MARIPOSA COUNTY ORDINANCE NO. 596

AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF SUPERVISORS AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

THE BOARD OF SUPERVISORS of Mariposa County does ordain as follows:

SECTION I: That an amendment to the Contract between the Board of Supervisors of Mariposa County and the Board of Administration of the California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marker "Exhibit A", and by such reference made a part hereof as through herein set out in full.

SECTION II: 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 III: This Ordinance shall take effect 30 days after the date of final passage pursuant to Government Code Section 25123, and shall be published according to law.

PASSED AND ADOPTED this 25th day of January, 1983, by the Board of Supervisors of Mariposa County by the following vote:

AYES: Erickson, Taber, Dalton, Moffitt
NOES: None
ABSENT: Barrick
ABSTAINED: None

ERIC J. ERICKSON, Chairman
Board of Supervisors

ELLEN BRONSON, County Clerk
Ex Officio Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

RICHARD K. DENHALTER
County Counsel
AMENDMENT TO CONTRACT BETWEEN THE
BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
BOARD OF SUPERVISORS
OF THE
COUNTY OF MARIPOSA

The Board of Administration, Public Employees' Retirement System, herein-
after referred to as Board, and the governing body of above public agency,
hereinafter referred to as Public Agency, having entered into a contract under
date of June 7, 1961, effective July 1, 1961, and as amended effective April 1,
1965, January 1, 1967, October 1, 1971, May 1, 1973, April 1, 1974, May 1,
1976, June 1, 1979, August 1, 1982, and December 15, 1982, which provides for
participation of Public Agency in said System Board and Public Agency hereby
agree as follows:

A. Paragraphs 1 through 11 are hereby stricken from said contract as executed
effective December 15, 1982, and hereby replaced by the following para-
graphs numbered 1 through 11 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 50 for local miscellaneous and age 55 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 such as by express
provisions thereof apply only on the election of contracting agencies.

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 Firemen (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).
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:

PERSONS COMPENSATED ON AN HOURLY AND/OR PER DIEM BASIS
Hired on or after October 1, 1968.

4. The fraction 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 21251.13 of said Retirement Law subject to the reduction provision therein for Federal Social Security (Modified 2% at age 60).

5. The fraction 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 21252.5 for members who elected to stay on this formula effective January 1, 1967 (1-1/4% at age 60).

6. The fraction 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 21252.1 subject to the reduction for Federal Social Security as provided in Section 21251.45 of said Retirement Law (Modified one-half pay at age 55).

7. The following additional provisions of the Public Employees' Retirement Law which apply only upon election of a contracting agency shall apply to the Public Agency and its employees:

a. Section 20021.6 (providing for the participation of constables, deputy constables, marshals and deputy marshals under the definition of County Peace Officers).

b. Section 21222.1 (Special 5% increase - 1970).

c. Section 21222.2 (Special 5% increase - 1971).

d. Section 20021.9 (providing for classification as "County Peace Officers" of those employees of the Sheriff Department employed in county jail, detention or correctional facility and having as their primary duty and responsibility the supervision and custody of persons committed to such facility).

e. Section 20614 (Statutes of 1978, reduction of normal member contribution rate). From and after June 1, 1979, the normal member contribution rate shall be reduced by 3.5% for local miscellaneous members and local safety members.

f. Section 20930.3 (Military service credit) as defined in Chapter 830, Statutes of 1976.
Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within thirty 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, or adjustments on account of errors in contributions required of any employee may be made by direct cash payments between the employee and the Board. Payments by Public Agency to Board may be made in the form of warrants, bank checks, bank drafts, certified checks, money orders or cash.

B. This amendment shall be attached to said contract and shall be effective on the ____________________ day of ____________________, 19__.

Witness our hands the ____________________ day of ____________________, 19__.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES’ RETIREMENT SYSTEM

BOARD OF SUPERVISORS
OF THE
COUNTY OF MARIPOSA

BY
CARL J. BLECHINGER, EXECUTIVE OFFICER

BY
Presiding Officer

PLEASE DO NOT SIGN "EXHIBIT ONLY"

Approved as to form:

Attest:

Cynthia G. Besemer, Legal Office, Date

Clery

PERS CON-702
g. Section 20614, Statutes of 1980 (to prospectively revoke Section 20614, Statutes of 1978).

h. Section 20952.5 (Age 50 voluntary retirement) for local safety members.

i. Section 20983.6 (Age of age 70 retirement) for local miscellaneous members only.

8. Public Agency, in accordance with Section 20759, Government Code, ceased to be an "employer" for purposes of Chapter 6 of the Public Employees' Retirement Law effective on June 1, 1979. Accumulated contributions of Public Agency as of the aforementioned date shall be fixed and determined as provided in Section 20759, Government Code, and accumulated contributions as of the aforementioned date and contributions thereafter made shall be held by the Board as provided in Section 20759, Government Code.

