

ORDINANCE NO. 18-002

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 UNDER GOVERNMENT CODE SECTION 20516

FINDINGS

1. The City of Pacific Grove (City) 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" (as defined 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 Safety POA members shall contribute an additional one percent (1%), for a total of three percent (3%), towards the employer contribution towards CalPERS retirement for a total 12 percent (12%) employee contribution.
3. The City and the Management Employees Association (MEA) reached a Memorandum of Understanding agreement from January 1, 2017 through December 31, 2019. As part of that agreement "classic" miscellaneous members (as defined 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).
4. Classic CALPERS MEA miscellaneous members shall contribute five percent (5%) of the employer contribution towards CalPERS retirement for a total twelve percent (12%) employee contribution.
5. The City and the Unrepresented Employees (UE) agreed to cost share as stated in City Resolution 17-029. As part of that agreement "classic" miscellaneous members (as defined 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).
6. Classic CALPERS UE miscellaneous members shall contribute five percent (5%) of the employer contribution towards CalPERS retirement for a total twelve percent (12%) employee contribution.
7. The City and the Unrepresented Safety Employees (USE) agreed to cost share as stated in City Resolution 17-029. As part of that agreement "classic" safety members (as defined 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).
8. Classic CALPERS USE miscellaneous members shall contribute five percent (5%) of the employer contribution towards CalPERS retirement for a total fourteen percent (14%) employee contribution.
9. Under Government Code Section 20516 the employee cost sharing 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" miscellaneous and "Classic" safety 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 7th day of February 2018, by the following votes:

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

NOES: None.

ABSENT: None.

APPROVED:

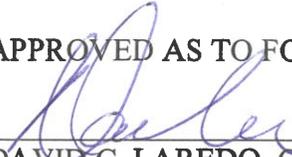

BILL KAMPE, Mayor

Attest:



SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:



DAVID C. LAREDO, City Attorney

