signatures which they turned into the Registrar on August 4th.

A random check of the signatures showed that 24,820 of the signatures were valid. This is more than the 22,547 signatures needed to qualify an initiative Charter amendment for the ballot.

**THE FULL LEGAL TEXT OF PROP I
BEGINS ON PAGE 94.**



Police Retirement

ARGUMENT IN FAVOR OF PROPOSITION I

VOTE YES ON PROPOSITION I

Proposition L (November 2, 1976), which passed by a slim margin of the vote (5%), reduced retirement/disability benefits for police officers hired after that date. Over 40% of the sworn officers in the department today receive substantially lower benefits than their peers hired prior to 1976.

In a 1979 Federal Court Decree, guidelines were established regarding the hiring practices of the Civil Service Commission and the San Francisco Police Department pertaining to women and minorities. Goals were established to insure their fair representation within the department. It is precisely these people however, who have been adversely affected by the reduction of benefits contained in Prop. L.

Nearly 30,000 voters in San Francisco recently signed petitions in favor of putting Proposition I on the November ballot. Prop. I would correct the inequity of having two officers who perform the same difficult and often dangerous duties compensated at two substantially different levels. In addition, it would rectify survival (spouse and/or dependents) benefits currently being offered for those who die in the line of duty.

The challenge of effective law enforcement in today's society of high and rising crime rates requires competent men and women from all backgrounds and walks of life. At a cost of approximately .99 cents a month, you can help create one fair system of compensation and at the same time help the San Francisco Police Department become competitive in recruiting the finest people for the job.

VOTE YES ON PROP. I

- Bob Barry*
President S.F. Police Officers Association
- Leo McCarthy*
Speaker Pro Tempore
- Gordon Lau*
Former Supervisor
- Phillip Burton*
Member of Congress
- Chuck Ayala*
Director, C.Y.O.
- Jo Daly*
Police Commissioner
- John Foran*
State Senator

ARGUMENT IN FAVOR OF PROPOSITION I

VOTE YES ON PROPOSITION I

A yes vote on Proposition I will raise future police officers to the same level of disability and retirement benefits as officers hired before November 1976. We now have two disability and retirement systems for the Police Department — one being substantially inferior to the other, despite the reality that all officers perform the same duties under the same difficult cir-

cumstances. Prop. I will unify the present system, providing equal treatment for all officers.

Vote yes on Prop. I.

- Willie Lewis Brown, Jr.*
Speaker of the Assembly Assemblyman, 17th District
- Doris Ward*
Supervisor, City and County of San Francisco

ARGUMENT IN FAVOR OF PROPOSITION I

VOTE YES ON PROPOSITION I

Proposition I will have a great influence on the future of the San Francisco Police Department. As your Assemblyman, I have always focused my efforts in the areas of equality for every person. Most people are unaware of the division within the ranks of the San Francisco Police Department. The department is now recruiting women and minority candidates to enter as new officers; yet upon being hired, they are not afforded the same retirement protections, or disability

benefits when injuries are sustained, as senior officers. This is not fair as they are providing us with the same quality law enforcement as senior officers. When Proposition I passes, it will create a fair and just system of retirement and disability within our police department.

- Art Agnos*
State Assemblyman
16th District

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Police Retirement

ARGUMENT IN FAVOR OF PROPOSITION I

VOTE YES ON PROPOSITION I

A Yes vote on Proposition I is a must if San Francisco professes to treat the minority members of San Francisco Police Department in an equitable manner. Under the current pension system being offered by the city, all the officers who joined the Department after 1976 are subjected to lower compensation than those who had joined prior. Minority officers are being affected disproportionately due to the fact that the majority of them were hired after 1976.

The city and county is having difficulty retaining its officers due to its inability to compete with other jurisdictions which offers better compensation. The min-

ority officers of San Francisco are being recruited by other jurisdictions which desires their activity and ability to handle minority problems. As a result, many San Francisco trained minority officers have joined the ranks of other jurisdictions. It costs approximately \$30,000 to successfully train a minority officer. The failure of this city to retain these officers will cost the city a lot more than the new plan. Please vote yes on Proposition I to correct present inequity and save the city money.

Nelson Lum
President
Northern California Asian Peace Officers Association

ARGUMENT IN FAVOR OF PROPOSITION I

FIGHT CRIME! Vote "YES"!!!
BART Board Candidate *Bob Geary*
(Democratic Committeeman)

Democratic Committeeman *Arlo Hale Smith*
Republican Committeeman *Terence Faulkner*

NO ARGUMENT AGAINST PROP I WAS SUBMITTED

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LOOKING FOR WORK?
LOOK NO FURTHER!

Help citizens to vote on election day, November 2nd. Bilingual workers are especially needed. Apply in Rm. 155 City Hall.

找工作?
何須再找呢?

於十一月二日選舉日
在投票站協助
公民投票! 特別
需要雙語言人士。
請立即往市政廳
一五五室申請。

¿BUSCA TRABAJO?
¡NO BUSQUE MAS!

Ayude a los ciudadanos a votar el día de las elecciones, el 2 de noviembre. Se necesitan personas bilingües especialmente. Obtenga una solicitud en la Oficina 155 de la Alcaldía de la Ciudad.

(Proposition H, Continued)

(K) Any section or part of any section in this charter, insofar as it should conflict with this section, or with any part thereof, shall be superseded by the contents of this section. In the event that any word, phrase, clause or subsection of this section shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

(L) Notwithstanding the provisions of subsections (B), (C), (F) and (I) of this section, any member convicted of a crime involving moral turpitude committed in connection with his duties as an officer or employee of the City and County of San Francisco, shall, upon his removal from office or employment pursuant to the provisions of this charter, forfeit all rights to any benefits under the retirement system except refund of his accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of subsection (B) of this section, he shall have the right to elect, without right of revocation and within 90 days after his removal from office

or employment, whether to withdraw all of his accumulated contributions or to receive as his sole benefit under the retirement system an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of such removal from office or employment.

(M) The amendments of this section contained in the proposition therefor submitted to the electorate on November 6, 1973, shall be effective on the first day of the month next following their ratification by the State Legislature. Said amendments do not and shall not increase any allowance first in effect prior to the effective date of said amendments, nor shall they give any person retired prior to said effective date, or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to said effective date.

The amendment of Section 8.509 contained in the proposition submitted to the electorate on November 2, 1982 shall be effective July 1, 1983. (End)

TEXT OF PROPOSED INITIATIVE CHARTER AMENDMENT PROPOSITION I

NOTE: All Sections Are New.

The proposed Charter Amendment reads as follows:

8.590 Members of the Police Department after November 1, 1982

Those persons who become members of the Police Department as defined in Section 8.590-1, on or after November 2, 1982 shall be members of the system subject to the provisions of sections 8.590, 8.590-1, 8.590-2, 8.590-3, 8.590-4, 8.590-5, 8.590-6, 8.590-7, 8.590-8, 8.590-9, 8.590-10, 8.590-11, 8.590-12, 8.590-13, 8.590-14, 8.590-15 (which shall apply only to members under section 8.590) in addition to the provisions contained in section 3.670 to 3.674 both inclusive, and section 6.314, 8.500, 8.510, 8.518, and 8.520 of this charter, notwithstanding the provisions of any other section of this charter, and shall not be subject to any of the provisions of section 8.544, 8.559 or 8.586.

8.590-1 Definitions

The following words and phrases as used in this section, section 8.590 and sections 8.590-2 through 8.590-15, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation earnable" shall mean the compensation which would have been earned had the member by Act of the State of California, shall mean the remuneration payable in cash, by the city and county, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the police department, but excluding remuneration paid for overtime.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of

remuneration attached at that time to the ranks or positions held by him during such period, it being assumed that during any absence, he was in the rank or position held by him at the beginning of the absence, and that prior to becoming a member of the police department, he was in the rank or position first held by him in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the average monthly compensation earnable by a member during any two consecutive years of credited service in which his average compensation is the highest.

For the purpose of sections 8.590 through 8.590-15, the terms "member of the police department," "member of the department," or "member" shall mean any officer or employee of the police department employed after November 1, 1982 who was or shall be subject to the charter provisions governing entrance requirements of members of the uniformed force of said department and said terms shall further mean persons employed after November 1, 1982 at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform duties now performed under the titles of criminologist, photographer, police woman or jail matron provided, however, that said terms shall not include any person who has not satisfactorily completed such course of training as may be employed by the Police Department prior to assignment to active duty with said Department.

"Retirement system" or "system" shall mean San Francisco City and Employees' Retirement System as created in section 8.500 of the charter.

"Retirement Board" shall mean "retirement board" as created in section 3.670 of this charter.

"Charter" shall mean the charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

(Proposition I, Continued)

8.590-2 Retirement

Any member of the police department who completes at least twenty years of service in the aggregate, said service to be computed under section 8.590-10, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of sixty-five years. A member retired after meeting the service requirement in the two sentences next preceding, shall receive a retirement allowance equal to forty (40) per cent of the final compensation of said member, as defined in section 8.590-1 plus an allowance at the rate of three (3) per cent of said final compensation for each year of service rendered in excess of twenty years; provided, however, that such retirement allowance shall not exceed seventy per cent of said member's final compensation. If, at the date of retirement for service, or retirement for disability resulting from an injury received in the performance of duty, said member has no spouse, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section or section 8.590-3, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar election by other members of the retirement system including the character and amount of such other benefits.

8.590-3 Retirement for Incapacity

Any member of the police department who becomes incapacitated for the performance of his duty by reason of any bodily injury received in, or illness caused by the performance of his duty, shall be retired. If he is not qualified for service retirement, he shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in section 8.590-1, as his percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five (5) affirmative votes, adjust the percentage of disability as determined by said Appeals Board; and provided, further that such retirement allowance shall be in an amount not less than forty (40) per cent nor more than eighty (80) per cent of the final compensation of said member, as defined in section 8.590-1. Said allowance shall be paid to him until the date upon which said member would have qualified for service retirement had he lived and rendered service without interruption in the rank held by him at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation as defined in section 8.590-1, he would have received immediate-

ly prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than forty (40) per cent of such final compensation.

If, at the time of retirement because of disability, he is qualified as to service for retirement under section 8.590-2, he shall receive an allowance equal to the retirement allowance which he would receive if retired under section 8.590-2, but not less than forty (40) per cent of said final compensation. Any member of the police department who becomes incapacitated for performance of his duty, by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least ten years of service in the aggregate, computed as provided in section 8.590-10, shall be retired upon an allowance of one and one-half per cent of the final compensation of said member as defined in section 8.590-1 for each year of service, provided that said allowance shall not be less than thirty (30) per cent of said final compensation; provided, however, that if such member has completed at least 20 years of service in the aggregate, computed as provided in section 8.590-10, he shall receive an allowance equal to the retirement allowance he would have received if he retired under section 8.590-2 as of the date of retirement for such incapacity. The questions of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the Police Commission, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to the service in the rank and position he occupied at the time of his retirement.

8.590-4 Death Allowance

If a member of the police department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his duty, a death allowance, in lieu of any allowance payable under any other section of the charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to the surviving spouse throughout their life or until their remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he had been retired for service on the day of death, but such allowance shall not be less than forty (40) per cent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the final compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he lived and rendered service without interruption in the rank held by him at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than forty (40) per cent of such monthly final compensation. If he had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he

(Proposition I, Continued)

was a member under section 8.590 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be reduced upon the date at which said member would have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there be no surviving spouse entitled to an allowance hereunder, or if they die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving spouse would have received had they lived and not remarried shall be paid to the child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving spouse and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse following the death of a member unless they were married to the member prior to the date of the injury or onset of the illness which results in death.

8.590-5 Payment to Surviving Dependents

Upon the death of a member of the police department resulting from any cause, other than an injury received in or illness caused by performance of duty, (a) if his death occurred after qualification for service retirement, under section 8.590-2, or after retirement for service or because of disability which resulted from any cause other than injury received in, or illness caused by performance of duty, three-fourths of his retirement allowance to which the member would have been entitled if he had retired for service at the time of death or three-fourths of the retirement allowance as it was at his death, as the case may be, shall be continued throughout life or until marriage, to his surviving spouse, or (b) if his death occurred after the completion of at least twenty (20) years of service in the aggregate, three-fourths of the retirement allowance to which he would have been entitled under section 8.590-2 shall be continued throughout life or until remarriage to his surviving spouse, or (c) if his death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, his retirement allowance as it was at his death shall be continued throughout life or until remarriage, to his surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date of which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died, or (d) if his death occurred after completion of at least ten years of service in the aggregate, computed as provided in section 8.590-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to section 8.590-3 if he had retired on the date of death because of incapacity for performance of duty resulting from a cause other than bodily injury received in or illness caused by performance of duty shall be paid throughout life or until remarriage to his surviving spouse. If there be no surviving spouse entitled to an allowance hereun-

der, or if they die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which surviving spouse would have received had they lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving spouse and no children under age of eighteen years, but leaves a child or children, regardless of age, dependent upon him for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse unless she was married to the member prior to the date of injury or onset of the illness which results in death if he had not retired, or unless she was married to the member at least one year prior to his death if he had retired.

As used in this section and section 8.590-4, "surviving spouse" shall mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving spouse, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in section 8.590-8, in lieu of the allowance which otherwise would be continued to her under this section, if there be no surviving spouse, the guardian of the eligible child or children may make such election, and if there be no such children, the dependent parent or parents may make such election. "Qualified for service retirement," "Qualification for service retirement," or "Qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under section 8.590 are subject, shall mean completion of twenty (20) years of service, said service to be computed under section 8.590-10.

8.590-6 Adjustment of Allowance

Every retirement or death allowance payable to or on account of any member under section 8.590 shall be increased or decreased as of July 1, 1983, and on July 1 of each succeeding year by an amount equal to fifty per cent of any increase or decrease, respectively, in the rate of remuneration attached to the rank or position upon which such retirement or death allowance was based; provided, however, that no allowance shall be reduced below the amount being received by a member or his beneficiary on June 30, 1983, or on the date such member or beneficiary began to receive the allowance, whichever is later.

8.590-7 Adjustment for Compensation Payments

That portion of any allowance payable because of the death or retirement of any member of the police department which is provided by contributions of the city and county, shall be reduced in the manner fixed by the board of supervisors, by the amount of any benefits other than medical benefits, payable by the

(Proposition I, Continued)

city and county to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the city and county to pay such benefits.

8.590-8 Death Benefit

If a member of the police department shall die, before retirement from causes other than an injury received in or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under section 8.590-4 or 8.590-5 preceding, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system.

8.590-9 Refunds and Redeposit

Should any member of the police department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the board of supervisors to govern similar terminations of employment of other members of the retirement system. If he shall again become a member of the department, he shall redeposit in the retirement fund, the amount refunded to him. Contributions, with interest, which are credited because of service rendered in any other office or department and which will not be counted under section 8.590-10, to any person who becomes a member of the retirement system under this section, shall be refunded to him forthwith. Should a member of the police department become an employee of any other office or department, his accumulated contribution account shall be adjusted by payments to or from him as the case may be to make the accumulated contributions credited to him if he had been employed in said other office or department at the rate of compensation received by him in the police department and he shall receive credit for service for which said contributions were made, according to the charter section under which his membership in the retirement system continues.

8.590-10 Computation of Service

The following time shall be included in the computation of the service to be credited to a member of the police department for the purpose of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his service while he was a member under any other charter section, and not

redeposited upon reentry into service:

(1) Time during and for which said member is entitled to receive compensation because of services as a member of the police or fire department.

(2) Time during and for which said member was entitled to receive compensation under section 8.559 and 8.586 if said member elects to transfer as specified in 8.590-14.

