

ORDINANCE NO. 96-059

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF NOV 19 1996

AN ORDINANCE AUTHORIZING AN AMENDMENT TO CONTRACT NO. 89110 BETWEEN THE CITY COUNCIL OF THE CITY OF SACRAMENTO AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM, AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

That an amendment to the Contract between the City Council of the City of Sacramento and the Board of Administration, California Public Employees' Retirement System (PERS) is hereby authorized, a copy of said amendment being attached hereto, marked "Exhibit A", and by such reference made a part hereof as though herein set out in full.

SECTION 2.

The Mayor of the City of Sacramento is hereby authorized, empowered, and directed to execute said amendment for and on behalf of City of Sacramento.

SECTION 3.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS ADOPTION, AS AN EMERGENCY MEASURE IN ACCORDANCE WITH CITY CHARTER SECTION 32(g)(2). The facts constituting the emergency are that PERS police safety and miscellaneous members otherwise eligible for retirement are not able to retire and obtain the benefit of Government Code Section 21024 Military Service Credit as Public Service before the effective date of the ordinance; in order to

FOR CITY CLERK USE ONLY

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**AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
OF THE
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
CITY COUNCIL
OF THE
CITY OF SACRAMENTO**

The Board of Administration, Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of above public agency, hereinafter referred to as Public Agency, having entered into a contract effective January 29, 1977, and witnessed January 25, 1977, and as amended effective June 1, 1978, March 17, 1988, December 30, 1989, June 26, 1991, February 21, 1992 and May 29, 1996, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 16 are hereby stricken from said contract as executed effective May 29, 1996, and hereby replaced by the following paragraphs numbered 1 through 16 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for local miscellaneous members, age 50 for those local safety members entering membership in this System on or prior to December 30, 1989 and age 55 for those local safety members entering membership in this System after December 30, 1989.
 2. Public Agency shall participate in the Public Employees' Retirement System from and after January 29, 1977 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
 3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);

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PLEASE DO NOT SIGN "EXHIBIT ONLY"

- c. Employees other than local safety members (herein referred to as local miscellaneous members).
4. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **ALL MISCELLANEOUS EMPLOYEES WHO WERE IN EMPLOYMENT PRIOR TO JANUARY 29, 1977; AND**
 - b. **ALL PERSONS WHO ARE PARTICIPANTS (AS THAT TERM IS DEFINED IN THE ACT HEREINAFTER REFERRED TO AND ANY REGULATIONS PROMULGATED THEREUNDER) UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973, AS AMENDED.**
5. Assets heretofore accumulated with respect to members in the local retirement system who entered membership in this System on December 30, 1989 have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred which represent the accumulated contributions (plus interest thereupon) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.
6. This contract shall be a continuation of the fire function of the Pacific Fire Protection District, hereinafter referred to as "Former Agency". The accumulated contributions, assets and liability for prior and current service under the Former Agency's contract with respect to the fire function shall be merged pursuant to Section 20508 of the Government Code. Such merger occurred December 28, 1991.
 - a. All benefits provided under this contract shall apply to all past service for former local safety employees of the Pacific Fire Protection District.
7. The percentage of final compensation to be provided for local miscellaneous members for each year of credited prior service is zero and the percentage of final compensation to be provided for each year of credited current service is 100, and determined in accordance with Section 21251.13, subject to the reduction provided therein for service on or after January 29, 1977, for members whose service has been included in Federal Social Security (2% at age 60 Full and Modified).

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8. The percentage of final compensation to be provided for each year of credited prior service is zero and the percentage to be provided for each year of credited current service is 100, and determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full) for local safety members entering membership in this System on or after January 29, 1977 and prior to December 30, 1989.
9. The percentage of final compensation to be provided for each year of credited prior and current service shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full) for local safety members who transferred from the local system and entered membership in this System on December 30, 1989.
10. The percentage of final compensation to be provided for each year of credited prior and current service shall be determined in accordance with Section 21363 of said Retirement Law (2.5% at age 55), for local safety members entering membership in this System after December 30, 1989.
11. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Sections 21624 and 21626 (Post-Retirement Survivor Allowance).
 - b. Section 21151 (Industrial Disability Retirement For Local Miscellaneous Members).
 - c. Section 21022 (Public Service Credit for Periods of Lay-Off) for local fire members only.
 - d. Section 21335 (3% Cost-of-Living Allowance) limited pursuant to Section 21252.023(a) for local safety members who transferred from the local system, entered membership in this System on December 30, 1989 and retired after that date.
 - e. Section 21037 (Cancellation of Payment for Optional Service Credit Upon Retirement for Industrial Disability) limited pursuant to Section 21038 for local safety members who transferred from the local system and entered membership in this System on December 30, 1989.
 - f. Section 20687(b) (Member Contribution Rate of 9% of Compensation) for local safety members entering membership in this System after December 30, 1989.

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- g. Section 21536 (Local System Service Credit Included in Basic Death Benefit) for local safety members who transferred from the local system and entered membership in this System on December 30, 1989.
 - h. Section 20042 (One-Year Final Compensation) for local safety members only.
 - i. Section 21024 (Military Service Credit as Public Service), Statutes of 1976.
12. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.
13. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
14. Public Agency shall also contribute to said Retirement System as follows:
- a. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - b. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
15. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

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16. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, 19____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
OF THE
CITY OF SACRAMENTO

BY _____
KENNETH W. MARZION, CHIEF
ACTUARIAL & EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
Presiding Officer

Witness Date

Attest:

Clerk

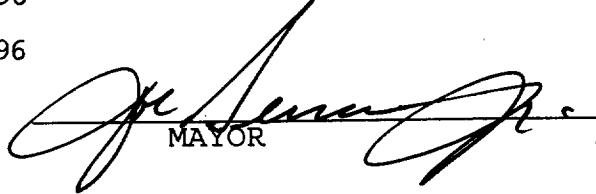
AMENDMENT
PERS-CON-702A (Rev. 9/96)

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permit such members to retire immediately with the benefit of Government Code Section 21024, the ordinance must take effect immediately.

DATE ENACTED: November 19, 1996

DATE EFFECTIVE: November 19, 1996


MAYOR

ATTEST:


CITY CLERK

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