

ORDINANCE NO. 1638

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF AMADOR REPEALING ORDINANCE NO. 1634 AND AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF SUPERVISORS, COUNTY OF AMADOR, AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

The Board of Supervisors of the County of Amador does ordain as follows:

Section 1. Ordinance No. 1634 of the Amador County Code is hereby repealed as having been adopted untimely as a matter of law.

Section 2. That an amendment to the contract between the Board of Supervisors of the County of Amador 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 3. The Chairman of the Board of Supervisors is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

Section 4. This Ordinance shall take effect 30 days after the date of its adoptions, and prior to the expiration of 20 days from the passage thereof shall be published at least fifteen (15) days in the Amador Ledger-Dispatch, a newspaper of general circulation, published and circulated in the County of Amador and thenceforth and thereafter the same shall be in full force and effect.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 17th day of January 2006, by the following vote:

AYES: Richard P. Vinson, Louis D. Boitano, Rich F. Escamilla, and Richard M. Forster

NOES: None

VACANT: District 5



Chairman, Board of Supervisors

ATTEST:

MARDELL ANDERSON, Clerk of the
Board of Supervisors, Amador County,
California



Deputy




EXHIBIT

California
Public Employees' Retirement System



AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
Board of Supervisors
County of Amador



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 October 1, 1947, and witnessed September 2, 1947, and as amended effective June 1, 1954, February 1, 1957, January 1, 1966, December 1, 1980, March 1, 1981, April 1, 1985, July 1, 1988, November 1, 1988, August 1, 1992, October 22, 1992, July 1, 1998 and September 1, 2001 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

Pursuant to Government Code sections 20460.1, 20469.1, subdivision (b), and 71624, this contract is hereby amended to add the Trial Court of Amador County, 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."

PLEASE DO NOT SIGN "EXHIBIT ONLY"

A. Paragraphs 1 through 14 are hereby stricken from said contract as executed effective September 1, 2001, 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 55 for local miscellaneous members, age 55 for local fire members , age 50 for county peace officers and local prosecutors.
2. Public Agency shall participate in the Public Employees' Retirement System from and after October 1, 1947 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. County Peace Officers (included as local safety members);
 - c. Local Prosecutors (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:
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. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after November 1, 1960, the effective date of Social Security coverage, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

6. The percentage of final compensation to be provided for each year of credited prior and current service for local fire members 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).
7. The percentage of final compensation to be provided for each year of credited prior and current service for local fire members 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).
8. The percentage of final compensation to be provided for each year of credited prior and current service as a local prosecutor member shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a county peace officer shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
10. Public Agency elected and elects to be subject to the following optional provisions:
 - a. 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).
 - b. Section 20965 (Credit for Unused Sick Leave).
 - c. Section 21427 (Improved Nonindustrial Disability Allowance) for local safety members only.
 - d. Section 21573 (Third Level of 1959 Survivor Benefits) for local fire members and county peace officers.
 - e. Section 20439 ("County Peace Officer" shall include county jail, detention or correctional facility employees as described in Government Code Section 20439).
 - f. Section 21024 (Military Service Credit as Public Service).
 - g. Section 20423.6 ("Local Safety Member" shall include local prosecutors, local public defenders, and local public defender investigators as described in Government Code Section 20423.6).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- h. Section 20938 (Limit Prior Service to Members Employed on Contract Date) for local prosecutors only.
 - i. Section 20042 (One-Year Final Compensation) for local miscellaneous members only.
 - j. Section 21548 (Pre-Retirement Optional Settlement 2 Death Benefit) for local miscellaneous members.
11. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on March 1, 1981. 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.
12. 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.
13. 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 21573 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 local fire members and county peace officers members.
 - 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.
14. 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.

15. 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 AMADOR

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

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Actuarial and Employer Services Branch
Public Agency Contract Services
P.O. Box 942709
Sacramento, CA 94229-2709
(888) CalPERS (225-7377)

CERTIFICATION OF GOVERNING BODY'S ACTION

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the

_____ Board of Supervisors _____ of the
(governing body)

_____ County of Amador _____
(public agency)

on December 6, 2005
(date)

Jennifer Burns
Clerk/Secretary

Mardell Anderson, Clerk of the Board
Title

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Actuarial and Employer Services Branch
Public Agency Contract Services
P.O. Box 942709
Sacramento, CA 94229-2709
(888) CalPERS (225-7377)

**CERTIFICATION OF COMPLIANCE WITH
GOVERNMENT CODE SECTION 7507**

I hereby certify that in accordance with Section 7507 of the Government Code the future annual costs as determined by the System Actuary for the increase in retirement benefit(s) have been made public at a public meeting of the

_____ of the
Board of Supervisors
(governing body)

_____ of
County of Amador
(public agency)

on December 6, 2005 which is at least two weeks prior to the adoption of the
(date)

Resolution / Ordinance.

Jennifer Burns
Clerk/Secretary

Mardell Anderson, Clerk of the Board
Title

Date December 7, 2005

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Actuarial and Employer Services Branch

Public Agency Contract Services

P.O. Box 942709

Sacramento, CA 94229-2709

(888) CalPERS (225-7377)

CERTIFICATION OF EMPLOYEE ELECTION

I hereby certify that the following employees of the County of Amador have expressed their approval or disapproval of said agency's participation in the California Public Employees' Retirement System on the basis described in the Resolution of Intention adopted by said agency's governing body on DECEMBER 6, 2005, in such manner as to permit each employee to separately and secretly express his choice and that the outcome of such election was as follows:

	Number of employees eligible to vote	Number of votes approving said participation	Number of votes disapproving said participation
Local Prosecutors as defined in Govt. Code Section 20423.6	<u>9</u>	<u>9</u>	<u>0</u>

Steph Myleson
Clerk or Secretary of ACDDAA

DECEMBER 9, 2005
Date