

DEPARTMENT: Personnel

BY: Jeffrey G. Green  
PHONE: 966-3222

**RECOMMENDED ACTION AND JUSTIFICATION:**

Adopt a Resolution of Intention to approve an amendment to the contract with the California Public Employees' Retirement System (CalPERS) Board of Administration to provide safety retirement at the 3%@50 formula for Probation Officers. Approving the Resolution is the first step in amending the contract with CalPERS to provide safety retirement for this group, a negotiated item that was agreed upon between the County and the Deputy Sheriffs' Association (DSA) and the Sheriff's Management Association (SMA), units that represent the Probation Officers.

According to CalPERS, removing the Probation Officers from the miscellaneous group and providing them safety retirement will increase the County's rate for safety 2.065%. The increased County rate for the miscellaneous group will be .019%.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

Resolution No. 03-32, adopted by the Board on January 28, 2003, approved the ratification of a Supplement to the Memorandum of Understanding (MOU) with the DSA and the SMA. One of the provisions of the MOU Supplement was to allow safety retirement for Probation Officers.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

N/A. The Board has previously authorized safety retirement for Probation Officers. This action will continue the process necessary to implement this benefit formula.

Financial Impact? (X) Yes ( ) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		
Source:		<b>Resolution of Intention</b>
Internal Transfer		<b>Certification of Governing Body's Action</b>
Unanticipated Revenue	_____ 4/5's vote	<b>Certification of Compliance with Gov't Code</b>
Transfer Between Funds	_____ 4/5's vote	
Contingency	_____ 4/5's vote	
( ) General ( ) Other		

**CLERK'S USE ONLY:**

Res. No.: 03-130 Ord. No. \_\_\_\_\_  
Vote - Ayes: 5 Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_  
*WJW* ) Approved  
( ) 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

**COUNTY ADMINISTRATIVE OFFICER:**

Requested Action Recommended  
 No Opinion  
Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CAO: *RAH*

**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 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 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 20438 (Probation Officers, Deputy Probation Officers, Assistant Probation Officers, Juvenile Hall Employees and Person Employed as Peace Officers as "County Peace Officers").

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~~ Bob Pickard

Chairman, Board of Supervisors  
Title

May 6, 2003  
Date adopted and approved



**EXHIBIT**

California  
Public Employees' Retirement System

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**AMENDMENT TO CONTRACT**

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

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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 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, March 17, 1993, December 7, 1994, June 30, 1996, September 22, 2000, June 6, 2001 and January 1, 2003 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 Mariposa 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."

PLEASE DO NOT SIGN "EXHIBIT ON

- A. Paragraphs 1 through 13 are hereby stricken from said contract as executed effective January 1, 2003, 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 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.**
  5. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment before and not on or after January 1, 2003 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).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

6. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after January 1, 2003 shall be determined in accordance with Section 21354.5 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2.7% 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 21362.2 of said Retirement Law subject to the reduction provided therein for Federal Social Security (3% at age 50 Modified).
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 20439 ("County Peace Officer" shall include county jail, detention or correctional facility employees as described in Government Code Section 20439).
  - 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 and local safety member contribution rate shall be 3.5%. Legislation repealed said Section effective September 29, 1980.
  - f. Section 21024 (Military Service Credit as Public Service), Statutes of 1976.
  - g. Section 20690, Statutes of 1980, (To Prospectively Revoke Section 20614, Statutes of 1978).
  - h. Section 20903 (Two Years Additional Service Credit).

PLEASE DO NOT SIGN "EXHIBIT C"

- i. Section 20965 (Credit for Unused Sick Leave) for local miscellaneous members only.
  - j. Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service).
  - k. Section 20042 (One-Year Final Compensation).
  - l. 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).
9. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on June 1, 1979. 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. 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.
  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 MARIPOSA

BY \_\_\_\_\_  
KENNETH W. MARZION, CHIEF  
ACTUARIAL & EMPLOYER SERVICES DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

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

Attest:

\_\_\_\_\_  
Clerk

**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Actuarial and Employer Services Division

Public Agency Contract Services

P.O. Box 942709

Sacramento, CA 94229-2709

(916) 326-3420

**CERTIFICATION OF GOVERNING BODY'S ACTION**

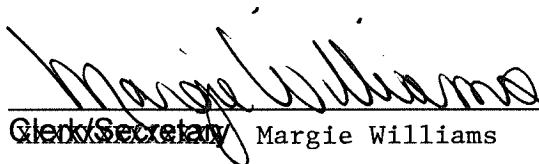
I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the

Board of Supervisors \_\_\_\_\_ of the  
(governing body)

County of Mariposa

\_\_\_\_\_  
(public agency)

on May 6, 2003  
(date)

  
\_\_\_\_\_  
~~Clerk/Secretary~~ Margie Williams

\_\_\_\_\_  
Clerk of the Board  
Title



**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**  
Actuarial and 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

of the

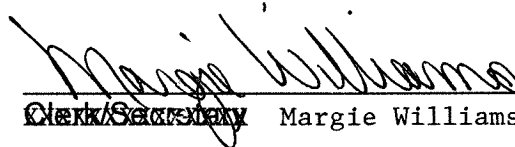
(governing body)

County of Mariposa

(public agency)

on May 6, 2003 which is at least two weeks prior to the adoption of the  
(date)

Resolution / Ordinance.

  
Clerk/Secretary Margie Williams

Clerk of the Board

Title

Date

May 8, 2003