9. Public Agency shall contribute to said Retirement System as follows:

a. With respect to miscellaneous members, the agency shall contribute the following percentages of monthly salaries earned as miscellaneous members of said Retirement System:

(1) 11.688 percent until June 30, 2000 on account of the liability for current service benefits.

b. With respect to local safety members, the agency shall contribute the following percentages of monthly salaries earned as local safety members of said Retirement System:

(1) 11.497 percent until June 30, 2000 on account of the liability for current service benefits.

c. 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.

d. 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.

10. 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.
Public Employees' Retirement System
Contracts Division
P. O. Box 1953
Sacramento, CA 95809
Attention: Denise Welch

RE: Mariposa County Contract Amendment (Sec. 20983.6)

Dear Denise:

We have completed the first stage of our contract amendment for the Age 70 Waiver under Government Code Section 20983.6. Enclosed please find the following completed documents:

1. Executed original of the Resolution of Intention and Exhibit.

2. Original of Certification of Governing Body's Action (Form CON 12).

3. Original of Certification of Compliance with Government Code Section 7507 (Form CON 12A).

We have scheduled final action on the Ordinance for January 18, 1983, to become effective on February 17, 1983.

Please forward any additional copies of the amendment and any other forms that you determine are needed.

Thank you Denise.

Very truly yours,

Richard K. Denhalter
RICHARD K. DENHALTER
County Counsel

cb

encl:
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 have been made public at a public meeting by the Board of Supervisors of Mariposa County at least two weeks prior to the adoption of the public retirement plan benefits.

Date: 12-28-82

 Richard K. Denhalter
(Original Signature)

RICHARD K. DENHALTER
County Counsel
(Official Title)

PERS-CON-12A (Rev. 12/81)
RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE BOARD OF SUPERVISORS OF THE 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 to amend this contract is the adoption by the legislative 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 20983.6 (Age 70 Waiver) for local miscellaneous members only.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the above agency gives, and it does hereby give notice of intention to approve an amendment to the contract between the said governing body 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]

WILLIAM H. MOFFITT, Chairman
Mariposa County
Board of Supervisors

DATE: December 28, 1982

(Approved as to form and legal sufficiency:)

Richard K. Dinkins
County Counsel
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) of the County of Mariposa, (Name of Public Agency) on December 28, 1982, appearing at Page 90, (Date) Volume "U" of the (Minutes) (Official Records) of the Board of Supervisors, (Governing Body).

[Signature]

CITY CLERK or Secretary of the Board
January 7, 1983

Pauline A. Hanz
P.O. Box 675
Mariposa, CA 95338

NOTICE OF COMPULSORY RETIREMENT

According to System records, you will attain compulsory retirement age 70 on October 17, 1982. Under the terms of your employer's contract with this System, you must be retired effective 3-1-83 * as provided by the Public Employees' Retirement Law. Unless you elect to retire prior to the above date, you must be separated from employment not later than 2-28-83.

The following information is very important. Please read it carefully.

*EXCEPTION: If you are a local member who is elected or appointed to hold an office of a contracting agency, you shall not be retired for service during the time you hold such office except upon your written application to this System.

SEPARATION FROM EMPLOYMENT: Your employer is being notified by way of a copy of this letter that you must be separated not later than 2-28-83, provided of course that you are not already off the payroll.

INFORMATION REQUIRED: Please complete and return the attached form(s) giving specific data necessary to recalculate your retirement allowance with additional options or to defer your retirement if either of the above exceptions applies to you.

ELECTION OF RETIREMENT ALLOWANCE: If you are not entitled to, or requesting deferment of compulsory retirement, you may indicate your election to receive either the Unmodified or the Option 1 monthly allowance by completing and returning the enclosed Election of Retirement and Beneficiary Designation. See the reverse side for an explanation of all available options. However, if you wish information regarding Options 2 and 3 also, please so indicate by completing Part II of the enclosed BEN-61-2a. We will then send you another Election form which will include information on all options.
REFUND OF CONTRIBUTIONS: In lieu of a monthly retirement allowance and all other benefits, you may, prior to payment of your first retirement allowance elect to receive a refund of your accumulated contributions as of the date on which you would otherwise have been retired. If you wish the refund instead of a monthly allowance, please so indicate by checking Part III of form PERS-BEN-61-2a. Refund of your contributions would terminate all obligations of the System on your account.

If you have any questions, please feel free to contact us.

