

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;

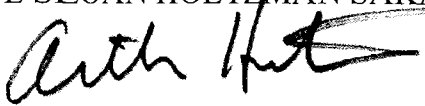
Exhibit E: San Francisco Proposition B, February 2008, establishing a deferred retirement program;

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 SAKAII 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;

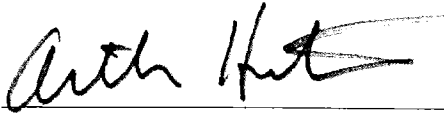
Exhibit E: San Francisco Proposition B, February 2008, establishing a deferred retirement program;

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

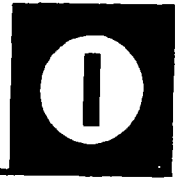
On August 22 Registrar of Voters Jay Patterson certified that the Firefighters' Overtime Initiative Petition had a sufficient number of signatures to be placed on the ballot.

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.