(3) Time during which said member is absent from a status included in paragraph (1), by reason of service in the armed forces of the United States of America, or by reason of any other service included in section 8.520 of the charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the retirement system or from which the city and county contributed or contributes on his account.

8.590-11 Sources of Funds

All payments provided for members under section 8.590 shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) There shall be deducted from each payment of compensation made to a member under section 8.590 a sum equal to seven and one-half (7½) per cent of such payment of compensation. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his estate or beneficiary as provided in section 8.590-8, 8.590-9 and 8.590-10.

(2) The city and county shall contribute to the retirement system such amounts as may be necessary, when added to the contributions referred to in paragraph (1) of this section 8.590-11, to provide the benefits payable to members under section 8.590. Such contributions of the city and county to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under section 8.590, said percentage to the ratio of the value on November 2, 1982, or at the later date of a periodical actuarial valuation and investigation into the experience under the system, of the benefits thereafter to be paid to or on account of members under section 8.590 from contributions of the city and county less the amount of such contributions plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective members after said date, to the value on said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valua-

(Proposition I, Continued)

tion shall be made every even-numbered year and said investigation into the experience under the system shall be made every odd-numbered year.

(3) To promote the stability of the retirement system through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the city and county held by the system to provide benefits for members under section 8.590 shall be a part of the fund in which all other assets of said system are included.

8.590-12 Right to Retire

Upon the completion of the years of service set forth in section 8.590-2 as requisite to retirement, a member of the police department shall be entitled to retire at any time thereafter in accordance with the provisions of said section 8.590-2, and nothing shall deprive said member of said right.

8.590-13 Limitation on Employment During Retirement

(a) Except as provided in subsection (b) of this section, no person retired as a member under section 8.590 for service or disability and entitled to receive a retirement allowance under the retirement system shall be employed in any capacity by the city and county, nor shall such person receive any payment for services rendered to the city and county after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for, or giving testimony as an expert witness for or on behalf of the city and county before any court or legislative body shall not be affected by the provisions of subsection (a) of this section. (2) The provisions of subsection (a) shall not prevent such retired person from serving on any board or commission of the city and county and receiving the compensation for such office. (3) If such retired person is elected or appointed to a position or office which subjects him to membership in the retirement system under section 8.590, he shall re-enter membership under section 8.590 and his retirement allowance shall be cancelled immediately upon such re-entry. The provisions of subsection (a) shall not prevent such person from receiving the compensation for such position or office. The rate of contribution of such member shall be the same as that for other members under section 8.590. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his annuity at the time of his re-entry, but the amount thereof shall not exceed the amount of his accumulated contributions at the time of his retirement. Such member shall also receive credit for his service as it was at the time of his retirement.

8.590-14 Right to Transfer

Notwithstanding any provisions of this charter to the contrary, any person who, on or after January 1, 1983, is a member of the Police Department, and is a member of the Retirement System under Charter Sections 8.559 or 8.586, may become a member of the Retirement System under Charter Section 8.590 by filing in writing with the Retirement System no later than June 30, 1984, an executed waiver of all benefits which might inure to him under Charter Section 8.559 or 8.586. This waiver must be without right of revocation and on a form furnished by the retirement system. The Retirement Board may require that this

waiver be executed by additional persons before it becomes operative. Member's exercising their right of transfer under this subsection shall leave in the Retirement System monies in their contribution account including any interest thereon.

This transfer will be effective the pay period nearest 30 days after the signing of the waiver. Those persons so electing to become members under Charter Section 8.590 shall receive service credit under Charter Section 8.590 equal to their service credit under Charter Section 8.559 and 8.586 as of the date their transfer became effective.

Those persons so electing to become members under Charter Section 8.590 shall not be subject to any of those provisions of Charter Section 8.559 and 8.586 as of the effective date of their transfer.

Provided however, that those members who exercised their right to transfer, pursuant to Charter Section 8.559-14, from membership of the Retirement System under Charter Section 8.559 to membership of the Retirement System under Charter Section 8.586 shall not be entitled to elect to become a member of the Retirement System under Charter Section 8.590 unless and until they have redeposited with the Retirement System all monetary consideration, including monies from their contribution account including any interest thereon, received from electing to so transfer.

8.590-15 Conflicting Charter Provisions

Any section or part of any section in this charter, insofar as it should conflict with the provisions of section 8.590 through 8.590-14 with any part thereof, shall be superseded by the contents of said section. In the event that any word, phrase, clause or section of said sections shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect, and shall not be changed by vote of less than a two-thirds (2/3) majority of the electorate.

8.519 Disability Benefits

Whenever any member of the police department, as defined in Section 8.590-1 is incapacitated for the performance of his duties by reason of any bodily injury received in, or illness caused by, the performance of his duty, as determined by the retirement board, he shall become entitled with respect to any one injury or illness, regardless of his period of service with the city and county, to disability benefits equal to and in lieu of his salary, while so disabled, for a period or periods not exceeding 12 months in the aggregate, or until such earlier date as he is retired, whether for service or disability.

Said disability benefit shall be reduced in the manner fixed by the board of supervisors by the amount of any benefits other than medical benefits payable to such person under the Labor Code concurrently with said disability benefit, and because of the injury or illness resulting in said disability. Such disability benefits as are paid in the absence of payments of any benefits other than medical benefits under the workers' compensation laws included in said Labor Code, shall be considered as in lieu of such benefits payable to such person under the said code concurrently with said disability benefits, and shall be in satisfaction and discharge of the obligations of the city and county to pay such benefits under the Labor Code.

The provisions of this section shall be administered exclusively by the retirement board, and the city and county shall pay to the retirement system during each

(Proposition I, Continued)

fiscal year an amount equal to the total disability benefits paid by said system during that year.

A member of the police department shall receive credit as service, under the retirement system, for time during which he is incapacitated for performance of duty and receives said disability benefit; provided,

however, that contributions for the retirement system shall be deducted from payments of such disability benefits paid to him. The city and county shall contribute, in addition to its other contributions provided herein, to the retirement system on the basis of said benefits in the same manner as it would contribute on salary paid to said member. *(end)*

**TEXT OF PROPOSED INITIATIVE CHARTER AMENDMENT
PROPOSITION J**

NOTE: Additions or substitutions are indicated by **bold-face**; deletions are indicated by ((double parentheses)).

8.451 Police Department

(a) The word "member" or "members" as used in this section shall mean the members in the police department set forth in section 3.531 of this charter.

(b) The basic week of service for each member shall be forty hours and the annual compensation set forth in Section 3.531 of this charter shall be based upon said basic week of service.

(c) Each member shall be entitled to at least two days off during each week, except as hereinafter provided.

(d) Whenever in the judgement of the chief of police public interest or necessity requires the services of any member to serve in excess of the basic week of service during any week, the chief of police may permit said service, and said member shall be compensated therefor or shall receive equivalent time credited to him in lieu thereof in accordance with this sub-section. For service performed in excess of the basic week, member shall, as **requested by the member**, be compensated on the basis of ((straight time)) **time and one-half** in accordance with the ratio which said excess service bears to the basic week of service and the annual compensation provided therefor in Section 3.531 or in lieu thereof equivalent time off duty with pay **at the rate of time and one-half**.

(e) Nothing contained in this section shall be deemed to interfere with a vacation, as provided for in Section 8.440 of this charter, or the normal days off per week; provided, however, that when in the judgment of the chief of police public interest or necessity requires the services of any member to serve on his vacation, or part thereof, or normal days off, and he shall receive additional compensation for the

period so served. Said additional compensation shall be computed on the basis of ((straight time)) **time and one-half** in accordance with the ratio which said extra service performed bears to the basic week of service and the annual compensation provided therefor in Section 3.531.

(f) Nothing in this section shall abridge or limit in any way the provisions of Section 301, Part 1 of the San Francisco Municipal Code, approving rule 32 of the civil service commission, insofar as sick leave and disability leaves for members are concerned.

(g) Whenever in the judgement of the police commission the efficient performance of police duty requires that one or more members of the police department should report for roll call, orders, and assignments, prior to going on duty, the said commission may designate a period not to exceed fifteen minutes in any one day for said reporting, and the said periods of fifteen minutes need not be compensated for in money or in time off with pay.

(h) Notwithstanding the provisions of any of the foregoing sub-sections, the members of the police department shall be entitled to the days declared to be holidays for employees whose compensations are fixed on a monthly basis in the schedules of compensations adopted by the board of supervisors pursuant to the provisions of Section 8.401 of the charter as additional days off with pay. Members shall be compensated on the basis of ((straight time)) **time and one-half** as herein computed or shall be granted equivalent time off duty with pay **at the rate of time and one-half** ((in the judgment of the police commission)) **as requested by the member**.

(i) **The provisions of this section changing compensation for service in excess of the basic week of service from straight time compensation and equivalent time off duty with pay to time and one-half for compensation and for time off duty with pay shall be effective on and after July 1, 1983.**

**TEXT OF PROPOSED INITIATIVE ORDINANCE
PROPOSITION K**

Be it ordained by the People of the City and County of San Francisco:

That, in order to bring about lower electricity rates for the residents of San Francisco, and in furtherance of the stated policy of the City and County of San Francisco, as embodied in Charter Section 3.599, which states:

"It is the declared purpose and intention of the people of the city and county, when public interest and necessity demand, that public utilities be gradually acquired and ultimately owned by the city and county,"

the following steps be taken in order to bring about public ownership of the electric utility in San Francisco:

1. That within 90 days of the passage of this ordinance the Board of Supervisors shall begin hearings on the scope of a study to determine the feasibility of public ownership of the electric utility in San Francisco; which hearings are to include public testimony and to be conducted at times of day conducive to the widest possible public participation. The scope of such feasibility study shall include, but not be limited to: determination of the cost of acquisition of such electric facilities as may be necessary for adequate provision of electric utility service within the city and county; determination of the potential revenue to a municipally owned system providing such services; determination of rates chargeable to consumers by such

EXHIBIT E



December 14, 2007

The February 5, 2008 election is the first time that California is holding a separate primary election for presidential candidates. Since it is a primary, however, voters must vote according to their party affiliation. The only exception is voters who declined to state a party affiliation when registering to vote; these "decline-to-state" voters are allowed to vote using a ballot for the American Independent or Democratic Party. This is called "crossover voting."

CROSSOVER VOTING

People who declined to state an affiliation with a political party when registering to vote have the option of requesting either an American Independent Party or Democratic Party ballot and voting on that party's candidates. Decline-to-state voters who wish to vote by mail may request an American Independent Party or Democratic Party ballot by indicating their choice on the Vote-by-Mail Application on the back of this pamphlet and sending the application to the Department of Elections. Permanent Vote-by-Mail voters have been sent a form on which they can indicate their choice of either party ballot. If no request is made for a party ballot, we will mail a Nonpartisan ballot that lists only ballot measures.

Decline-to-state voters who go to their polling places on Election Day and who want to vote either an American Independent Party or Democratic Party ballot will need to request that ballot from the poll workers. Please note, however, that decline-to-state voters are not required to choose a ballot from any party and can vote on ballots specifically for nonpartisan voters.

NEW ACCESSIBLE VOTING EQUIPMENT

In the February 5 election, San Francisco voters will also use a new voting system. Mostly, voters will not notice any difference voting in this election compared to recent elections. The ballot cards will look the same and will still be "read" by optical scan machines at the polling places, as will vote-by-mail ballots in City Hall. The one difference is each polling place will have a new piece of voting equipment that is accessible to voters with disabilities, and that allows people to vote independently and privately. This new equipment is a touch screen machine that provides a paper audit trail that voters are able to review before confirming their selections.

CONTACT US

If you have questions or need more information on any issue related to the election, please contact the Department at 554-4375, 554-4367 (Chinese), or 554-4366 (Spanish). Also, our Web site – www.sfgov.org/elections – is an excellent source of information and provides materials in English, Chinese, and Spanish.

Respectfully,
John Arntz, Director



Creating a New Deferred Retirement Option Program for Members of the San Francisco Police Department



PROPOSITION B

Shall the City allow certain retirement-eligible police officers to continue working for up to three additional years while accumulating their regular retirement benefits in tax deferred retirement accounts?

YES ←
NO ←

Digest

by the Ballot Simplification Committee

THE WAY IT IS NOW: Under the City Charter, police officers are eligible for retirement benefits based on their compensation, age and length of service. The Charter does not allow City employees, including police officers, to continue working fulltime for the City after retirement. However, retired City employees may be reemployed for a limited number of hours while collecting retirement benefits.

THE PROPOSAL: Proposition B is a Charter Amendment that would establish a "Deferred Retirement Option Program" (DROP) for eligible police officers. Any eligible police officer who participates in DROP would continue working as a police officer for a specified period of time, not longer than three years. Police officers participating in DROP would continue to receive their regular pay and benefits but would not accrue any retirement benefits. DROP participants would begin accumulating their regular retirement payments, frozen at the level that the officer had earned upon entry into DROP. These payments would be placed in a tax deferred DROP account maintained by the City's retirement system. At the end of the DROP period, officers would begin receiving their regular monthly retirement payment, as well as their retirement benefits that had accumulated in their DROP account.

To be eligible to participate in DROP, a police officer must have at least 25 years of service as a sworn member of the Police Department, be at least 50 years of age, be a full-duty officer and agree to retire at the conclusion of his or her service in DROP.

Proposition B provides that the City should not incur any overall cost increase due to the creation and operation of DROP. The Charter amendment requires periodic evaluation by the City of the costs of the program:

- The City's Controller and the Retirement System must prepare a joint report for the Board of Supervisors (Board) in the third year of the program documenting any overall cost to the City of DROP;
- The Board must review whether the program is cost-neutral at the end of every extension of the DROP program; and

- The Board must consider this report and vote whether DROP should be renewed for any period of time, not to exceed three years.

A "YES" VOTE MEANS: If you vote "yes," you want to amend the Charter to establish a "Deferred Retirement Option Program" (DROP) for eligible police officers.

A "NO" VOTE MEANS: If you vote "no," you do not want to adopt this program.

Notice to Voters:

The "Controller's Statement" and "How 'B' Got on the Ballot" information on this measure appear on the opposite (facing) page.

THIS MEASURE REQUIRES 50%+1 AFFIRMATIVE VOTES TO PASS.

ARGUMENTS FOR AND AGAINST THIS MEASURE IMMEDIATELY FOLLOW THIS PAGE. THE FULL TEXT BEGINS ON PAGE 89.

SOME OF THE WORDS USED IN THE BALLOT DIGEST ARE EXPLAINED ON PAGE 61.



B

Creating a New Deferred Retirement Option Program for Members of the San Francisco Police Department

Controller's Statement on "B"

City Controller Edward Harrington has issued the following statement on the fiscal impact of Proposition B:

Should the proposed charter amendment be approved by the voters, in my opinion, it is probable that the program will meet its goal of being cost-neutral to the City and may even provide some positive benefits, however, since it is a voluntary program, it is not possible to know the actual savings or cost until police officers actually enroll in the program.

The charter amendment authorizes the Board of Supervisors to create a Deferred Retirement Option Plan (DROP) for San Francisco police officers. A DROP allows officers to formally retire, put their retirement earnings into a tax-deferred account and continue to work for normal wages and benefits for a period of up to three years. As a result, the City retains a qualified officer for that period of time and delays the cost of recruitment and training incurred in replacing a retiring officer. DROP programs can be useful during times of staff shortages to encourage experienced officers to work for the City past normal retirement age. The San Francisco Employees' Retirement System would have new and complex responsibilities for administering the DROP program which could cost in the range of \$500,000 or more annually.

The Charter amendment states that the program is intended to be cost neutral and provides that costs will be evaluated in fiscal year 2010-2011 when the City has three years of actual experience. At that time, the Board of Supervisors could end or extend the program, however, individuals who had entered it would continue to earn DROP benefits for up to three years.

Approximately 600 police personnel in ranks from Police Officer to Police Captain would be eligible for the DROP program over the next three years. Current actuarial projections are that the City is likely to achieve the cost-neutral intent of the amendment. However, because the eligible individuals have varying ages, years of service and pay rates, participation in the program is voluntary, and because new recruits would have been paid at lower rates than experienced officers, the program may or may not be cost neutral.

How "B" Got on the Ballot

On September 18, 2007 the Department of Elections certified that the initiative petition, calling for Proposition B to be placed on the ballot, had qualified for the ballot.

41,672 signatures were required to place an initiative Charter Amendment on the ballot. This number is equal to 10% of the registered voters at the time the petition was first filed with the Department of Elections.

A random check of the signatures submitted by the proponents of the initiative petition prior to the October 8, 2007 submission deadline showed that more than the required number of signatures was valid.

THIS MEASURE REQUIRES 50%+1 AFFIRMATIVE VOTES TO PASS.

ARGUMENTS FOR AND AGAINST THIS MEASURE IMMEDIATELY FOLLOW THE FACING PAGE. THE FULL TEXT BEGINS ON PAGE 89. SOME OF THE WORDS USED IN THE BALLOT DIGEST ARE EXPLAINED ON PAGE 61.



B Creating a New Deferred Retirement Option Program for Members of the San Francisco Police Department

PROPONENT'S ARGUMENT IN FAVOR OF PROPOSITION B

Deferred Retirement Option Program

All Across the United States the candidate pool is shrinking for police officers that our cities need. There are currently 11,000 openings for police officers in California alone. Here in San Francisco, the situation is even more alarming. We are currently short between 250-300 officers, and 580 more officers will become eligible to retire in the next four years. We simply do not have the resources or the candidates needed to hire almost 900 officers over that short a time.

The Deferred Retirement Option Program (DROP) will allow San Francisco to retain experienced police officers for up to three years rather than have them retire. In addition, the proposed amendment mandates that DROP be "cost neutral" to the City of San Francisco and that DROP be reviewed every three years to ensure that it is, in fact, cost neutral.

In addition, the DROP is specifically targeted for officers in active neighborhood patrol and in the Investigation Bureau where our staff shortages are the more critical. DROP has been an overwhelming success in many other American cities that also lack a sufficient number of police officers.

The DROP will prevent further police staffing shortages, will increase the experience and effectiveness of our Police Department and, most importantly, it will do so without any cost to the taxpayers.

San Francisco Police Officers Association

REBUTTAL TO PROPONENT'S ARGUMENT IN FAVOR OF PROPOSITION B

NO REBUTTAL TO PROPONENT'S ARGUMENT IN FAVOR OF PROPOSITION B WAS SUBMITTED

Arguments printed on this page are the opinion of the authors and have not been checked for accuracy by any official agency. Arguments are printed as submitted. Spelling and grammatical errors have not been corrected.



Creating a New Deferred Retirement Option Program for Members of the San Francisco Police Department

B

OPPONENT'S ARGUMENT AGAINST PROPOSITION B

NO OPPONENT'S ARGUMENT AGAINST PROPOSITION B WAS SUBMITTED

REBUTTAL TO OPPONENT'S ARGUMENT AGAINST PROPOSITION B

NO REBUTTAL TO OPPONENT'S ARGUMENT AGAINST PROPOSITION B WAS SUBMITTED

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B

Creating a New Deferred Retirement Option Program for Members of the San Francisco Police Department

PAID ARGUMENTS IN FAVOR OF PROPOSITION B

YES ON B

The first responsibility of government is to protect the lives and property of citizens. San Francisco needs experienced officers to fight the increase in crime, especially gang violence and a record murder rate. All residents and businesses, and especially children and the growing senior population deserve maximum police protection.

Many of San Francisco's most experienced officers are at, or near retirement age. The City expects a shortfall of as many as 900 officers over the next four years. Proposition B will help keep these officers on the job for an additional 3 years while the SFPD recruits and trains replacements. There will be no additional cost to taxpayers.

SAN FRANCISCO REPUBLICAN ASSEMBLY

- Tony Ribera*
President-CEO
- Mike DeNunzio*
Chairman
- Alan Smith*
Treasurer
- Howard Epstein*
SFRA Advisor
- Dana Walsh*
SFRA Advisor

The true source of funds for the printing fee of this argument is the San Francisco Republican Assembly.

Prop B keeps experienced cops patrolling our neighborhoods and relieves the City's current and anticipated shortfall of officers.

Vote "Yes" on Prop B!

For more information, visit www.cbsf.net

- Citizens for a Better San Francisco

- Edward Poole*
- Michael Antonini*
- Roberta Boomer*
- Christopher L. Bowman*
- Bill Campbell*
- Harmeet Dhillon*
- Chris Wright*

The true source of funds for the printing fee of this argument is Citizens for a Better San Francisco.

The three largest contributors to the true source recipient committee are: 1. Edward Poole, 2. Michael Antonini, 3. Christopher L. Bowman.

San Francisco is short up to 300 police officers. The City has increased the number of academy classes, but nearly 600 officers are set to retire in the next four years. Recruitment alone will not make up the current deficit.

Proposition B will encourage our experienced police officers to postpone retirement so that increased recruitment efforts can reduce our officer shortfall, all at no additional cost.

Vote Yes on Proposition B

San Francisco Chamber of Commerce

The true source of funds for the printing fee of this argument is the San Francisco Chamber of Commerce.

We believe that the Deferred Retirement Option Program (DROP) will play a significant role in ensuring that the citizens of San Francisco have sufficient numbers of police officers both on the street and investigating crimes, despite the difficulties all public agencies face nationwide in recruiting new officers. The DROP will enable San Francisco to keep its experienced officers in the service of the City with no cost to taxpayers. The DROP makes absolute sense for San Francisco. It is good public policy, and we strongly urge its passage by the citizens of San Francisco.

Supervisors Aaron Peskin, Michela Alioto-Pier, Bevan Dufty, Jake McGoldrick, Ross Mirkarimi, Carmen Chu, and Gerardo Sandoval say "Yes on B!"

The true source of funds for the printing fee of this argument is the San Francisco Police Officers' Association.

The contributor to the true source recipient committee is the San Francisco Police Officers' Association from members' dues.

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LEGAL TEXT OF PROPOSITIONS A AND B

the voting precincts, polling places and officers of election for the Bond Special Election hereby called, and reference is hereby made to the notice of election setting forth the voting precincts, polling places and officers of election for the February 5, 2008, Presidential Primary Election by the Director of Elections to be published in the official newspaper of the City on the date required under the laws of the State of California.

Section 8. The ballots to be used at the Bond Special Election shall be the ballots to be used at the February 5, 2008 Presidential Primary Election. The word limit for ballot propositions imposed by San Francisco Municipal Elections Code Section 510 is hereby waived. On the ballots to be used at the Bond Special Election, in addition to any other matter required by law to be printed thereon, shall appear the following as a separate proposition:

"CLEAN AND SAFE NEIGHBORHOOD PARKS BONDS, 2008. Shall the City incur \$185,000,000 of bonded indebtedness to fund certain costs associated with the construction, reconstruction, purchase and/or improvement of park and recreation facilities located within the City, under the jurisdiction of the Recreation Park Commission or under the jurisdiction of the Port Commission as further described in Section 3 of the ordinance placing this measure onto the ballot, and paying other costs necessary and convenient for effectuating those purposes, including costs connected with or incidental to the authorization, issuance and sale of the bonds; and authorizing landlords to pass-through to residential tenants in units subject to Chapter 37 of the San Francisco Administrative Code (the "Residential Stabilization and Arbitration Ordinance") 50% of the increase in the real property taxes attributable to the cost of the repayment of the bonds?"

Each voter to vote in favor of the issuance of the foregoing bond proposition shall mark the ballot in the location corresponding to a "YES" vote for the proposition, and to vote against the proposition shall mark the ballot in the location corresponding to a "NO" vote for the proposition.

Section 9. If at the Bond Special Election it shall appear that two-thirds of all the voters voting on the proposition voted in favor of and authorized the incurring of bonded indebtedness for the purposes set forth in such proposition, then such proposition shall have been accepted by the electors, and bonds authorized thereby shall be issued upon the order of the Board of Supervisors. Such bonds shall bear interest at a rate not exceeding applicable legal limits.

The votes cast for and against the proposition shall be counted separately and when two-thirds of the qualified electors, voting on the proposition, vote in favor thereof, the proposition shall be deemed adopted.

Section 10. For the purpose of paying the principal and interest on the bonds, the Board of Supervisors shall, at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually each year until such bonds are paid, or until there is a sum in the Treasury of said City, or other account held on behalf of the Treasurer of said City, set apart for that purpose to meet all sums coming due for the principal and interest on the bonds, a tax sufficient to pay the annual interest on such bonds as the same becomes due and also such part of the principal thereof as shall become due before the proceeds of a tax levied at the time for making the next general tax levy can be made available for the payment of such principal.

Section 11. This ordinance shall be published in accordance with any state law requirements, and such publication shall constitute notice of the Bond Special Election and no other notice of the Bond Special Election hereby called need be given.

Section 12. The Board of Supervisors having reviewed the proposed legislation, finds and declares (i) that the Identified Projects are categorically exempt from CEQA as described in the letter dated September 6, 2007 from the Planning Department, (ii) that the remainder of the proposed Project is excluded from CEQA under CEQA Guidelines section 15378(b)(4) as the creation of a government funding mechanism that does not involve any commitment to any specific project, (iii) that the proposed Project is in conformity with the priority policies of Section

101.1(b) of the City Planning Code and, (iv) in accordance with Section 2A.53(f) of the City Administrative Code, that the proposed Project is consistent with the City's General Plan, and hereby adopts the findings of the City Planning Department, as set forth in the General Plan Referral Report, dated September 6, 2007, and incorporates said findings by reference.

Section 13. Pursuant to Section 53410 of the California Government Code, the bonds shall be for the specific purpose authorized herein and the proceeds of such bonds will be applied only to the Project described herein. The City will comply with the requirements of Sections 53410(c) and 53410(d) of the California Government Code.

Section 14. The Bonds are subject to, and incorporate by reference, the applicable provisions of San Francisco Administrative Code Sections 5.30 – 5.36 (the "Citizens' General Obligation Bond Oversight Committee"). Pursuant to Section 5.31 of the Citizens' General Obligation Bond Oversight Committee, to the extent permitted by law, one-tenth of one percent (0.1%) of the gross proceeds of the Bonds shall be deposited in a fund established by the Controller's Office and appropriated by the Board of Supervisors at the direction of the Citizens' General Obligation Bond Oversight Committee to cover the costs of said committee.

Section 15. The time requirements specified in Section 2.34 of the San Francisco Administrative Code are hereby waived.

Section 16. The appropriate officers, employees, representatives and agents of the City are hereby authorized and directed to do everything necessary or desirable to accomplish the calling and holding of the Bond Special Election, and to otherwise carry out the provisions of this ordinance.

Section 17. Documents referenced herein are on file with the Clerk of the Board of Supervisors in File No. 071228, which is hereby declared to be a part of this ordinance as if set forth fully herein.

PROPOSITION B

The Deferred Retirement Option Program for Members of the Police Department.

Preamble – Section A8.900.

(a) It is critical to the health, the safety, and economic vitality of the City and County of San Francisco, that the City be able to recruit new Police Officers, and retain veteran Police Officers. Recent experience has demonstrated that the City's Police Department has had difficulty recruiting qualified Police Officers, and, more significantly, has had difficulty retaining the services of veteran Police Officers.

(b) There is a highly competitive labor market for the services of Police Officers. Additionally, due to the historical hiring patterns in this Department, hundreds of Police Officers will become eligible for normal service retirement in the next three to five years. The City Police Department is already three hundred officers below the Charter mandated staffing level.

(c) In order to address this recruitment and this retention problem, through this measure the voters establish a voluntary Deferred Retirement Option Program (DROP) which would be offered to members of the Police Department in order to create an incentive for the retention of experienced Police Officers, and as well, to attract new Officers.

(d) Specifically, as well, the voters intend that this Charter provision, if adopted, shall be "cost neutral" to the City; that is, it shall not impose new costs upon the City as a consequence of the participation by Police Officers in the DROP.

(e) Finally, in order that the cost impact of the DROP may be assessed, this measure additionally provides that at the end of the third year after the implementation of the Program, the Board of Supervisors, pursuant to data provided by the Police Department along with an analysis by the Controller of the City and County and the consulting actuary



LEGAL TEXT OF PROPOSITION B

of the Retirement Board, shall determine whether the Program has been cost-neutral, and whether in light of its achievement of the goals of the measure, it should be continued for an additional three year term, and thereafter, subject to similar evaluations.

Section A8.901.

Eligibility to Participate in the Deferred Retirement Option Program.

(a) Sworn members of the Police Department occupying the rank of Police Officer (currently Q2-Q4) at their date of entry into the Program, shall be eligible to participate in the DROP for up to a maximum of 36 months from their date of entry into the Program, provided they otherwise meet the eligibility standards set forth in Section A8.901(c). Sworn members of the Police Department occupying the ranks of Sergeant (currently Q50-Q52) and Inspector (currently 0380-0382) at their date of entry into the Program, shall be eligible to participate in the DROP of up to a maximum of 24 months from their date of entry into the Program, provided they otherwise meet the eligibility standards set forth in Section A8.901(c).

(b) Sworn members of the Police Department occupying the ranks of Lieutenant (currently Q60-Q62) and Captain (currently Q80-Q82) at their date of entry into the Program shall be eligible to participate in the Program for a maximum of 12 months from their date of entry into the Program, provided that they otherwise meet the eligibility standards set forth in Section A8.901(c). No sworn member of the Police Department occupying a rank above that of Captain shall be eligible to participate in the Program.

(c) To be eligible to participate in the DROP, a sworn member occupying one of the eligible ranks must additionally be an active employee of the San Francisco Police Department, have at least 25 years of service as a sworn member of the Department, including any service as a member of the San Francisco Airport Police, and be at least 50 years of age at the time of entry into the Program. Additionally, a member must be a "full duty sworn officer" as that term is used in Charter Section 4.127. As a condition of participation the sworn member must agree that they shall terminate their employment through retirement at the conclusion of their participation in the Program.

Section A8.902.

Effect of Disability on Continued Participation.

(a) If, after a member becomes a participant in the DROP, the member shall become incapacitated for the performance of duty by reason of any bodily injury received in or illness caused by the performance of duty, said member will be eligible to apply for a retirement for incapacity and be subject to the same eligibility requirements provided elsewhere in this Charter as though the participant was not enrolled in the DROP. If a member receives a retirement for this duty related incapacity, said retirement shall be in lieu of the benefits provided in accordance with these DROP provisions, and the participant shall be paid an industrial disability retirement benefit as if the participant had never entered the DROP.

(b) If, after a member becomes a participant in the DROP, the member shall become incapacitated for the performance of duty by reason of any bodily injury received or illness not related to the performance of duty, said member will be eligible to apply to terminate participation in DROP in accordance with Section A8.906. The participant will be paid the balance credited in their DROP Account, and will begin to receive a monthly payment as determined under Section A8.903, including any cost of living adjustments to which the member would otherwise be entitled.

(c) In the event a member shall become temporarily incapacitated for the performance of duty while participating in the DROP, the member is entitled to disability benefits only as provided for in this Charter. The member is thus no longer a "full duty sworn officer," as defined in Section A8.901(c), and therefore the member's service retirement payments will be suspended for the period during which disability benefits are received. The member's DROP enrollment shall be extended for the period during which disability benefits were received, provided that this extension may not exceed one-half of the permitted maximum

participation period for the rank occupied by the member at the time of enrollment in the DROP.

(d) In the event a member who is participating in the DROP applies for a retirement for incapacity, and the application remains unresolved at the conclusion of their DROP participation period, that member must leave the DROP when their participation period concludes, but they shall be permitted to continue on disability status with the Department until such time as their application is finally determined. In no event, however, shall any such member receive the distribution of their DROP Account until their disability retirement status is finally determined.

Section A8.903.

The Effect of Participation in the DROP Upon Pension Benefit Calculations.

Upon the voluntary entry of a qualified member into the DROP, that member's retirement system benefits, including survivor benefits, shall be frozen, and shall not be increased as a result of any additional service time, increase in age or compensation earned by the member while they are participating in the DROP. During the period of a member's participation in the DROP, the monthly service pension payment described herein shall be increased by any cost of living adjustment to which the member would otherwise be entitled, if retired, during the period of their participation in the DROP, pursuant to the terms of the retirement plan which applies to the member.

Section A8.904.

Establishment of the DROP Account.

(a) The DROP Account is an account established for book-keeping purposes within the retirement system for each member who elects to enter DROP.

(b) Commencing with the first pay period after the entry of a member into the DROP, and for each pay period thereafter so long as the member participates in the DROP, the service pension (including any Cost of Living Adjustments) to which the member would otherwise be entitled based on their compensation, age, and length of service as of their date of their entry into the Program, shall be credited monthly into a DROP Account established within the retirement system for each individual participant.

(b) A participating member, to the extent permitted by law and regulations established by the Retirement Board and the Board of Supervisors, may direct the crediting into that member's DROP Account the dollar value of any compensatory time off, accrued unused vacation, or accrued Sick Pay, if any, to which the member may be entitled, in lieu of receiving a payout of those amounts upon the date of entry into the DROP.

(c) The DROP Account into which the member's monthly service pension is credited shall also be credited on a monthly basis with interest at an annual effective rate of four percent throughout the period of the member's participation in the DROP.

Section A8.905.

Rights of Surviving Spouse, Domestic Partner, or Dependents.

(a) If a member shall die by reason of an injury received in, or illness caused by the performance of duty during the period of their participation in the DROP, the member's qualified surviving spouse, qualified registered/certified domestic partner or other qualified dependents provided for in this Charter shall receive a death allowance pursuant to the applicable provisions of the Charter as if the member had never elected to enter DROP. Whichever of the member's qualified surviving spouse, qualified registered/certified domestic partner or other qualified dependents provided for in this Charter is entitled to receive this allowance may, instead of receiving the benefit under this paragraph, elect to receive a non-work related death benefit as specified in paragraph (b) below.

(b) If a member shall die during the period of their participation in the DROP for non-work related causes, the surviving qualified spouse, qualified registered/certified domestic partner, or other qualified dependents provided for in this Charter, shall be entitled to a post-retirement continuation allowance, along with any amounts credited to the deceased member's DROP Account, determined as if the participant had



elected to voluntarily withdraw from DROP under Section A8.906 on the participant's date of death. Such payments shall be made on the basis of beneficiary elections made by the member at the time of his or her entry into DROP, and updated from time to time, as set forth in section A8.905(d).

(c) In order for a surviving spouse or registered/certified domestic partner to be qualified for the monthly allowance described in this section, the member must have been married, or have established a domestic partnership within the time limits specified by this Charter. In order for surviving dependents to be qualified for the monthly allowance described in this section, such dependents must satisfy the requirements of the retirement provisions of this Charter. In any circumstance where the eligibility requirements specify the member's date of retirement, those requirements must be met at the date of entry into DROP.

(d) A member who elects to participate in the DROP may designate a beneficiary for the proceeds of the member's DROP Account in writing, not later than the time of entry into the DROP. The member may change the designation at any time prior to the distribution of the DROP Account. If the designated beneficiary predeceases the participating member, and the member becomes deceased before designating a new beneficiary, any distribution of the proceeds of the DROP Account shall be made to the estate of the member, pursuant to law.

(e) Notwithstanding the above provisions, a member's designation of a DROP Account beneficiary shall be subject to community property obligations, if any, under applicable California law.

Section A8.906.

Termination of Participation in the DROP.

(a) A member's participation in the DROP shall be terminated, other than by death or disability, by the first occurrence of any of the following: (1) the member's completion of the applicable DROP participation period set forth in Section A8.901(a) or (b); (2) the member's voluntary termination of employment while a DROP participant; (3) involuntary termination of the member's employment; provided, however, that distribution of the member's DROP Account shall be deferred during the pendency of any hearing or appeal of the member's termination of employment. Should the member be reinstated to employment, the member may continue to participate in the DROP for the full duration of the member's original participation period. Any time during which the member was excluded from DROP participation shall not be deducted from the member's maximum participation period set forth in section A8.901(a) or (b).

Section A8.907.

Employment Status of the Member During Participation in the DROP.

(a) During the period of a member's participation in the DROP, the member shall continue to receive the regular compensation attached to the rank occupied by the member at the time of enrollment in the Program, and the member shall have all of the rights, privileges, benefits and obligations of employment, including health benefits, attached to said rank, and shall be subject to all of the other terms and conditions of active employment in their respective rank and assignment. No member shall be eligible for a promotion during the time of their participation in the DROP.

(b) Notwithstanding the continued receipt by a participating member of the regular compensation and benefits attached to the rank and assignment which they occupy during their time in the DROP, no participating member shall receive service credit or compensation credit for retirement purposes pursuant to this Charter on account of their participation in the DROP. The member shall be subject to the employee contribution, as required by this Charter for all other active members of the Police Department, into the retirement system. The city and county need not continue to make its required contributions for any DROP participant. Member contributions made during a participation in the DROP shall be deemed a contribution to the general assets of the Retirement System, and shall not be a part of the member's DROP Account.

Section A8.908.

Compliance with Tax Laws.

(a) It is the intent of the voters that the DROP shall not jeopardize in any way the tax qualified status of the retirement system under Section 401 of the Internal Revenue Code of 1986, as amended from time to time, including, but not limited to, Section 415 of the Code, as amended.

(b) The Board of Supervisors shall adopt ordinances and the Retirement Board shall adopt such rules as may be necessary to implement the DROP, regulate investment and distribution of the DROP contributions, establish forms and procedures for designating beneficiaries of the DROP Account, and all such other matters as may be necessary, in its discretion, to implement the Program no later than July 1, 2008 and to assure its tax-qualified character.

Section A8.909.

Determination of Cost Neutrality.

(a) The implementation of the DROP shall not result in any net increase in cost to the City. This determination shall take into account the costs associated with payroll, the expenditures associated with the recruitment and training of Police Officers, the costs of conducting academies for such recruits and trainees, the Field Training Officer costs, the retirement contributions made by members participating in the DROP, and the City, and the City's share of the return on the investment of the DROP funds, along with any other cost or savings elements related to the implementation of the Program. Notwithstanding this objective, the DROP shall be given a sufficient trial period to determine whether, as implemented, it is cost-neutral to the City as so defined.

(b) Not later than April 15, in the third year after the effective date of the DROP, a joint report prepared by the Controller of the City and the consulting actuary of the Retirement System documenting the net cost effect of the Program shall be submitted to the Board of Supervisors, and the Board shall determine by majority vote whether, on the basis of said report, the Program shall be renewed for an additional period of time as specified by the Board, but in no event beyond an additional three years.

(c) The net cost effect of the Program shall be similarly evaluated periodically thereafter, pursuant to a schedule established by ordinance adopted by the Board of Supervisors by majority vote; provided, however, that in no event may such an evaluation be conducted less often than every three years after the initial evaluation.

(d) If the Board of Supervisors determines not to renew the Program, those members then enrolled shall be permitted to complete their Program participation pursuant to the terms in effect when they entered into the Program.

Section A8.910.

Withdrawal or Rollover of DROP Accounts.

(a) Upon the termination or conclusion of a member's participation in the DROP, the member shall be paid a lump sum equal to the balance in the member's DROP Account, or, pursuant to the member's instructions, that balance shall be paid as a direct rollover into a qualified retirement plan. The Retirement Board shall establish rules, and may develop such forms as may be appropriate, regarding distribution of the DROP Account proceeds, the rollover of such proceeds into a qualified retirement plan, and the time periods within such which distributions may be made.

(b) Upon the voluntary withdrawal of a member from the DROP, or the expiration of their participation period, the member shall be deemed to be retired on a service pension and shall then commence receiving directly the monthly service pension amount calculated pursuant to Section A8.903, including any cost of living adjustments to which the member would have been otherwise entitled during the time of their participation in the DROP, and shall, for all other purposes under this Charter and state law be deemed to be a retired member of the Police Department.



Creating a New Deferred Retirement Option Program for Members of the San Francisco Police Department

B

PAID ARGUMENTS AGAINST PROPOSITION B

NO PAID ARGUMENTS AGAINST PROPOSITION B WERE SUBMITTED

Arguments printed on this page are the opinion of the authors and have not been checked for accuracy by any official agency.
Arguments are printed as submitted. Spelling and grammatical errors have not been corrected.



EXHIBIT F

COUNTY OF SACRAMENTO
OFFICE OF THE COUNTY COUNSEL
Inter-Department Correspondence

37

November 13, 2008

To: Chair and Members
Board of Supervisors

APPROVED
BOARD OF SUPERVISORS

From: Michele Bach
Supervising Deputy

NOV 18 2008
By *Cyril Lee*
Clerk of the Board

Subject: Initiative Request-Impartial and Binding Arbitration for Probation Officers
and Peace Officer Managers

RECOMMENDATION

This Office recommends that the Board of Supervisors place the attached initiative on the next statewide election.

SUMMARY OF PETITION PROVISIONS

The attached initiative, if approved, will amend the County's Charter to require binding arbitration with respect to unresolved disputes of controversies pertaining to wages, hours or terms and conditions of employment involving employees represented by the Probation Non-Supervisory Unit and the Law Enforcement Management Unit. The following is a summary of the binding arbitration provisions.

If any such disputes remain unresolved after good faith negotiations, the disputes must be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by either the County or the employee organization involved in the dispute. A procedure is established for selection of the arbitrators on the Board of Arbitration. If no agreement is reached prior to the conclusion of the arbitration hearing, the parties are required to submit a last offer of settlement on each of the issues in dispute. The Arbitration Board is required to decide each issue by majority vote by selecting whichever last offer of settlement on any issue it finds most nearly conforms to those factors traditionally taken into consideration in determining wages, hours, benefits and terms and conditions of employment.

The Arbitration Board's decision is not publicly disclosed and is not binding until ten (10) days after it is delivered to the parties. During that ten (10) day period, the parties shall meet privately, attempt to resolve their differences, and by mutual agreement amend or modify the decision of the Arbitration Board. At the conclusion of

November 10, 2008

the ten (10) day period, the Arbitration Board's decision, as it may be modified or amended by the parties, becomes binding on the parties.

The initiative specifically provides that no other action by the County Board of Supervisors or by the electorate to confirm or approve the decision is required or permitted. However, in very limited circumstances, provisions of the decision may be submitted to the voters: 1) if, in the sole discretion of the Sheriff or Probation Officer Chief, any portion of an arbitration panel's decision would substantially interfere with management's prerogative to deploy or assign personnel; and 2) if in the sole discretion of the Board of Supervisors, any portion of the arbitration panel's decision would, absent diversion of funds deemed necessary by the Board for other County programs or services, require a tax increase to fund the decision. If neither the Sheriff, Chief Probation Officer nor the Board of Supervisors makes the requisite findings within ten (10) days of receipt of notice of the arbitration panel's decision, no voter approval shall be required and the contract becomes effective. All other contract provisions not subject to voter approval shall be given effect in the manner required by the Charter, unless modified by agreement of the parties.

DISCUSSION

Pursuant to Elections Code Section 9118, if an initiative petition is signed by voters not less in number than 10 percent of the entire vote cast in the county for all candidates for Governor at the last gubernatorial election, the Board of Supervisors is required to submit the initiative petition, without alteration, to the voters at the next statewide election. The Registrar of Voters has determined that the petition received the minimum number of valid signatures required to qualify for the ballot. Therefore, the Board of Supervisors should direct that the initiative measure be placed on the ballot the next scheduled statewide election.

If you have any questions, please feel free to contact me.


MICHELE BACH

Enc.

cc: Nav Gill
John McGinness
Verne Speirs
Jill Lavine
Steve Keil

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Initiative Measure to be Submitted Directly to the Voters

The county counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

Impartial and Binding Arbitration for Probation Officers and Peace Officer Managers Employed By the County of Sacramento

If approved, this initiative measure would amend Sections 91 through 95 of the Sacramento County Charter to extend binding arbitration to resolve labor disputes with the County of Sacramento to include County employees represented by the Probation Non-Supervisory Unit and the Law Enforcement Management Unit.

This binding arbitration provides that following good faith negotiation by the County and the labor organization, either party may declare an impasse, requiring the unresolved issues to be decided through binding arbitration. The arbitration procedure is available for all disputes or controversies over issues pertaining to wages, hours, terms and conditions of County employment, or grievances concerning the interpretation or application of a negotiated agreement.

This procedure for binding arbitration does not affect other legal provisions requiring good faith labor negotiations by the County, and allowing disciplinary action against covered employees for willful participation in any illegal strike or work stoppage.

This binding arbitration requires the arbitration to be conducted by a three member Arbitration Board and to conform to the California Arbitration Act. The County and the labor organization each select a representative for the Arbitration Board. A third Arbitration Board member serves as the chair of the Arbitration Board. If mutual agreement is not reached by the parties in the choice of the third member, the selection is made by a process of elimination from a seven person list of qualified labor arbitrators provided by the State Mediation and Conciliation Service.

This binding arbitration provides for public Arbitration Board hearings, except that the Arbitration Board has the discretion to hold private meetings with the parties to mediate the issues in dispute.

The Arbitration Board decision on each issue is reached by majority vote selecting whichever last offer, required to be submitted by each party on every issue in dispute, is found by the Arbitration Board to most nearly conform to factors traditionally considered in the determination of wages, hours, benefits and terms and conditions of public and private employment. The non-inclusive list of factors to be considered includes comparison with employees performing similar services, if reasonable, and the financial condition of the County and its ability to meet the costs of the decision of the Arbitration Board.

The arbitration decision in its final form must be publically disclosed and is binding on the parties. Prior to release of the Arbitration Board decision, the parties are required to meet privately to attempt to resolve their differences and are allowed to jointly amend or modify the Arbitration Board decision.

While the County Board of Supervisors is precluded from modifying, rejecting, or overruling the arbitration decision, the Board of Supervisors is authorized in limited circumstances to submit certain provisions of the otherwise binding arbitration award to the electorate. In the event of such submission, any submitted provision must be approved by a majority of the voters voting on the matter in order to become effective.

To the Sacramento County Board of Supervisors:

We, the undersigned, registered, qualified voters of the State of California, residents of the County of Sacramento, present this petition and request that the following proposed charter amendment be submitted to the qualified voters of the County for their adoption or rejection at an election as provided by law. The proposed charter amendment reads as follows:

**AFFECTED SECTIONS OF THE SACRAMENTO COUNTY CHARTER
(WITH PROPOSED AMENDMENTS)**

SECTION 91. DECLARATION OF POLICY. It is hereby declared to be the policy of the County of Sacramento that strikes by deputy sheriffs, probation peace officers, and law enforcement managers are not in the public interest and should be prohibited and that a method should be adopted for peaceably and equitably resolving disputes that might otherwise lead to strikes. Any employee covered by this Article who willfully participates in an illegal strike or work stoppage shall be subject to disciplinary action up to and including termination from employment.

SECTION 92. EMPLOYEES COVERED. This Article shall apply to all employees represented by the labor organizations recognized by the County as representing employees in the bargaining units originally determined as the Sheriff Law Enforcement Non-Supervisory Unit (hereinafter referred to as the (003) Non-Supervisory Law Enforcement Unit), the Probation Non-Supervisory Unit, and the Law Enforcement Management Unit.

SECTION 93. OBLIGATION TO NEGOTIATE IN GOOD FAITH. The County, through its duly authorized representatives, shall negotiate in good faith with the organizations recognized as representing the (003) Non-Supervisory Law Enforcement Unit, the Probation Non-Supervisory Unit, and the Law Enforcement Management Unit employees on all matters relating to the wages, hours, and other terms and conditions of County employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of a negotiated agreement. Unless and until agreement is reached through negotiations between authorized representatives of the County and the organization recognized as representing the (003) Non-Supervisory Law Enforcement Unit or the organization recognized as representing the Probation Non-Supervisory Unit or the organization recognized as representing the Law Enforcement Management Unit or a determination is made through the impartial arbitration procedure hereinafter provided, no existing benefit, term or condition of employment for said employee organizations (003) Non-Supervisory Law Enforcement Unit shall be altered, eliminated or changed.

SECTION 94. IMPASSE RESOLUTION PROCEDURES. (a) All disputes or controversies pertaining to wages, hours or terms and conditions of employment which remain unresolved after good faith negotiations between the County and the organization recognized as representing the (003) Non-Supervisory Law Enforcement Unit or the organization recognized as representing the Probation Non-Supervisory Unit or the organization recognized as representing the Law Enforcement Management Unit employees shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the county or by the (003) Non-Supervisory Law Enforcement Unit employees employee organization involved in the dispute.

(b) Representatives designated by the County and representatives of the employee organization involved in the dispute shall each select and appoint one arbitrator to the Board of Arbitrators within three (3) days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the county and the employee organization recognized as representing the (003) Non-Supervisory Law Enforcement Unit employees, and shall serve as the neutral arbitrator and Chairperson of the Board. In the event that the County and the employee organization recognized as representing the (003) Non-Supervisory Law Enforcement Unit employees cannot agree upon the selection of the neutral arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, either party may then request the State Mediation and Conciliation Service for the State of California Department of Industrial Relations to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If representatives of the county and the employee organization recognized as representing the (003) Non-Supervisory Law Enforcement Unit employees cannot agree within three (3) days after receipt of such list on one of seven (7) persons to act as the neutral arbitrator, they shall alternately strike names from the list of nominees until one name remains and that person shall then become the neutral arbitrator and Chairperson of the Arbitration Board.

(c) Any arbitration proceeding convened pursuant to this Article shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure. The Arbitration Board shall hold public hearings, receive evidence from the parties and cause a transcript of the proceedings to be prepared. The Arbitration Board, in the exercise of its discretion, may meet privately with the parties and mediate or "write-into" issues in dispute. The Arbitration Board may also adopt such other procedures that are designed to encourage an agreement between the parties, expedite the arbitration hearing process, or reduce the costs of the arbitration process.

(d) In the event no agreement is reached prior to the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Arbitration Board may establish, a last offer of settlement on each of the remaining issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms to those factors traditionally taken into consideration in the determination of wages, hours, benefits and terms and conditions of public and private employment, including but not limited to the following: changes in the average consumer price index for goods and services; the wages, hours, benefits and terms and conditions of employment of employees performing similar services to the extent that such can be reasonably done; and the financial condition of the County of Sacramento and its ability to meet the costs of the decision of the Arbitration Board.

(e) After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten (10) day period the parties shall meet privately, attempt to resolve their differences, and by mutual agreement amend or modify the decision of the Arbitration Board. At the conclusion of the ten (10) day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board, as it may be modified or amended by the parties, shall be publicly disclosed and shall be binding on the parties. The County and the employee organization involved in the dispute the organization recognized as representing the (003) Non-Supervisory Law Enforcement Unit employees shall take whatever action is necessary to carry out and effectuate the arbitration award. No other actions by the County Board of Supervisors or by the electorate to confirm or approve the decision of the Arbitration Board shall be required or permitted.

(f) The expenses of any arbitration proceeding convened pursuant to the Article, including the fee for the services of the chairperson of the Arbitration Board and the costs of preparation of the transcript of the proceedings, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses.

SECTION 95. VOTER APPROVAL OF CERTAIN ARBITRATED LABOR CONTRACTS.

(a) Notwithstanding any other provision of the Charter, in the event a ballot measure is approved at the June 2, 1998, primary election, or at any election thereafter, to amend this Charter to require any labor contracts to be submitted to binding arbitration, the results of such arbitration as to certain contract provisions shall be binding only to the extent that those provisions, as designated herein, are approved by the majority of the voters voting in a county-wide election in which the question of approval or disapproval is placed in accordance with the requirements of this section.

(b) In the event of arbitration resulting from a Charter amendment described in subdivision (a) of this section, the Board of Supervisors shall cause provisions of a contract between the county and the affected employee organization approved by the arbitrator(s) arbitration panel to be submitted to the voters only as follows:

(1) If in the sole and absolute discretion of the Sheriff, or the Chief Probation Officer, any portion of an arbitration panel's decision would substantially interfere with management's prerogative to deploy or assign personnel, that portion only of the panel's decision must, prior to implementation, be submitted to the electorate in accordance with this section;

(2) If in the sole and absolute discretion of the Board of Supervisors, any portion of the arbitration panel's decision would, absent diversion of funds deemed necessary by the Board for other County programs or services, require a tax increase to fund the decision, that portion only of the panel's decision must, prior to implementation, be submitted to the electorate in accordance with this section;

(3) If neither the Sheriff, the Chief Probation Officer, nor the Board of Supervisors makes requisite findings within ten (10) days of receipt of notice of the arbitration panel's decision, no voter approval shall be required and the contract shall become effective in accordance with other provisions of this Charter.

(c) If any portion of an arbitration panel's decision is submitted to the electorate in accordance with this section, the contract provisions of any existing or expired contract which are modified or amended by the arbitrator panel's decision shall continue to be binding and effective pending voter approval and certification of the election results in accordance with subsection (d) of this section.

(d) Upon approval of provisions of a contract by the voters, those provisions shall become effective no later than thirty (30) days from the date election results are certified by the Registrar of Voters.

(e) Upon disapproval of provisions of a contract by the voters, the decision of the arbitrator(s) as to those issues shall be null and void and the County and affected collective bargaining unit(s) may resume the bargaining process in the same manner as though arbitration on those issues had not yet occurred.

(f) All other contract provisions approved by arbitration required by this Charter and not subject to voter approval shall be given effect in the manner required by this Charter unless modified by agreement of the parties.

(g) In the event contract provisions are to be submitted to the electorate pursuant to this section, the Board of Supervisors shall cause the matter to be placed before the voters of the County at the next regularly scheduled election date on which such a question can be placed on the ballot.

(h) This section shall apply only to those labor contracts subject to any Charter amendment approved at the June 2, 1998, primary election requiring such contracts to be submitted to binding arbitration.

**COUNTY OF SACRAMENTO
MEASURE A**

A Shall Sections 91 through 95 of the Sacramento County Charter be amended to extend binding arbitration to resolve labor disputes with the County of Sacramento to include County employees represented by the Probation Non-Supervisory Unit and the Law Enforcement Management Unit?

IMPARTIAL ANALYSIS OF MEASURE A

(Impartial and Binding Arbitration for Probation Officers and Peace Officer Managers Employed By the County of Sacramento)

Prepared by Sacramento County Counsel

If approved, this initiative measure would amend Sections 91 through 95 of the Sacramento County Charter to extend binding arbitration to resolve labor disputes with the County of Sacramento to include County employees represented by the Probation Non-Supervisory Unit and the Law Enforcement Management Unit.

This binding arbitration provides that following good faith negotiation by the County and the labor organization, either party may declare an impasse, requiring the unresolved issues to be decided through binding arbitration. The arbitration procedure is available for all disputes or controversies over issues pertaining to wages, hours, terms and conditions of County employment, or grievances concerning the interpretation or application of a negotiated agreement.

This procedure for binding arbitration does not affect other legal provisions requiring good faith labor negotiations by the County, and allowing disciplinary action against covered employees for willful participation in any illegal strike or work stoppage.

This binding arbitration requires the arbitration to be conducted by a three member Arbitration Board and to conform to the California Arbitration Act. The County and the labor organization each select a representative for the Arbitration Board. A third Arbitration Board member serves as the chair of the Arbitration Board. If mutual agreement is not reached by the parties in the choice of the third member, the selection is made by a process of elimination from a seven person list of qualified labor arbitrators provided by the State Mediation and Conciliation Service.

This binding arbitration provides for public Arbitration Board hearings, except that the Arbitration Board has the discretion to hold private meetings with the parties to mediate the issues in dispute.

The Arbitration Board decision on each issue is reached by majority vote selecting whichever last offer, required to be submitted by each party on every issue in dispute, is found by the Arbitration Board to most nearly conform to factors traditionally considered in the determination of wages, hours, benefits and terms and conditions of public and private employment. The non-inclusive list of factors to be considered includes comparison with employees performing similar services, if reasonable, and the financial condition of the County and its ability to meet the costs of the decision of the Arbitration Board.

The arbitration decision in its final form must be publically disclosed and is binding on the parties. Prior to release of the Arbitration Board decision, the parties are required to meet privately to attempt to resolve their differences and are allowed to jointly amend or modify the Arbitration Board decision.

While the County Board of Supervisors is precluded from modifying, rejecting, or overruling the arbitration decision, the Board of Supervisors is authorized in limited circumstances to submit certain provisions of the otherwise binding arbitration award to the electorate. In the event of such submission, any submitted provision must be approved by a majority of the voters voting on the matter in order to become effective.

Passage of Measure A requires approval by a majority of the voters voting thereon.

MEASURE A

The above statement is an impartial analysis of Ordinance or Measure A. If you desire a copy of the ordinance or measure, please call the district elections official's office at (916-875-6451) and a copy will be mailed at no cost to you. Additionally, a complete copy of Measure A is available at www.elections.saccounty.net.

ARGUMENT IN FAVOR OF MEASURE A

For Binding Arbitration in Labor Disputes between County and Public Safety Officers

A YES vote on Measure A will protect taxpayers and provide a fair, equitable, cost-effective process for resolving labor disputes between county officials and public safety personnel.

Sacramento County and City voters have already approved binding arbitration for deputy sheriffs, police and firefighters.

Measure A adds Sacramento County Sheriff's Department captains and lieutenants, and probation officers, to those county public safety officers already covered under voter-approved binding arbitration.

Measure A protects taxpayers. It requires that the County's financial condition must be considered as part of any settlement recommendations. The Board of Arbitrators cannot raise taxes or fees, or reduce other County services to fund a settlement. And binding arbitration eliminates lengthy, costly legal battles when contracts can't be settled.

Under this system, if the County and public safety personnel can't reach a contract agreement, a 3-person Board of Arbitrators is appointed to resolve the dispute. This Board is fairly constructed, made up of one representative appointed by the County, one by the employee union, and one neutral third party agreed to by both parties.

Measure A protects our community by ensuring law enforcement personnel remain on the job.

Measure A encourages both sides to be reasonable in their demands and more willing to reach a settlement. And arbitration would be used only as a last resort when all other attempts to reach agreement have failed.

Measure A allows the County to reject an arbitration board's decision and put the disputed issues on the ballot for voter approval.

Measure A protects taxpayers, is fair to law enforcement officers, and is a cost effective method to resolve contract disputes.

Join the over 60,000 Sacramento County voters who agreed to place Measure A on the ballot.

Vote YES on Measure A for taxpayer fairness and safer communities.

"The undersigned proponents or authors of the primary argument in favor of the ballot Measure A, at the Statewide Special Election to be held on May 19, 2009, hereby state that such argument is true and correct to the best of their knowledge and belief."

s/ William A. Harper, Jr.
President, Sacramento County Probation Association

s/ Captain Richard R. Book
President, Law Enforcement Managers Association

s/ Sheriff John McGinness
Sacramento County

s/ Verne L. Speirs
Chief Probation Officer, Sacramento County

s/ Alice Wong
President, Capital Foundation

NO ARGUMENT AGAINST MEASURE A WAS FILED

EXHIBIT G

PRIMARY '90

Consolidated Primary Election Tuesday June 5, 1990

NON-PARTISAN
16th Assembly District

V O T E !

Polls are open
from 7 am to 8 pm

See the label on the back cover for
the location of your polling place.

**San Francisco Voter
Information Pamphlet
& Sample Ballot**

Prepared by the Office of the
Registrar of Voters

Germaine Q Wong, Registrar of Voters

Minimum Firefighter Staffing

F

PROPOSITION F

Shall a minimum number of fire stations and levels of staffing for the Fire Department be specified in the Charter, and shall the closing of any fire station or deactivation of any fire company or unit be subject to prior approval by the Fire Commission, Board of Supervisors and San Francisco voters?

YES 284
NO 285



Analysis

by Ballot Simplification Committee

THE WAY IT IS NOW: The Fire Commission has the authority to decide the number and staffing of fire companies and the number and location of fire stations. The Mayor and Board of Supervisors may change the number of firefighters. The Fire Commission may close or move fire stations or reduce the number of fire companies if it decides they are no longer needed. A fire company typically consists of a fire engine or other emergency vehicle and the firefighters needed to operate it.

THE PROPOSAL: Proposition F is a charter amendment that would specify a minimum number of fire stations and fire companies and minimum levels of staffing for those fire companies. Proposition F would increase the number of firefighters assigned to some types of fire companies. This means that the number of firefighters on duty at all times would increase from 297 to 322. Where necessary, Proposition F's mini-

mum level of staffing would be met by firefighters working overtime. Overtime pay for firefighters is one and one-half times their normal salary.

Proposition F would limit the power of the Fire Commission, Mayor and Board of Supervisors to set the number of fire stations and staffing levels.

Before closing any fire station or reducing the number of fire companies or units required by Proposition F, the measure would require (1) a recommendation by the Fire Chief; (2) approval by the Fire Commission, after public hearings; (3) approval by the Board of Supervisors; and (4) approval by the voters.

A "YES" VOTE MEANS: If you vote yes, you want to make these changes.

A "NO" VOTE MEANS: If you vote no, you do not want to make these changes.

Controller's Statement on "F"

City Controller Samuel D. Yockey has issued the following statement on the fiscal impact of Proposition F:

"Should the proposed Charter amendment be adopted, in my opinion, based on current salary rates and staffing levels of the Fire Department, it would increase the cost of government by approximately \$4.9 million per year."

How "F" Got on the Ballot

On March 2, the Registrar of Voters certified that the initiative petition calling for Proposition F to be placed on the ballot had qualified for the ballot.

40,485* valid signatures were required to place an initiative charter amendment on the ballot.

A random check of the signatures submitted on February 21 by the proponents of the initiative petition showed that 56,364 of the signatures submitted were valid, 15,879 more than the required number of signatures.

*This number is equal to 10% of the registered voters at the time the notice of intent to circulate the petition was filed.

ARGUMENTS FOR AND AGAINST THIS MEASURE AND ITS FULL TEXT IMMEDIATELY FOLLOW THIS PAGE.

F

Minimum Firefighter Staffing

OFFICIAL ARGUMENT IN FAVOR OF PROPOSITION F

WHAT IS PROP F?

PROPOSITION F IS A CHARTER AMENDMENT THAT WILL ESTABLISH A MINIMUM LEVEL OF FIRE PROTECTION AND EARTHQUAKE PREPAREDNESS FOR SAN FRANCISCO. IT GIVES THE FIRE COMMISSION AND THE FIRE CHIEF THE RESOURCES NEEDED TO MANAGE THE FIRE DEPARTMENT FOR THE BENEFIT OF THE CITIZENS.

