MARIPOSA COUNTY RESOLUTION 79-078

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

RESOLVED, by the Board of Supervisors of the County of Mariposa, State of California, that:

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:

Section 20614 (reduction of normal contribution rate) to provide, from and after the effective date of this contract amendment, the normal contribution rate shall be 3.5 percent for local miscellaneous members and shall be in the amount specified in Section 21252.1 minus 3.5 percent for local safety members.

Section 20930.3 (military service credit) as defined in Chapter 830, Statutes of 1976.

NOW, THEREFORE, this Board hereby determines and orders 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 said governing body and the Board of

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Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto as Exhibit "A" and by this reference made a part hereof.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 8th day of May, 1979, by the following vote:

AYES: Clark, Dalton, Erickson, Weber, Owings.

NOES: None.

NOT VOTING: None.

ABSENT: None.

[Signature]
EUGENE P. DALTON, JR., Chairman Board of Supervisors

APPROVED AS TO FORM:

[Signature]
NEIL B. VAN WINKLE
County Counsel/Administrative Assistant to the Board
DATED: May 8, 1979

ATTEST:

[Signature]
JOAN LYNK, Clerk of the Board
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, 1951, effective July 1, 1951, and as amended effective
April 1, 1955, January 1, 1957, October 1, 1968, May 1, 1973, April 1, 1974 and
May 1, 1976, 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 May 1, 1973, and hereby replaced by the following paragraphs
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, except those local safety members continuing under provisions
of this contract prior to the amendment effective January 1, 1967.

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 (herein referred to as local safety
members);

c. Constables (included as local safety members);

d. 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 OCTOBER 1, 1958 OR AFTER

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 (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 21252.1 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).

6. Paragraph 5 above shall not apply to those local safety members who elected to continue under the provisions of the contract prior to the amendment effective January 1, 1967 and Sections 20601 and 21252.5 of said Retirement Law shall continue to apply with respect to such members as provided in Section 21252.45.

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 (Reduction of normal member contribution rate). From and after the effective date of this contract amendment, the normal member contribution rate shall be 3-1/2% for local miscellaneous members, and shall be the amount specified in Section 21252.1 minus 3-1/2% for local safety members.

   f. Section 20330.3 (Military service credit) as defined in Chapter 830, Statutes of 1976.
8. Public Agency, in accordance with Section 20740, Government Code, shall cease to be an "employer" for purposes of Chapter 6 of the Public Employees' Retirement Law effective as of the effective date of this amendment to contract. Accumulated contributions of Public Agency as of the date of such amendment shall be fixed and determined as provided in Section 20759, Government Code, and such accumulated contributions and contributions hereafter 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) 8.225 percent until June 30, 1932 on account of the liability for prior service benefits.

   (2) 16.998 percent 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) 16.134 percent on account of the liability for current service benefits.

c. A reasonable amount per annum, as fixed by the Board 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.

11. 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.
E. 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. Elechinger, Executive Officer

BY
Presiding Officer

Approved as to form:

Legal Office, PERS

Clerk
PERS CON-702
PROPOSED
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, hereinafter referred to as "BOARD", and the Board of Supervisors of the County of Mariposa, 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, 1968, April 1, 1974, and May 1, 1976, which provide 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 July 1, 1961, and are hereby replaced by the following paragraphs numbered "1" through "10" 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 miscellaneous members and age 55 for local safety members except those local safety members continuing under provisions of this contract prior to the amendment effective January 1, 1967.

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. County peace officers (herein referred to as local safety members);
   b. Constables (herein referred to as local safety members);
   c. Local firemen (herein referred to as local safety members);
   d. Employees other than local safety members (herein referred to as miscellaneous members).

The following employees shall be excluded from membership in said Retirement System:

PERSONS COMPENSATED ON HOURLY AND/OR
PER DIEM BASIS HIRED OCTOBER 1, 1968, OR AFTER

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Ret. Form 702-1
4. The fraction of final compensation to be provided for each year of credited prior and current service as a miscellaneous member upon retirement at normal retirement age shall be applied as provided in Section 21251.13 of said Retirement Law and shall be reduced by one-third for application to the first $400 of monthly compensation of members covered under Social Security, provided however, that said reduced fraction shall apply with respect to all service of such member whether or not the service is included in federal Social Security.

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 21252.1 of the Retirement Law and shall be reduced for members covered under federal Social Security in accordance with Section 21252.45 of said Retirement Law providing that said fraction shall be reduced by one-third for application to the first $400 per month of final compensation of any member whose position is covered by federal Social Security for all service of such member, whether or not the service is included in federal Social Security.

6. Paragraph 5 above shall not apply to those local safety members who elected to continue under the provisions of the contract prior to the amendment effective January 1, 1967, and Sections 20601 and 21252.5 of said Retirement Law shall continue to apply with respect to such members as provided in Section 21252.45.

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 five-percent increase, 1970).
   c. Section 21222.2 (special five-percent increase, 1971).
   d. Section 20021.9 (providing for classification as County peace officer, those employees of the Sheriff 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 (reduction of normal contribution rate). From and after the effective date of this contract amendment, the normal contribution rate shall be 3.5 percent for local miscellaneous members and shall be the amount specified in Section 21252.1 minus 3.5 percent for local safety members.

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8. PUBLIC AGENCY shall contribute to said Retirement System as follows:

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

   (1) 8.225 percent until June 30, 1982, on account of the liability for prior service benefits.

   (2) 16.998 percent on account of the liability for current service benefits.

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

   (1) 16.134 percent on the account of the liability for current service benefits.

c. A reasonable amount per annum, as fixed by BOARD to cover the costs of administering said System as it affects the employees of PUBLIC AGENCY, not including the costs of special valuations or the periodical investigation and valuation required by law.

d. A reasonable amount as fixed by the BOARD, payable in one installment as the occasions arise, to cover costs of special valuations on account of employees of PUBLIC AGENCY, and costs of the periodical investigation and valuation required by law.

9. Contributions required by PUBLIC AGENCY and its employees shall be subject to adjustment by BOARD on account of amendments to the Public Employee's Retirement Law, and on account of the experience under the Retirement System, as determined by the periodical investigation and valuation required by said Retirement Law.

10. 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

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contributions refer. 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 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 1st day of June, 1979.

Witness our hands this _____ day of _____, 1979.

SIGNATURES, ETC.

County of Mariposa

Ret. Form 702-4