

# Agenda Report

October 27, 2003

TO: City Council  
FROM: City Manager  
RE: Approval of a Resolution of Intent and First Reading of an Ordinance to Amend the CalPERS Contract to Implement 3%@55 for Local Safety Employees; and Pre-Retirement Optional Settlement 2 Death Benefit and Fourth Level of 1959 Survivor Benefits for Local Fire Employees

## RECOMMENDATION:

It is recommended that the City Council:

1. Adopt "A Resolution of Intent to Approve an Amendment to the Contract Between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Pasadena; and Repeal Resolution No. 8256," to implement the 3%@55 Retirement Provision for Local Safety employees; and Pre-Retirement Optional Settlement 2 Death Benefit and Fourth Level of 1959 Survivor Benefits for Local Fire Employees.
2. Introduce and conduct the first reading of "An Ordinance of the City Council of the City of Pasadena Amending the Contract Between the City of Pasadena and the Board of Administration of the California Public Employees Retirement System to Provide Retirement Benefit Enhancements to Local Safety Employees; and Repeal Ordinance No. 6944," to implement the 3%@55 Retirement Provision for Local Safety employees; and Pre-Retirement Optional Settlement 2 Death Benefit and Fourth Level of 1959 Survivor Benefits for Local Fire Employees.

## BACKGROUND:

The City Council previously adopted an Ordinance amending the City's PERS contract to provide 3%@55 Retirement, Pre-Retirement Optional Settlement 2 Death Benefit, and Fourth Level of 1959 Survivor Benefits for local fire employees on July 14, 2003. However, due to an administrative error, the authorization from PERS to proceed at that time was given prematurely, which then rendered that action invalid according to PERS regulations. The City has now obtained confirmed authorization to proceed with this action, which may be combined with the action to implement 3%@55 for police employees. Accordingly, the City Council's action in this matter will repeal the previous Resolution adopted on June 16, 2003 and the Ordinance adopted on July 14, 2003.

The 3%@55 Retirement was approved by the City Council earlier this year as part of negotiations with the PPOA and PPSA, and, separately, with the PFFA and PFMA. The Pre-

Retirement Optional Settlement 2 Death Benefit and Fourth Level of 1959 Survivor Benefits were approved by the City Council as part of recent MOU negotiations with the PFFA and PFMA.

The 3%@55 Retirement provides an enhanced retirement benefit to retirees, based on age and years of service. The Pre-Retirement Optional Settlement 2 Death Benefit allows a surviving spouse to receive the same monthly benefit that the deceased member would have received. The Fourth Level of 1959 Survivor Benefits provide for a higher level of benefits to survivors of a deceased member. The 1959 Survivor Benefits are funded from a sub-account with PERS, to which both the employer and employees contribute.

In order to amend the PERS contract for these benefits, PERS regulations require that the City Council adopt a Resolution of Intention giving public notice of the intention to approve a specified amendment to the PERS contract. The PERS contract must be amended by Ordinance, the first reading of which may be done concurrently with the Resolution of Intent, with a second reading no earlier than 20 days after adoption of the Resolution of Intention. The contract amendment to provide for these benefits would be effective 30 days after the second reading of the ordinance, or around December 17, 2003.

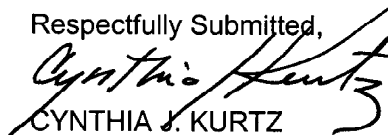
FISCAL IMPACT:

This action was previously approved by the City Council as part of negotiations with the various impacted Unions; therefore the fiscal impact of these changes was included in the overall cost of those agreements and is included in the adopted FY 2004 Operating Budget. Additional appropriations are not required at this time.

The PERS actuarial valuation reports an increase in the present value of benefits of \$14,559,282, and an increase in the accrued liability of \$12,576,517; resulting in an increase of 7.055% to the City's total employer rate for safety employees as a result of implementing 3%@55 for both sworn police and fire employees, and the Pre-Retirement Optional Settlement 2 Benefits for sworn fire employees. The annual cost of these benefits is estimated to be \$2,053,000 for the first year.

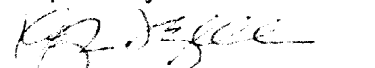
The PERS actuarial valuation reports a first year cost of \$8,280, and \$6,466 for each of the following five years, for the Fourth Level of 1959 Survivor Benefits. This benefit will be fully funded after six years.

Respectfully Submitted,




CYNTHIA J. KURTZ  
City Manager

Prepared by:



KARYN S. EZELL  
Director of Human Resources

Concurrence:



JAY M. GOLDSTONE  
Director of Finance

Introduced by Councilmember:

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PASADENA AMENDING THE CONTRACT BETWEEN THE CITY OF PASADENA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM TO PROVIDE RETIREMENT BENEFIT ENHANCEMENTS TO LOCAL SAFETY EMPLOYEES; AND REPEALING ORDINANCE NO. 6944

The People of the City of Pasadena ordain as follows:

SECTION 1. That an amendment to the contract between the City of Pasadena and the Board of Administration of the California Public Employees Retirement System (CalPERS) is hereby authorized, implementing Section 21363.1 (3%@55) for Local Safety Employees; and Section 21548 (Pre-Retirement Optional Settlement 2 Death Benefit) and Section 21574 (Fourth Level of 1959 Survivor Benefits) for Local Fire Employees; 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 Mayor of the City of Pasadena is hereby authorized, empowered, and directed to execute said amendment for an on behalf of the City of Pasadena.