SAN FRANCISCO NEEDS THIS CHARTER AMENDMENT BECAUSE IT WILL:

(1) GUARANTEE THAT THE PRESENT 41 FIRE STATIONS STAY OPEN

(2) GUARANTEE FULLY-STAFFED FIRE TRUCKS AT ALL TIMES

(3) GUARANTEE PUBLIC HEARINGS AND REQUIRE APPROVAL OF THE FIRE COMMISSION AND THE BOARD OF SUPERVISORS BEFORE ANY FIRE STATION CAN BE CLOSED OR RELOCATED

(4) GUARANTEE THAT YOUR FIREBOAT WILL BE STAFFED WITH A FIREFIGHTING CREW OF TWO

THE 7.1 QUAKE OF OCTOBER 17 WARNED US AGAIN — WE MUST BE PREPARED!

ITEM A — MAYOR AGNOS CUT THE FIRE DEPART-

MENT ON-DUTY STAFFING BY 19 PERSONS A DAY IN 1989.

PROP F RESTORES THOSE CUTS.

ITEM B — SIX FIRE STATIONS HAVE ALREADY BEEN CLOSED BY THE MAYOR FROM 1972-1980.

ITEM C — PROP F DOES NOT REQUIRE "GUARANTEED OVERTIME" AND, IN FACT, BY JULY 1992 NO OVERTIME WILL BE NEEDED FOR THE STAFFING REQUIREMENTS OF PROP F.

(Overtime is now caused by large numbers of vacant positions. New hiring will eliminate all vacancies and overtime by July 1992. Prop F will safeguard this full-staffing.)

PROP F IS A COMMON SENSE MEASURE TO GIVE ADEQUATE FIRE PROTECTION TO ALL CITIZENS.

VOTE YES ON F!

SAN FRANCISCO FIREFIGHTERS FOR YES ON PROPOSITION F;
COMMITTEE FOR FIRE PROTECTION AND EARTHQUAKE PREPAREDNESS

JAMES T. FERGUSON, CHAIRMAN

JAMES M. AHERN, VICE-CHAIRMAN

REBUTTAL TO OFFICIAL ARGUMENT IN FAVOR OF PROPOSITION F

It is clear that Proposition F is not a Fire Safety Issue.

It is clearly an issue to guarantee overtime.

1. This Mayor and Board of Supervisors have never closed a single fire station and have no intention to close firehouses.

2. Most major cities in America considers five firefighters per truck to be fully-staffed. More than 30 firefighters already respond to a one-alarm fire.

3. Proposition F will not restore cuts in firefighters. We are mandated by law to provide 90 new firefighters this year. Proposition F only guarantees overtime at a cost of \$10,000 per day, \$3.5 million per year.

Our firefighters do a tough job! But we compensate them well!

We need new equipment — not more overtime. Following the earthquake, a fire truck had to be taken from the fire museum to fight fires. Let's not waste money which could be used for new firefighting equipment.

San Francisco voters rejected a similar proposal in 1987 and it should be rejected again in 1990.

VOTE NO ON PROPOSITION F!

Submitted by the Board of Supervisors and the Mayor.

Arguments printed on this page are the opinion of the authors and have not been checked for accuracy by any official agency.

Minimum Firefighter Staffing



OFFICIAL ARGUMENT AGAINST PROPOSITION F

Proposition F will waste millions of your tax dollars. Just look at the facts.

Fact: Proposition F does not hire new firefighters. The Federal Consent Decree already sets hiring standards — 90 new firefighters will be hired this year *without* Prop. F.

Fact: Proposition F *does* guarantee that Assistant Chiefs and Battalion Chiefs will continue to have chauffeurs.

Fact: Proposition F is not needed to save fire stations. The Mayor and Board of Supervisors have no intention of closing any fire stations.

Fact: Proposition F *does* guarantee that 18 current firefighters will get daily time-and-a-half overtime at a cost of \$10,000 per day ... or more than \$3.5 million extra per year.

Fact: Proposition F is not a fire safety issue. Virtually every major American city deploys five or fewer firefighters on fire trucks. A sixth firefighter is featherbedding, not firefighting.

More than 30 firefighters already respond to a one-alarm fire. That's enough people to raise ladders, ventilate rooftops and carry

out lifesaving tasks.

FACT: Our firefighters do a tough job. But they are well compensated already and do not need additional guaranteed overtime ... especially when there are so many other pressing needs in San Francisco.

FACT: Firefighters in San Francisco are currently paid \$300 more per month than the average salaries of firefighters in the four largest California cities. But the other firefighters work 15 percent more hours than San Francisco.

FACT: San Francisco firefighters already receive 23 percent more vacation, sick and holiday leave than other city workers. A recent study by the Controller shows that increased overtime results in increased sick leave and disability.

Study the facts and you'll agree. Proposition F is nothing more than \$7 million per year in unnecessary guaranteed overtime.

Submitted by the Board of Supervisors and the Mayor

REBUTTAL TO OFFICIAL ARGUMENT AGAINST PROPOSITION F

FACT: PROP F does:

- Guarantee that the 90 new firefighters cannot later be eliminated by politicians.
- Require public hearings and approval of the Fire Commission, the Board of Supervisors, and the people before cutbacks can be made to the minimum staffing.

FACT: The Mayor DID cut back Fire Department staffing in August 1989 from 315 to 296.

FACT: Assistant and Battalion Chiefs DO NOT have "chauffeurs." They DO have an operations and communications assistant.

FACT: Prop F IS needed to guarantee public review and input before any fire station can be closed.

FACT: SIX fire stations have been closed by the Mayor's office since 1972 without any public review.

FACT: Prop F DOES guarantee that the 19 on-duty firefighters cut by the Mayor in 1989 will be restored. When sufficient

new firefighters are hired, NO OVERTIME will be required.

FACT: PROP F IS A FIRE SAFETY ISSUE!

FACT: San Francisco firefighters ARE REQUIRED to work overtime because previous policies of politicians allowed large numbers of vacant positions to occur.

FACT: San Francisco firefighters DO NOT get a paid health plan for dependents, nor do they get longevity pay or other benefits enjoyed by firefighters in the four largest California cities.

FACT: ALL city employees, including firefighters, receive EXACTLY THE SAME vacation, sick and holiday leave. This is a city Charter requirement.

SAN FRANCISCO FIREFIGHTERS FOR YES ON
PROPOSITION F

JAMES T. FERGUSON, CHAIRMAN
JAMES M. AHERN, VICE-CHAIRMAN

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F

Minimum Firefighter Staffing

PAID ARGUMENTS IN FAVOR OF PROPOSITION F

I STRONGLY SUPPORT PROP F!

Prop F will benefit all the people of San Francisco. *Over 71,000 voters from every part of the City signed the petition to put Prop F on the ballot.* They expressed enthusiastic support for a stronger Fire Department.

The City is becoming increasingly built-up, causing greater congestion. This means that fire hazards are increasing and adequate fire protection will be even more important to us than ever.

The October 17th earthquake was an urgent reminder of how fragile our city is and how important our Fire Department is to all of us.

When you, the people, call for help, whether it is for a medical emergency, a rescue, or fire, the firefighters come.

PROP F MAKES SENSE FOR ALL SAN FRANCISCANS!

It allows you to participate in fire safety decisions that affect your neighborhood.

Our neighborhoods are the "heart" of San Francisco. *OUR FAMILIES, HOMES, CHURCHES, FRIENDS AND NEIGHBORS NEED SATISFACTORY FIRE PROTECTION.*

PROP F WILL MAKE SAN FRANCISCO A SAFER PLACE TO LIVE IN.

VOTE YES ON F!

Bill Maher, Member
Board of Supervisors

I STRONGLY SUPPORT OUR FIREFIGHTERS!

They provide vital services to our citizens. Last year, our firefighters answered a record-breaking 58,000 alarms and saved thousands of lives. The greatest number of calls came from the Tenderloin, the Inner Mission, the Fillmore, Civic Center/Hayes Valley, Hunters Point and Visitacion Valley. **I WANT TO BE SURE YOU GET THE HELP YOU NEED — WHEN YOU NEED IT!**

Over the past 20 years, unlike other city departments, Fire Department staffing has been slashed by 40%! **THREE FORMER CHIEFS OF THE SAN FRANCISCO FIRE DEPARTMENT AGREE THAT THE PRESENT 296 FIREFIGHTERS ON DUTY EACH DAY ARE TOO FEW TO MEET OUR DAILY AND OUR DISASTER NEEDS! THEY AGREE THAT NO MORE FIREHOUSES SHOULD BE CLOSED.**

We **NEED** Proposition F. It will:

- Put firefighters back on the ladder trucks
- Put firefighters back on our fireboat
- Bring daily staffing up to an adequate level
- Guarantee that any proposed closings of fire companies will be subject to a public review and vote by the Fire Commission, the Board of Supervisors, and the people
- Guarantee the SFFD the funding it needs

THE COST OF THIS CHARTER AMENDMENT IS ONLY 2 CENTS A DAY FOR EACH OF US! That 2 cents could easily save a life — maybe yours, or that of a loved one. **PROP. F WILL BENEFIT ALL SAN FRANCISCANS!**

Supervisor Tom Hsieh

I STRONGLY SUPPORT IMPROVED FIRE PROTECTION IN SAN FRANCISCO!

I SHARE THE CONCERNS OF THE 71,000 VOTERS WHO PUT THIS PROPOSITION ON THE BALLOT. Fire Department daily staffing has been forced so low that our safety is threatened. **WE MUST KEEP OUR FIREHOUSES OPEN AND FIRE APPARATUS FULLY STAFFED.**

In addition to fighting fires, our firefighters perform many services for our elderly, disabled and low income families that no one else does. **FIREFIGHTERS RESPONDED TO OVER 58,000 EMERGENCIES LAST YEAR, INCLUDING 26,000 MEDICAL CALLS.**

We depend on our firefighters to protect our families, homes, and businesses. Our narrow streets, steep hills and rows of wood frame buildings make firefighting very difficult. **SAN FRANCISCO HAS SPECIAL FIREFIGHTING AND EMERGENCY MEDICAL NEEDS!** We are different from other California cities with their wide streets, flat terrain and detached buildings!

PLEASE JOIN ME IN VOTING FOR PROPOSITION F. THIS CHARTER AMENDMENT WILL BENEFIT ALL OUR CITIZENS.

WENDY NELDER, Member
Board of Supervisors

Arguments printed on this page are the opinion of the authors and have not been checked for accuracy by any official agency.

Minimum Firefighter Staffing



PAID ARGUMENTS IN FAVOR OF PROPOSITION F

STOP REDUCTIONS IN CITY FIRE PROTECTION! VOTE YES ON F!

Over 71,000 San Francisco voters from every neighborhood, ethnic group and economic level joined to put PROPOSITION F on this ballot. They are concerned because politicians have reduced daily staffing to a dangerous all-time low while emergency calls reached an all-time high of 58,000 last year. People want their neighborhood firehouses to stay open and their fire engines, aerial ladder trucks and fireboat fully staffed to meet their emergency needs. They want a Charter amendment to take politics out of fire safety decisions.

Remember October 17! We learned that we need a strong Fire Department to fight fires, perform rescues and coordinate civilian volunteers. When both bridges are down, we need a strong SFFD!

THIS IS A COMMON SENSE PROPOSITION — IT IS SUPPORTED BY 3 FORMER CHIEFS OF THE SAN FRANCISCO FIRE DEPARTMENT!

Join your friends and neighbors! VOTE YES ON F!

John L. Molinari

Former member of the Board of Supervisors

ONLY YOU CAN STOP FURTHER DANGEROUS CUTS IN THE SAN FRANCISCO FIRE DEPARTMENT! VOTE YES ON F!

Over the years, the San Francisco Fire Department has assisted hundreds of thousands of San Franciscans in time of great personal need. The people understand how important the SFFD is in their lives, and **OVER 71,000 OF THEM SIGNED THE PETITION TO PLACE PROPOSITION F ON THE BALLOT.** The citizens want to be heard!

SFFD EMERGENCY RESPONSES ARE INCREASING DRAMATICALLY EVERY YEAR! Fiscal year totals have gone from 28,000 in 1970 to over 58,000 in 1989, while politicians have slashed daily on-duty staffing from 482, when I was Fire Chief, to today's all-time low of 296. Department resources are being stretched thinner and thinner despite greater and greater needs. **THIS DANGEROUS TREND MUST BE STOPPED!**

The Department must be able to meet the complex and highly varied needs of today's San Francisco. These include fighting structural fires, providing medical assistance, performing cliff and

water rescues, responding to BART and MUNI fires and accidents, controlling hazardous materials emergencies, assisting victims of industrial accidents, and responding to many other emergency needs.

Many seniors, low income families and handicapped people rely on the SFFD to help them. **THE PERSONAL ATTENTION THAT THE SFFD PROVIDES CAN NEVER BE CONVERTED TO SELF-SERVICE OR AUTOMATED!** Firefighters, now machines, put out fires, perform rescues and meet all the other emergency needs of our city. **You need these firefighters! THE NEXT CALL HELP MAY BE YOURS!**

The need for Fire Department services crosses all social, ethnic and economic strata. We can all get behind this quality of life issue. Proposition F will strengthen your Fire Department and take politics out of fire safety.

William F. Murray

Chief of Department, SFFD, Retired

VOTE YES ON PROP F!

It takes teamwork to put out a fire. Without it, lives and property can be lost. Without it, firefighters can pay a hard price, for their lives, when in danger, may depend on having a buddy to lend a hand or go for help. As much a part of their job as hose, ladders, and water is that firefighters work in pairs when possible. It can be critical where dense smoke obscures vision or — as so many San Francisco neighborhoods well know — when trying to maneuver on a steeply pitched roof.

Current staffing of aerial ladder trucks leaves one firefighter without a buddy, the team short one vital hand. Proposition F will

restore the balance that a fire — and time-tested system needs.

It also will mean two firefighters ready to move out with the fireboat when it has a job to do. Because they weren't readily available, the fireboat was delayed in pumping bay water to put out the disastrous Marina fire after last October's earthquake.

That's why I'm voting "Yes" on Prop F and am urging all San Franciscans to do the same.

Edward J. Phipps

Chief of Department, SFFD (Retired)

F

Minimum Firefighter Staffing

PAID ARGUMENTS IN FAVOR OF PROPOSITION F

I OWE MY LIFE TO THE QUICK AND PROFESSIONAL RESPONSE OF THE SAN FRANCISCO FIREFIGHTERS STATIONED AT MY LOCAL FIREHOUSE

Over 26,000 San Franciscans received emergency medical assistance last year by the SFFD. *Many lives were saved because firefighters were on the scene in 3 minutes or less.* The neighborhood firehouse is an essential part of San Francisco's complex fire protection system.

The October 17th earthquake and the great Marina fire showed us how vital it is to have our Fire Department maintained at an adequate level. *There were no firefighters on board the Fireboat Phoenix when it arrived in the Marina, and for over 1 1/2 hours*

firefighting and search and rescue operations were hindered by a lack of firefighters, as well as by a lack of water. **UNDERSTAFFING CAN CAUSE FIRE DEATHS.**

Proposition F will answer these critical needs by restoring funds for adequate staffing of fire companies, including the fireboat, and it will require public hearings and approval of the Fire Commission and Board of Supervisors before any further cutbacks in fire protection can be made.

PLEASE JOIN ME IN VOTING YES ON F!

John Barbagelata

PENNY-POWER! LOOK —

HOW CAN YOU BUY SOMETHING PRICELESS FOR ONLY PENNIES A DAY?

VOTE YES ON PROPOSITION F!

