

ORDINANCE NO. 980 N.S.

AN 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

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

WHEREAS, the City holds a contract with PERS covering retirement structures for Police and Fire "Public Safety" Employees, and for "Miscellaneous" employees (employees other than public safety); and

WHEREAS, the labor contract with the I.A.F.F. Local 4148 (Fire Safety Employees) approved by City Council Resolution No. 06-202 in April 2006 included an agreement to modify the Fire Safety PERS retirement to a 3% @ 55 formula by March 1, 2010; and

WHEREAS, the Fire Safety Employees willingly offered to defer implementation of the contractually agreed upon PERS contract modification for a cumulative two (2) year period, resulting in some payroll cost savings to the City; and

WHEREAS, all employees (Public Safety and Miscellaneous) have suspended wage and benefit adjustments contractually due to them since April 2009 to June and July 2012 respectively; and

WHEREAS, all employees (Public Safety and Miscellaneous) have agreed to implement a less costly second tier retirement plan formula for future employees; and

WHEREAS, the City has acquired an actuarial analysis of the fiscal impacts associated with the contractually agreed upon PERS contract amendments, and the projected costs for the change in value of benefit have been reported out in the Fiscal Impact Analysis section of the City Council report presented at the March 20, 2012 City Council meeting; and

WHEREAS, the City Council adopted a "Resolution of Intention" to approve an amendment to the PERS contract at their regular meeting of March 20, 2012; and

WHEREAS, the first reading and introduction of this Ordinance took place at the regular City Council meeting of March 20, 2012; and

WHEREAS, second reading of and adoption of this Ordinance must be a minimum of twenty (20) days after the date of City Council's adoption of the "Resolution of Intention"; and

The City Council of the City of El Paso de Robles does hereby ordain as follows:

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 and thus 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 shall take effect thirty (30) days after the date of its adoption.

SECTION 6. The City Clerk is hereby directed to cause publication of this ordinance within 15 days from its passage in a newspaper of general circulation 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.

Adopted and approved at this regular meeting of the City Council held on April 17, 2012 by the following vote:

AYES: Strong, Gilman, Steinbeck, Hamon, Picanco

NOES:

ABSTAIN:

ABSENT:

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Duane Picanco, Mayor

ATTEST:

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Caryn Jackson, Deputy City Clerk

SECTION 6. The City Clerk is hereby directed to cause publication of this ordinance within 15 days from its passage in a newspaper of general circulation 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.

Adopted and approved at this regular meeting of the City Council held on April 17, 2012 by the following vote:

AYES: Strong, Gilman, Steinbeck, Hamon, Picanco

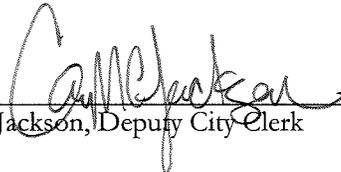
NOES:

ABSTAIN:

ABSENT:

  
\_\_\_\_\_  
Duane Picanco, Mayor

ATTEST:

  
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Caryn Jackson, Deputy City Clerk