

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF EMERYVILLE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CalPERS) WITH RESPECT TO PUBLIC SAFETY EMPLOYEES

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 for the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, the City of Emeryville and the Emeryville Police Officers' Association (EPOA) entered into a Memorandum of Understanding (MOU) effective July 1, 2014, for a three-year term; and

WHEREAS, the MOU provides that all EPOA classic members would continue their share of the cost of the Police retirement plan by sharing the cost of the plan with additional employee contributions (an additional 1% above the 3% member current contributions) for a total of 13%; and

WHEREAS, in order to implement the contract amendments detailed above, the end of the variable cost sharing of 3% and the increase to 4% of classic local police members share of the additional cost, it was necessary to first adopt a Resolution of Intention to amend the contract between the City and CalPERS; and

WHEREAS, the City Council adopted a Resolution of Intention on March 7, 2017 (Resolution No. 17-28); and

WHEREAS, the City conducted the required election utilizing the CalPERS required balloting process to record classic local police members' approval of the cost sharing arrangement adopted in their MOU; and

WHEREAS, the election was concluded on March 17, 2017, and by a vote of 23 out of 28 eligible "Yes" votes, the members approved the cost sharing arrangement; and

WHEREAS, in order to implement the retirement plan amendments, the governing body of the contracting agency must adopt an ordinance to amend the contract with CalPERS within 20-days after adoption of the Resolution of Intent; and

WHEREAS, the required disclosures regarding the costs of the contract amendment and the future annual costs or benefits be made public at a public meeting at least two weeks prior to the adoption of this Ordinance, and these disclosures were provided at the March 7, 2017, City Council meeting; now therefore,

THE CITY COUNCIL OF THE CITY OF EMERYVILLE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. PURPOSE AND INTENT.

The purpose and intent of this ordinance is to implement the terms and conditions of the Memorandum of Understanding entered into by and between the City of Emeryville and the Emeryville Police Officers' Association, the recognized representative of the Sworn Police Officers and Police Sergeants, which will apply to the local police managers represented by the Employee Association of Confidential, Administrative, Managerial and Professional Employees (CAMP) within the City of Emeryville Police Department, by authorizing an amendment of the contract between the City Council of the City of Emeryville and the Board of Administration of the California Public Employees' Retirement System, as it affects all local police members, in order to implement the sharing of costs, as provided by Government Code section 20516 which are attributable to the implementation of the 3% at 55 retirement formula set forth in Section 21362.2.

SECTION TWO. AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF EMERYVILLE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM

The City Council of the City of Emeryville hereby approves, authorizes, and empowers, and directs the City Manager of the City of Emeryville to execute the amendment to the contract between the City of Emeryville and the Board of Administration of the California Public Employees Retirement System, a copy of said amendment is attached hereto as Exhibit A, and incorporated herein.

SECTION THREE. CEQA DETERMINATION

The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15061(b)(3) of the state CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of the Ordinance may have a significant effect on the environment.

SECTION FOUR. SEVERABILITY

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared severable. If, for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining section, paragraphs, clauses, or phrases.

SECTION FIVE. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code section 33693.

SECTION SIX. CODIFICATION

This Ordinance shall not be codified in the Emeryville Municipal Code

This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting on Tuesday, April 4, 2017, and **PASSED AND ADOPTED** by the City Council at a regular meeting on Tuesday, April 18, 2017, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

MAYOR



CITY CLERK

CITY ATTORNEY