

ORDINANCE NO. 17-005

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF PACIFIC GROVE AUTHORIZING
AMENDMENT OF THE CONTRACT BETWEEN THE CITY OF PACIFIC GROVE
AND THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

FINDINGS

1. The City of Pacific Grove and the Pacific Grove Police Officer Association (POA) reached a Memorandum of Understanding agreement from January 1, 2015 through June 30, 2018. As part of that agreement "classic members" (under the Public Employees' retirement Pension Reform Act of 2013 within the meaning of PEPRA) agree to share in the employer contribution to California Public Employees' Retirement System (CALPERS).
2. Classic CALPERS members shall contribute an additional one percent (1%), for a total of two percent (2%), towards the employer contribution towards CalPERS retirement for a total eleven percent (11%) employee contribution.
3. The additional one percent (1%), for a total of two percent (2%) employee contribution shall be credited to each member's account as normal contributions and will be included in the refund of accumulated contributions to members who separate from CALPERS covered employment and who elect to withdraw their contributions. The employer's rate will be reduced by the agreed upon percentage of cost sharing. These changes must be completed by amending the contract with CALPERS for "Classic" POA members.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The foregoing Findings are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Amendment of the contract between the City Council of the City of Pacific Grove and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

SECTION 3. The Mayor and City Manager are hereby authorized, empowered, and directed to execute all documents for and on behalf of the City to affect this Ordinance and the CalPERS amendment it approves. .

SECTION 4. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision

shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 30 days from the passage thereof shall be published at least 3 days in the Monterey Herald, a newspaper of general circulation, published and circulated in the City of Pacific Grove and thenceforth and thereafter the same shall be in full force and effect.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 5th day of April, 2017, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Garfield, Huitt, Peake and Smith.

NOES: None.

ABSENT: None.

APPROVED:



BILL KAMPE, Mayor

Attest:



SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:



DAVID C. LAREDO, City Attorney