

## RESOLUTION

Resolution providing the ballot measure text and the ballot title and question for a Charter amendment to be submitted to the qualified voters of the City of Los Angeles regarding the following subject: transfer of membership of peace officers currently employed by the City's Police, Airport, Harbor, and Recreation and Parks Departments from the Los Angeles City Employees' Retirement System to the Los Angeles Fire and Police Pension Plan.

**WHEREAS**, the City Council wishes to submit the Charter amendment referenced above to the qualified voters of the City of Los Angeles at a Special Election to be consolidated with the City's General Municipal Election and the State General Election held on November 5, 2024; and

**WHEREAS**, the City Attorney has prepared and presented an impartial ballot title and question for the Charter amendment as required under the City Election Code.

### **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

Section 1. The Charter amendment attached to this Resolution shall be submitted to the qualified voters of the City of Los Angeles at a Special Election consolidated with the City's General Municipal Election and the State General Election held on November 5, 2024.

Sec. 2. The vote requirement for the Charter amendment to pass is a majority of the votes cast.

Sec. 3. The impartial ballot title and question for the Charter amendment shall be as follows and shall include a letter designation as determined by the City Council in accordance with applicable City and State law:

### **LOS ANGELES FIRE AND POLICE PENSIONS; PEACE OFFICERS. CHARTER AMENDMENT \_\_\_\_.**

Shall the City Charter be amended to: allow peace officers employed by the Police, Airport, Harbor, and Recreation and Parks Departments to transfer membership and service from the Los Angeles City Employees' Retirement System to the Los Angeles Fire and Police Pension Plan; and require the City to pay associated costs, including refunds to certain Airport and Police Department members for prior transfers?

Sec. 4. The City Clerk is hereby authorized to make technical and formatting adjustments to the attached Charter amendment as needed to facilitate presentation in ballot materials.

Sec. 5. The City Clerk is hereby authorized and directed to publish a notice containing the proposed Charter amendment and specifying the date of the election for the Charter amendment. The notice shall be published once in a newspaper of general circulation in the City of Los Angeles, and in each edition thereof during that day of publication.

Sec. 6. The City Clerk is hereby authorized and directed to publish once in a newspaper of general circulation that copies of voter information pamphlets containing the proposed Charter amendment may be obtained upon request in the City Clerk's office. The City Clerk is authorized and directed to prepare and keep in the City Clerk's office a sufficient supply of copies of the voter information pamphlets and to distribute them to persons requesting a copy. Further, the City Clerk is authorized and directed to mail copies of the voter information pamphlets to the qualified voters of the City of Los Angeles.

Sec. 7. The City Clerk shall file a duly certified copy of this Resolution forthwith with the Board of Supervisors and with the Registrar-Recorder of the County of Los Angeles.

I hereby certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting held on \_\_\_\_\_.

HOLLY L. WOLCOTT, City Clerk

By \_\_\_\_\_ Deputy

## TEXT OF THE PROPOSED BALLOT MEASURE

### CHARTER AMENDMENT \_\_\_\_

Section 1. Subsection (e) of Section 1202 of the Charter of the City of Los Angeles is amended to read as follows:

(e) **Department Member:** A person who is a sworn Member of the Fire Department or a sworn Member of the Police Department, as those terms are defined for each Tier. This term shall not include a person who is a sworn Member of the Police Department who was eligible to make the election authorized by Charter Section 1703 or 1709 but remained a member of the Los Angeles City Employees' Retirement System. This term also includes a person who is a sworn Member of the Harbor Department who qualifies for membership in the Plan pursuant to the provisions of any Tier of the Plan, but shall not include any sworn employee of the Harbor Department who was appointed prior to January 8, 2006 and was eligible to make the election authorized by Charter Section 1709 but remained a member of the Los Angeles City Employees' Retirement System. Additionally, this term includes a person who is a sworn Member of the Department of Airports Department who qualifies for membership in the Plan pursuant to the provisions of any Tier of the Plan, but shall not include any employee of the Department of Airports Department who was appointed prior to January 7, 2018 and was eligible to make the election authorized by Charter Section 1704 or 1709 but remained a member of the Los Angeles City Employees' Retirement System. Lastly, this term includes a person who is a sworn Member of the Department of Recreation and Parks who qualifies for membership in the Plan pursuant to Charter Section 1709, but it shall not include a person who is a sworn Member of the Department of Recreation and Parks who was eligible to make the election authorized by Charter Section 1709 but remained a member of the Los Angeles City Employees' Retirement System.

Sec. 2. Section 1700 of the Charter of the City of Los Angeles is amended to read as follows:

#### **Sec. 1700. Membership in Tier 6.**

(a) **Appointed Chief.** A Chief of Police, a Fire Chief, or a Port Warden (Chief) who is appointed to that position on or after July 1, 2011, and a Chief of the Airport Police who is appointed to that position on or after January 7, 2018, and who is neither a Plan Member nor a Retired Plan Member at the time of appointment, shall become a Tier 6 Plan Member upon appointment unless, within seven calendar days of appointment, he or she files a written opt out election with the Department of Fire and Police Pensions to elect to become a member of the Los Angeles City Employees' Retirement System (LACERS) in lieu of membership in Tier 6. A Chief who is appointed to that position on or after July 1, 2011 and is already a Department Member on the day of his or her appointment, shall continue to be a member of the Tier to which he or she

belonged prior to appointment as Chief. A Retired Plan Member who is appointed to the position of a Chief on or after July 1, 2011, shall become a member of LACERS at the time of appointment, rather than a Tier 6 Plan Member, and shall continue to receive all benefits to which he or she is entitled as a Retired Plan Member and as permitted under federal tax laws governing in-service distributions, but shall not accrue any additional right to benefits from the Plan by virtue of his or her employment as a Chief. A Chief Park Ranger who is already a Plan Member on the day of his or her appointment shall continue to be a member of the Tier to which he or she belonged prior to appointment to Chief, but a Chief Park Ranger who is not a Plan Member at the time of appointment shall become or continue to be a member of LACERS. A Chief Park Ranger who is a Retired Plan Member at the time of appointment shall become a member of LACERS and shall continue to receive all benefits to which he or she is entitled as a Retired Plan Member and as permitted under federal tax laws governing in-service distributions, but shall not accrue any additional right to benefits from the Plan by virtue of his or her employment as Chief Park Ranger.

(b) **Appointed Members.** Each person, other than a Chief, who shall be appointed as a Department Member on or after July 1, 2011, shall become a Tier 6 Plan Member upon (1) graduation by such person from training at the Police or Fire Academies or equivalent facility imparting basic training as a firefighter or police officer and maintained as such by the City of Los Angeles, or (2) graduation from academy training required by the Harbor Department. Upon becoming a Tier 6 Plan Member, a member may elect to purchase Years of Service credit for the period of such training in accordance with rules adopted by the Board.

(c) **Persons Who Do Not Become Tier 6 Plan Members.** Notwithstanding the provisions of subsections (b), (f), (g), and (h) of this section:

(1) A person who is a Plan Member of another Tier and who is appointed, without a break in service, to a different position that would otherwise qualify him or her for membership in Tier 6, shall not, by virtue of this new appointment, become a member of Tier 6, but shall continue to be a member of the Tier to which he or she belonged prior to his or her new appointment.

(2) A person appointed to a sworn position with the Harbor Department prior to January 8, 2006, who did not elect to transfer into Tier 5 or Tier 6 and remained a member of LACERS, if subsequently appointed without a break in Harbor Department service to a different Harbor Department sworn position that would otherwise qualify him or her for membership in Tier 6, shall not become a member of Tier 6 upon appointment, but shall remain a LACERS member.

(3) Any Plan Member who retired on a disability pension from another Tier and is subsequently restored to active duty as a Department Member shall not become a member of Tier 6, but shall return to membership in the Tier from which he or she retired.

(4) Any Plan Member who retired on a service pension from another Tier and is subsequently returned to active duty as a Department Member shall not become a member of Tier 6, but shall return to membership in the Tier from which he or she retired.

(5) A person appointed to a sworn position with the Department of Airports ~~Department~~ or Fire Department on or after January 7, 2018, who did not elect to transfer into Tier 6 and remained a member of LACERS, if subsequently appointed without a break in Department of Airports ~~Department~~ service to an Department of Airports ~~Department~~ sworn position or a Fire Department sworn position that would otherwise qualify him or her for membership in Tier 6, shall not become a member of Tier 6 upon appointment, but shall remain a LACERS member.

(6) A person appointed to a sworn position with the Department of Recreation and Parks, who did not elect to transfer into Tier 6 and remained a Member of LACERS.

(7) A person appointed to a sworn position with the Department of Recreation and Parks after January 12, 2025.

(d) **Former Members.** Any former member of any Tier, who ceased to be a member as a result of resignation or discharge and who subsequently is reappointed as a Department Member on or after July 1, 2011, shall become a Tier 6 Member. In the event such person did not receive a refund of contributions for his or her prior service, the definition of "Years of Service" contained in this Tier 6 shall be controlling with respect to such person's entitlement to service credit and such person need not make back contributions on account of such former service. In the event that the member had no right to a refund of contributions from his or her former Tier, then he or she shall not have any right to have contributions formerly made by him or her under the provisions of a former Tier refunded in the event he or she should subsequently terminate as a Plan Member. In the event such person received a refund of his or her contributions as a result of his or her termination, then such person's entitlement to Years of Service credit for the period of such former service shall be conditioned upon such person electing to repay and having paid to the Fire and Police Pension Plan the amount of previously refunded contributions, with interest thereon in an amount calculated as interest which would have been earned between the date of such termination and the date of entry into service as a Plan Member in accordance with rules adopted by the Board. In the event such member does not elect to so repay, the term Years of Service as elsewhere used in this Tier 6 shall not include any periods prior to his or her reappointment, notwithstanding the definitions contained in Section 1702(q)(r) and (r)(s).

(e) **Council Authority to Allow Transfers to Tier 6.** The Council may by ordinance authorize Plan Members of other Tiers to voluntarily transfer to Tier 6, provided such transfers shall be actuarially cost neutral to the Plan. Ordinances adopted pursuant to this subsection shall be adopted in the same manner as provided in

Section 1618(b) of this Charter, but the City Council shall be advised in writing by an enrolled actuary as to the cost of the proposed changes.

(f) **Department of Airports Department Members.** In addition to those Department Members described in Subsection (b) of this section, the following persons qualify for membership in Tier 6 as provided below:

(1) **Persons Appointed On or After January 7, 2018.** Each person appointed on or after January 7, 2018, as a Member of the Department of Airports Department, as defined in Section 1702(d), shall become a Tier 6 Plan Member upon graduation by the person from academy training required by the Department of Airports Department. Upon becoming a Tier 6 Plan Member, a member may elect to purchase Years of Service credit for the academy training period in accordance with rules adopted by the Board, provided that only academy training time during which the person was a member of the Pension Savings Plan for Part-time, Seasonal and Temporary Employees is eligible for purchase. An Airport Police Chief appointed on or after January 7, 2018, may irrevocably elect in writing at the time of appointment not to become a member of Tier 6, provided that he or she meets the eligibility requirements for such election as set forth in Section 1700(a).

(2) **Persons Appointed Prior to January 7, 2018.** A person appointed prior to January 7, 2018 as a Member of the Department of Airports Department, as defined in Section 1702(d), and who is employed on that date as a Member of the Department of Airports Department, as defined in Section 1702(d), may make an irrevocable election in writing to become a Tier 6 Plan Member in lieu of membership in LACERS, on the terms and conditions set forth below and in any ordinance adopted by the City Council to implement this provision, provided that no person shall become a Tier 6 Plan Member until he or she has completed the academy training required by the Department of Airports Department. A person who does not file an election within the period specified below shall continue as a LACERS member and shall remain a LACERS member if subsequently appointed without a break in Department of Airports Department service to an Department of Airports Department sworn position, or Fire Department sworn position that would otherwise require him or her to become a Tier 6 Plan Member.

**(g) Harbor Members and Former Office of Public Safety Police Department Members.** In addition to those Department Members described in Subsection (b) of this section, persons who are sworn employees of the Harbor Department and persons who became sworn employees of the Police Department as a result of their prior, continuous employment in the Office of Public Safety may make an irrevocable election in writing to become a Tier 6 Plan Member in lieu of membership in LACERS, in compliance with any ordinance adopted by the City Council to implement this provision. A person who does not file an election within the period specified in the ordinance shall continue as a LACERS member and shall remain a LACERS member if subsequently appointed

without a break in Department service to another sworn position that would otherwise require him or her to become a Tier 6 Plan Member.

(h) Department of Recreation and Parks Members. In addition to those Department Members described in Subsection (b) of this section, persons who are sworn employees of the Department of Recreation and Parks may make an irrevocable election in writing to become a Tier 6 Plan Member in lieu of membership in LACERS, in compliance with any ordinance adopted by the City Council to implement this provision. A person who does not file an election within the period specified in the ordinance shall continue as a LACERS member and shall remain a LACERS member if subsequently appointed without a break in Department service to another sworn position that would otherwise require him or her to become a Tier 6 Plan Member.

(i) All elections made pursuant to this Subdivissections (f)(2), (g), or (h) must meet the requirements of the ordinance adopted by Council, as authorized by Sections 1703, 1704, or 1709, to govern the election, including all related requirements governing service purchases, contributions, and the cost of the election.

(j) For purposes of Sections 1706 and 1708, relating to Tier 6 Disability Pensions and Tier 6 Survivorship Pensions, and Section 1212, relating to the effect of a Department Member's receipt of Worker's Compensation, a Tier 6 Plan Member who transfers under Subsections division (f)(2), (g), or (h) of this Ssection, Sections 1703, 1704 or 1709 and the ordinances adopted by the Council as authorized by those Ssections1704, shall be considered a Department Member as defined in Section 1202(e) during all employment periods for which the member receives Years of Service credit pursuant to Sections 1703, 1704 or 1709 and the ordinances adopted by the Council as authorized by those Ssections 1704, notwithstanding that the person was not an actual Tier 6 Plan Member at the time of employment. The intent of this provision is that the person shall be considered a Department Member at the time of employment for purposes of these sections, so that the amount of any disability or survivorship pension granted pursuant to the provisions of Tier 6 shall be reduced as provided in Section 1212.

Sec. 3. Subsections (d), and (q) of Section 1702 of the Charter of the City of Los Angeles are amended, a new subsection (e) is added, and subsections (e), (f), (g), (h), (i), (j), (k), (l), (m), (n) (o), (p), (q), (r), (s), are renumbered to subsections (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), respectively, to read as follows:

### **Sec. 1702. Definitions.**

In addition to the words and phrases defined in the Fire and Police Pension Plan's General Provisions in Part 3, and for the purposes of this Tier 6, the following words or phrases shall have the meaning ascribed to them in this section, unless a different meaning is clearly indicated in the context.

(a) **Member of the Fire Department.** Member of the Fire Department means the Fire Chief and a person duly and regularly appointed in the Fire Department, under civil service rules and regulations or provisions of the Charter, or both, governing the making of original regular and permanent appointments which require the serving of probationary periods but not of original emergency or temporary appointments, to perform duties as a firefighter for the City, under whatever designation such person may be described in any salary or departmental ordinance providing salaries for the members of the department, but such person shall be a member of the department only until his or her status as such shall be terminated by reason of retirement, resignation or discharge or for any other reason.

(b) **Member of the Police Department.** Member of the Police Department means the Chief of Police and a person duly and regularly appointed in the Police Department, under civil service rules and regulations or provisions of the Charter, or both, governing the making of original regular and permanent appointments which require the serving of probationary periods but not of original emergency or temporary appointments therein, and sworn in, as provided by law, to perform duties as a police officer for the City, under whatever designation such person may be described in any salary or departmental ordinance providing salaries for the members of the department, but such person shall be a member of the department only until his or her status as such shall be terminated by reason of retirement, resignation or discharge or for any other reason.

(c) **Member of the Harbor Department.** Member of the Harbor Department means the Port Warden and a person duly and regularly appointed, under civil service rules and regulations or provisions of the Charter, or both, governing the making of original regular and permanent appointments which require the serving of probationary periods but not of original emergency or temporary appointments therein, and sworn in, as provided by Penal Code Section 830.1, to perform police duties for the Harbor Department, under whatever designation such person may be described in any salary or departmental ordinance providing salaries for members of the department, but such person shall be a member of the department only until his or her status as such shall be terminated by reason of his or her retirement, resignation or discharge or for any other reason.

(d) **Member of the ~~Airport~~ Department of Airports.** Member of the ~~Airport~~ Department of Airports means the Chief of the Airport Police, the Assistant Chief of the Airport Police, the Chief Airport Safety Officer, and a person duly and regularly appointed, under civil service rules and regulations or provisions of the Charter, or both, governing the making of original regular and permanent appointments which require the serving of probationary periods but not of original emergency or temporary appointments therein, and sworn in, as provided by Penal Code Section 830.1, to perform police or firefighting duties for the ~~Airport~~ Department of Airports, under whatever designation such person may be described in any salary or departmental ordinance providing salaries for members of the department, but such person shall be a

member of the department only until his or her status as such shall be terminated by reason of his or her retirement, resignation or discharge or for any other reason.

(e) **Member of the Department of Recreation and Parks.** Member of the Department of Recreation and Parks means the Chief Park Ranger and a person duly and regularly appointed, under civil service rules and regulations or provisions of the Charter, or both, governing the making of original regular and permanent appointments, which require the serving of probationary periods but not of original emergency or temporary appointments therein, and sworn in, as provided by Penal Code Section 830.31, to perform police or firefighting duties for the Department of Recreation and Parks, under whatever designation such person may be described in any salary or departmental ordinance providing salaries for members of the department, but such person shall be a member of the department only until his or her status as such shall be terminated by reason of his or her retirement, resignation or discharge or for any other reason.

(e)(f) **Tier 6 Plan Member.** Tier 6 Plan Member means a person who is a Department Member and whose pension rights and benefits are governed by this Tier 6. For purposes of the provisions governing Tier 6, the term Plan Member shall generally refer to a Tier 6 Plan Member, unless the context in which the term is used indicates a usage that refers to or includes members of other Tiers. Status as a Tier 6 Plan Member is limited by the provisions of Section 1700.

(f)(g) **Qualified Surviving Spouse.** Qualified Surviving Spouse means a person who was married to the Tier 6 Plan Member:

- (1) for at least one year prior to the date of his or her nonservice-connected death while a Tier 6 Plan Member, or
- (2) on the date of the Tier 6 Plan Member's service-connected death, or
- (3) for at least one year prior to the effective date of the Tier 6 Plan Member's retirement upon a service pension or a nonservice-connected disability pension, or
- (4) on the effective date of the Tier 6 Plan Member's retirement upon a service-connected disability pension, or
- (5) on the date of the Tier 6 Plan Member's nonservice-connected death while on military leave.

In addition, on the date of the member's death, this person must be either the domestic partner (registered with the state or filed with the Plan) or spouse of such member.

To the extent required by state law, two persons of the same sex whose legal union, other than a marriage, has been validly formed in another jurisdiction and is substantially equivalent to a state registered domestic partnership shall be treated the same as spouses for purposes of this Plan. For these purposes, any reference to the date of a marriage shall be deemed to refer to the date of a legal union in another jurisdiction.

~~(g)~~(h) **Qualified Surviving Domestic Partner.** Qualified Surviving Domestic Partner means a person whose Declaration of Domestic Partnership with the Tier 6 Plan Member was on file with the Board of Fire and Police Pension Commissioners, as provided in Section 4.2204 of the Los Angeles Administrative Code, or whose domestic partnership with the Tier 6 Plan Member was registered with the state:

- (1) for at least one year prior to the date of the Tier 6 Plan Member's nonservice-connected death, or
- (2) on the date of the Tier 6 Plan Member's service-connected death, or
- (3) for at least one year prior to the effective date of the Tier 6 Plan Member's retirement upon a service pension or a nonservice-connected disability pension, or
- (4) on the effective date of the Tier 6 Plan Member's retirement upon a service-connected disability pension, or
- (5) on the date of the Tier 6 Plan Member's nonservice-connected death while on military leave.

In addition, on the date of the member's death, this person must be either the domestic partner (registered with the state or filed with the Plan) or spouse of such member.

~~(h)~~(i) **Qualified Survivor.** Qualified Survivor means a person who is either a Qualified Surviving Spouse or a Qualified Surviving Domestic Partner.

~~(i)~~(j) **Child.** Minor Child means a person who is a child or an adopted child of a deceased Tier 6 Plan Member or Retired Tier 6 Plan Member but such person shall be a Minor Child only until such person shall attain the age of 18 years or shall marry, whichever shall be earlier. A person may further qualify for the benefits provided for a Minor Child under the provisions of this Tier until he or she reaches the age of 22 years if such person is enrolled in school on a full-time basis as determined by the Board but such person's marriage terminates entitlement to the benefits of a Minor Child.

~~(j)~~(k) **Dependent Child.** Dependent Child means a person who is a child of a deceased Tier 6 Plan Member or a deceased Retired Tier 6 Plan Member, who, while under the age of 21 years, had become disabled, either prior to or after the date of

death of such member, from earning a livelihood for any cause or reason whatsoever, but such person shall be a Dependent Child only until he or she shall cease to be disabled from earning a livelihood. Should disability cease before the age of 22 years, the limitations set forth in subsection ~~(h)~~(i) shall be applicable.

~~(k)~~(l) **Dependent Parent.** Dependent Parent means a person who is a parent of a deceased Tier 6 Plan Member or a deceased Tier 6 Retired Plan Member and to or for whom such deceased member, during at least one year immediately preceding his or her death, contributed one-half or more of such Dependent Parent's necessary living expenses and who is unable to pay such expenses without the receipt of a pension, but such person shall be a Dependent Parent only until he or she shall be able to pay his or her necessary living expenses.

~~(l)~~(m) **Length of Service Pay.** Length of Service Pay means any additional gross monthly pay which, by reason of length of service, shall be provided by ordinance or by Memorandum of Understanding.

~~(m)~~(n) **Special Pay.** Special Pay means any additional gross monthly pay which, by reason of assignment to perform special duties other than hazardous duties, shall be provided by ordinance or Memorandum of Understanding.

~~(n)~~(o) **Hazard Pay.** Hazard Pay means any additional gross monthly pay which, by reason of assignment to perform helicopter duties, two-wheel motorcycle duties or any other hazardous duties, shall be provided by ordinance or Memorandum of Understanding.

~~(o)~~(p) **Assignment Pay.** Assignment Pay means any additional gross monthly pay which, by reason of assignment to perform special duties or hazardous duties, in a higher class, position, grade, code or other title than the lowest thereof within the Tier 6 Plan Member's permanent rank, shall be provided by ordinance or Memorandum of Understanding.

~~(p)~~(q) **Year.** Year means a period of 12 months or, in aggregating partial years for purposes of determining Years of Service, means 365 days.

~~(q)~~(r) **Years of Service.** Years of Service means and includes only those periods during or for which the Plan Member was a Department Member of the Fire Department, a Department Member of the Police Department, a Department Member of the Harbor Department, ~~or a Department Member of the Airport Department of Airports,~~ or a Department Member of the Department of Recreation and Parks, and whether prior to or after his or her becoming a Tier 6 Plan Member and subject to the limitations contained in Section 1700 of this Tier 6:

- (1) did or shall receive salary, whether in full or reduced amounts thereof;

(2) did or shall receive either a service-connected disability pension or a nonservice-connected disability pension from the Plan if he or she was or shall be restored to active duty as a Department Member and did or shall perform his or her duties as such for at least one year prior to again retiring or being retired pursuant to this Tier 6, which year shall not include any time off from work by reason of any injury or illness which had been caused by or contributed to by any injury or illness which had been sustained or suffered by him or her prior to such restoration. The restored Plan Member, upon completing one Year of Service following restoration, shall be eligible for such credit only to the extent that the length of service following restoration matches the period the disability pension was received; but upon completing three years of restored service, the restored Plan Member is eligible for credit for the entire period the disability pension was received; and provided further that a period during which a Plan Member was on a nonservice-connected disability pension may only be counted toward his or her Years of Service if the Plan Member makes contributions therefore as provided in Section 1714 of this Tier 6 in accordance with the rules to be adopted by the Board;

(3) is or shall become entitled, under any provision of general law or ordinance of the City, to credit toward retirement for periods of military service or military leave;

(4) did or shall receive Workers' Compensation benefits for temporary disability as provided by general law on account of any injury or illness arising out of and in the course of employment, but such period shall be made a part of the Plan Member's Years of Service only if the Plan Member has made contributions to the Fire and Police Pension Plan in the manner prescribed by Board rule;

(5) is or shall become entitled to compensation for injury on duty pursuant to any ordinance of the City or any applicable Memorandum of Understanding; and

(6) had served as a member of the Fire and Police Pension System – Tiers 2, 3, 4, or 5, without having become eligible to service retirement benefits.

A person who has previously been a Plan Member of any Tier, who has ceased to be such by virtue of his or her resignation or discharge, and who subsequently becomes a Tier 6 Plan Member, shall be entitled to credit for Years of Service during the prior membership period only if he or she has first redeposited with interest, any contributions previously withdrawn by him or her, in the manner provided by the Board.

A Qualified Survivor of a Tier 6 Plan Member may complete the purchase of Years of Service credit elected by the Plan Member.

~~(f)~~(s) **Partial Year of Service.** Partial Year of Service means any period mentioned in subsection ~~(p)~~(q) of this section which is less than 12 months. Any such Partial Year of Service shall be calculated from the end of the Plan Member's last completed Year of Service to the end of the payroll period immediately prior to the date of his or her retirement and shall be counted as part of a Plan Member's Years of Service for his or her retirement upon a service pension hereafter granted or for a pension hereafter granted to his or her Qualified Survivor, Minor Child or Children, Dependent Child or Children or Dependent Parent or Parents if he or she hereafter shall die while upon a service pension hereafter granted or while eligible for a service pension.

~~(s)~~(t) **Final Average Salary.** Final Average Salary means an amount equivalent to a monthly average of salary actually earned during any 24 consecutive months of service as a Plan Member as designated by the Plan Member. In the absence of such designation, the last 24 consecutive months preceding the date upon which retirement would become effective shall be used as the basis for the calculation of Final Average Salary.

For the purposes of determining Final Average Salary for periods during which the Plan Member receives less than full salary on account of injury or illness, pursuant to any applicable ordinance of the City, the Final Average Salary shall be based upon the salary, including any Length of Service Pay, Special Pay, Assignment Pay or Hazard Pay, the Plan Member would have received but for the injury or illness.

Included in the calculation of Final Average Salary shall be Length of Service Pay, Special Pay, Assignment Pay and Hazard Pay actually earned during the 24 consecutive months used to determine Final Average Salary.

For those Tier 6 Plan Members who retire from the Fire Department while holding a rank no higher than Captain or from the Police Department holding a rank no higher than Lieutenant: If Hazard Pay was not earned during all or any part of the 24 consecutive months used to determine Final Average Salary, then an amount equivalent to 10% of the Hazard Pay earned at the time of the termination of the last assignment of hazardous duties for each year in the aggregate of the assignment to hazardous duties shall be added to the Final Average Salary, not to exceed 10 years in the aggregate. The total amount of Hazard Pay included in Final Average Salary may not exceed 100% of the amount the Plan Member would have earned had he or she been entitled to Hazard Pay during the entire 24 month period utilized in the calculation of Final Average Salary.

Overtime compensation or payments of money to the member not designated as salary by an ordinance or Memorandum of Understanding shall not be considered for purposes of calculating Final Compensation.

Should a Tier 6 Plan Member not have completed 24 consecutive months of service as a Plan Member, then and in that event only shall the Final Average Salary be

calculated as a monthly average of all consecutive calendar months completed, and, if the Plan Member has completed less than one month of total service as a Plan Member, the salary actually received shall be used to calculate its monthly equivalent.

Notwithstanding any of the foregoing, if a Retired Tier 6 Plan Member were to be restored to active duty as a Department Member and thereby again were to become a Tier 6 Plan Member and if he or she again were to retire or to be retired without having performed his or her duties for at least one year subsequent to such restoration, which year shall not include any time off from work by reason of any injury or illness which had been caused by or contributed to by any injury or illness which had been sustained or suffered by him or her prior to such restoration, the Final Average Salary which shall be applicable to his or her later retirement shall be the Final Average Salary which had been applicable to his or her previous retirement. Should the Plan Member have performed the requisite one year subsequent to such restoration, but not have completed 24 consecutive months of service since being restored, then in that event Final Average Salary shall be calculated as a monthly average of all consecutive months completed after such restoration.

Sec. 4. Subsections (a) and (b) of Section 1703 of the Charter of the City of Los Angeles are amended to read as follows:

**Sec. 1703. Authority of City Council to Allow Transferring Police Personnel to Purchase Prior Sworn City Service.**

(a) **Council Authority.** Subject to Sections 1709 and 1711, ~~¶~~the Council may, by ordinance adopted in accordance with the provisions of this section, allow police personnel who are transferred to the Police Department from the Department of General Services and gain status in one of the following Class Codes 2214, 2217, 2223, 2227, 2232, and 2244 to transfer prior sworn service with the City from the Los Angeles City Employees' Retirement System (LACERS) to Tier 6 after they become members of the Plan pursuant to the applicable provisions of the Charter and the Los Angeles Administrative Code. Notwithstanding the provisions of Section 1702~~(q)~~(r), transferred service may count as Years of Service for all Tier 6 purposes.

(b) **Limitations on Service Purchases.** Subject to Sections 1709 and 1711, ~~¶~~the authority given to the Council to allow the transfer of prior service is specifically limited as follows:

(1) **Purchases Shall Be Cost Neutral.** The member shall be required to pay the full actuarial cost of the service to be transferred, as determined by the Plan's actuary without taking into consideration incidental administrative expenses incurred by the Plan, reduced by the amount of any funds transferred from LACERS to the Plan in connection with the transferred service.

(2) **Only Certain Service May Be Transferred.** Sworn service that may be transferred shall be limited to prior service with the City in Class Codes 3183,

3185, 3188, and 3198 for which the employee paid contributions and earned service credit with LACERS.

Sec. 5. Subsections (a) and (b) of Section 1704 of the Charter of the City of Los Angeles are amended to read as follows:

**Sec. 1704. Authority of City Council to Allow Transfer of Airport Peace Personnel to Tier 6 and to Allow Transferring Personnel to Purchase Prior City Service.**

(a) **Council Authority.** Subject to Sections 1709 and 1713, ~~t~~The Council may, by ordinance adopted in accordance with the provisions of this ~~S~~section, and pursuant to applicable provisions of the Charter and the Los Angeles Administrative Code, allow a person who entered City service prior to January 7, 2018, as a Member of the Airport Department, as defined in Section 1702(d), to become a Tier 6 Plan Member in lieu of membership in the Los Angeles City Employees' Retirement System (LACERS), and to transfer all prior City service from LACERS to Tier 6 after he or she becomes a member of the Plan, provided such person shall continue to make member contributions at the rate applicable to his or her LACERS membership to the extent required by the Internal Revenue Code and as further described in Section 1714(a)(3). Notwithstanding the provisions of Section 1702~~(q)~~~~(r)~~, service transferred pursuant to this ~~S~~section and the implementing ordinance adopted by Council shall count as Years of Service for all Tier 6 purposes.

(b) **Limitations on Service Purchases.** Subject to Sections 1709 and 1713, ~~t~~The authority given to the Council to allow the transfer of prior service is specifically limited as follows:

(1) **Purchases Shall Be Cost Neutral.** The member shall be required to pay the full actuarial cost of the service to be transferred, as determined by the Plan's actuary without taking into consideration incidental administrative expenses incurred by the Plan, reduced by the amount of any funds transferred from LACERS to the Plan in connection with the transferred service.

(2) **All Prior Service Must Be Transferred.** As a condition of making the election to transfer from LACERS to the Plan, a member must transfer all prior service from LACERS to the Plan, including prior City service earned as a contributing member of LACERS and any service purchased from LACERS, and pay the full actuarial cost of the service to be transferred, as determined by the Plan's actuary and pursuant to requirements of the ordinance adopted in accordance with this ~~S~~section.

(3) **Election and Service Purchase Shall Be Irrevocable.** A member's election to enter Tier 6 membership shall be irrevocable after January 7, 2018. A member's agreement to purchase his or her prior service shall be nonrefundable. Neither the Council nor the Board shall have the authority to revoke or refund a member's election or purchase, or to allow transfers after January 7, 2018.

