



Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: May 17, 2004

FROM: CITY ATTORNEY

TITLE OF PROPOSED ORDINANCE:

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 FOR A SUBSEQUENT LOCAL SYSTEM WAIVER PERIOD FOR LOCAL SAFETY MEMBERS

PURPOSE OF ORDINANCE:

The City closed its Fire and Police Retirement System ("FPRS") to new participants in 1977. All police and fire public safety employees hired after that date are covered under the CalPERS Retirement System ("PERS"). There are currently 22 active public safety employees remaining in the FPRS who would be eligible to transfer to the PERS retirement system. This ordinance would provide for an amendment to the City's contract with PERS to allow any current employee who is a member of FPRS to transfer from FPRS to PERS no later than June 30, 2004.

REASONS WHY LEGISLATION IS NEEDED:

An ordinance is required in order to change the City's contract with PERS.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

Current police and fire public safety employees hired by the City before the City closed the Fire & Police Retirement System in 1977 will be affected by this Ordinance.

MEETING OF 05/17/2004

AGENDA ITEM NO. 9.A.(1)

FISCAL IMPLICATIONS:

The approval of the PERS contract amendment will result in a projected increase of \$1.1 million to the City's PERS contribution, while decreasing the FPRS supplemental contribution by approximately \$4.3 million. The net savings will vary from year-to-year; however, the projected net present value savings over the projected remaining life of the FPRS plan is \$7.6 million.

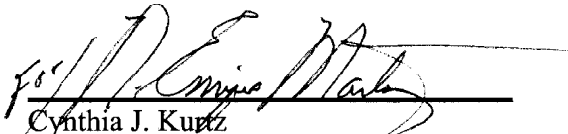
POLICY CHANGES:

This will allow for active Fire and Police public safety employees to transfer to the PERS retirement system.

Respectfully submitted,


MICHELE BEAL BAGNERIS
City Attorney

Concurrence:


Cynthia J. Kurtz
City Manager

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 FOR A SUBSEQUENT LOCAL SYSTEM
WAIVER PERIOD FOR LOCAL SAFETY MEMBERS

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, providing for a subsequent local system waiver period for local safety members, allowing active members of the Pasadena Fire and Police Retirement System to transfer into the California Public Employees Retirement System; 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.

Signed and approved this ____ day of _____, 2004.

Bill Bogaard, Mayor

I HEREBY CERTIFY that the foregoing Ordinance was adopted by the City Council at its regular meeting held _____, 2004, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Published:

Jane L. Rodriguez, City Clerk

Approved as to Form:



Hugh A. Halford, Assistant City Attorney



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

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

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, November 3, 2003 and December 29, 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 December 29, 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.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

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 ON AUGUST 29, 1977 AND AS OF THE EFFECTIVE DATE OF THIS AMENDMENT OT CONTRACT;**
 - 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.

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 on August 29, 1977, November 30, 1981 and as of the effective date of this amendment to contract 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. MARZIGN, CHIEF
ACTUARIAL & EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk