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 CLARA

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 21354.4 (2.5% @ 55 Full and Modified formula) for local miscellaneous 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.

ATTEST: Phyllis A. Perez, Clerk
Board of Supervisors

April 24, 2007
Date adopted and approved

By:

Donald F. Gage
Presiding Officer

Donald F. Gage, Chairperson
Board of Supervisors

Title

Approved as to form and legality

Nancy Clark, Deputy County Counsel

(Amendment)
CON-302 (Rev. 4/06)
AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees’ Retirement System
and the
Board of Supervisors
County of Santa Clara


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 Clara 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 January 7, 2002, and hereby replaced by the following paragraphs numbered 1 through 15 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, 1945 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. EXTRA HELP APPOINTEES (AS DEFINED IN SECTION 3.35-18 OF THE SANTA CLARA COUNTY ORDINANCE CODE) HIRED JULY 6, 1970 OR THEREAFTER;

   b. PERSONS COMPENSATED ON A PER DIEM BASIS WHO ARE EMPLOYED AUGUST 1, 1968 OR THEREAFTER;

   c. RESIDENT PHYSICIANS AND MEDICAL INTERNS HIRED ON OR AFTER OCTOBER 11, 1982 AND WHO ARE EMPLOYED IN THE FOLLOWING CLASSIFICATIONS:

          P34-RESIDENT PHYSICIAN IV
          P35-RESIDENT PHYSICIAN III
          P36-RESIDENT PHYSICIAN II
          P37-RESIDENT PHYSICIAN I;
          P39-MEDICAL INTERN; AND
d. DEPUTY SHERIFF CADET HIRED ON AND AFTER OCTOBER 16, 1985; AND

e. CORRECTIONAL OFFICER CADET HIRED ON OR AFTER FEBRUARY 24, 1988.

5. This contract shall be a continuation of the benefits of the contract of the Regional Criminal Justice Planning Board of Santa Clara County, hereinafter referred to as "Former Agency", pursuant to Section 20508 of the Government Code, Former Agency having ceased to exist and succeeded by Public Agency on October 27, 1980. Public Agency, by this contract, assumes the accumulated contributions and assets derived therefrom and liability for prior and current service under Former Agency's contract with respect to the Former Agency's employees. Legislation repealed Section 20508, Statutes of 1949, effective January 1, 1988.

6. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment before and not on or after the effective date of this amendment to contract shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).

7. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment on or after the effective date of this amendment to contract shall be determined in accordance with Section 21354.4 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, for members whose service has been included in Federal Social Security (2.5% at age 55 Full and Modified).

8. The percentage of final compensation to be provided for each year of credited prior and current service as county peace officers and for park rangers hired on and after January 1, 2005 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).

9. The percentage of final compensation to be provided for each year of credited prior and current service as park rangers entering membership for the first time as county peace officers who were reclassified to safety on and after October 15, 2001 and prior to January 1, 2005 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Modified).
10. Public Agency elected and elects to be subject to the following optional provisions:

a. Section 20439 ("County Peace Officer" shall include county jail, detention or correctional facility employees as described in Government Code Section 20439).

b. Section 21571 (Basic Level of 1959 Survivor Benefits).

c. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance).

d. Section 21222.1 (Special 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.

e. Section 21222.2 (Special 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.

f. Section 21024 (Military Service Credit as Public Service).

g. Section 21319 (Special 15% Increase for Local Miscellaneous Members Who Retired or Died Prior to July 1, 1971). Legislation repealed said Section effective January 1, 2002.

h. Section 20042 (One-Year Final Compensation).

i. 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).

j. Section 20930.5 (Uncompensated Elected Officials Credit), for local miscellaneous members. Legislation repealed said Section effective January 1, 1981.

k. Section 20614, Statutes of 1978, (Reduction of Normal Member Contribution Rate). From December 25, 1978 and until February 15, 1982, the normal local miscellaneous member contribution rate shall be 5%. Legislation repealed said Section effective September 29, 1980.

l. Section 20903 (Two Years Additional Service Credit) for local miscellaneous members and county peace officers only.

m. Section 21325 (Special 3% to 15% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to January 1, 1974). Legislation repealed said Section effective January 1, 2002.
n. Section 21326 (Special 1% to 7% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to July 1, 1974). Legislation repealed said Section effective January 1, 2002.

o. Section 20614, Statutes of 1980, (To Prospectively Revoke Section 20614, Statutes of 1978).

p. Section 21548 (Pre-Retirement Optional Settlement 2 Death Benefit).

q. Section 21623.5 ($5,000 Retired Death Benefit).

r. Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service).

s. Section 20441.5 (County Parks and Recreation Department, Park Rangers as "County Peace Officers").

t. Section 20441 ("County Peace Officer" shall include persons employed by a county parks and recreation department as described in Government Code Section 20441).

11. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on January 3, 1975. 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.

12. 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.

13. 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.
14. 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.

15. 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

BY
LORI MCGARTLAND, CHIEF
EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BOARD OF SUPERVISORS
COUNTY OF SANTA CLARA

BY
PRESIDING OFFICER

TRIAL COURTS
SANTA CLARA COUNTY

BY
PRESIDING OFFICER

Witness Date

Attest:

Clerk