

ORDINANCE NO. 23-08 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF RICHMOND AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

The Council of the City of Richmond do ordain as follows:

Section 1. An amendment to the contract between the City Council of the City of Richmond and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked "Exhibit," and such reference made a part hereof as though set out in full.

Section 2. The Mayor of the City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of the City of Richmond.

Section 3. This ordinance shall take effect one day after the date of its adoption and thenceforth and thereafter shall be in full force and effect.

First read at a regular meeting of the Council of the City of Richmond held on September 2, 2008, and finally passed and adopted at a regular meeting thereof held on September 16, 2008, by the following vote:

AYES:	Councilmember Bates, Butt, Marquez, Rogers, Sandhu, Thurmond, and Mayor McLaughlin
NOES:	None
ABSTENTIONS:	None
ABSENT:	Councilmembers Lopez and Viramontes

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

LOUISE RENNE
City Attorney

State of California	}
County of Contra Costa	: ss.
City of Richmond	}

I certify that the foregoing is a true copy of Ordinance No. 23-08 N.S., finally passed and adopted by the Council of the City of Richmond at a meeting held on September 16, 2008.



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Richmond

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective January 1, 1954, and witnessed January 1, 1954, and as amended effective October 16, 1964, January 1, 1966, July 1, 1966, August 1, 1966, May 1, 1968, October 1, 1968, April 1, 1972, October 1, 1972, July 1, 1973, May 1, 1975, March 1, 1976, July 1, 1978, September 1, 1978, July 1, 1979, December 1, 1979, September 1, 1980, February 23, 1982, November 1, 1988, July 1, 1992, August 11, 1992, November 3, 1993, January 14, 2000, October 1, 2002, January 1, 2003 and March 1, 2003 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 18 are hereby stricken from said contract as executed effective March 1, 2003, and hereby replaced by the following paragraphs numbered 1 through 18 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 55 for local miscellaneous members; age 50 for local police members; and age 55 for local fire members.

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2. Public Agency shall participate in the Public Employees' Retirement System from and after January 1, 1954 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);
 - 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. **SAFETY EMPLOYEES WHO DID NOT WAIVE THEIR RIGHTS UNDER THE POLICEMEN'S AND FIREMEN'S PENSION FUND CONTINUED UNDER ARTICLE XI OF THE CITY CHARTER OF THE CITY OF RICHMOND; AND**
 - b. **MISCELLANEOUS EMPLOYEES WHO DID NOT WAIVE THEIR RIGHTS UNDER THE GENERAL PENSION FUND CONTINUED UNDER ARTICLE XII OF THE CITY CHARTER OF THE CITY OF RICHMOND.**
5. Removal of the exclusion of "Persons Compensated on an Hourly or Daily Basis Hired on or After August 1, 1966", pursuant to Section 20503, is declarative of agency's previous interpretation and does not mandate any new classes of employees into membership.
6. Assets heretofore accumulated with respect to miscellaneous members under the local retirement system who waived their rights under that system on May 1, 1968, February 23, 1982 and November 1, 1988 have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system have been credited to the individual membership account of each such employee under the Public Employees' Retirement System.

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7. Assets heretofore accumulated with respect to safety members under the local retirement system who waived their rights under that system on January 1, 1966, May 1, 1968, October 1, 1972 and the effective date of this amendment to contract have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system have been credited to the individual membership account of each such employee under the Public Employees' Retirement System.
8. Public Agency and the Richmond Redevelopment Agency have agreed to a merger of their contracts, and this contract shall be a continuation of the benefits of the contract of the Richmond Redevelopment Agency, pursuant to Section 20567.5 of the Government Code. Such merger is effective as of July 1, 1979. Public Agency and the Richmond Housing Authority have agreed to a merger of their contracts, and this contract shall be a continuation of the benefits of the contract of the Richmond Housing Authority pursuant to Section 20567.6 of the Government Code. Such merger is effective as of September 1, 1980. Public Agency, by this contract, assumes the assets and liabilities accumulated under the former contracts of the Richmond Redevelopment Agency and the Richmond Housing Authority, respectively. Legislation repealed said Section effective January 1, 1988.
9. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment before and not on or after January 1, 2003 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after January 1, 2003 shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a local police member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
12. The percentage of final compensation to be provided for each year of credited prior and current service as a local fire member shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).

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13. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 21571 (Basic Level of 1959 Survivor Benefits).
 - b. Section 21536 (Local System Service Credit Included in Basic Death Benefit) for local miscellaneous members only.
 - c. Sections 21624 and 21626 (Post-Retirement Survivor Allowance).
 - d. Section 21024 (Military Service Credit as Public Service).
 - e. Section 20965 (Credit for Unused Sick Leave).
 - f. Section 20042 (One-Year Final Compensation).
 - g. Section 20903 (Two Years Additional Service Credit).
 - h. Section 20503 (To Remove the Exclusion of Persons Compensated on an Hourly or Daily Basis Hired on or After August 1, 1966, Prospectively from January 14, 2000).
14. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on May 1, 1975. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
15. 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.
16. 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.

17. 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.
18. 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 _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF RICHMOND

BY _____
LORI MCGARTLAND, CHIEF
EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk