

ORDINANCE NO. 07-15 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 THE CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM**

Now, therefore, the City Council of the City of Richmond do ordain as follows:

SECTION 1

That 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 by such reference made a part hereof as though herein set out in full.

SECTION 2

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 3

This Ordinance shall be effective 30 days after passage and adoption.

First read at a regular meeting of the Council of the City of Richmond held January 20, 2015, and finally passed and adopted at a regular meeting thereof held February 17, 2015, by the following vote:

AYES: Councilmembers Bates, Beckles, Martinez, McLaughlin,
Vice Mayor Myrick and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

TOM BUTT
Mayor

Approved as to form:

BRUCE GOODMILLER
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. 07-15 N.S.**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on February 17, 2015.



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, March 1, 2003, October 1, 2008 and May 16, 2014 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 19 are hereby stricken from said contract as executed effective May 16, 2014, and hereby replaced by the following paragraphs numbered 1 through 19 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.

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. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. 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).

5. 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.**
6. 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.
7. 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.
8. 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 October 1, 2008 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.

9. 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 20567.6 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.
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 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).
11. 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).
12. 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).
13. 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).
14. 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).
- i. Section 20516 (Employees Sharing Additional Cost):

From and after May 16, 2014 and until the effective date of this amendment to contract, 1% for classic local safety members in the Richmond Fire Management Association, Richmond Police Officers' Association and the International Association of Firefighters Local 188.

From and after the effective date of this amendment to contract, 2% for classic local safety members.

- 15. 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.
- 16. 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.
- 17. 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.

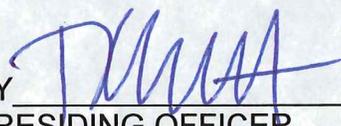
18. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
19. 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. *See*

B. This amendment shall be effective on the 1st day of April, 2015.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

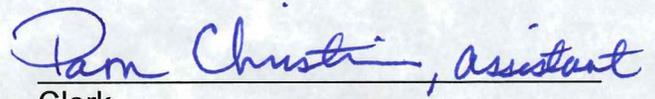
CITY COUNCIL
CITY OF RICHMOND

BY 
RENEE OSTRANDER,
ASSISTANT DIVISION CHIEF
CUSTOMER ACCOUNT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY 
PRESIDING OFFICER

February 23, 2015
Witness Date

Attest:


Clerk