SECTION 3. The City Clerk shall certify the adoption of this Ordinance and shall cause this Ordinance to be published in full text, with the exception of the Exhibit, which shall be on file in the City of Pasadena City Clerk's Office.

SECTION 4. This Ordinance shall take effect upon publication.

SECTION 5. Ordinance No. 6944 is hereby repealed in its entirety.

Signed and approved this \_\_\_ day of \_\_\_\_\_, 2003.

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Bill Bogaard, Mayor

I HEREBY CERTIFY that the foregoing Ordinance was adopted by the City Council at its regular meeting held \_\_\_\_\_, 2003, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Published:

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Jane L. Rodriguez, City Clerk

Approved as to Form:

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Hugh A. Halford, Assistant City Attorney



**EXHIBIT**

California  
Public Employees' Retirement System

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**AMENDMENT TO CONTRACT**

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Pasadena

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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 July 1, 1945, and witnessed July 27, 1945, and as amended effective July 1, 1951, November 1, 1955, August 1, 1957, November 1, 1957, August 1, 1959, February 1, 1964, October 1, 1969, May 28, 1973, May 1, 1974, September 29, 1975, July 1, 1976, August 29, 1977, March 27, 1978, January 27, 1981, November 30, 1981, May 16, 1983, April 30, 1984, July 2, 1984, October 28, 1985, June 30, 1987, July 3, 1989, October 8, 1990, November 14, 1991, July 18, 1992, November 15, 1993, March 7, 1994, February 15, 1995, November 25, 1996, September 3, 1997 December 4, 2000 and November 3, 2003 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 15 are hereby stricken from said contract as executed effective November 3, 2003, 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 and age 55 for local safety members.

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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 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. **ALL FIRE FIGHTERS AND POLICE OFFICERS EMPLOYED ON OR PRIOR TO AUGUST 29, 1977, WHO DID NOT WAIVER THEIR RIGHTS UNDER THE LOCAL SYSTEM;**
  - b. **THOSE INACTIVE FIRE FIGHTERS AND POLICE OFFICERS WHO WERE ELIGIBLE TO AND DID NOT WAIVE THEIR RIGHTS UNDER THE LOCAL SYSTEM ON NOVEMBER 30, 1981; AND**
  - c. **CITY SERVICE WORKERS HIRED ON OR AFTER JUNE 30, 1987.**
5. Those safety members in the local retirement system on August 29, 1977 who did not waive their rights under said local system and, upon leaving employment with the City of Pasadena, left their contributions on deposit with said local system and are members of the Public Employees' Retirement System on November 30, 1981, were provided the right to execute and file a waiver on or before November 30, 1981.

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6. Assets heretofore accumulated with respect to members under the local retirement system who waived their rights under that system 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.
7. This contract shall be a continuation of the contract of the Pasadena Community Development Commission, hereinafter referred to as "Former Agency". The accumulated contributions, assets and liability for prior and current service under the Former Agency's contract shall be merged pursuant to Section 20508 of the Government Code. Such merger occurred January 11, 1982.
8. 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 21354 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 as a local safety member shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
10. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 21571 (Basic Level of 1959 Survivor Benefits) for local police members only.
  - b. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980 for local miscellaneous members only.
  - c. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980 for local miscellaneous members only.
  - d. Section 20042 (One-Year Final Compensation) for local safety members and for those local miscellaneous members entering membership prior to July 2, 1984.

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- e. Section 21024 (Military Service Credit as Public Service), Statutes of 1974 for those local miscellaneous members entering membership prior to July 2, 1984.
- f. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) for local safety members and for those local miscellaneous members entering membership prior to July 2, 1984.
- g. Section 21024 (Military Service Credit as Public Service), Statutes of 1976 for those local police members entering membership prior to May 16, 1983, and for those local fire members entering membership prior to April 30, 1984.
- h. Section 20938 (Public Service Credit for Service Under Local Retirement System). Legislation repealed said Section effective September 27, 1979.
- i. Section 20903 (Two Years Additional Service Credit) for local miscellaneous members only.
- j. Section 20475 (Different Level of Benefits), Section 20042 (One-Year Final Compensation), Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance), and Section 21024 (Military Service Credit), Statutes of 1974, are not applicable to local miscellaneous members entering membership on or after July 2, 1984; Section 21024 (Military Service Credit), Statutes 1976, is not applicable to those local police members entering membership on or after May 16, 1983, and to those local fire members entering membership on or after April 30, 1984.
- k. Section 20422 ("Local Safety Member" shall include employees designated as Emergency Medical Technician I, II, or Emergency Medical Technician - Paramedic as described in Government Code Section 20422).
- l. Section 21573 (Third Level of 1959 Survivor Benefits) for local miscellaneous members only.
- m. Section 20965 (Credit for Unused Sick Leave) for local safety members only.
- n. Section 21548 (Pre-Retirement Optional Settlement 2 Death Benefit) for local fire members only.
- o. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local fire members only.



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11. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on September 29, 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.
  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 miscellaneous members.
    - b. 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 local fire members.
    - c. 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.
    - d. 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.
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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

CITY COUNCIL  
CITY OF PASADENA

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

BY \_\_\_\_\_  
PRESIDING OFFICER

Witness \_\_\_\_\_ Date \_\_\_\_\_

Attest \_\_\_\_\_

Clerk \_\_\_\_\_