

ORDINANCE NO. 809 N.S.

AN URGENCY ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF
EL PASO DE ROBLES AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

WHEREAS, the City Council of the City of El Paso de Robles does ordain as follows:

WHEREAS, California's Public Employee's Retirement Law permits public agencies and their employees to participate in the Public Employees Retirement System (PERS).

WHEREAS, the City and its employees hold contracts with PERS. One each for Police Public Safety Employees, Emergency Services Safety Employees and for "Miscellaneous" employees (employees other than public safety).

WHEREAS, two benefit options available to "Miscellaneous" employees are the 2% at 55 years of age retirement plan and One-Year final compensation.

WHEREAS, on March 20, 2001, City Council approved the adoption of both the One-Year Final Compensation and the 2% at 55 years of age retirement plan amendments for "Miscellaneous" employees.

WHEREAS, the City is required to adopt a resolution of intention.

WHEREAS, the City is required to do a first reading of the Ordinance.

SECTION 1. An amendment to the contract between the City Council of the City of El Paso de Robles and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment is attached hereto marked Exhibit and by such reference made a part hereof as though herein set out in full.

SECTION 2. The Mayor of the City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 4. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 5. This ordinance is an urgency ordinance and shall take effect immediately upon adoption. The City Council hereby declares that the need for the adoption of this ordinance as an urgency measure is to preserve the public health, safety and welfare and is based upon the following facts:

- a. This ordinance will authorize the execution of an amendment to the contract between the California Public Employee Retirement System and the City regarding the retirement benefits to be paid to the members of CalPERS. Pursuant to law, the ordinance to amend the contract cannot be adopted until at least twenty (20) days after the adoption of a resolution of intention to approve the amendment to the contract. The resolution of intention was adopted by the City Council at its meeting of May 15, 2001.
- b. Based on the cost analysis provided by CalPERS, the adoption of the plan amendment will result in an increase in the amount of benefits to CalPERS members at no additional cost to the City as it is based upon the most recent annual actuarial valuation prepared by CalPERS. The cost analysis was received by City from CalPERS at the end of April 2001.
- c. Based on the time the annual actuarial valuation reports are prepared by CalPERS, if this ordinance is not adopted as an urgency measure, the City would likely receive another annual actuarial valuation report prior to the effective date of the ordinance. In such event, the adoption of the amendment to the contract would be delayed further, and could result in a significant increase in the amount to be paid by the City to CalPERS.

SECTION 6. The City Clerk is hereby directed to cause publication of this ordinance within 15 days from its passage in the Paso Robles Press, a newspaper of general circulation, published and circulated in the City of EL Paso de Robles in accordance with Section 36933 of the Government Code, and thenceforth and thereafter the same shall be in full force and effect.

Introduced at a regular meeting of the City Council held on May 15, 2001, and approved and adopted this 5th day of June 2001 by the following four-fifths vote:

AYES: Finigan, Heggarty, Nemeth, Picanco and Mecham
NOES: None
ABSENT: None
ABSTAIN: None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk