

703



**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
January 6, 2009

SUBJECT: Amendment to Retirement Contract with California Public Employees' Retirement System (CalPERS) to Provide for Two Years Additional Service Credit for Miscellaneous Members and Medical Coverage for such Retirees.

RECOMMENDED MOTION:

1. Adopt Resolution No. F2009-05, as set forth in Attachment A, authorizing an amendment to the CalPERS contract, and execute the amendment on behalf of the District;
2. Authorize the Chairman to execute the Certification of Final Action of Governing Body (Attachment B).

BACKGROUND:

On December 9, 2008, the Board approved Resolution No. F2008-35, giving notice of the District's intention to amend the CalPERS contract to provide for two years additional service credit for Miscellaneous Members. The adoption of Resolution No. F2009-05, execution of the amendment, and the execution of the Certification of Final Action of Governing Body are the final legislative actions required.

WARREN D. WILLIAMS
General Manager-Chief Engineer

JRH:mc

FINANCIAL DATA

Current F.Y. District Cost:	\$1,334,482	In Current Year Budget:	NO
Current F.Y. County Cost:	N/A	Budget Adjustment:	NO
Annual Net District Cost:	N/A	For Fiscal Year:	2008/09

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:
Alex Gann

County Executive Office Signature

- Dep't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 12/09/08, 11.1

District: All

Agenda Number:

11.4

FORM 11 FD COUNTY COUNSEL
BY:
ROBERT M. JR

FISCAL PROCEDURES APPROVED
IVAN M. CHAND, FINANCE DIRECTOR
BY:
JEANINE R. HAWKINS

Departmental Concurrence

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

**RESOLUTION
AUTHORIZING AN AMENDMENT TO THE CONTRACT**

No. F2009-05

WHEREAS, the Board of Administration of the California Public Employees' Retirement System and the Board of Supervisors of the Riverside County Flood Control and Water Conservation District entered into a contract effective on March 1, 1947 providing for the participation of said public agency in the California Public Employees' Retirement System; and

WHEREAS, it is now desirable to take advantage of certain benefits provided under said Retirement System and not included in said contract;

NOW, THEREFORE, BE IT RESOLVED, that said governing body authorized, and it does hereby authorize, an amendment to said contract, a copy of said amendment attached hereto and by such reference made a part hereof as though herein set out in full; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the presiding officer of said governing body is hereby authorized, empowered and directed to execute said amendment for and on behalf of said public agency.

Adopted this _____ day of _____, _____.

Presiding Officer

Attest:

FORM APPROVED COUNTY COUNSEL
BY: *Robert M. Pepper, Jr.* 12/19/00
ROBERT M. PEPPER, JR. / DATE

Clerk/Secretary



California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
Board of Supervisors
Riverside County Flood Control
and Water Conservation District

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 March 1, 1947, and witnessed March 14, 1947, and as amended effective February 1, 1952, January 1, 1960, April 1, 1963, October 3, 1968, March 28, 1974, April 7, 1977, October 1, 1977, February 1, 1980, September 17, 1981, December 25, 1992, June 30, 1995, January 26, 1999, September 27, 2000 and July 11, 2002 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 11 are hereby stricken from said contract as executed effective July 11, 2002, and hereby replaced by the following paragraphs numbered 1 through 12 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.

2. Public Agency shall participate in the Public Employees' Retirement System from and after March 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. 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. **SAFETY EMPLOYEES.**
5. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment before and not on or after July 11, 2002 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, 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).
6. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment on or after July 11, 2002 shall be determined in accordance with Section 21354.3 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, for members whose service has been included in Federal Social Security (3% at age 60 Full and Modified).
7. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 21571 (Basic Level of 1959 Survivor Benefits).
 - b. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
 - c. Sections 21624 and 21626 (Post-Retirement Survivor Allowance).

- d. Section 21325 (One-Time 3% to 15% Increase For Local Miscellaneous Members Who Retired or Died Prior to January 1, 1974). Legislation repealed said Section effective January 1, 2002.
 - e. Section 21326 (One-Time 1% to 7% Increase For Local Miscellaneous Members Who Retired or Died Prior to July 1, 1974). Legislation repealed said Section effective January 1, 2002.
 - f. Section 20042 (One-Year Final Compensation).
 - g. Section 21024 (Military Service Credit as Public Service).
 - h. Section 21635 (Post-Retirement Survivor Allowance to Continue After Remarriage).
 - i. Section 20903 (Two Years Additional Service Credit).
8. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on April 7, 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.
9. 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 of said Retirement System.
10. Public Agency 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 Public Agency, 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 Public Agency, and costs of the periodic investigation and valuations required by law.
11. 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.

12. 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
RIVERSIDE COUNTY FLOOD
CONTROL AND WATER
CONSERVATION DISTRICT

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

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

FORM APPROVED COUNTY COUNSEL

BY: Robert M. Pepper, Jr. 02/19/08
ROBERT M. PEPPER, JR. DATE

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

ATTACHMENT B

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

**CERTIFICATION
OF
FINAL ACTION OF GOVERNING BODY**

I hereby certify that the _____ of the
(governing body)

_____ of the
(public agency)

adopted on _____, _____, by an affirmative vote of a majority
(date)

of the members of said Governing Body, _____
(Ordinance or Resolution)

No. _____ 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 or Resolution)

in the form furnished by said Board of Administration being attached hereto.

Clerk/Secretary

Title

Date _____

FORM APPROVED COUNTY COUNSEL
BY: Robert M. Pepper, Jr. 12/19/00
ROBERT M. PEPPER, JR. DATE