

DEPARTMENT: County Counsel BY: Jeffrey G. Green PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes \_\_\_ No X)  
Pass and adopt the attached Resolution of intention to approve an amendment to the contract with PERS which will provide two years additional service credit to certain employees. In addition, authorize the Chair to execute the following documents: "Certification of Governing Body's Action", "Certification of Compliance with Government Code Section 7507", and "Certification of Compliance with Government Code Section 20818".

The procedures to implement this two-year service credit require the full disclosure of the cost implications no less than 20 days prior to adoption of the ordinance implementing it. The cost implications were fully disclosed during the budget process, and were part of the decision-making process but they are recapitulated here to insure complete public disclosure.

Three classifications and positions were identified for layoff and the offer of a "Golden Handshake": Senior Engineering Technician (Department of Public Works - Engineering Division), Administrative Assistant (District Attorney) and Buildings/Grounds Supervisor (Department of Public Works - Facilities Maintenance Division). All positions were deleted from the budget effective December 31, 1994. The one-time cost to be paid this year to PERS for the identified positions, based on the incumbents salary and age is estimated to be \$42,537. These one-time funds are budgeted in the Contingency Reserve.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

Resolution No. 94-412, which approved the 1994/1995 fiscal year budget, also directed the Administrative Officer to take whatever actions are necessary to amend the retirement contract with PERS and to offer a "Golden Handshake" to the employees holding the above-stated positions.

**LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

N/A. This will begin the process of formalizing the Board's direction to amend the PERS contract relative to offering the "Golden Handshake".

**COSTS:** ( ) Not Applicable

A. Budgeted current FY \$ \_\_\_\_\_

B. Total anticipated costs \$ 42,537

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:

Resolution.  
Certification of Governing Body's Action.  
Certification of Compliance with Gov't Code §7507.  
Certification of Compliance with Gov't Code §20818.

\_\_\_\_\_

\_\_\_\_\_

**CLERK'S USE ONLY:**

Res. No.: 94-484 Ord. No. \_\_\_\_\_

Vote - Ayes: 4 Noes: \_\_\_\_\_

Absent: 0 Abstained: \_\_\_\_\_

Approved: [Signature] ( ) 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:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: \_\_\_\_\_

\_\_\_\_\_

A.O. Initials: [Signature]

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

ORIGINAL

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 procedures to amend this contract is the adoption by the governing 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 20818 (Two Years Additional Service Credit)  
for local miscellaneous members and local safety members.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency 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 Garry R. Parker  
Presiding Officer - GARRY R. PARKER

Title Vice-Chairman  
Mariposa County Board of Supervisors

11-15-94  
Date adopted and approved

# EXHIBIT

**AMENDMENT TO CONTRACT  
BETWEEN THE  
BOARD OF ADMINISTRATION  
OF THE  
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 governing body of above public agency, hereinafter referred to as Public Agency, having entered into a contract effective July 1, 1961, and witnessed June 7, 1961, and as amended effective April 1, 1965, January 1, 1967, October 1, 1968, May 1, 1973, April 1, 1974, May 1, 1976, June 1, 1979, August 1, 1982, December 15, 1982, February 25, 1983, August 1, 1988, October 1, 1992 and March 17, 1993, 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 March 17, 1993, 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.**

**PLEASE DO NOT SIGN "EXHIBIT ONLY"**

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 21251.132 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 21252.01 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 50 Modified).
7. Public Agency elected to be subject to the following optional provisions:
  - a. Section 20021.6 ("County Peace Officer" shall include constables, deputy constables, marshals and deputy marshals as described in Government Code Section 20021.6).
  - b. Section 21222.1 (Special 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
  - c. Section 21222.2 (Special 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
  - d. Section 20021.9 ("County Peace Officer" shall include county jail, detention or correctional facility employees as described in Government Code Section 20021.9).
  - e. Section 20614, Statutes of 1978, (Reduction of Normal Member Contribution Rate). From June 1, 1979 and until July 31, 1982, the normal local miscellaneous member contribution rate shall be 3.5% and shall be the amount as then specified in Section 21252.1 minus 3.5% for local safety members. Legislation repealed said Section effective September 29, 1980.
  - f. Section 20930.3 (Military Service Credit as Public Service), Statutes of 1976.
  - g. Section 20614, Statutes of 1980, (To Prospectively Revoke Section 20614, Statutes of 1978).
  - e. Section 20818 (Two Years Additional Service Credit).
8. Public Agency, in accordance with Government Code Section 20740, ceased to be an "employer" for purposes of Section 20759 effective on June 1, 1979. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20759, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20759.
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 \_\_\_\_\_, 19 \_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BOARD OF SUPERVISORS  
OF THE  
COUNTY OF MARIPOSA

BY \_\_\_\_\_  
ACTING CHIEF  
EMPLOYER SERVICES DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk

PLEASE DO NOT SIGN "EXHIBIT ONLY"

PLEASE DO NOT SIGN "EXHIBIT ONLY"

**PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Employer Services Division  
Public Agency Contract Services  
P.O. Box 942709  
Sacramento, CA 94229-2709  
(916) 326-3420

**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  
(governing body)

of the County of Mariposa  
(public agency)

on November 15, 1994 which is at least two weeks prior to the adoption of the  
(date)

~~Resolution~~ Ordinance.

Date 11-15-94

Margie Williams  
Clerk/Secretary MARGIE WILLIAMS

Clerk of the Board  
Title

**PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Employer Services Division  
Public Agency Contract Services  
P.O. Box 942709  
Sacramento, CA 94229-2709  
(916) 326-3420

**CERTIFICATION  
OF COMPLIANCE WITH  
GOVERNMENT CODE SECTION 20818**

In accordance with Government Code Section 20818 and the contract between the Public Employees' Retirement System, the Board of Supervisors of the County of Mariposa hereby certifies that:

1. Because of an impending curtailment of, or change in the manner of performing service, the best interests of the agency will be served by granting such additional service credit.
2. Payment shall be made of the amount equal to the actuarial equivalent of the difference between the allowance the member receives after receipt of such service credit and the amount the member would have received without such service credit with respect to all eligible employees who retire during the specified period.
3. It has elected to become subject to Section 20818 because of impending mandatory transfers, demotions, and layoffs that constitute at least 1 percent of the job classification, department or organizational unit, as designated by the governing body, resulting from the curtailment of, or change in the manner of performing, its services.
4. Its intention at the time Section 20818 becomes operative is to keep all vacancies created by retirements under this section or at least one vacancy in any position in any department or other organizational unit permanently unfilled thereby resulting in an overall reduction in the work force of such department or organizational unit.

THEREFORE, the Board of Supervisors of the County of Mariposa hereby elects to provide the benefits of Government Code Section 20818 to all eligible members who retire within the designated period, December 8, 1994 through March 8, 1995.

BOARD OF SUPERVISORS  
OF THE  
COUNTY OF MARIPOSA

BY *Garry R Parker*  
Presiding Officer - GARRY R. PARKER  
Vice-Chairman

Attest:

*Margie Williams*  
Clerk/Secretary MARGIE WILLIAMS

11-15-94  
Date