RECOMMENDED ACTION AND JUSTIFICATION: Policy Item: Yes ( ) No ( )
Approve the negotiated Memoranda of Understanding (MOUs) between Mariposa County and the Sheriffs' Management Association and Deputy Sheriffs' Association effective October 1, 2000 and authorize the Auditor to transfer appropriations to each affected budget unit to implement the provisions of the Agreements. Further, adopt a Resolution of Intention to approve an amendment to the CalPERS contract which will provide a 3%@50 formula and one-year final compensation at retirement. These two provisions will be effective July 1, 2001. Amendments are noted with an arrow next to the particular section or paragraph that is affected.

Pursuant to Article 20 “Duration” of the previous Memoranda of Understanding between the parties, they have met and conferred and have agreed to enter into a five-year term effective October 1, 2000 through September 30, 2005.

In addition to the items negotiated, additional amendments that were previously agreed upon before negotiations are reflected in the MOUs. Those items include the annual leave section, sick leave paragraph pertaining to leave when a family member is ill, and the travel policy. These items are also noted with an arrow.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
In accordance with provisions established by its Employer-Employee Relations Policy, the Board has met and conferred with these two bargaining units as required and negotiated memoranda of understanding. The previous MOUs with the Sheriffs' Management Association and Deputy Sheriffs' Association were negotiated for a two-year period, i.e., April 1, 1998 through September 30, 2000.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
N/A. The Board has previously agreed to the provisions negotiated in these MOUs.

COSTS: ( ) Not Applicable
A. Budgeted current FY $________
B. Total anticipated costs $________
C. Required additional funding $________
D. Internal transfers $________

SOURCE: ( ) 4/5ths Vote Required
A. Unanticipated revenues $________
B. Reserve for contingencies $________
C. Source description: ____________________________
Balance in Reserve for Contingencies, if approved: $________

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Sheriffs' Management Association MOU.
Deputy Sheriffs' Association MOU.
Resolution of Intention to Amend the CalPERS Contract.
Certification of Governing Body's Action.
Certification of Compliance.
Certification of Member Contribution Rate

CLERK'S USE ONLY:
Res. No.: 0122
Ord. No.  
Vote - Ayes: 5
Noes: 0
Absent: 0
Approved ( ) Denied
Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: ____________________________

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

X Recommended
____ Not Recommended
____ For Policy Determination
____ Submitted with Comment
____ Returned for Further Action

Comment: ____________________________

A.O. Initials: ____________________________
MINUTE ORDER

TO: JEFF GREEN, County Counsel/Interim Personnel Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Negotiated MOU Between Mariposa County and the Sheriff’s Management Association and Deputy Sheriff’s Association Effective 10/01/00
Res. –01-122

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on May 1, 2001

ACTION AND VOTE:

Approve the Negotiated Memoranda of Understanding Between Mariposa County and the Sheriff’s Management Association and Deputy Sheriff’s Association Effective 10/01/00 and Authorize Auditor to Transfer Appropriations to Each Affected Budget Unit to Implement the Provisions of the Agreements. Further, Adopt a Resolution of Intention to Approve an Amendment to the CalPERS Contract Which Will Provide a 3%@50 Formula and One-Year Final Compensation at Retirement (County Counsel)

BOARD ACTION: (M)Parker, (S)Reilly, Res. 01-122 adopted. Jeff Green, County Counsel, advised they used an effective date of June 1st for the change in the deferred compensation benefits, and if that is not okay with the bargaining units, he will bring the matter back for an amendment. Ayes: Unanimous.

cc: Sandra Laird, Personnel
File
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 MARIPOSA

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 procedure provided by the Law for the adoption of amendments to said Law is the submission by the governing body of the public agency to the governing board of the Retirement System of its intention to approve an amendment to said Law; and

WHEREAS, the following is a statement of the intention of the Board of Supervisors of the County of Mariposa to approve said amendment:

To provide Section 21362.2 of the Government Code and Section 20042 (One-Year Contract) of the Government Code for the retirement of local safety members.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Mariposa 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.

