

850



**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**


FROM: Human Resources Department

SUBMITTAL DATE:
May 21, 2009

SUBJECT: Adoption of Ordinance No. 890 amending the CalPERS Contract to Provide Two (2) Years of Additional Service Credit for Riverside County Public Safety Employees and Certification of Compliance with Government Code Section 20903 amending the Early Retirement window period.

RECOMMENDED MOTION: 1) Introduce and on the following week adopt Ordinance No. 890 (Attachment 1) authorizing the amendment to the CalPERS contract to provide two (2) years of additional service credit for eligible Riverside County Public Safety Employees; 2) certify compliance with Government Code Section 20903 (Attachment 2) to establish an amended window period in accordance with CalPERS requirements.

BACKGROUND: On May 5, 2009 the Board approved Resolution 2009-150, a Resolution of Intention (Attachment 3) to approve an amendment to the CalPERS retirement contract to make available the additional service credit for the prescribed ninety day period.



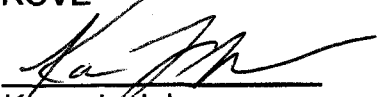
Ronald W. Komers
Asst. County Executive Officer / Human Resources Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	No
	Annual Net County Cost:	\$0	For Fiscal Year:	2009/10

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

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Karen L. Johnson

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: 
PAMELA J. WALLS
DATE: 5/21/09

Departmental Concurrence

- Policy
- Consent
- Policy
- Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 4/28/09 3.37 5/5/09 3.34	District:	Agenda Number:	3.57
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BACKGROUND continued:

Furthermore, the Board of Supervisors authorized the County of Riverside to offer two years of additional service credit to all eligible employees in certain job classifications covered under the CalPERS Safety contract now listed as Attachment 3a (the Sheriff's Department is excluded from the list of eligible classifications).

On May 5, 2009 the Board also certified compliance with Government Code Sections 20903 (Attachment 4) electing to provide the early retirement benefit to those retiring between July 6, 2009 through October 5, 2009; and Government Code Section 7507 (Attachment 5) which certifies the cost of this benefit was made public.

Human Resources returns to the Board today in conformance with the CalPERS implementation process asking the Board to adopt Ordinance 890 (Attachment 1). Human Resources also asks that the Board certify compliance with Government Code Section 20903 (Attachment 2) to establish an amended window period in accordance with CalPERS requirements. The amended window period will be July 11, 2009 through October 8, 2009.

The final amendment to the CalPERS contract for the inclusion of Government Code Section 20903 for Safety employees will be brought to the Board for approval prior to July 3, 2009.

ORDINANCE NO. 890

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN ITS BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. That an amendment to the contract between the Board of Supervisors of the County of Riverside 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 Board of Supervisors is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said County.

Section 3. This Ordinance shall take effect thirty (30) days after the date of its adoption, and prior to the expiration of fifteen (15) days from the passage thereof shall be published at least once in the Press-Enterprise, a newspaper of general circulation, published and circulated in the County of Riverside, and thenceforth and thereafter the same shall be in full force and effect.

APPROVED and ADOPTED on June 9, 2009.

BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

By: _____
Chairman, Board of Supervisors
Jeff Stone

Attest:

KECIA HARPER-IHEM
Clerk of the Board

By: _____
Deputy

FORM APPROVED COUNTY COUNSEL
BY: Pamela J. Walls 5/21/09
PAMELA J. WALLS DATE



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

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

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 April 1, 1945, and witnessed December 26, 1944, and as amended effective February 1, 1948 September 1, 1949, January 1, 1952, February 1, 1954, January 1, 1960, February 1, 1960, July 1, 1961, January 2, 1963, December 1, 1964, October 3, 1968, February 5, 1970, March 28, 1974, June 6, 1974, October 10, 1974, March 10, 1977, April 7, 1977, July 14, 1977, October 1, 1977, February 1, 1980, July 23, 1981, September 17, 1981, November 26, 1982, February 17, 1983, September 1, 1984, November 21, 1985, March 13, 1986, June 6, 1986, January 15, 1987, August 25, 1988, December 25, 1992, June 30, 1995, December 1, 1995, December 19, 1996, December 24, 1998, April 6, 2000, September 1, 2000, June 28, 2001, January 11, 2002, July 11, 2002, June 17, 2005, July 6, 2007 and May 20, 2008 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 Riverside 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 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."

A. Paragraphs 1 through 13 are hereby stricken from said contract as executed effective May 20, 2008, and hereby replaced by the following paragraphs numbered 1 through 14 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 and age 50 for local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after April 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. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

PLEASE DO NOT SIGN BEYOND THIS LINE

- (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.
 - (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.
 - (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.
 - (g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.
4. 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. Employees other than local safety members (herein referred to as local miscellaneous members).
5. 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. **CROSSING GUARDS HIRED ON OR AFTER JULY 23, 1981;**
 - b. **SERVICE AIDE I, II, AND III HIRED ON OR AFTER JULY 23, 1981;**
 - c. **REGISTERED NURSE I AND III - PAID ON A PER DIEM BASIS;**
 - d. **LICENSED VOCATIONAL NURSE II - PAID ON A PER DIEM BASIS, HIRED ON OR AFTER JULY 23, 1981;**
 - e. **PSYCHIATRIST I AND II - PAID ON A PER DIEM BASIS, HIRED ON OR AFTER NOVEMBER 26, 1982;**
 - f. **PHYSICIAN - PAID ON A PER DIEM BASIS, HIRED ON OR AFTER NOVEMBER 26, 1982;**
 - g. **DENTIST - PAID ON A PER DIEM BASIS, HIRED ON OR AFTER NOVEMBER 26, 1982;**

PLEASE DO NOT CANCEL

- h. PROGRAM ASSISTANTS HIRED ON OR AFTER SEPTEMBER 1, 1984;
 - i. RESIDENT PHYSICIANS AND SURGEONS HIRED ON OR AFTER NOVEMBER 21, 1985;
 - j. REGISTERED NURSE II - PAID ON A PER DIEM BASIS, HIRED ON OR AFTER MARCH 13, 1986;
 - k. ALL MEDICAL OR DENTAL PERSONNEL, PAID ON A PER DIEM BASIS HIRED ON OR AFTER JUNE 6, 1986.
 - l. PHYSICIAN ASSISTANT FELLOWSHIP HIRED ON OR AFTER JULY 6, 2007; AND
 - m. SERVICE AIDE I, SERVICE AIDE II, PROGRAM ASSISTANT AND SUPERVISING PROGRAM ASSISTANT IN THE OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM HIRED ON OR AFTER MAY 20, 2008.
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 July 11, 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 July 11, 2002 shall be determined in accordance with Section 21354.3 of said Retirement Law subject to the reduction provided therein for Federal Social Security (3% at age 60 Modified and Full).
8. 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 21362.2 of said Retirement Law (3% at age 50 Full).
9. Public Agency elected and elects to be subject to the following optional provisions:
- a. Section 20436 ("County Peace Officer" shall include employees of a sheriff's office who were employed to perform identification or communication duties on August 4, 1972 and who elected to be local safety members).
 - b. Section 20437 ("County Peace Officer" shall include constables, deputy constables, marshals and deputy marshals as described in Government Code Section 20437).

FREEDOM OF INFORMATION ACT

- c. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
- d. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
- e. Sections 21624 and 21626 (Post-Retirement Survivor Allowance).
- f. Section 20042 (One-Year Final Compensation) for local miscellaneous members and county peace officers only.
- g. Section 21325 (One-Time 3% to 15% Increase for or on behalf of those county peace officers and local miscellaneous members Who Retired or Died Prior to January 1, 1974). Legislation repealed said Section effective January 1, 2002.
- h. Section 21326 (One-Time 1% to 7% Increase for or on behalf of those county peace officers and local miscellaneous members Who Retired or Died Prior to July 1, 1974). Legislation repealed said Section effective January 1, 2002.
- 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 20440 ("County Peace Officer" shall include bailiffs as described in Government Code Section 20440).
- l. Section 21548 (Pre-Retirement Option 2W Death Benefit) for local safety members only.
- m. Section 21024 (Military Service Credit as Public Service).
- n. Section 20692 (Employer Paid Member Contributions Converted to Payrate During the Final Compensation Period) for local miscellaneous members and local safety members in the following group:

Law Enforcement Management Unit, Miscellaneous Law Enforcement Management Unit, Safety.

14. 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 RIVERSIDE

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

**CERTIFICATION OF COMPLIANCE WITH
GOVERNMENT CODE SECTION 20903**

In accordance with Government Code Section 20903 and the contract between the Public Employees' Retirement System, the Board of Supervisors of the County of Riverside hereby certifies that:

1. Because of an impending curtailment of, or change in the manner of performing service, the best interests of the agency will be served by granting such additional service credit.
2. The added cost to the retirement fund for all eligible employees who retire during the designated window period will be included in the contracting agency's employer contribution rate for the fiscal year that begins two years after the end of the designated period.
3. It has elected to become subject to Section 20903 because of impending mandatory transfers, demotions, and layoffs that constitute at least 1 percent of the job classification, department or organizational unit, as designated by the governing body, resulting from the curtailment of, or change in the manner of performing, its services.
4. Its intention at the time Section 20903 becomes operative is to keep all vacancies created by retirements under this section or at least one vacancy in any position in any department or other organizational unit permanently unfilled thereby resulting in an overall reduction in the work force of such department or organizational unit.

THEREFORE, the Board of Supervisors of the County of Riverside hereby elects to provide the benefits of Government Code Section 20903 to all eligible members who retire within the designated period, July 11, 2009 through October 8, 2009.

BOARD OF SUPERVISORS
OF THE
COUNTY OF RIVERSIDE

BY _____
Presiding Officer

Attest:

Clerk/Secretary

Date

RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
BOARD SUPERVISORS
COUNTY OF RIVERSIDE

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20903 (Two Years Additional Services Credit) for local safety members, as indicated in Attachment 3a.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

ROLL CALL:

Ayes: Buster, Tavaglione,
Wilson and Ashley
Nays: None
Absent: None
Abstain: Stone

May 5, 2009
Date adopted and approved

By: Jeff Stone
Presiding Officer - Jeff Stone
Chairman, Board of Supervisors
Title

ATTEST:
KECIA HARPER-IHEM, Clerk of the Board

by: James Schumme
Deputy Clerk

(Amendment)
CON-302 (Rev. 4/95)

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.
KECIA HARPER-IHEM Clerk of said Board
By: Schumme Deputy

Job Code	Job Title
37660	DA INVESTIGATOR
37661	DA INVESTIGATOR A
37662	DA INVESTIGATOR B
37664	SR. DA INVESTIGATOR
37665	SR D.A. INVESTIGATOR A
37666	SR D.A. INVESTIGATOR B
37669	SUPV D.A. INVESTIGATOR - B
37686	SR. DA INVESTIGATOR II
37687	SR D.A. INVESTIGATOR A-II
37688	SR D.A. INVESTIGATOR B-II
37690	SR D.A. INVESTIGATOR B-III
52411	PROBATION CORR OFFICER I
52412	PROBATION CORR OFFICER II
52413	SR PROBATION CORR OFFICER
52813	SUPV GROUP SUPV/INSTRUCTOR
52874	SR GRP SUPV/INST-CULINARY ARTS
52875	SR GRP SUPV/INST-INDUSTRL ARTS
79531	DEP PROBATION OFFICER I
79532	DEP PROBATION OFFICER II
79533	SR PROBATION OFFICER
79534	SUPV PROBATION OFFICER
79535	ASST PROBATION DIVISION DIR
79536	PROBATION DIVISION DIRECTOR
79538	CHF DEP PROBATION OFFICER

**CERTIFICATION OF COMPLIANCE WITH
GOVERNMENT CODE SECTION 20903**

In accordance with Government Code Section 20903 and the contract between the Public Employees' Retirement System, the Board Supervisors of the County of Riverside hereby certifies that:


1. Because of an impending curtailment of, or change in the manner of performing service, the best interests of the agency will be served by granting such additional service credit.
2. The added cost to the retirement fund for all eligible employees who retire during the designated window period will be included in the contracting agency's employer contribution rate for the fiscal year that begins two years after the end of the designated period.
3. It has elected to become subject to Section 20903 because of impending mandatory transfers, demotions, and layoffs that constitute at least 1 percent of the job classification, department or organizational unit, as designated by the governing body, resulting from the curtailment of, or change in the manner of performing, its services.
4. Its intention at the time Section 20903 becomes operative is to keep all vacancies created by retirements under this section or at least one vacancy in any position in any department or other organizational unit permanently unfilled thereby resulting in an overall reduction in the work force of such department or organizational unit.

THEREFORE, the Board Supervisors of the County of Riverside hereby elects to provide the benefits of Government Code Section 20903 to all eligible members who retire within the designated period, July 6, 2009 through October 5, 2009.

BOARD SUPERVISORS
OF THE
COUNTY OF RIVERSIDE

By: 
Presiding Officer - Jeff Stone

Attest: KECTA HARPER-IHEM, Clerk

by: 
Clerk/Secretary

May 5, 2009
Date

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)

Attachment 5

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

Board of Supervisors of the
(governing body)

County of Riverside
(public agency)

on May 5, 2009 which is at least two weeks prior to the adoption of the
(date)

Resolution / Ordinance.

 , Deputy
Clerk/Secretary to Kecia Harper-Ihem

Clerk of the Board
Title

Date May 5, 2009