

ORDINANCE NO. XXX N.S.

AN URGENCY ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF
EL PASO DE ROBLES AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

WHEREAS, California's Public Employee's Retirement Law permits public agencies and their employees to participate in the Public Employees Retirement System (PERS); and

WHEREAS, the City and its employees hold contracts with PERS. One each for Police Public Safety Employees, Emergency Services Safety Employees and for "Miscellaneous" employees (employees other than public safety); and

WHEREAS, a benefit option available to "Miscellaneous" employees is the 2.5% at 55 years of age retirement plan; and

WHEREAS, a benefit option available to "Safety" employees is the 3% at 50 years of age retirement plan; and

WHEREAS, on July 16, 2002, City Council approved the adoption of the 2.5% at 55 years of age retirement plan for "Miscellaneous" employees effective April 1, 2005; and

WHEREAS, on August 6, 2002, City Council approved the adoption of the 3% at 50 years of age retirement plan for "Safety" employees effective April 1, 2005; and

WHEREAS, the City is required to adopt a resolution of intention; and

WHEREAS, the City is required to do a first reading of the Ordinance.

The City Council of the City of El Paso de Robles does hereby ordain as follows:

SECTION 1. An amendment to the contract between the City Council of the City of El Paso de Robles and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment is attached hereto marked Exhibit and by such reference made a part hereof and thus herein 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 said Agency.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 4. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 5. This ordinance is an urgency ordinance and shall take effect immediately upon adoption. The City Council hereby declares that the need for the adoption of this ordinance as an urgency measure is to preserve the public health, safety and welfare and is based upon the following facts:

- a. This ordinance will authorize the execution of an amendment to the contract between the California Public Employee Retirement System and the City regarding the retirement benefits to be paid to the members of CalPERS. Pursuant to law, the ordinance to amend the contract cannot be adopted until at least twenty (20) days after the adoption of a resolution of intention to approve the amendment to the contract. The resolution of intention was adopted by the City Council at its meeting of February 1, 2005.
- b. Second reading of this ordinance has taken place on March 1, 2005 as set forth in Section 5(a) above. The contract effective date must be March 27, 2005 to correspond with the first day of the payroll period in which the April 1, 2005 effective date deadline falls.
- c. Based on the time the annual actuarial valuation reports were prepared and provided by CalPERS to the City to initiate this process, if this ordinance is not adopted as an urgency measure, the City would not be able to comply with negotiated employee contracts for the "Miscellaneous" and "Safety" work groups which require amendment to retirement benefits effective April 1, 2005.

SECTION 6. The City Clerk is hereby directed to cause publication of this ordinance within 15 days from its passage in the Paso Robles Press, a newspaper of general circulation, published and circulated in the City of EL Paso de Robles in accordance with Section 36933 of the Government Code, and thenceforth and thereafter the same shall be in full force and effect.

Introduced at a regular meeting of the City Council held on February 1, 2005, and approved and adopted this 1st day of March 2005 by the following minimum of four-fifths majority vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk