

**ORDINANCE NO. 2023-11**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE COUNCIL OF THE CITY OF SAN BUENAVENTURA AND THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

The Council of the City of San Buenaventura does ordain as follows:

Section 1. That an amendment to the contract between the Council of the City of San Buenaventura and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked as "Exhibit 1," and by such reference made a part hereof as though herein set out in full.

Section 2. The City Manager of the City of San Buenaventura is hereby authorized, empowered, and directed to execute said amendment for and on behalf of the City.

Section 3. 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 once in the Ventura County Star, a newspaper of general circulation, published and circulated in the City of San Buenaventura and thenceforth and thereafter the same shall be in full force and effect.

The foregoing Ordinance was adopted by the City Council of San Buenaventura on January 9, 2024 and ordered published by posting the following vote:

Ayes: Councilmembers Duran, McReynolds, Johnson, Halter, Campos, Deputy Mayor Dr. Sánchez-Palacios, and Mayor Schroeder

Noes: None

Absent: None



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Joe Schroeder  
Mayor

ATTEST:



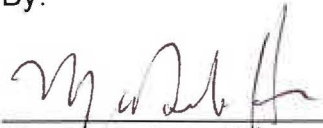
Michael B. MacDonald, CMC  
City Clerk



APPROVED AS TO FORM:

Andrew Heglund  
City Attorney

By:



Monica I. de la Hoya  
Assistant City Attorney

1/14/24  
Date

EXHIBITS:

Exhibit 1: Amendment to Contract





EXHIBIT 1

EXHIBIT

California  
Public Employees' Retirement System

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**AMENDMENT TO CONTRACT**

**Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of San Buenaventura**

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The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective July 1, 1948, and witnessed June 28, 1948, and as amended effective July 1, 1954, July 1, 1959, July 1, 1960, January 1, 1963, April 1, 1965, February 1, 1969, February 1, 1972, July 1, 1973, October 1, 1973, January 1, 1974, July 1, 1974, July 7, 1977, November 1, 1977, December 6, 1980, March 3, 1990, May 8, 1990, February 8, 1992, June 25, 1993, December 27, 1995, April 24, 1997, November 4, 1999, August 19, 2000, October 11, 2001, July 10, 2010, July 23, 2011, and November 12, 2011, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 17 are hereby stricken from said contract as executed effective November 12, 2011, and hereby replaced by the following paragraphs numbered 1 through 19 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 classic local miscellaneous members entering membership in the miscellaneous classification on or prior to July 23, 2011, age 60 for classic local miscellaneous members entering membership for the first time in the miscellaneous classification after July 23, 2011, age 62 for new local miscellaneous members, age 55 for classic local fire members, age 50 for classic local police members entering membership in the police classification on or prior to July 23, 2011, age 55 for classic local police members entering membership in the police classification after July 23, 2011, and age 57 for new local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after July 1, 1948, 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. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

4. 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. Local Police Officers (herein referred to as local safety members);
  - c. Employees other than local safety members (herein referred to as local miscellaneous members).
5. 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:

#### **NO ADDITIONAL EXCLUSIONS**

6. Prior to January 1, 1975, those members who were hired by Public Agency on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.
7. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member entering membership in the miscellaneous classification on or prior to July 23, 2011, shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
8. The percentage of final compensation to be provided for each year of credited current service as a classic local miscellaneous member entering membership for the first time in the miscellaneous classification after July 23, 2011, shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local fire member shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local police member entering membership in the police classification on or prior to July 23, 2011, shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).

12. The percentage of final compensation to be provided for each year of credited current service as a classic local police member entering membership for the first time in the police classification after July 23, 2011, shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
13. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
14. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 21573 (Third Level of 1959 Survivor Benefits) for local fire members only.
  - b. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local miscellaneous members and local police members only.
  - c. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local safety members only.
  - d. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
  - e. Section 20356 (Extension of Reciprocity Rights for Elective Officers). Legislation repealed said Section effective January 1, 2002.
  - f. Section 21326 (One-Time 1% to 7% Increase For or on Behalf of Those Local Miscellaneous Members and Those Local Safety Local Members Who Retired or Died Prior to July 1, 1974). Legislation repealed said Section effective January 1, 2002.
  - g. Section 21024 (Military Service Credit as Public Service).
  - h. Section 20903 (Two Years Additional Service Credit).
  - i. Section 20042 (One-Year Final Compensation) for classic local safety members and those classic local miscellaneous members entering membership on or prior to July 23, 2011.
  - j. Section 20475 (Different Level of Benefits): Section 21353 (2% @ 60 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local miscellaneous members entering membership for the first time with this agency in the miscellaneous classification after July 23, 2011.

Section 21363.1 (3% @ 55 Full formula) is applicable to classic local police members entering membership for the first time with this agency in the police classification after July 23, 2011.

- k. Section 20516 (Employee Sharing Cost of Additional Benefits): From and after July 23, 2011, and until the effective date of this amendment to contract applicable to Section 21362.2 (3% @ 50 Full formula) and Section 21363.1 (3% @ 55 Full formula) effective August 19, 2000, for classic local police members. The employee cost sharing contribution is not to exceed 7.629%. The maximum employee cost sharing contribution is normal cost plus the increase in the accrued liability due to the benefit improvement amortized over 20 years. In no event shall the employee cost sharing contribution attributable to the unfunded liability remain in effect beyond June 30 proceeding the 20th anniversary of the effective date of the additional benefits. Therefore, after June 30, 2020, in any given contribution year, the maximum employee cost sharing contribution cannot exceed 2.299%.

Section 20516 (Employee Sharing Cost of Additional Benefits) applicable to Section 21363.1 (3% @ 55 Full formula) effective July 10, 2010, for classic local fire members. The employee cost sharing contributions are not to exceed 6.995%. The maximum employee cost sharing contribution is the normal cost plus the increase in the accrued liability due to the benefit improvement amortized over 20 years. In no event shall the employee cost sharing contribution attributable to the unfunded liability remain in effect beyond June 30, 2030. Thereafter, in any given contribution year, the maximum employee cost sharing contribution cannot exceed 2.222% of payroll.

- l. Section 20516 (Employees Sharing Additional Cost):

From and after the effective date of this amendment to contract, 4.5% for classic local police members.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

15. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.
16. 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.

17. 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.
18. 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.
19. 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

CITY COUNCIL  
CITY OF SAN BUENAVENTURA

BY \_\_\_\_\_  
MELODY BENAVIDES, CHIEF  
PENSION CONTRACTS AND PREFUNDING  
PROGRAMS DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk

PLEASE DO NOT SIGN "EXHIBIT ONLY"

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