



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
H-1

For the meeting of: September 6, 2016

Date: August 30, 2016
To: Board of Supervisors
From: Daniel Fulks, Director of Human Resources *DF*
Subject: PUBLIC EMPLOYEES' RETIREMENT SYSTEM CONTRACT AMENDMENT

RECOMMENDATION:

That the Board of Supervisors:

- 1. Adopt Resolution No. 110-103 (attached), a 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 Humboldt.

SOURCE OF FUNDING: N/A

DISCUSSION:

In order to implement the PERS contract amendment the County must follow certain specific procedures required by PERS. These provisions include that the Board of Supervisors first adopt a resolution stating the County's intent to amend the PERS contract. The proposed change to the PERS contract provides Section 20516 (Employees Sharing Additional Cost) of 3% for miscellaneous and safety members in Humboldt Deputy Sheriffs' Organization, American Federation of State, County & Municipal Employees, County Attorneys' Association, Law Enforcement Management and Unrepresented Management and Confidential, Department Heads and Board of Supervisors. Additionally, the proposed change also provides for Section 20516 (Employees Sharing Additional Cost) of 3% for local safety members and .25% for new local safety members in Humboldt Deputy Sheriffs' Organization.

Prepared by Daniel Fulks

CAO Approval *[Signature]*

REVIEW: Auditor *[Signature]* County Counsel *[Signature]* Personnel *[Signature]* Risk Manager _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor *Sundberg*
Seconded by Supervisor *Bass*
And unanimously carried by those members present,
The Board hereby adopts the recommended action
contained in this report.

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

Dated: Sept. 6, 2016
By: *[Signature]*
Kathy Hayes, Clerk of the Board

FINANCIAL IMPACT:

There is no financial impact due to this contract amendment. Revenue savings to the County will be realized because employees are participating in the cost of the employer contribution of the PERS retirement contract.

OTHER AGENCY INVOLVEMENT: None.

ATTACHMENTS:

Resolution No. 110-103 Resolution of Intent to Approve an Amendment to
Contract Between the Board of Administration California Public Employees' Retirement
System and the Board of Supervisors County of Humboldt

Exhibit A – Amendment to Contract

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of September 6, 2016

RESOLUTION NO. 16-103

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 HUMBOLDT

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 20516 (Employees Sharing Additional Cost) of 3% for local miscellaneous members in Humboldt Deputy Sheriffs' Organization, American Federation of State, County & Municipal Employees, County Attorneys' Association, Law Enforcement Management and Unrepresented Management and Confidential, Department Head and Board of Supervisors;

Section 20516 (Employees Sharing Additional Cost) of 3% for local safety members in American Federation of State, County & Municipal Employees, County Attorneys' Association, Law Enforcement Management and Unrepresented Management and Confidential Unit, Department Head and Board of Supervisors; and

Section 20516 (Employee Sharing Additional Cost) 3% for classic local safety members and .25% for new local safety members in Humboldt Deputy Sheriffs' Organization.

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.

Dated: September 6, 2016



MARK LOVELACE, Chair
Humboldt County Board of Supervisors

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of September 6, 2016

RESOLUTION NO. 16-103

Adopted on motion by Supervisor Sundberg, seconded by Supervisor Bass, and the following vote:

AYES: Supervisors Sundberg, Fennell, Lovelace, Bohn, Bass
NAYS: Supervisors --
ABSENT: Supervisors --
ABSTAIN: Supervisors --

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California



EXHIBIT A

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
Board of Supervisors
County of Humboldt

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective January 1, 1946, and witnessed November 13, 1945, and as amended effective October 1, 1951, July 1, 1952, October 1, 1959, January 1, 1963, January 31, 1971, July 2, 1971, November 21, 1971, March 1, 1974, November 17, 1974, October 19, 1975, October 29, 1976, February 9, 1978, March 30, 1980, June 22, 1980, August 30, 1985, July 8, 1990, June 1, 1997, October 12, 2000, January 5, 2001, June 4, 2006, October 22, 2006, September 7, 2008 and July 6, 2012 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

Pursuant to Government Code Sections 20460.1, 20469.1, subdivision (b), and 71624, this contract is hereby amended to add the Trial Court of Humboldt 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 15 are hereby stricken from said contract as executed effective July 6, 2012, and hereby replaced by the following paragraphs numbered 1 through 17 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 classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local safety members and age 57 for new local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after January 1, 1946 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. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

4. 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).
5. 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:

NO ADDITIONAL EXCLUSIONS

6. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment before and not on or after June 4, 2006 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1957, the effective date of Social Security coverage, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment on or after June 4, 2006 and not entering membership for the first time with this agency in the miscellaneous classification after July 6, 2012 shall be determined in accordance with Section 21354.5 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1957, the effective date of Social Security coverage, for members whose service has been included in Federal Social Security (2.7% at age 55 Full and Modified).
8. The percentage of final compensation to be provided for each year of credited current service as a classic local miscellaneous member entering membership for the first time with this agency in the miscellaneous classification after July 6, 2012 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).

9. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Supplemental to Federal Social Security).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local safety member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
12. 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. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) for county peace officers only.
 - c. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
 - d. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local safety members only.
 - e. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
 - f. Section 20818 (Two-Years Additional Service Credit), Statutes of 1976. Legislation repealed said Section effective January 1, 1979.
 - g. Section 21024 (Military Service Credit as Public Service) for local miscellaneous members and county peace officers only.
 - h. Section 20903 (Two Years Additional Service Credit).
 - i. Section 20438 ("County Peace Officer" shall include probation officers, deputy and assistant probation officers, juvenile hall employees, and persons employed as peace officers pursuant to Section 830.5 of the Penal Code as described in Government Code Section 20438).

- j. Section 20439 ("County Peace Officer" shall include county jail, detention or correctional facility employees as described in Government Code Section 20439).
- k. Section 20965 (Credit for Unused Sick Leave) for local miscellaneous members and county peace officers only.
- l. Section 20042 (One-Year Final Compensation) for classic local fire members and for those classic local miscellaneous members entering membership on or prior July 6, 2012.
- m. Section 20938 (Limit Prior Service to Members Employed on Contract Date) for local fire members only.
- n. Section 21548 (Pre-Retirement Option 2W Death Benefit) for local miscellaneous members only.
- o. Section 20475 (Different Level of Benefits): Section 21354 (2% at age 55 modified) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time with this agency in the miscellaneous classification after July 6, 2012.
- p. Section 20516 (Employees Sharing Additional Cost):

From and after the effective date of this amendment to contract, 3% for local miscellaneous members in Humboldt Deputy Sheriffs Organization, American Federation of State, County & Municipal Employees, County Attorneys Association, Law Enforcement Management and Unrepresented Management and Confidential, Department Head and Board of Supervisors.

From and after the effective date of this amendment to contract, 3% for local safety members in American Federation of State, County & Municipal Employees, County Attorneys Association, Law Enforcement Management and Unrepresented Management and Confidential Unit, Department Head and Board of Supervisors.

From and after the effective date of this amendment to contract, 3% for classic local safety members in Humboldt Deputy Sheriffs Organization.

From and after the effective date of this amendment to contract, .25% for new local safety members.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

13. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on October 29, 1976. 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.
14. 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.
15. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.
 - b. 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.
 - c. 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.

16. 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.
17. 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 HUMBOLDT

BY _____
RENEE OSTRANDER, CHIEF
EMPLOYER ACCOUNT MANAGEMENT DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk