

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

610 B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
July 31, 2012

SUBJECT: Amendment to Retirement Contract with California Public Employees' Retirement System (CalPERS) to Adopt Miscellaneous Tier II Pension Benefits

RECOMMENDED MOTION:

- Adopt Resolution No. F2012-26, as set forth in Attachment A, authorizing an amendment to the CalPERS contract and execute the amendment on behalf of the District;
- Authorize the Chairman to execute the Certification of Final Action of Governing Body (Attachment B).

BACKGROUND:

On July 3, 2012, the Board approved Resolution No. F2012-24, giving notice of the District's intention to amend the CalPERS contract to provide 2% @ 60 for Local Miscellaneous members, with Three-Year Final Compensation, for employees first entering CalPERS membership with the District after the contract amendment effective date. The adoption of Resolution No. F2012-26, execution of the amendment, and the execution of the Certification of Final Action of Governing Body are the final legislative actions required to implement the CalPERS Exhibit, Amendment to Contract (Attachment C).

WARREN D. WILLIAMS
General Manager-Chief Engineer

JRH:mc

FINANCIAL DATA	Current F.Y. District Cost:	\$0	In Current Year Budget:	N/A
	Current F.Y. County Cost:	\$0	Budget Adjustment:	N/A
	Annual Net District Cost:	\$0	For Fiscal Year:	N/A

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: Michael R. Shetter
Michael R. Shetter

County Executive Office Signature

MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT

On motion of Supervisor Tavaglione, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: July 31, 2012
xc: Flood, HR

Kecia Harper-Ihem
Clerk of the Board
By: [Signature]
Deputy

Prev. Agn. Ref.: 07/03/12, 11.3 | District: All | Agenda Number:

11.8

FISCAL PROCEDURES APPROVED
BY: [Signature] 7-18-12
JENNINE KEY

FORM APPROVED COUNTY COUNSEL
BY: [Signature] 7-18-12
ANITA C. WILLIS

Dept Recomm.: Policy Consent
Per Exec. Ofc.: Policy Consent

Departmental Concurrence

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

RESOLUTION
AUTHORIZING AN AMENDMENT TO THE CONTRACT

No. F2012-26

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 31st day of July, 2012.

Marvin Asuley
Presiding Officer

Attest:

Kevin Chen
Clerk/Secretary

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

JUL 31 2012 11.8

FORM APPROVED COUNTY COUNSEL
BY Anita C. Willis 7-18-12
ANITA C. WILLIS 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 B

**CERTIFICATION
OF
FINAL ACTION OF GOVERNING BODY**

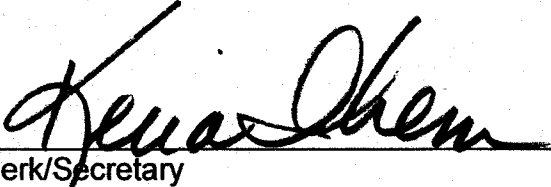
I hereby certify that the BOARD OF SUPERVISORS of the
(governing body)

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
(public agency)

considered and adopted on July 31, 2012, by an affirmative
(date)

vote of a majority of the members of said Governing Body, **Ordinance / Resolution No.**
F2012-26 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 / Resolution** in the
form furnished by said Board of Administration being attached hereto.

Adoption of the retirement benefit increase/change was not placed on the consent
calendar.


Clerk/Secretary

Clerk of the Board
Title

Date July 31, 2012



EXHIBIT

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, July 11, 2002 and January 7, 2009 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 12 are hereby stricken from said contract as executed effective January 7, 2009, 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.

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. 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. 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. **SAFETY EMPLOYEES.**
6. 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).
7. 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 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 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).
8. The percentage of final compensation to be provided for each year of credited current service for local miscellaneous members 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 (2% at age 60 Modified).
9. 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) for local miscellaneous members entering membership on or prior to the effective date of this amendment to contract.
 - 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).
 - j. 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.
10. 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.
11. 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.
12. 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.

- 13. 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.
- 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 3rd day of July, 2012.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BOARD OF SUPERVISORS
RIVERSIDE COUNTY FLOOD
CONTROL AND WATER
CONSERVATION DISTRICT

BY _____
KAREN DE FRANK, CHIEF
CUSTOMER ACCOUNT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY *Marie Asuley*
PRESIDING OFFICER

July 3, 2012
Witness Date

Attest:
Kecia Harper-Ihem
Clerk
Kecia Harper-Ihem