Sec. 6. A new Section 1709 is added to the Charter of the City of Los Angeles to read as follows:

**Sec. 1709. Authority of City Council to Allow Transfer of Police, Airport, Harbor, Recreation and Parks Peace Officer Personnel to Tier 6 and to Require Transfer of All Prior LACERS Service at Full Actuarial Cost.**

**(a) Council Authority to Allow Transfers of Police, Airport, Harbor, Recreation and Parks Peace Officer Personnel.** The Council may, by ordinance adopted in accordance with the provisions of this section, and pursuant to applicable provisions of the Charter and the Los Angeles Administrative Code, allow a person, actively employed on January 12, 2025, as a sworn peace officer by the Police Department, as defined in Section 1702(b), the Department of Airports, as defined in Section 1702(d), the Harbor Department, as defined in Section 1702(c), or the Department of Recreation and Parks, as defined in Section 1702(e), to become a Tier 6 Plan Member in lieu of membership in Los Angeles City Employees' Retirement System (LACERS), provided such person shall transfer all prior City service from LACERS to Tier 6 after they become a Tier 6 Plan Member, and continue to make pre-tax member contributions at the rate applicable to their LACERS membership to the extent required by the Internal Revenue Code and as further described in Section 1714(a)(3). Notwithstanding the provisions of Section 1702(r), service transferred pursuant to this section and the implementing ordinance adopted by Council shall count as Years of Service for all Tier 6 purposes.

**(b) Requirements for Transfer of City Service.** The authority given to the Council to allow the transfer of personnel and prior City service is specifically limited as follows:

**(1) Costs Associated with Transfer.** The City shall be required to pay the full actuarial cost to transfer personnel and prior City service to Tier 6, as determined by the Plan's actuary. The actuarial cost shall include costs attributable to the initial transfer of prior City service in addition to all future costs to the Plan attributable to this transfer of membership. This amount shall be reduced by the amount of any funds transferred from LACERS to the Plan in connection with the transferred service, which shall include both employee and employer contributions and any interest credited to an employee's LACERS account as provided in Section 1162(b).

**(2) All Prior City Service Must Be Transferred.** As a condition of transferring from LACERS to Tier 6, a Member must transfer all prior City service from LACERS to Tier 6, including prior service earned as a contributing member of LACERS, regardless of the duties performed at the time such service was earned, and any service purchased from LACERS. City service that was previously excluded from transfer pursuant to Section 1703(b)(2) will be

transferred to Tier 6 according to the terms and conditions described in Subsection (b)(1) of this section.

(3) **Irrevocable Election to Transfer to Tier 6.** A Member's election to transfer into Tier 6 and the transfer of the Member's City service to Tier 6 shall be irrevocable after January 11, 2026 or after some other date as provided by ordinance, whichever date is earlier. Neither the Council nor the Board shall have the authority to revoke or to allow transfers after either January 11, 2026 or some other date as provided by ordinance, whichever date is earlier.

(c) **Mode of Adoption.** Ordinances adopted pursuant to this section shall be adopted in the same manner as provided in Section 1618(b), but the Council shall be advised in writing by an enrolled actuary as to the full actuarial cost of the proposed change.

Sec. 7. Subdivision (2) of subsection (b) of Section 1710 of the Charter of the City of Los Angeles is amended as follows:

(2) all contributions and donations to the Fire Department, the Police Department, the Harbor Department, or the ~~Airport~~-Department of Airports, or the Department of Recreation and Parks for services by any Tier 6 Plan Members, except amounts of money donated to provide for any medal or permanent competitive award;

Sec. 8. A new Section 1711 is added to the Charter of the City of Los Angeles to read as follows:

**Sec. 1711. Authority of City Council to Refund Costs Paid by Members of the Police Department Who Previously Transferred to Tier 6 Pursuant to Section 1703.**

(a) **Council Authority to Authorize Refunds to Tier 6 Members.** The Council may, by ordinance adopted in accordance with the provisions of this section, and pursuant to applicable provisions of the Charter and the Los Angeles Administrative Code, authorize a refund to every Member, actively employed as a Member of the Police Department on January 12, 2025, who previously transferred to Tier 6 pursuant to Section 1703, and purchased any portion of their prior City service or Tier 6 health benefits pursuant to any existing provisions of the Los Angeles Administrative Code. For the purposes of this section, such Tier 6 Members shall be referred to as "Qualifying Tier 6 Member(s)."

**(b) Limitations on Authority to Provide Refunds.**

(1) **Cost Neutrality for Plan.** The City shall be required to issue payment to the Plan in an amount that covers the full cost of refunds that will be issued to Qualifying Tier 6 Members pursuant to any ordinance adopted pursuant to this section. The City shall make this payment in advance of the Plan's issuing any

refunds. This payment may be made at the same time as the City's first annual contribution to the Plan that immediately follows the effective date of the ordinance adopted pursuant to this section.

**(2) Payment Source and Method.** The Plan shall refund to a Qualifying Tier 6 Member all monies paid to purchase any portion of City service or Tier 6 health benefits pursuant to any existing provisions of the Los Angeles Administrative Code, whether purchased by a lump sum or payment plan. All payments issued pursuant to this subsection may be made prior to a Qualifying Tier 6 Member's separation in a manner consistent with the Internal Revenue Code, either as a rollover, a trustee-to-trustee transfer, or a post-tax payment. Any personal tax consequences will be borne by the Qualifying Tier 6 Member.

**(3) No Interest.** Notwithstanding any language to the contrary in Section 1714 or in any existing provisions of the Los Angeles Administrative Code, the Plan shall not pay interest on any refund issued pursuant to this section, other than interest calculated according to Section 1714(c) that is attributable to a refund authorized by this section.

**(4) Nonrefundable LACERS Member Contributions.** Notwithstanding any language to the contrary in any existing provisions of the Los Angeles Administrative Code, a Qualifying Tier 6 Member shall not receive a refund for member contributions transferred from LACERS to the Plan to purchase City service or Tier 6 health benefits.

**(5) Termination of Payment Plans.** Effective January 12, 2025, any payment plan between the Plan and a Qualifying Tier 6 Member entered into pursuant to any existing provisions of the Los Angeles Administrative Code shall be terminated. The balance of any outstanding payments owed by a Qualifying Tier 6 Member to purchase prior City service pursuant to any existing provisions of the Los Angeles Administrative Code shall be forgiven and no longer owed.

Sec. 9. A new Section 1713 is added to the Charter of the City of Los Angeles to read as follows:

**Sec. 1713. Authority of City Council to Refund Costs Paid by Members of the Department of Airports Who Previously Transferred to Tier 6 Pursuant to Section 1704.**

**(a) Council Authority to Authorize Refunds to Tier 6 Members.** The Council may, by ordinance adopted in accordance with the provisions of this section, and pursuant to applicable provisions of the Charter and the Los Angeles Administrative Code, authorize a refund to a person, actively employed as a Member of the Department of Airports on January 12, 2025, who previously transferred to Tier 6 pursuant to Section 1704, and purchased any portion of their prior City service or Tier 6 health benefits pursuant to any existing provisions of the Los Angeles Administrative

Code. For purposes of this section, such Tier 6 Members shall be referred to as “Qualifying Tier 6 Member(s).”

**(b) Limitations on Authority to Provide Refunds.**

**(1) Cost Neutrality for Plan.** The City shall be required to issue payment to the Plan in an amount that covers the full cost of refunds that will be issued to Qualifying Tier 6 Members pursuant to any ordinance adopted pursuant to this section. The City shall make this payment in advance of the Plan’s issuing any refunds, and it may be made at the same time as the City’s first annual contribution to the Plan that immediately follows the effective date of the ordinance adopted pursuant to this section.

**(2) Payment Source and Method.** Notwithstanding any language to the contrary in Section 1704(b)(3), the Plan shall refund to a Qualifying Tier 6 Member all monies paid to purchase any portion of City service or Tier 6 health benefits pursuant to any existing provisions of the Los Angeles Administrative Code, whether purchased by a lump sum or payment plan. All payments issued pursuant to this subsection shall be made prior to a Qualifying Tier 6 Member’s separation in a manner consistent with the Internal Revenue Code, either as a rollover, a trustee-to-trustee transfer, or a post-tax payment. Any personal tax consequences will be borne by the Qualifying Tier 6 Member.

**(3) No Interest.** Notwithstanding any language to the contrary in Section 1714 or in any existing provisions of the Los Angeles Administrative Code, the Plan shall not pay interest on any refund issued pursuant to this section, other than interest calculated according to Section 1714(c) that is attributable to a refund authorized by this section.

**(4) Termination of Payment Plans.** Effective January 12, 2025, any payment plan between the Plan and a Qualifying Tier 6 Member entered into pursuant to any existing provisions of the Los Angeles Administrative Code shall be terminated. The balance of any outstanding payments owed by a Qualifying Tier 6 Member to purchase prior City service pursuant to any existing provisions of the Los Angeles Administrative Code shall be forgiven and no longer owed.

Sec. 10. Subdivision (3) of subsection (a) of Section 1714 of the Charter of the City of Los Angeles is amended to read as follows:

*(3) Internal Revenue Code Requirements for Contributions by Members Who Transferred From LACERS Pursuant to Sections 1703, 1704, or 1709.* Notwithstanding any language in subsection (a) to the contrary, a Tier 6 Plan Member who elected to transfer into the Plan and purchase his or her prior LACERS service pursuant to Charter Sections 1703, 1704 or 1709 and the ordinances adopted in accordance therewith shall continue to make member contributions at the rate applicable to his or her LACERS membership to the

extent required by the Internal Revenue Code, provided however: (i) if this subsection (a) would otherwise require additional member contributions by such a member, such additional member contributions shall be made by the member on an after-tax basis to the extent required by the Internal Revenue Code; and (ii) provided further, if this subsection (a) would otherwise require member contributions at a rate that is lower than the rate applicable to the member's LACERS membership, the Council may, by ordinance adopted in accordance with the provisions of this Section, and pursuant to applicable provisions of the Charter and the Los Angeles Administrative Code, provide for a larger annuity benefit at the time of retirement for such a member to reflect the additional contribution amounts, as determined by the actuary and subject to all limitations of the Internal Revenue Code.

Sec. 11. Subsection (g) of Section 1714 of the Charter of the City of Los Angeles is amended to read as follows:

(g) **Assuring Full Member Contributions.** The Board shall have rule-making authority to ensure ~~insure~~ that the Fire and Police Pension Plan – Tier 6 receives member contributions for all periods of credited service, except that the Board shall not have authority to require contributions for service credit for military service and for periods while a Tier 6 Plan Member is receiving a disability pension, or full pay for Injury On Duty. Tier 6 Plan Members, however, may elect to make contributions for periods of Injury On Duty compensated at the rate provided by general law in order to acquire credit for Years of Service for such period. Such contributions shall be at the contribution rate herein provided and shall be based on the salary the Plan Member would have received if he or she had not occupied Injury On Duty status.

Sec. 12. If any section, clause, sentence, phrase, or portion of this Charter amendment is held unconstitutional or invalid by any court or tribunal of competent jurisdiction, the remaining sections, clauses, sentences, phrases, or portions of this article shall remain in full force and effect, and to this end the provisions of this article are severable. In addition, the voters declare that they would have passed all sections, clauses, sentences, phrases, or portions of this Charter amendment without the section, clause, sentence, phrase or portion held unconstitutional or invalid.