RESOLUTION NO. 68-51

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 required 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; and which resolution shall contain a summary of the changes proposed in said contract; and

WHEREAS, attached is a summary of the major provisions of the proposed plan:

NOW, THEREFORE, BE IT RESOLVED, that the BOARD OF SUPERVISORS of the COUNTY OF MARIPOSA gives, and it does hereby give notice of intention to approve an amendment to contract between said BOARD OF SUPERVISORS and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment and a summary of the major provisions of the proposed change being attached hereto, marked Exhibits "A" and "B", and by this reference made a part hereof.

BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA

BY

(Name)

Chairman

Board of Supervisors

(Date adopted and approved)

July 2, 1968

Ret. Form 122
EXHIBIT A

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 and January 1, 1967, 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 July 1, 1961, and as amended effective April 1, 1965 and January 1, 1967, and are hereby replaced by the following paragraphs numbered 1 through 13 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 in 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 provision 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 and deputies (herein referred to as local safety members);
   c. Employees other than local safety members (herein referred to as miscellaneous members).

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

   NO ADDITIONAL EXCLUSIONS
The fraction of final compensation to be provided for each year of credited service as a miscellaneous member upon retirement at normal retirement age shall be 1/60 and shall be applied as provided in Section 21251.1i of said Retirement Law and reduced to 1/90 for members covered under Federal Social Security in accordance with Section 21251.1l of said Retirement Law provided, however, that said reduced fraction shall apply with respect to all current 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 service as a local safety member shall be determined in accordance with Section 21252.4i and shall be reduced for members covered under Federal Social Security in accordance with Section 21252.4j of said Retirement Law.

6. Benefits on account of prior service shall be 100% of the fraction of final compensation specified for miscellaneous members in Paragraph 4 above, but computed in accordance with Section 21253 of said Retirement Law, and for local safety members shall be 100% of the fraction established in accordance with Paragraph 5; provided, however, as to both miscellaneous and safety members, that said fraction shall be reduced by one-third for application to the first $600.00 per month of final compensation of any member whose position is covered by Federal Social Security for all prior service of such member, whether or not the service is included in Federal Social Security.

7. The retirement benefits payable upon retirement for ordinary disability shall not be affected by the modification provided in Paragraphs 4 and 5 of this contract except that for the purposes of the limit on any such allowance imposed under Section 21297, Government Code, allowances for retirement for service shall be computed according to the modified formula set out in Paragraphs 4 and 5 of the contract. All other provisions of this contract shall be fully applicable to the computation of allowances upon retirement for disability.

8. Contributions for miscellaneous and local safety members shall be subject to Sections 20601.5 and 20612 of said Retirement Law respectively, said sections providing for a reduction in rates of contribution as such rates relate to the first $600.00 of monthly compensation and 100% of such rates as they apply to the remainder of the monthly compensation. Members whose positions are excluded from Social Security coverage shall contribute in accordance with Sections 20601 and 20607.5 of said Retirement Law.

9. Paragraphs 5, 6, and 8 above shall not apply to those local safety members in employment on the effective date in 1967 of this amendment to contract who elect to continue under the provisions of this contract prior to said amendment and Sections 20607.51 and 21252.5 of said Retirement Law shall continue to apply with respect to such members as provided in Section 21252.4j.
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 20024.01 (defining "final compensation" on the basis of a period of three consecutive years).

b. Section 21258(b) (providing a minimum retirement allowance of $720.00 per year under certain conditions).

c. Section 21367.51 (providing a $400 death benefit upon death after retirement).

d. Section 20025 (providing for inclusion of compensation without limit in computations where compensation is a factor).

e. Section 20021.6 (providing that constables and deputy constables shall be included under the definition of county peace officers).

f. Section 21365.5 (providing a monthly allowance in lieu of the basic death benefit for certain survivors of a member who dies in employment after qualifying for voluntary service retirement).

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

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

   (1) 6.955 percent until June 30, 1981 on account of the liability for prior service benefits.

   (2) 7.152 percent on account of the liability for current service benefits.

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

   (1) 13.177 percent until June 30, 1981 on account of the liability for prior service benefits.

   (2) 13.607 percent on 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 of the periodical investigation and valuation required by law, provided that said amount shall be determined on the basis of the number of employees of Public Agency who are reported as members on a payroll to be designated by the System covering one month of each year or with respect to the first year of participation, on the effective date of said participation.
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 valuations required by law.