BENEFITS DIVISION

Encl: 61-2, 898 & DO-7

cc: 0453 = County of Mariposa
January 18, 1983

TO: BOARD OF SUPERVISORS

FROM: JOAN

SUBJECT: RATIFICATION OF ACTION TAKEN ON JANUARY 18, 1983
BY SUPERVISORS BARRICK, DALTON, MOFFITT

1. Approval of Claims as presented by the Auditor
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NOTE: Those agencies which in 1975 or 1976 provided in their contract Section 20930.3 as it read prior to January 1, 1977 may amend again to become subject to the provisions of this new Section 20930.3, if it is agreed to by the employees or their representatives. The amendment would allow current employees to elect within 90 days after the effective date of the amendment to receive credit under the provisions of Section 20930.3 as it read prior to January 1, 1977, wherein the employer funded the entire cost for military service predating the employer's original contract date.

11. Public Service Credit for War Relocation Leave (Section 20936)

This contract option would allow a member to purchase as public service all the time the member was absent from service due to war relocation leave. The member must have been in service with the contracting agency on March 5, 1942, and returned to such service by July 1, 1947. "War Relocation Leave" is defined as the period of absence from service occasioned by the evacuation and relocation of a local member of Japanese descent pursuant to orders issued by the Western Defense Command.

**Employer Cost:** An actuarial valuation is required prior to providing this benefit in the employer's contract to identify employer costs which exceed the member payments of the member(s) involved.

**Employee Cost:** The amount required to purchase the public service credit would be determined in accordance with Section 20932.

12. Waiver of Miscellaneous Member Compulsory Retirement Age (Section 20983.6)

Compulsory retirement provisions applicable to local miscellaneous members were changed with the amendment to this Section in 1979.

A miscellaneous member would have the opportunity to continue in employment beyond the age of 70 if the employer provides Section 20983.6 in its contract prior to the member's compulsory retirement date and if the agency certifies the member's competency in his/her position. The written request from the member and the written certification of competence from the employer must be received by PERS prior to the member's compulsory retirement date.

Members who continue in employment beyond age 70 are subject to the same rights and requirements as other active members.

**Employer Cost:** No valuation required but is will unpool the agency. PERS actuaries state there should be no additional costs. However, there could be additional costs to continue the member's salary rather than a replacement's salary.

**Employee Cost:** None.

13. Industrial Disability Retirement for Miscellaneous Members (Section 21022.1)

This is the standard job-related disability benefit available to all local safety members. If this benefit is included in the employer's contract, the disabled member qualifies for the retirement allowance based solely on his being employed – there are no service or age requirements (injury could occur on the first day of employment). The allowance is 50% of final compensation. However, if there is/was concurrent coverage by the same agency under the Social Security program, the PERS allowance is reduced to the amount necessary to make the combined income from PERS and Social Security equal to 50% of final compensation. Otaide earnings are not limited and do not affect the amount of the PERS allowance.
§ 20983.6. Local members; delaying retirement

Every local member who has attained age 70 and all such persons who are reinstated from retirement and who are over age 70 at the time of their reinstatement, or who are first employed after age 70, other than a local safety member, shall have the right to continue in employment upon certification of the member’s competence in the member’s position by the department or agency head or other appropriate supervisor pursuant to rules and regulations adopted by each respective governing body. In such case, the effective date of retirement shall be delayed until the day following the last day for which salary is payable. The member shall be subject to the same rights and liabilities as all other members and employer and member contributions shall continue until retirement or until death before retirement.

A member who continues or has continued in employment under this section may thereafter retire with less than five years of service.

A member who attains age 67 prior to January 1, 1982, may retire with less than five years of service.

This section shall not apply to any contracting agency, unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts or, in the case of contracts made after the effective date of this section, by express provision in such contract making the contracting agency subject to the provisions of this section.


Historical Note

The 1978 amendments deleted “Notwithstanding any other provisions of law” at beginning of first sentence of first paragraph, and increased the age from “67” to “70”.

Public policy concerning mandatory retirement and construction of Stats.1978, c. 385, see Historical Note under § 7508.

Effect of amendment of section by two or more acts at the same session of the legislature, see § 9605.

The 1979 amendments inserted in the first sentence of the first paragraph “and all such persons who are reinstated from retirement and who are over age 70 at the time of their reinstatement, or who are first employed after age 70” and added the second and third paragraphs.

Library References

C.J.S. States §§ 113 to 116, 118.
RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE BOARD OF SUPERVISORS OF THE 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 to amend this contract is the adoption by the legislative 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 20983.6 (Age 70 Waiver) for local miscellaneous members only.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the above agency gives, and it does hereby give notice of intention to approve an amendment to the contract between the said governing body 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 ________________________________
(NAME)

______________________________
(TITLE)

(Date adopted and approved)    Ret. Form 122

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Richard K. Dunbar
County Counsel