

ORDINANCE NO. 1053 N.S.

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

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

WHEREAS, the City has a contract with CalPERS that covers three classifications of employees, which are (1) Police Public Safety Employees, (2) Fire Public Safety Employees, and (3) Miscellaneous employees (all employees other than public safety employees); and

WHEREAS, the current CalPERS contract for Fire Safety employees have 3 tiers with different retirement benefit formulas depending upon factors such as years of service or vested enrollment; and

WHEREAS, the recently-approved Memorandum of Understanding between the City of Paso Robles and the Paso Robles Professional Firefighters Association ("IAFF") (the "IAFF MOU") provides that Fire Safety employees contribute an additional three percent (3%) towards contract retirement costs, as authorized by Government Code section 20516; and

WHEREAS, the IAFF MOU for the calendar year 2017 calls for an amendment to the CalPERS Retirement Contract as soon as is practicable; and

WHEREAS, it is critical that the City implement all necessary actions prior to mid-March 2018 to fulfill its contract obligations for calendar year 2017, and to enable the City to initiate another contract change for additional agreed-upon retirement cost sharing before a July 1, 2018 deadline; and

WHEREAS, on February 6, 2018 the City Council adopted Resolution 18-015, a resolution of intention (the "Resolution of Intention") to approve an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System and the City Council of Paso Robles; and

WHEREAS, CalPERS rules require that an ordinance implementing a CalPERS Contract change cannot be approved until at least 20 days after approval of the Resolution of Intention; and

WHEREAS, due to the need to immediately begin implementation of the CalPERS contract change and the fulfill the City's obligations under the IAFF MOU, which is in the interest of the public health and safety of the City, it is necessary to adopt this Ordinance as an urgency measure;

NOW THEREFORE, 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 as Exhibit A and incorporated herein in full by reference.

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

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. As required, more than twenty (20) days have passed since the City Council adopted a resolution of intention to approve the amendment to the contract, which resolution was adopted by the City Council on February 6, 2018.
- b. First and final reading of this ordinance has taken place on March 6, 2018, as set forth in Section 5(a) above. The effective date of the CalPERS contract amendment must be March 11, 2018, to correspond with the first day of the payroll period following adoption of this Ordinance and by mid-March 2018, in accordance with the IAFF MOU.

SECTION 6. The City Clerk is hereby directed to cause publication of this ordinance within 15 days from its passage in the Tribune News, 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 and adopted at a regular meeting of the City Council held on March 6, 2018 as an urgency measure by the following minimum four-fifths majority vote:

AYES: Gregory, Strong, Hamon, Reed, Martin  
NOES:  
ABSTAIN:  
ABSENT:

  
\_\_\_\_\_  
Steven W. Martin, Mayor

ATTEST:

  
\_\_\_\_\_  
Kristen L. Buxkemper, Deputy City Clerk