FOR ONLY 2 CENTS PER DAY, YOU WILL:

- KEEP YOUR NEIGHBORHOOD FIREHOUSE OPEN
 - KEEP FIRE APPARATUS FULLY STAFFED
 - KEEP YOUR FIREBOAT IN SERVICE AND STAFFED WITH FIREFIGHTERS
 - GUARANTEE THAT NO FIREHOUSES OR FIRE COMPANIES WILL BE CLOSED OR RELOCATED WITHOUT YOUR CONSENT
 - REMOVE POLITICS FROM FIRE SAFETY
- THE PROVISIONS OF THIS CHARTER AMENDMENT

WILL COST EACH OF SAN FRANCISCO'S 732,000 RESIDENTS JUST PENNIES A DAY:

YEAR 1 — COST \$5.3 MILLION = 2 CENTS PER DAY!

YEAR 2 — COST \$2.8 MILLION = 1 CENT PER DAY!

YEAR 3 — COST \$0.8 MILLION = 1/2 CENT PER DAY!

YEAR 4 — NO ADDITIONAL COST!

THIS IS THE CHEAPEST — AND THE BEST — INSURANCE POLICY YOU WILL EVER BE ABLE TO BUY. DON'T MISS THE CHANCE!

VOTE YES ON F!

W.F. O'Keeffe, Sr.

San Francisco Taxpayers Association

WE STRONGLY SUPPORT PROPOSITION F!

No one worries more about costs than working people. For their hard-earned dollars, breadwinners demand value in return.

Value is what Proposition F is all about. It restores adequate staffing of engine and ladder truck companies, staffs the fireboat, and assures that you and I will have a voice in any proposed closing of a fire company or firehouse.

Proposition F is an insurance policy that is clearly a benefit to all San Franciscans. And, there is no question that the benefits

greatly exceed the cost — to each of us, just 2 cents a day for the first year, 1 cent a day for the second year, and no cost thereafter.

Without adequate fire protection, San Francisco has too much to lose.

VOTE YES ON F!

Walter L. Johnson

San Francisco Labor Council

Minimum Firefighter Staffing



PAID ARGUMENTS IN FAVOR OF PROPOSITION F

SUPPORT OUR FIREFIGHTERS!

THEY PROVIDE ABSOLUTELY ESSENTIAL SERVICES FOR OUR CITIZENS, AND NO ONE ELSE CAN DO THEIR JOB! We have 500 high rise buildings, BART and MUNI tunnels, and large business, school and hospital complexes where firefighting requires many firefighters.

On October 17, we were lucky! It was just a warning.

THE PRESENT 296 FIREFIGHTERS ON DUTY EACH DAY IS TOO LOW TO MEET OUR DAILY AND OUR

DISASTER NEEDS!

Let's all get behind Proposition F! It will assure stability in Department funding, guarantee adequate staffing for our firehouses and apparatus, and permit long-range planning and improvements. *Our firefighters need your vote!*

James A. Hood

Chairman

San Franciscans for Fire Safety

VOTE YES ON F!

SAN FRANCISCO IS A FRAGILE CITY. OVER 90% OF ALL STRUCTURES ARE OF WOOD FRAME CONSTRUCTION. YOUR HOMES ARE BUILT IN SOLID BLOCKS OF WOODEN BUILDINGS. THIS SITUATION PRESENTS THE POSSIBILITY OF A DISASTEROUS FIRE OR CONFLAGRATION OCCURRING, ESPECIALLY FOLLOWING AN EARTHQUAKE.

THE FIRE DEPARTMENT IS THE LIFELINE FOR ALL OF US WHO LIVE IN THIS CITY. THE EARTHQUAKE ON OCTOBER 17TH AND THE GREAT FIRE IN THE MARINA SHOW HOW IMPORTANT THE FIRE DEPARTMENT IS TO SAN FRANCISCO.

POLITICIANS ARE USING SHRILL RHETORIC AND OTHER OFFENSIVE TACTICS IN AN ATTEMPT TO MISLEAD THE PUBLIC AS TO WHAT THE REAL MEANING OF PROP F IS. DO NOT BE MISLED! **PROP F PROVIDES THREE MAIN POINTS:**

- **ESTABLISHES THE PRESENT 41 NEIGHBORHOOD FIRE STATIONS AS A MINIMUM STANDARD**
- **PUTS A FIREFIGHTING CREW ON THE FIREBOAT**
- **REQUIRES PUBLIC HEARINGS AND APPROVAL OF THE FIRE COMMISSION, THE BOARD OF SUPERVISORS AND THE CITIZENS BEFORE A FIRE STATION CAN BE CLOSED OR RELOCATED.**

THESE ARE COMMON SENSE MEASURES THAT PROVIDE A MINIMUM LEVEL OF PUBLIC SAFETY FOR OUR FAMILIES AND CITY.

PLEASE JOIN ME, AND THE 70,000 OTHER SAN FRANCISCANS WHO SIGNED THE PETITIONS TO PUT PROP F ON THE BALLOT, AND VOTE YES ON "F!"

FRANK T. BLACKBURN

ASSISTANT FIRE CHIEF

VOTE YES ON F!

Fire protection is vital for our families and businesses.

Prop F will stabilize protection and prevent further cuts in the Fire Department.

Protect our city. Vote Yes on F.

Robt. E. Donohue

Director of Training, SFFD (Retired)

Charles D. Cresci

Deputy Chief, SFFD (Retired)

Charles H. Lee

Director of Training, SFFD (Retired)

F

Minimum Firefighter Staffing

PAID ARGUMENTS IN FAVOR OF PROPOSITION F

DON'T TAKE YOUR FIREFIGHTERS FOR GRANTED!

San Francisco firefighters answered a record 58,000 calls for help last year. Of these, 26,000 were for medical emergencies. Heart attacks, auto accidents, building collapses, childbirths were just a few. **BUT EVERY YEAR THERE ARE FEWER AND FEWER FIREFIGHTERS TO HELP YOU!** *In 1970 there were 482 firefighters on duty each day — in 1990 there are only 296! Six firehouses and 12 fire companies have been closed.*

FIRE SAFETY DECISIONS MUST BE REMOVED FROM THE HANDS OF POLITICIANS! *Only a Charter amendment will assure that your Fire Department is adequately staffed to meet San Francisco's special needs — now and in the future. FOR JUST 2 CENTS A DAY, WE CAN KEEP OUR NEIGHBORHOOD FIRE STATIONS OPEN AND OUR FIRE APPARATUS ADE-*

QUATELY STAFFED.

THIS IS THE CHEAPEST — AND THE BEST — INSURANCE WE WILL EVER BE ABLE TO BUY. DON'T MISS THE CHANCE! VOTE YES ON F!

*Walter G. Jebe
John J. Figone
Caesar A. Churchwell
Alessandro Baccari
Virgil Caselli
Marsha Garland
Tom Creedon
Ed Farrah
Michael Salarno*

NEIGHBORHOOD FIRE STATIONS

Pride, trust, reliance. They're all wrapped up in a San Francisco institution. The neighborhood fire station turns out to be more — it's a rock, an anchor, a point of reference in people's lives.

City residents have said so loud and clear in endorsing Proposition F. Besides setting a minimum number of firefighters to be on duty each day, the June ballot measure *guarantees a public hearing in the area concerned and a vote of the people, if needed, before any fire station may be closed.*

Seventy thousand people petitioned to put F on the ballot. Their reasons all had a common core. It's not THE fire station but OUR fire station, they said — a place to expect and get help in a fire or medical emergency, a place the local community can turn to and rely on if the earth shakes, buildings fall, and other resources break down.

Neighborhoods and fire stations. The one requires the other, San Franciscans say.

*John W. Flaherty
Mark L. Kaplan
Robert L. Barisone
Elvera Jane Barisone
William A. Roberts Jr.
Maureen Porter
William Porter Jr.
Homer G. Miles
Dorothy L. Miles
Peter C. Gardner
Joan M. Gardner
John Daly
Lucia R. Flaherty*

Minimum Firefighter Staffing



PAID ARGUMENTS IN FAVOR OF PROPOSITION F

DON'T BE MISLED BY MAYOR AGNOS!

PROP F IS A LIFE AND DEATH ISSUE!

FIRE, INSURANCE AND EARTHQUAKE EXPERTS AGREE: SAN FRANCISCO FACES THE HIGHEST RISK OF CONFLAGRATION OF ANY CITY IN THE UNITED STATES! FIRE RISK IS HIGHER THAN IN 1906!

SAN FRANCISCO'S FIRE PROTECTION NEEDS ARE DICTATED BY THE NATURE OF OUR CITY, with its:

- Blocks and blocks of adjoining wood frame buildings
- Steep hills
- Narrow streets
- Traffic congestion
- Network of overhead electrical, trolley and telephone lines
- Prevailing winds
- 500 high rise buildings
- High density residential areas
- Large population of seniors and low-income families
- High vulnerability to severe earthquake damage
- Isolation from outside help in time of disaster

SAN FRANCISCO IS IN TROUBLE BECAUSE THERE ARE NOT ENOUGH FIREFIGHTERS ON DUTY EACH DAY. Former SF Fire Chief Emmet Condon in his book "Denial of Disaster":
"THE SAN FRANCISCO FIRE DEPARTMENT IS BELOW THE DAILY MANNING LEVEL THAT ANY EXPERIENCED

CHIEF OFFICER KNOWS IS NECESSARY TO PROVIDE ADEQUATE SERVICE TO THE CITY." Condon continues:

"I WOULD AGREE THAT THE HAZARD OF FIRE TO THE CITY AFTER A SIMILAR DISASTER TODAY IS MUCH GREATER THAN IN 1906." And,

"SYNTHETIC MATERIALS HAVE GREATLY INCREASED THE FIRE RISK IN MODERN BUILDINGS AND WILL MAGNIFY THE FIRE PROBLEM IN THE MULTIPLE FIRES THAT WILL BREAK OUT AFTER A SERIOUS EARTHQUAKE."

At least 400 of the city's 500 high rise buildings do not have modern life-safety systems! **HIGH RISE FIRES CAUSE A HUGE DRAIN ON FIRE DEPARTMENT RESOURCES.**

PROP F IS STRONGLY SUPPORTED BY INDIVIDUALS; CITIZEN, BUSINESS AND NEIGHBORHOOD GROUPS; FIRE SAFETY EXPERTS, AND A BROAD SPECTRUM OF KNOWLEDGEABLE CIVIC LEADERS.

There is no significant opposition to Prop F.

PROTECT YOURSELF, YOUR FAMILY, YOUR FRIENDS — YOU HAVE A LOT TO LOSE! VOTE YES ON F!

GERRY LONG
Concerned Citizen

WHY VOTE YES ON F? WHY A CHARTER AMENDMENT?

City politicians have been consistently unresponsive to your fire safety concerns. *It is the duty of the City to provide its citizens with adequate fire protection and earthquake preparedness. Instead, Fire Department staffing has been cut to a dangerous level.*

THE POLITICIANS SAY, "TRUST US!"

We can see that this has not worked, and a Charter provision is necessary. YOUR EMERGENCY NEEDS ARE TOO VITAL TO BE LEFT VULNERABLE TO POLITICAL GAMES.

You hear the sirens every day — BUT HAVE YOU COUNTED

THE FIREFIGHTERS? Fewer firefighters means greatly reduced firefighting capacity. **FIRE DEPARTMENT STAFFING IS NOW AT AN ALL-TIME LOW AND CANNOT BE ALLOWED TO FALL FURTHER!**

WE NEED A STRONG FIRE DEPARTMENT! VOTE YES ON F!

John Flaherty
Battalion Chief, SFFD (Retired)
Past President, S.F. Fire Chiefs Assn.

F

Minimum Firefighter Staffing

PAID ARGUMENTS IN FAVOR OF PROPOSITION F

HIGH RISE BUILDINGS AND BART AND MUNI UNDERGROUND FACILITIES MAKE SPECIAL FIRE PROTECTION DEMANDS

Today, San Francisco has over 500 high rise buildings. Fires in these buildings require many firefighters because equipment must be carried by hand to the fire — often up many flights of stairs.

In 1988 in Los Angeles, a fire on three floors of a high rise building required 383 firefighters to bring it under control. *In San Francisco, our entire on-duty force would be required, leaving the rest of the city completely unprotected.* Mutual aid from neighboring communities would be totally inadequate to cover our needs.

BART and MUNI underground facilities present special fire and rescue problems. Large numbers of firefighters are required to fight these fires and perform rescue and evacuation operations.

In July 1989, Mayor Agnos forced reductions in truck company staffing — the key players in rescue and ventilation operations. *Now these aerial ladder teams can no longer function properly.*

Building ventilation is delayed, greatly increasing the risk of deadly backdrafts.

The Department's daily staffing has fallen to 296 firefighters, the lowest in history, while fire, medical and other emergencies are higher than ever. Proposition F will bring SFFD staffing up to 320. This is critically needed to meet these ever-increasing demands.

In the past, some Fire Chiefs have thought that you could safely relocate or close a firehouse, but I now recognize that this is dangerous. *The SFFD can now get to most emergencies within 3 minutes, but if we close a firehouse we lose that prompt response.* With our rows of wood buildings, our large population of elderly citizens, we must get there quickly.

The SFFD is your lifeline. Protect it! I strongly urge all citizens to vote YES on F!

*James P. Olson, President
San Francisco Fire Chiefs Association*

Any firefighter responsible for any racist act or statement on duty, after due process, should be disciplined. Repeat occurrences must result in severe penalties.

Expensive overtime can be largely eliminated by adding more firefighters.

Differences between the union and the mayor should be resolved through good faith negotiations, not through the election process. Maintaining high morale is the only way to insure efficiency.

The neighborhood service cuts need to be restored.
Vote YES on F.

*Joel Ventresca
Past President,
Coalition for San Francisco Neighborhoods
Candidate for Supervisor*

Becoming a victim in another major earthquake or runaway fire in one of San Francisco's densely populated neighborhoods continues to be a hazard for all of us.

Nonetheless, because the Firefighters Union did not endorse him, Mayor Agnos has seen fit to reduce the staffing levels of the Fire Department in any twenty-four hour period from 315 to 296. The San Francisco Republican Party believes these cuts are penny-wise, pound-foolish, and politically motivated.

Vote Yes on Proposition F. DO NOT let the Mayor's political vendetta jeopardize public safety.

San Francisco Republican Party
Honor H. Bulkley

*William E. Grayson
Anna M. Guth
Tina H. Frank
Christopher L. Bowman
Mildred "Millie" Danch
Rose Chung
Sam T. Harper
Ronald G. Kershaw
Jun Hatoyama
Wade Francois
Martin Keller
Harriet Ross*

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Minimum Firefighter Staffing

F

PAID ARGUMENTS AGAINST PROPOSITION F

I strongly urge you to vote NO on Proposition F. This proposition, if passed, will require twenty-five extra fire fighters to be hired each day — five of these fire fighters will have no specific functions — their daily assignment will be at the discretion of the Chief of Department. It will also require that daily truck staffing be increased from five to six persons and the fireboat staffing be increased by another two fire fighters daily. These increases are unnecessary and are not required — fire suppression units are now staffed to provide effective and efficient fire service for San Francisco.

Proposition F will take management control and responsibility

Overtime pay is bleeding the Fire Department's budget dry!

Over 92 percent of the budget goes for personnel costs. In 1988-89 uniformed personnel were paid salaries totaling \$53,567,000 plus mandatory fringe benefits of \$53,543,000 and still another \$11,893,000 for overtime!

Proposition F would increase that bleeding by creating new positions not necessary for the safety of San Franciscans despite the scare statements made by the firefighters' union.

Proposition F would cost \$4,900,000 in overtime thereby siphoning away money needed to make major improvements!

We already have excellent protection but we want to upgrade it by developing a comprehensive earthquake program, by improving our response to emergency medical calls (over 4 1/2 times the number of fires) and by purchasing more modern fire equipment.

During the October quake 522 off-duty firefighters reported back immediately yet there were not enough engines and trucks for them; in fact, one old piece had to be taken out of the Fire Museum to help fight the Marina District fire.

Our firefighters work nine days out of 31 in shifts of approximately 24 hours on and 48 off.

Many are "double-dippers" holding down well paid outside jobs

away from the Chief of Department by requiring organizational changes to be approved by the voters at a regular election. This would not allow the Chief, through the Fire Commission, to respond to the changing demands placed on the Fire Department. Fire protection decisions can't wait until an election. To provide for and maintain the most cost effective and efficient fire department, I urge you to vote NO on Proposition F.

Frederick F. Postel
Chief of Department

such as contractors, lawyers, plumbers and electricians. They still put in overtime because the Charter provides for such generous pay.

Overtime pay for a firefighter is \$585 per shift, for a Captain \$776 and for an Assistant Chief \$1077! Last year the average firefighter's cost to the City was \$90,000, including salary, fringe benefits and overtime.

Do not pay out more money just for overtime.

VOTE NO ON PROPOSITION F!

James Jefferson
President, Fire Commission

Frank Quinn
Vice-President, Fire Commission

Henry Berman
Commissioner, Fire Commission

Sharon Bretz
Commissioner, Fire Commission

Ted Soultis
Commissioner, Fire Commission

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F

Minimum Firefighter Staffing

PAID ARGUMENTS AGAINST PROPOSITION F

San Francisco has the finest fire protection in California. Now is not the time to jeopardize it with Proposition F. **Proposition F is an ill-advised and wasteful measure.**

First, it would wrest management of the Fire Department away from the Fire Commission and the Chief, where management properly and historically belongs.

Management of the Fire Department should remain accountable to the citizens of San Francisco, through its appointed Fire Commission. This principle is violated when rigid language is placed in the Charter.

Second, Proposition F would unnecessarily increase the Fire Department's budget by approximately \$4.9 million a year.

The San Francisco Fire Department already has staffing levels on its fire engines and aerial ladder trucks that are equal to the best in California.

To overstaff the engines and trucks would be counterproductive as well as wasteful, especially in a time of limited resources and ever-increasing demands for City services.

Let life and death decisions of fire protection in San Francisco remain in the control of the Fire Commission and the Chief.

Let the buck stop where it has always stopped — with the Fire Commission and the Chief. And let San Francisco's first-rate fire protection continue.

We can't afford to play around with fire, or with Proposition F. **A similar Proposition was defeated in November, 1987.**

Vote NO on this Proposition in 1990.

Vote NO on Proposition F.

James D. Jefferson

President, Fire Commission

Frank A. Quinn

Vice-President, Fire Commission

Henry E. Berman

Commissioner, Fire Commission

Sharon L. Bretz

Commissioner, Fire Commission

Ted N. Soulis

Commissioner, Fire Commission

Vote No on Proposition F.

Proposition F has little to do with fire protection and earthquake preparedness and a lot to do with unnecessary Fire Department staffing.

Vote No on Proposition F. Don't tie the hands of the Chief and Fire Commission, preventing them from managing the department and our tax dollars. Proposition F will take \$6 million a year from health services, libraries, homeless programs and other vital city services. Why? Because Proposition F will require the city to pay more overtime to firefighters who already receive higher salaries than those in Los Angeles, San Jose, Long Beach or San Diego.

Employment of unnecessary personnel is called "featherbedding." Proposition F is just that — at a cost of \$6 million.

San Francisco has the best fire protection services in the country. We already pay more per person for that service than any other city in California.

Stop a \$6 million raid on the City Treasury. **Vote No on Proposition F.**

Donald D. Doyle

San Francisco Chamber of Commerce

Minimum Firefighter Staffing



PAID ARGUMENTS AGAINST PROPOSITION F

Like all San Franciscans, we want a safe and healthy city. But Proposition F could jeopardize our safety and health.

By spending more than \$7 million on unnecessary overtime, Proposition F will take money away from other vitally needed services like fire equipment, police protection, health care and children's programs.

The annual fire department budget is already \$150 million. Firefighters are already getting a pay raise of almost 10%. That's more than most city workers — and most of us.

San Francisco already has more firefighters per thousand residents than any other major Western city.

Yet San Francisco has fewer fire and emergency alarms than other cities. In 1986, San Francisco had 78,000 emergency calls.

Oakland had 95,000.

We appreciate the job that our firefighters do. But we cannot support this multi-million dollar attempt to win back overtime for just 18 firefighters per day.

Susan J. Bierman

Agar Jaicks

Mauri Schwartz

S.F. Democratic County Central Committee

Beverly Prior, Sunset Democratic Club

Margaret Brodtkin, Director Coleman Advocates for Children

Carole Migden, chair, San Francisco Democratic County

Central Committee

I respect and admire the work done by San Francisco's firefighters.

It's a dangerous job.

That's why they're paid more than firefighters in any other large city in California, even though our firefighters work 15 percent fewer hours.

But today our average cost per firefighter has hit \$96,000 per year.

We have been reducing this amount — and improving fire service at the same time — by hiring more new firefighters and reducing costly overtime payments.

That overtime runs as much as \$585 per day for a fourth-year firefighter, and up to \$1077 per day at the higher ranks.

When they argue for Proposition F, the union avoids mentioning this fact. They raise a false alarm about closing down firehouses, when in reality we are adding new firefighters as quickly as we can train them.

Ninety new firefighters are being hired this year alone. We have all classes in the Fire Academy for the first time in years.

Prop F asks you, the voters, to put an unnecessary sixth firefighter back on every fire truck, in order to give current firefighters millions in guaranteed overtime.

There's no need for it. Even a one-alarm fire in San Francisco draws 30 firefighters in response.

It's easy, when you think about the heroic work firefighters do, to justify giving them whatever they ask for.

I made the same mistake myself three years ago, before I was mayor. As a State Assemblyman and a strong union supporter, I lent my name to a measure that was similar to Proposition F.

But no group, however much we appreciate their work, is entitled to millions of taxpayer dollars a year in guaranteed, unnecessary overtime — especially when they are trying to feather their own nests by keeping out women and minorities.

With all the pressing needs facing our city, we can't afford to give away \$7 million and get nothing in return. Please vote No on Proposition F.

Mayor Art Agnos

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TEXT OF PROPOSED INITIATIVE CHARTER AMENDMENT PROPOSITION F

NOTE: This entire section is new.

The Proposed Charter Amendment reads as follows:

NEW CHARTER SECTION: 3.548:
MINIMUM LEVELS OF FIRE
PROTECTION FOR THE CITY AND
COUNTY OF SAN FRANCISCO

Notwithstanding any other section of this Charter, the minimum levels of fire protection for the City and County of San Francisco shall be specified as follows:

A. The MINIMUM level of Fire Protection for the City and County of San Francisco, in fire suppression, effective July 1, 1990, except as specified in Section C shall be as follows:

1. Engine Companies	41
Truck Companies	18
Rescue Companies	2
Fireboat Companies	1
Battalion Districts	10
Divisions	3
Service Units	1
Bureau of Equipment	2
High Pressure System	
Tank (staffed)	
(Jones St. Tank)	1
Assigned Firefighters	
(At Chief's Discretion)	5

2. Fire station: The minimum number of stations shall be 41, at locations listed on the SFFD Station Directory for July 1, 1987.

B. MINIMUM daily staffing of Fire Companies and other Units:

1. Engine Companies:	1 Officer and 3 Firefighters
2. Truck Companies:	1 Officer and 5 Firefighters
3. Rescue Company:	1 Officer and 3 Firefighters
4. Fireboat Company:	1 Officer, 1 Pilot, 1 Marine Engineer and 2 Firefighters
5. Service Units:	1 Firefighter
6. Bureau of Equipment:	2 Firefighters

7. Battalion District:	1 Battalion Chief, 1 Chief's Aide
8. Division:	1 Assistant Chief, 1 Chief's Aide
9. Jones Street Tank:	1 qualified person to operate gates, valves and communications equipment of the High Pressure System.

Required minimum staffing shall be maintained on a constant basis, 24 hours per day. Sufficient personnel and positions shall be authorized and funded to maintain MINIMUM required staffing levels established in this section. When assigned personnel are not available, then staffing shall be maintained by working of overtime.

C. CLOSURE AND RELOCATION OF FIRE STATIONS, DEACTIVATION OF FIRE COMPANIES OR OF UNITS REQUIRED BY THIS SECTION:

1. Fire Stations, Fire Companies or other Units required by this section may be closed or deactivated only when each of the following procedures is completed:

a. It is recommended by the Chief of Department and approved for consideration by the Fire Commission.

b. The Fire Commission shall hold at least two public hearings on the matter so that affected citizens may appear to express their views.

c. At least one of the public hearings shall be held in the neighborhood of the Station, Company, or Unit to be closed or deactivated. Such meeting to be held at a time and place most suitable for maximum public attendance.

d. Except as provided by this section, other facilities or units may be closed or deactivated by majority of the five members of the Fire Commission upon recommendation by the Chief of Department.

e. Upon conclusion of public hearings and approval by a majority of the five members of the Fire Commission for the closure or deactivation

of a Company or Unit, the Fire Commission shall forward its recommendation to the Board of Supervisors within 30 calendar days.

f. Upon receipt of the Fire Commission recommendation, the Board of Supervisors may hold public hearings on the matter and they may approve or disapprove of the recommendation of the Fire Commission for closure or deactivation of a Station, Company or Unit. Such approval or disapproval shall be by majority vote of the Board of Supervisors. If the Board of Supervisors approves of the Fire Commission recommendation, then they shall direct the Clerk of the Board to have the matter put on the ballot of the next regular election for final determination by the voters of the City and County.

D. DEFINITIONS — EQUIPMENT

1. ENGINE COMPANY: A vehicle carrying hose and a pump to pump water of at least 1,500 gallons per minute.

2. TRUCK COMPANY: A tractor-trailer vehicle carrying ladders and rescue equipment with a 100-foot aerial ladder or equivalent device to reach upper floors of buildings.

3. RESCUE COMPANY: A vehicle carrying rescue equipment capable of heavy rescue and diving equipment for underwater rescue.

4. FIRE BOAT COMPANY: A boat equipped with pumps, hose, monitor nozzles and able to navigate San Francisco Bay for firefighting and rescue duty along the shorelines of the City and County.

5. SERVICE UNIT: A vehicle carrying spare supply of air and equipment for self-contained breathing apparatus and resuscitators.

6. HIGH PRESSURE SYSTEM PUMP STATION: A facility capable of pumping at least 10,000 gallons per minute from San Francisco Bay or other water source into the mains of the high pressure water system.

7. BUREAU OF EQUIPMENT: A vehicle capable of carrying equipment for emergency repairs or towing of fire apparatus under emergency conditions. □

IV. [PROPOSED] ORDER GRANTING SECOND REQUEST FOR JUDICIAL NOTICE

Good cause appearing therefore, IT IS HERBY ORDERED that the Supreme Court take judicial notice of the following documents:

Exhibit A: San Francisco Proposition I, November 1983, setting police and fire fighter salaries;

Exhibit B: San Francisco Proposition J, November 1982, setting police overtime rate;

Exhibit C: San Francisco Proposition J, November 1983, setting fire fighter overtime rate;

Exhibit D: San Francisco Proposition I, November 1982, setting police retirement benefits;

Exhibit E: San Francisco Proposition B, February 2008, establishing a deferred retirement program;

Exhibit F: Sacramento County, Measure A, November 2009, establishing binding arbitration for probation officers;

Exhibit G: San Francisco Proposition F, June 1990 concerning minimum staffing levels for fire fighters; and

IT IS SO ORDERED.

Dated: _____

The Honorable Chief Justice or
Associate Justice of the California
Supreme Court

PROOF OF SERVICE

Case Name: **BOLING v. PUBLIC EMPLOYMENT RELATIONS BOARD (CITY OF SAN DIEGO)**

Case No.: S242034

I am not a party to the within action, am over 18 years of age. My business address is 350 Sansome Street, Suite 350, San Francisco, CA 94104.

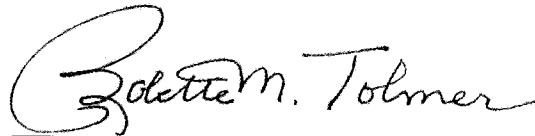
On December 1, 2017, I served the following document(s):

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF *AMICUS CURIAE* BRIEF OF PETITIONER CITY OF SAN DIEGO BY *AMICI CURIAE* LEAGUE OF CALIFORNIA CITIES, CALIFORNIA STATE ASSOCIATION OF COUNTIES AND INTERNATIONAL MUNICIPAL LAWYERS ASSOCIATION

✓	By electronic service via TRUEFILING to all registered participants on the attached service list
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✓	One Unbound copy hand delivered to the California Court of Appeal, 350 McAllister Street, San Francisco, CA 94102
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I declare, under penalty of perjury that the foregoing is true and correct. Executed on December 1, 2017, in San Francisco, California.



Bobette M. Tolmer

SERVICE LIST

<p>Kenneth H. Lounsbery Lounsbery Ferguson Altona & Peak LLP 960 Canterbury Place, Suite 300 Escondido, California 92025</p> <p><i>Attorneys for Petitioners Catherine A. Boling, T.J. Zane, Stephen B. Williams</i></p>	<p>J. Felix DeLaTorre Public Employment Relations Board 1031 18th Street Sacramento, California 95811</p> <p><i>Attorneys for Respondent Public Employment Relations Board</i></p>
<p>Michael Travis Phelps Office of the City Attorney 1200 Third Avenue, Suite 1100 San Diego, California 92101</p> <p><i>Attorneys for City of San Diego, Real Party in Interest</i></p>	<p>Ann M. Smith Smith Steiner Vanderpool & Wax 401 West A Street, Suite 320 San Diego, California 92101</p> <p><i>Attorneys for San Diego Municipal Employees Association, Real Party in Interest</i></p>
<p>James J. Cunningham Law Offices of James J. Cunningham 4141 Avenida De La Plata Oceanside, California 92056</p> <p><i>Attorneys for Deputy City Attorneys Association of San Diego, Real Party in Interest</i></p>	<p>Ellen Greenstone Rothner Segall & Greenstone 510 South Marengo Avenue Pasadena, California 91101</p> <p><i>Attorneys for American Federation of State, County and Municipal Employees, AFL-CIO, Local 127: Real Party in Interest</i></p>
<p>Fern Steiner Smith Steiner Vanderpool & Wax 401 West A Street, Suite 320 San Diego, California 92101</p> <p><i>Attorneys for San Diego City Firefighters Local 145, IAFF, AFL-CIO, Real Party in Interest</i></p>	<p>Harold E. Johnson Meriem Lee Hubbard Pacific Legal Foundation 930 G Street Sacramento, California 95814</p> <p><i>Attorneys for Howard Jarvis Taxpayers Association, Amicus Curiae; National Tax Limitation Committee, Amicus Curiae</i></p>

SERVICE LIST (CONT'D)

<p>Kerianne R. Steele Anthony Tucci Weinberg Roger & Rosenfeld 1001 Marina Village Parkway Suite 200 Alameda, California 94501</p> <p><i>Attorneys for Service Employees International Union, Amicus Curiae; California State Council, Amicus Curiae; Service Employees International Union, California State Council, Amicus Curiae</i></p>	<p>Andrew Jon Ziaja Leonard Carder LLP 1330 Broadway, Suite 1450 Oakland, California 94612</p> <p><i>Attorneys for International Federation of Professional and Technical Employees Local 21, Pub/Depublication Requestor; Operating Engineers Local Union No. 3, Pub/ Depublication Requestor, Marin Association of Public Employees, Pub/Depublication Requestor</i></p>
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