12. 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 periodical investigation and valuation required by said Retirement Law.

13. 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. 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

Witness our hands this __________________________ day of __________________________.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY
William E. Payne, Executive Officer

BOARD OF SUPERVISORS
OF THE
COUNTY OF MARIPOSA

BY
President of the Board

Clerk

Exhibit Only

Ret. Form 702-4
SUMMARY OF MAJOR PROVISIONS
1/90-1/60 at 60 Retirement Program
Local Miscellaneous Members

MEMBERSHIP

Membership is compulsory for all employees, other than elected officials, who are employed one-half time or more.

SERVICE RETIREMENT

The earliest retirement age is 55; the normal retirement age is 60; and the compulsory retirement age is 70. An employee may retire any time between these ages, 55 and 70, provided he meets the minimum requirements that he either have more than $500.00 of accumulated contributions, or 20 years of service, or have attained the compulsory retirement age of 70.

At normal retirement age 60, the unmodified allowance is 1/90 of that portion of "final compensation" up to and including $400 per month and 1/60 of that portion of "final compensation" as is in excess of $400, for each year of credited service. If retirement is deferred beyond age 60, the percentages of "final compensation" for each year of service are increased actuarially up to age 65 but not beyond. If retirement is earlier than age 60, the percentages of "final compensation" for each year of service are actuarially decreased.

"Final compensation" is average monthly salary (full time rate) earned during that period of three consecutive years of highest earnings, excluding overtime compensation.

A minimum service retirement allowance of $60.00 per month is guaranteed upon compulsory retirement with credit for prior service, or upon retirement at age 65 with twenty years of service.

DISABILITY RETIREMENT

An employee becoming disabled to the extent that he is incapable of performing his duties shall be eligible for disability retirement provided he has at least $500 of accumulated contributions, or at least 10 years of service. The monthly
retirement allowance is 1.50% of "final compensation" for each year of service, with a minimum guarantee of one-third of final compensation for most employees who have rendered at least 10 years of service. The disability retirement allowance shall under no circumstances exceed the service retirement allowance payable upon retirement for service at age 60.

DEATH BENEFITS

The death benefit, where death occurs before retirement, consists of a refund of the member's accumulated contributions (including interest earned), plus an additional benefit equal to six months' salary where he has been a member for six years or more. For those who have been a member for less than six years, the additional benefit is one month's salary for each year of membership.

If death occurs after retirement a lump sum of $400 will be paid. This amount will be in addition to any benefits which may be paid from Social Security or any payments which might be made under an optional retirement benefit chosen by the member at his retirement.

1957 SURVIVOR BENEFIT

Employees who have at least 5 years of service and who are at least age 55 have further death protection under the 1957 Survivor Program. Should such an employee die before retirement, his surviving widow may elect to receive either the basic death benefit or a monthly income equal to one-half the unmodified retirement allowance the employee was eligible for on the date of his death. The monthly income is payable until the widow's death or remarriage with a guarantee that she will receive at least as much as she would have received under the basic death benefit.

TERMINATION OF EMPLOYMENT

Upon termination of employment, an employee may either leave his contributions with the System and receive, upon attaining retirement age, the retirement benefit he has earned, or he may withdraw his contributions (plus interest), thus terminating his membership in the system and receiving no retirement benefit. Except, (1) a member with $500 or less in accumulated contributions and less than 20 years of service shall not have the privilege of leaving his contributions with the System, but shall automatically have his contributions, plus interest, refunded upon termination of employment, and (2) a member who is transferring to employment with another agency which is covered under the System shall not have the right of withdrawing his accumulated contributions.

EMPLOYEE CONTRIBUTIONS

Each member makes monthly contributions to the System which are deducted from his salary. The rate of contribution (percentage of pay) depends upon a member's sex and age (nearest birthday) on the date of becoming a member and varies from a minimum of 5.37% to a maximum of less than 11.25%.

The employer also contributes toward the cost of the benefits. The amount contributed by the employer for current service benefits will, on the average, exceed the cost to the employee. In addition the employer bears the entire cost of prior service benefits.

All contribution rates are subject to revision by the Board of Administration.
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 July 2, 1968, appearing at Page , Volume "P" of the (Minutes) (Official Records) of the Board of Supervisors (Governing Body).

[Signature]

CLERK
SECRETARY of the Board