ORDINANCE No. 1645

AN ORDINANCE OF THE SOLANO COUNTY BOARD OF SUPERVISORS AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE SOLANO COUNTY BOARD OF SUPERVISORS AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM TO PROVIDE 3% @ 50 FOR DEPUTY SHERIFFS

Whereas, Solano County and the Deputy Sheriff’s Association met and conferred in good faith; and

Whereas, CalPERS requires the County to adopt an ordinance authorizing an amendment to the contract between the Board of Supervisors and the Board of Administration of the California Public Employees’ Retirement System to provide for this benefit amendment; and

The Solano County Board of Supervisors ordains as follows:

Section 1.

That an amendment to the contract between the Board of Supervisors 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.

The Chairman of the Solano County Board of Supervisors is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency to execute the amendment for Solano County.

Section 3.

The Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 30 days from the passage thereof shall be published in the Fairfield Daily Republic, a newspaper of general circulation published and circulated in the County of Solano and thenceforth and thereafter the same shall be in full force and effect.

This ordinance was adopted at a regular meeting of the Solano County Board of Supervisors on May 25, 2004 by the following vote.

AYES: SUPERVISORS Forney, Kondylis, Kromm, Chairman Silva

NOES: SUPERVISORS None

EXCUSED: SUPERVISORS Vasquez

ATTEST:
Michael D. Johnson, Clerk
Of the Board of Supervisors

Maggie Jimenez, Deputy Clerk

Introduced: May 4, 2004
Adopted: May 25, 2004
Effective: June 25, 2004

A. Paragraphs 1 through 16 are hereby stricken from said contract as executed effective December 7, 2003, and hereby replaced by the following paragraphs numbered 1 through 17 inclusive:

Pursuant to Government Code sections 20460.1, 20469.1, subdivision (b), and 71624, this contract is hereby amended to add the Trial Court of County of Solano, hereinafter referred to as Trial Court, as a contracting party. Trial Court shall participate in the Public Employees' Retirement System from and after the implementation date of the Trial Court Employment Protection and Governance Act pursuant to the terms and conditions of this contract, making its employees 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 in this contract 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.
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, local fire members, and county peace officers other than defined in Section 20438 and 20439 and age 50 for county peace officers defined in Sections 20438 and 20439, and local sheriffs.

2. Public Agency shall participate in the Public Employees' Retirement System from and after July 1, 1945 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 Sheriffs (included as local safety members);

   c. County Peace Officers (included as local safety members);

   d. 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:

   NO ADDITIONAL EXCLUSIONS

5. Public Agency and the Vacaville Unified School District Library District have agreed to a merger of their contracts, and this contract shall be a continuation of the benefits of the contract of the Vacaville Unified School District Library District, pursuant to Section 20567.6 of the Government Code. Such merger is effective as of July 1, 1979. Public Agency, by this contract, assumes the assets and liabilities accumulated under the former contract of the Vacaville Unified School District Library District. Legislation repealed said Section effective January 1, 1988.
6. 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 November 24, 2002 shall be determined in accordance with Section 21354 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 55 Modified and Full).

7. 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 November 24, 2002 shall be determined in accordance with Section 21354.5 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2.7% at age 55 Modified and Full).

8. The percentage of final compensation to be provided for each year of credited prior and current service for local fire members and those county peace officers other than those county peace officers defined in Section 20438 and 20439, who did not elect to continue under the provisions of Section 21366 shall be determined in accordance with Section 21369 of said Retirement Law (2% at age 55 Full).

9. The percentage of final compensation to be provided for each year of credited prior and current service for local fire members and those county peace officers other than those county peace officers defined in Section 20438 and 20439, who elected to continue under the provisions of Section 21366 shall be determined in accordance with Section 21366 of said Retirement Law (One-half pay at age 55 Full).

10. The percentage of final compensation to be provided for each year of credited prior and current service for those county peace officers defined in Section 20438 and 20439, shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).

11. The percentage of final compensation to be provided for each year of credited prior and current service as a local sheriff member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).

12. Public Agency elected and elects to be subject to the following optional provisions:


b. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.

c. Section 21571 (Basic Level of 1959 Survivor Benefits) for local fire members only.
d. Section 21319 (One-Time 15% Increase for Local Miscellaneous Members Who Retired or Died Prior to July 1, 1971). Legislation repealed said Section effective January 1, 2002.

e. Section 21325 (One-Time 3% to 15% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to January 1, 1974). Legislation repealed said Section effective January 1, 2002.

f. Section 20042 (One-Year Final Compensation).

g. Section 20903 (Two Years Additional Service Credit).

h. Section 20437 ("County Peace Officer" shall include constables, deputy constables, marshals and deputy marshals as described in Government Code Section 20437).

i. Section 20439 ("County Peace Officer" shall include county jail, detention or correctional facility employees as described in Government Code Section 20439).

j. Section 20438 ("County Peace Officer" shall include probation officers, deputy and assistant probation officers, juvenile hall employees, and persons employed as peace officers pursuant to Section 830.5 of the Penal Code as described in Government Code Section 20438).

k. Section 21024 (Military Service Credit as Public Service), Statutes of 1976.

l. Section 21574 (Fourth Level of 1959 Survivor Benefits) for county peace officers and local sheriffs only.

m. Section 20965 (Credit for Unused Sick Leave) for local miscellaneous members, county peace officers and local sheriffs only.

13. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on October 2, 1977. 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.

14. 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.
15. Public Agency shall also contribute to said Retirement System as follows:

a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all county peace officers and local sheriffs.

b. 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.

c. 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.

16. 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.

17. 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

BOARD OF SUPERVISORS
COUNTY OF SOLANO

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

BY
PRESIDING OFFICER

May 25, 2004

Witness Date

Attest:
Maggie Jiminez, Deputy

Clerk
CERTIFICATION
OF
FINAL ACTION OF GOVERNING BODY

I hereby certify that the Board of Supervisors of the County of Solano (public agency)
(ordinance or resolution)
No. 1645 approving the attached contractual agreement between the Governing Body of said Agency and the Board of Administration of the California Public Employees' Retirement System, a certified copy of said ordinance (ordinance or resolution) in the form furnished by said Board of Administration being attached hereto.

Clerk/Secretary

Deputy Clerk of the Board of Supervisors
Title

Date May 25, 2004