By: [Signature]
Presiding Officer

[Signature]
Chairman

Title

May 1, 2001
Date adopted and approved

(Amendment)
CON-302 (Rev. 4/96)
AMENDMENT TO CONTRACT
Between the
Board of Administration
California Public Employees' Retirement System
and the
Board of Supervisors
County of Mariposa


Pursuant to Government Code sections 20460.1, 20469.1, subdivision (b), and 71624, this contract is hereby amended to add the Trial Court of Mariposa 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 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 12 are hereby stricken from said contract as executed effective September 22, 2000, 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 55 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 July 1, 1961 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
   a. Local Fire Fighters (herein referred to as local safety members);
   b. County Peace Officers (included as local safety members);
   c. Employees other than local safety members (herein referred to as local miscellaneous members).

4. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
   a. **PERSONS COMPENSATED ON AN HOURLY AND OR PER DIEM BASIS ON OR AFTER OCTOBER 1, 1968.**

5. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member shall be determined in accordance with Section 21354 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 55 Modified and Full).

6. 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). The required member contribution rate is 9% of reportable compensation.
7. Public Agency elected and elects to be subject to the following optional provisions:

a. Section 20437 ("County Peace Officer" shall include constables, deputy constables, marshals and deputy marshals as described in Government Code Section 20437).

b. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.

c. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.

d. Section 20439 ("County Peace Officer" shall include county jail, detention or correctional facility employees as described in Government Code Section 20439).

e. Section 20690, Statutes of 1978, (Reduction of Normal Member Contribution Rate). From June 1, 1979 and until July 31, 1982, the normal local miscellaneous member and local safety member contribution rate shall be 3.5%. Legislation repealed said Section effective September 29, 1980.

f. Section 21024 (Military Service Credit as Public Service), Statutes of 1976.

g. Section 20690, Statutes of 1980, (To Prospectively Revoke Section 20614, Statutes of 1978).

h. Section 20903 (Two Years Additional Service Credit).

i. Section 20965 (Credit for Unused Sick Leave) for local miscellaneous members only.

j. Section 21023.5 (Public Service Credit for Peace Corps or AmeriCorps: VISTA Service).

k. Section 20042 (One-Year Final Compensation) for local safety members only.

8. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on June 1, 1979. 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 and local safety 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
COUNTY OF MARIPOSA

BY
KENNETH W. MARZION, CHIEF
ACTUARIAL & EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY
PRESIDING OFFICER

Witness Date
Attest: _______________
CERTIFICATION OF GOVERNING BODY'S ACTION

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the

Board of Supervisors

(governing body)

County of Mariposa

(public agency)

on May 1, 2001

(date)


Clerk/Secretary

Clerk of the Board

Title
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 and/or 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 Mariposa (public agency)

on ________May 1, 2001______ which is at least two weeks prior to the adoption of the (date)

Resolution / Ordinance.


Clerk/Secretary

Clerk of the Board
Title

Date 5-3-01
CERTIFICATION OF MEMBER CONTRIBUTION RATE

I hereby certify that the County of Mariposa and its safety employees understand and agree that the required member contribution rate for members subject to Section 21362.2 (3% @ 50 Modified formula) is 9% of reportable compensation in excess of $133.33.

[Signature]
Signature of Governing Body Presiding Officer

[Name]
Chairman
Title

[Signature]
Witness
Clerk of the Board

5-3-01
Date

3% @ 50 / 3% @ 55
Modified formula
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 and/or 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 Mariposa (public agency)

on May 1, 2001 which is at least two weeks prior to the adoption of the
(date)

Resolution / Ordinance.

\[ Signature \]
Clerk/Secretary

Clerk of the Board
Title

Date 5-3-01
CERTIFICATION OF MEMBER CONTRIBUTION RATE

I hereby certify that the County of Mariposa and its safety employees understand and agree that the required member contribution rate for members subject to Section 21362.2 (3% @ 50 Modified formula) is 9% of reportable compensation in excess of $133.33.

[Signature]
Signature of Governing Body Presiding Officer

Chairman
Title

Witness
[Signature] Clerk of the Board
Date 5-3-01

3% @ 50 / 3% @ 55
Modified formula
CERTIFICATION OF GOVERNING BODY'S ACTION

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the

Board of Supervisors

governing body

County of Mariposa

public agency

on May 1, 2001

date

Clerk/Secretary

Clerk of the Board

Title

PERS-CON-12 (rev. 1/96)