

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



**3.22**

On motion of Supervisor Ashley, seconded by Supervisor Buster and duly carried, IT WAS ORDERED the reading being waived, that an ordinance bearing the following title, is adopted:

**ORDINANCE NO. 910**

**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**

Roll Call:

Ayes: Buster, Tavaglione, Benoit and Ashley  
Nays: None  
Absent: Stone

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on July 17, 2012 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors  
Dated: July 17, 2012  
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in  
and for the County of Riverside, State of California.

(seal)

By:  Deputy

AGENDA NO.  
3.22

xc: H.R., MC, COB

ORDINANCE NO. 910

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 does ordain 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 as Exhibit, and by such reference made a part hereof as though herein set out in full.

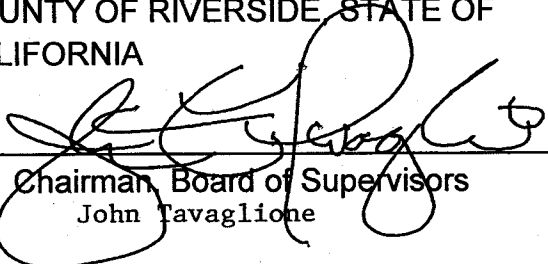
Section 2. The Chairman of the Board of Supervisors is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said County.

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.

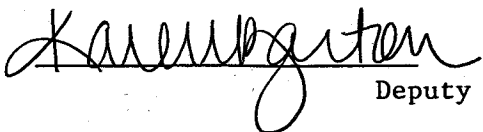
Adopted and approved this 17<sup>th</sup> day of July, 2012

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

By:

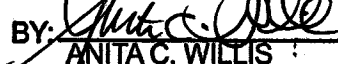
  
Chairman, Board of Supervisors  
John Tavaglione

Attest: Kecia Harper-Ihem, Clerk

  
Deputy

06.19.12 3.58

FORM APPROVED COUNTY COUNSEL

BY:  7-19-12  
ANITA C. WILLIS : DATE

3.22



**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 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, May 20, 2008, and July 10, 2009 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 14 are hereby stricken from said contract as executed effective July 10, 2009, and hereby replaced by the following paragraphs numbered 1 through 16 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.
  - (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;**
  - 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 and not entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract 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 current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21353 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 60 Modified).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member entering membership in the safety classification on or prior to the effective date of this amendment to contract shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
10. The percentage of final compensation to be provided for each year of credited current service as a local safety member entering membership for the first time in the safety classification after the effective date of this amendment to contract shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).
11. 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).
  - 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 entering membership in the miscellaneous classification and county peace officer classification on or prior to the effective date of this amendment to contract.

- 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 county peace officers entering membership in the miscellaneous and county peace officer classifications on or prior to the effective date of this amendment to contract in the following groups:  
  
Law Enforcement Management Unit.
- o. Section 20903 (Two Years Additional Service Credit).
- p. Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service).
- q. Section 21574.5 (Indexed Level of 1959 Survivor Benefits).



- r. Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Modified formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract and without Section 20692 (Employer Paid Member Contributions converted to Payrate During the Final Compensation Period) for local miscellaneous members in the Law Enforcement Management Unit.

Section 20475 (Different Level of Benefits). Section 21362 (2% @ 50 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to county peace officers entering membership for the first time in the county peace officer classification after the effective date of this amendment to contract and without Section 20692 (Employer Paid Member Contributions converted to Payrate During the Final Compensation Period) for county peace officers in the Law Enforcement Management Unit.

Section 20475 (Different Level of Benefits). Section 21362 (2% @ 50 Full formula) is applicable to local fire members entering membership for the first time in the fire classification after the effective date of this amendment to contract.

- 12. 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.
- 13. 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.
- 14. 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 21574.5 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 and local safety 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.
15. 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.
16. 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 \_\_\_\_\_  
KAREN DE FRANK, CHIEF  
CUSTOMER ACCOUNT SERVICES DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

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

Attest:

\_\_\_\_\_  
Clerk

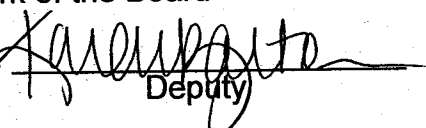
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )      SS

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on July 17, 2012, the foregoing ordinance consisting of 3 Sections was adopted by the following vote:

AYES:        Buster, Tavaglione, Benoit and Ashley  
NAYS:        None  
ABSENT:      Stone

DATE:        July 17, 2012

KECIA HARPER-IHEM  
Clerk of the Board  
BY:   
Deputy

SEAL

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



**FROM:** Human Resources Department

**SUBMITTAL DATE:**  
June 18, 2012

**SUBJECT:** Amendment to the Retirement Contract with California Public Employees' Retirement System (CalPERS), to adopt Miscellaneous and Safety lower Tier II pension benefits

**RECOMMENDED MOTION:** 1) Adopt Resolution No. 2012-152 giving notice of the County's intention to adopt an amendment to the CalPERS contract set forth in the Resolution of Intention to Approve an Amendment to Contract to provide 2% @ 60 for Local Miscellaneous members, and 2% @ 50 for Local Safety members, each with Three-Year Final Compensation, for employees first entering CalPERS membership with the County after the contract amendment effective date (Attachment A); 2) certify the Governing Body's action (Attachment B); 3) certify compliance with Government Code Section 7507 (Attachment C); 4) certify compliance with Government Code Section 20475 (Attachment D); 5) introduce Ordinance No. 910 authorizing the CalPERS contract amendment (Attachment E); and 6) on July 17, 2012, adopt Ordinance No. 910 to become effective on August 16, 2012.

