



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. **23-0143**
MAY 01 2023

REPORT RE:

**DRAFT ORDINANCE AMENDING CHAPTER 10 OF DIVISION 4 OF THE
LOS ANGELES ADMINISTRATIVE CODE TO ENHANCE THE DISABILITY
RETIREMENT, DEATH, AND SURVIVORSHIP BENEFITS FOR SWORN
PEACE OFFICERS WHO ARE PUBLIC SAFETY OFFICER MEMBERS OF
THE LOS ANGELES CITY EMPLOYEES' RETIREMENT SYSTEM**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends the Los Angeles Administrative Code to establish enhanced disability and death benefits for public safety officers who are members of Los Angeles City Employees' Retirement System (LACERS) Tiers 1 and 3, consistent with benefits currently provided to Airport Peace Officer members of LACERS Tier 1 and members of Tier 6 of the Los Angeles Fire and Police Pension System (LAFPP). The draft ordinance also would make technical changes to Chapter 10 of Division 4 of the Administrative Code, relating to LACERS. These technical changes have been made to modernize the statutory language; they are not intended to alter the purpose of the ordinance, which is to provide enhanced benefits consistent with the benefits currently provided to Airport Peace Officer members of LACERS Tier 1 and members of LAFPP Tier 6.

Summary of Ordinance Provisions

Sections 1 through 14 of the draft ordinance create enhanced disability and death benefits for public safety officers who are LACERS members and make technical changes to Chapter 10 of Division 4 of the Administrative Code, relating to LACERS. The public safety officers covered by this ordinance will be eligible for LACERS benefits in their appropriate tier with (1) a disability retirement benefit on par with LAFPP Tier 6 and (2) active death and survivorship benefits on par with LAFPP Tier 6. The draft ordinance provides that the enhanced benefits become effective as of March 25, 2022.

Government Code Section 7507 and Charter Section 1168 Actuarial Statement Requirements

Because this draft ordinance modifies public retirement benefits, California Government Code Section 7507 requires that an actuary who is an associate or fellow of the Society of Actuaries provide a statement as to the impact of the change on future costs and that the statement be made public at a public meeting at least two weeks prior to the adoption of the ordinance. Charter Section 1168(b) also requires that, as a condition to the final adoption of an ordinance modifying LACERS retirement benefits, an enrolled actuary advise the City Council in writing as to the cost of any benefit increases. To satisfy these requirements, enrolled actuaries at the Segal Company prepared an actuarial statement as to the cost of the benefits enhanced by the draft ordinance, which will be presented to the City Council.

Charter Section 1168 Requirements for Final Adoption and Effective Date

Charter Section 1168(a) requires the City Council to approve the proposed ordinance by not less than two-thirds vote, subject to the veto of the Mayor and override by the City Council by a three-fourths vote. Final adoption can take place only after a public hearing has been held and at least 30 days elapse after the first presentation of the ordinance. Pursuant to Charter Section 252(i) and Charter Section 1168(b), the ordinance becomes effective upon publication, but the City Council may provide that the terms of the ordinance, or portions of it, shall be operative at a later date or dates.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to LACERS and the Office of the City Administrative Officer. Their respective comments have been incorporated into the draft ordinance.

If you have any questions regarding this matter, please contact Deputy City Attorney Alexandra de Rivera at (213) 978-6800. She or another member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By


VALERIE L. FLORES
Chief Assistant City Attorney

VF:ADR:pj
Transmittal