



COUNTY OF SANTA CRUZ

0337

PERSONNEL DEPARTMENT

701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060-4073
(831) 454-2600 FAX: (831) 454-2411 TDD: (831) 454-2123
DANIA TORRES WONG, DIRECTOR

December 31, 2001

Agenda Date: January 29, 2002

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

ADOPT RESOLUTION AND ORDINANCE AND TAKE OTHER ACTIONS TO INITIATE CONTRACT AMENDMENT WITH THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE PEACE CORPS AND AMERICORPS: VISTA SERVICE CREDIT AS PUBLIC SERVICE FOR LOCAL MISCELLANEOUS AND SAFETY MEMBERS

Dear Members of the Board:

The California Government Code §21023.5 allows employees to purchase, at the employee's expense, up to three years of service credit for retirement purposes for any volunteer service in the Peace Corps or AmeriCorps: VISTA (Volunteers In Service To America).

Your Board approved a provision in the Memorandum of Understanding with the Middle Management Employee Association which authorizes the County to implement PERS amendments which enhance service credit for employees that have no actuarial costs. The Personnel Department has received concurrence from every other bargaining unit and association agreeing to the amendment to allow employees to purchase service credit at the employee's expense for volunteer service in the Peace Corps or AmeriCorps.

PERS requires that your Board adopt an ordinance approving the contract amendment and that such amendment must be applicable to all Miscellaneous members (General Representation, Middle Management, unrepresented Management, and District Attorney/Child Support Attorney) and/or all Safety members (Law Enforcement, Law Enforcement Middle Management, Sheriff's Supervisory, Correctional Officers, and District Attorney Inspectors). Adoption of this provision will result in the option being available to all County employees in the Public Employees' Retirement System.

The Personnel Department has received the necessary documents from PERS to implement this change and amend the County's contract. The contract amendment process requires:

1. Adoption by your Board of the attached Resolution of Intention to amend the contract between the County and PERS;

2. Adoption and first reading of an Ordinance by your Board to amend the contract;
3. Certification of your actions by the Clerk of the Board by the completion of the attached Certification of Compliance with Government Code Section 7507;
4. Final approval and second reading of the Ordinance on February 26, 2002, which is at least 20 days after the first reading;
5. Execution of the contract amendment.

Therefore, it is RECOMMENDED that your Board:

1. Adopt the attached Resolution of Intention to amend the County's contract with the Public Employees' Retirement System pursuant to Government Code Section 21023.5;
2. "Approve in concept" the attached Ordinance to amend the County's contract with the Public Employees' Retirement System;
3. Direct the Clerk of the Board to publish a public notice regarding the adoption of the Ordinance upon the first reading;
4. Direct the Clerk of the Board to immediately forward to the Public Employees' Retirement System a certified copy of the Resolution of Intention, Certification of Government Board's Action and Certification of Compliance with Government Code Section 7507;
5. Direct that the attached Ordinance be placed on your agenda for February 26, 2002, for a second reading;
6. Authorize the Chairperson of the Board of Supervisors to execute the contract with the Public Employees' Retirement System following final adoption of the Ordinance.

Very truly yours,



Dania Torres Wong
Personnel Director

RECOMMENDED:



SUSANA A. MAURIELLO
County Administrative Officer

CC: SEIU - Local 415
Middle Management Association
Operating Engineers, Local 3
Personnel (3)

**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 SANTA CRUZ**

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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 21023.5 (Public Service Credit for
Peace Corps or AmeriCorps: VISTA Service) 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: _____
Presiding Officer

Title

Date adopted and approved



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EXHIBIT

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 Santa Cruz

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, 1947, and witnessed December 23, 1946, and as amended effective February 1, 1958, August 22, 1964, December 24, 1966, August 1, 1968, October 12, 1968, February 13, 1969, March 6, 1969, January 1, 1972, September 1, 1973, October 1, 1974, December 16, 1976, July 1, 1978, October 10, 1981, July 14, 1984, April 15, 1989, July 18, 1992, January 1, 1994, May 17, 1997 and April 13, 2000 and November 10, 2001 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 Santa Cruz 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 13 are hereby stricken from said contract as executed effective November 10, 2001, and 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 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 January 1, 1947 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. **ASSESSMENT APPEALS BOARD MEMBERS HIRED ON OR AFTER AUGUST 1, 1968; AND**
 - b. **COMMUNITY ACTION PROGRAM PERSONNEL HIRED ON OR AFTER MARCH 6, 1969 WHOSE SALARIES ARE FUNDED BY GRANTS OR CONTRIBUTIONS PURSUANT TO PUBLIC LAW 88-452, THE ECONOMIC OPPORTUNITY ACT OF 1964, AND AMENDMENT THERETO.**

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5. Prior to January 1, 1975, those members who were hired by Public Agency on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.
6. 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 21354 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 55 Modified and Full).
7. 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 21362 of said Retirement Law (2% at age 50 Full).
8. 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. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
 - c. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
 - d. Section 21319 (One-Time 15% Increase for Local Miscellaneous Members Who Retired or Died Prior to July 1, 1971).
 - e. Section 21571 (Basic Level of 1959 Survivor Benefits) for local fire members only.
 - f. Section 21573 (Third Level of 1959 Survivor Benefits) for county peace officers only.
 - g. Section 20439 ("County Peace Officer" shall include county jail, detention or correctional facility employees as described in Government Code Section 20439).

- h. 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).
- i. Section 21583 (Additional Opportunity to Elect 1959 Survivor Benefits) for county peace officers only.
- j. Section 21024 (Military Service Credit as Public Service), Statutes of 1976.
- k. Section 20042 (One-Year Final Compensation).
- l. Section 21023.5 (Public Service Credit for Peace Corps or AmeriCorps: VISTA Service).
- 9. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on December 16, 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.
- 10. 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.
- 11. 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 21573 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 county peace officers.
 - 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.

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 periodic 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 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 SANTA CRUZ

BY _____
KENNETH MARZION, CHIEF
ACTUARIAL & EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

ORDINANCE AUTHORIZING AMENDMENT TO THE CONTRACT BETWEEN
THE COUNTY OF SANTA CRUZ AND THE BOARD OF ADMINISTRATION
OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

The Board of Supervisors of the County of Santa Cruz do ordain as follows:

SECTION I

That an amendment to the contract between the Board of Supervisors of the County of Santa Cruz and the Board of Administration, California Public Employees' Retirement System to provide Section 21023.5 (Public Service Credit for Peace Corps or AmeriCorps: VISTA Service) for Local Miscellaneous and Safety Members is hereby authorized, a copy of said amendment being attached hereto, marked as an Exhibit, and by such reference made a part hereof as though herein set out in full.

SECTION II

The Chairperson of the Board of Supervisors is hereby authorized, empowered and directed to execute said amendment for and on behalf of the County of Santa Cruz.

SECTION III

The second reading of this Ordinance shall take place on February 26, 2002, more than 20 days after the first reading.

SECTION IV

This Contract amendment shall take effect on the 32nd day following the adoption of the Ordinance.

SECTION V

This Ordinance shall take effect on the 31st day after the date of the final passage.

PASSED AND ADOPTED this _____ day of _____, 2002, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS

Board Chairperson

Attest:

Approved As To Form:

Clerk

Distribution: Personnel (3)