*Barbara A. Olivier*  
\_\_\_\_\_  
Barbara A. Olivier  
Asst. County Executive Officer/Human Resources Dir.

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	(\$1,422,000)	For Fiscal Year:	2011/12

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

**C.E.O. RECOMMENDATION:**

**APPROVE**

BY: *Ivan M. Chand* 6/21/2012  
\_\_\_\_\_  
**Ivan M. Chand**

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Buster and duly carried, IT WAS ORDERED that the above matter is approved as recommended with a report back within three months on any recruitment issues the Sheriff's Department may have and HR is directed to work with the Department to develop an incentive program.

Ayes: Buster, Tavaglione, Stone and Ashley  
Nays: None  
Absent: Benoit  
Date: June 19, 2012  
xc: HR, Sheriff, COB

Kecia Harper-Ihem  
Clerk of the Board  
By: *Kecia Harper-Ihem*  
Deputy

**Prev. Agn. Ref.:** 4/4/11; 2.0; 3.0 | **District:** All | **Agenda Number:** 3.58

FORM APPROVED COUNTY COUNSEL  
BY: PAMELA J. WALLS  
DATE: 6/20/12  
Departmental Concurrence

Dept'Rev 1: \_\_\_\_\_  
Per Exec. Ofc.: \_\_\_\_\_

Consent     Policy

Consent     Policy

**BACKGROUND:** On April 4, 2011, the Board received comprehensive reports from its consultants on pension reform and approved in concept, the implementation of a lower CalPERS Tier II pension benefit for new employees. Bartel Associates, LLC (Bartel) projected a combined Miscellaneous 2% @ 60 and Safety 2% @ 50 ten year savings of \$206 million, and first four year savings of \$22 million. Bartel also estimated ten year savings for the elimination of Employer Paid Member Contributions (EPMC) to be approximately \$650 million, with annual savings of \$59 million.

In May 2012, Bartel performed updated analysis and estimated first four year savings ranging from \$17 million to \$26 million based on various payroll scenarios. CalPERS also conducted actuarial valuations on Tier II (Attachment I and Attachment J) and calculated that starting July 1, 2014 the new Miscellaneous and Safety tiers will decrease the employer contribution rate gradually with an ultimate decrease of 4.4 percent and 5.6 percent respectively. Decreases in the employer rate will occur as employees are hired into the second tier. The new Miscellaneous tier will reduce employee contribution rates by 1 percent for members with the 2% @ 60 benefit. The CalPERS savings projections and Bartel's more recent analysis are consistent with the 2011 Bartel savings projections. The proposed Tier II benefits will apply to all employees hired on or after implementation of Tier II (August 23, 2012).

It is now necessary to approve the formal CalPERS documents to implement the contract amendment; the documents are contained in Attachments A through D.

The summary of major provisions and the current CalPERS Contract are included in the following attachments:

- Summary of Major Provisions of the 2% @ 60 Formula (Section 21353) (Attachment F)
- Summary of Major Provisions of the 2% @ 50 Formula (Section 21362) (Attachment G)
- Amendment to Contract Exhibit (Attachment H)

According to CalPERS regulations, Ordinance No. 910 (Attachment E) authorizing the amendment of the CalPERS contract must be adopted at least 20 days after the Board adopts the Resolution of Intention to amend the contract (Attachment A). Ordinance No. 910 will be returned to the Board's agenda on July 17, 2012 for adoption and will become effective August 16, 2012, which is 30 days after the date of adoption. The effective date of the Tier II amendment to the contract will be August 23, 2012.

There will be no pension benefit changes for current County employees as a result of this recommended action, but a phased elimination of Employer Paid Member Contributions or their equivalent has been successfully negotiated for all collectively bargained groups, and implemented for all unrepresented employees.

Resolution 2012-152

**RESOLUTION OF INTENTION  
TO APPROVE AN AMENDMENT TO CONTRACT  
BETWEEN THE  
BOARD OF ADMINISTRATION  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
AND THE  
BOARD OF 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 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Modified formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract without Section 20692 (Employer Paid Member Contributions converted to Payrate During the Final Compensation Period) for Local Miscellaneous members in the Law Enforcement Management Unit.

Section 20475 (Different Level of Benefits). Section 21362 (2% @ 50 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to county peace officers entering membership for the first time in the county peace officer classification after the effective date of this amendment to contract without Section 20692 (Employer Paid member Contributions Converted to Payrate During the Final Compensation Period) for county peace officers in the Law Enforcement Management Unit.

Section 20475 (Different Level of Benefits). Section 21362 (2% @ 50 Full formula) is applicable to local fire members entering membership for the first time in the fire classification after the effective date of this amendment to contract.

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.

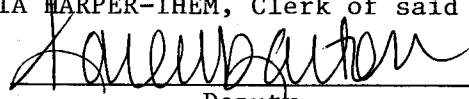
ROLL CALL:

Ayes: Buster, Tavaglione, Stone and Ashley  
Nays: None  
Absent: Benoit

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:



Deputy



OFFICE OF  
CLERK OF THE BOARD OF SUPERVISORS  
1st FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
PHONE: (951) 955-1060  
FAX: (951) 955-1071

KECIA HARPER-IHEM  
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

July 19, 2012

THE PRESS ENTERPRISE  
ATTN: LEGALS  
P.O. BOX 792  
RIVERSIDE, CA 92501

FAX: (951) 368-9018  
E-MAIL: [legals@pe.com](mailto:legals@pe.com)

RE: ADOPTION OF ORDINANCE NO. 910

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Monday, July 23, 2012**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

*Mcgil*

Cecilia Gil, Board Assistant to  
KECIA HARPER-IHEM, CLERK OF THE BOARD



**Gil, Cecilia**

---

**From:** neller@pe.com on behalf of Master, PEC Legals <legalsmaster@pe.com>  
**Sent:** Thursday, July 19, 2012 1:28 PM  
**To:** Gil, Cecilia  
**Subject:** Re: [Legals] FOR PUBLICATION: (FINAL) Adoption of Ord. No. 910

Received for publication. Not a problem.

-Nick

On Thu, Jul 19, 2012 at 1:18 PM, Gil, Cecilia <[CCGIL@rcbos.org](mailto:CCGIL@rcbos.org)> wrote:

Nick,

Here's the final Ad to be published re: Adoption of Ord. No. 910. I am so sorry for the confusion. Please confirm receipt and publication of this one. THANK YOU!

*Cecilia Gil*

Board Assistant to the  
Clerk of the Board of Supervisors  
[951-955-8464](tel:951-955-8464)

***THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.***

**PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.**

--

**Legal Advertising**



Publisher of The Press-Enterprise

Phone: 1.800.880.0345

Fax: 951.368.9018

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

ORDINANCE NO. 910

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 does ordain 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.

**(Insert Exhibit here)**

John Tavaglione, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **July 17, 2012**, the foregoing Ordinance consisting of three (3) sections was adopted by said Board by the following vote:

AYES: Buster, Tavaglione, Benoit, and Ashley  
NAYS: None  
ABSENT: Stone

Kecia Harper-Ihem, Clerk of the Board  
By: Cecilia Gil, Board Assistant



**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 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, May 20, 2008, and July 10, 2009 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 14 are hereby stricken from said contract as executed effective July 10, 2009, and hereby replaced by the following paragraphs numbered 1 through 16 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.
- (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;**
  - 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 and not entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract 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 current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21353 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 60 Modified).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member entering membership in the safety classification on or prior to the effective date of this amendment to contract shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
10. The percentage of final compensation to be provided for each year of credited current service as a local safety member entering membership for the first time in the safety classification after the effective date of this amendment to contract shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).
11. 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).
  - 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 entering membership in the miscellaneous classification and county peace officer classification on or prior to the effective date of this amendment to contract.

- 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 county peace officers entering membership in the miscellaneous and county peace officer classifications on or prior to the effective date of this amendment to contract in the following groups:
  - Law Enforcement Management Unit.
- o. Section 20903 (Two Years Additional Service Credit).
- p. Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service).
- q. Section 21574.5 (Indexed Level of 1959 Survivor Benefits).



- r. Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Modified formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract and without Section 20692 (Employer Paid Member Contributions converted to Payrate During the Final Compensation Period) for local miscellaneous members in the Law Enforcement Management Unit.

Section 20475 (Different Level of Benefits). Section 21362 (2% @ 50 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to county peace officers entering membership for the first time in the county peace officer classification after the effective date of this amendment to contract and without Section 20692 (Employer Paid Member Contributions converted to Payrate During the Final Compensation Period) for county peace officers in the Law Enforcement Management Unit.

Section 20475 (Different Level of Benefits). Section 21362 (2% @ 50 Full formula) is applicable to local fire members entering membership for the first time in the fire classification after the effective date of this amendment to contract.

12. 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.
13. 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.
14. 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 21574.5 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 and local safety 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.
15. 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.
16. 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 \_\_\_\_\_  
KAREN DE FRANK, CHIEF  
CUSTOMER ACCOUNT SERVICES DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

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

Attest:

\_\_\_\_\_  
Clerk