

ORDINANCE No. 736 N.S.

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

The CITY COUNCIL of the City of El Paso de Robles, California, does hereby ordain as follows:

Section 1

This Ordinance shall rescind Ordinance No. 565 N.S.

Section 2

That 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 being attached hereto, marked "Exhibit A", and by such reference made a part hereof as though herein set out in full.

Section 3

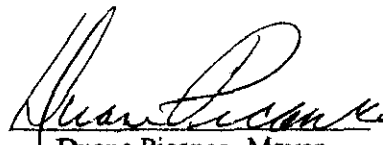
The Mayor of the City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

Section 4

This Ordinance shall take effect immediately upon its adoption, and prior to the expiration of 30 days from the passage thereof shall be published at least once in the Country News-Press, a newspaper of general circulation, published and circulated in the City of El Paso de Robles and thenceforth and thereafter the same shall be in full force and effect.

Introduced at a regular meeting of the City Council held on October 7, 1997 and passed and adopted by the City Council of the City of El Paso de Robles on the this 21st day of October, 1997, by the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson, and Picanco
NOES: None
ABSENT: None
ABSTAIN: None


Duano Picanco, Mayor

ATTEST:


Madelyn Paasch, City Clerk

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"EXHIBIT A"

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

The City Council of the City of Paso Robles, hereinafter referred to as City, and the Board of Administration, Public Employees' Retirement System, hereinafter referred to as Board, having entered into a contract effective March 1, 1974, and witnessed January 28, 1974, and as amended effective July 1, 1983, November 6, 1984, October 30, 1988 and February 2, 1991 which provides for participation of City in said System, Board and City hereby agree as follows:

- A. Paragraphs 1 through 15 are hereby stricken from said contract as executed effective February 2, 1991, and hereby replaced by the following paragraphs numbered 1 through 15 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 55 for local fire members and age 50 for local police members.
 2. City shall participate in the Public Employees' Retirement System from and after March 1, 1974 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 City 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. ELECTED OFFICIALS.
 5. Prior to January 1, 1975, those members who were hired by City on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.
 6. Assets heretofore accumulated with respect to members in the local retirement system 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 thereof) 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.
 7. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60), supplemental to Federal Social Security.
 8. 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 21369 of said Retirement Law (2% at age 55), supplemental to Federal Social Security.

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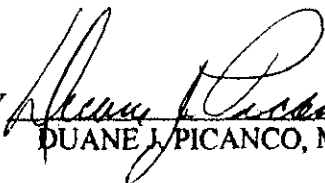
- 9. The percentage of final compensation to be provided for each year of credited prior and current service as a local police member shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50), supplemental to Federal Social Security.
- 10. City elected and elects to be subject to the following optional provisions:
 - a. Section 21536 (Local System Service Credit Included in Basic Death Benefit).
 - b. Section 20965 (Credit for Unused Sick Leave).
 - c. Section 21024 (Military Service Credit as Public Service), Statutes of 1976 for local miscellaneous members and local police members only.
- 11. City in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on July 1, 1983. Accumulated contributions of City 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.
- 12. City 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.
- 13. City 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 City, 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 City, and cost of the periodic investigation and valuations required by law.
- 14. Contributions required of City 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.
- 15. Contributions required of City and its employees shall be paid by City 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 the 1st day of January, 1998.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF PASO ROBLES

BY _____
KENNETH W. MARZION, CHIEF
Actuarial & Employer Services Division
Public Employees' Retirement System

BY 
DUANE J. PICANCO, MAYOR

ATTEST:


MADELYN PAASCH, CITY CLERK