

City of Oakland Public Records Request No. 20621
April 17, 2017

Attachment No. 1

**CITY OF OAKLAND
COUNCIL AGENDA REPORT**

TO: Office of the City Manager
ATTN: Robert C. Bobb, City Manager
FROM: Administrative Services Agency
DATE: September 11, 2001

SUBJECT: AN ORDINANCE OF THE COUNCIL OF THE CITY OF OAKLAND AUTHORIZING AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF OAKLAND AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

SUMMARY

The attached ordinance authorizes an amendment to the contract between the City of Oakland and the California Public Employees' Retirement System (CALPERS) pursuant to the Memorandum of Understanding between the City and IAFF, Local 55, executed on June 26, 2001. The amendment would effectuate an improved retirement benefit commonly referred to as "three percent at fifty-five" (3% @ 55), that provides three percent of the employee's highest year compensation for each year of service if the employee retires at age fifty-five or later. Also, the amendment would allow sworn employees of the Fire Services Agency (FSA) who are members of the City's Police & Fire Retirement System (PFRS), to transfer into the CALPERS.

FISCAL IMPACT

The amendment of the CALPERS contract as described above will result in a net increase in the City's normal retirement contribution rate for public safety employees of approximately 4% based on an increased benefit liability of approximately 62.9 million dollars. The costing analysis from CALPERS already takes into account the transfer of *employee* contributions from PFRS to CALPERS in the amount of \$19,058,011. The transfer of *employer* contributions currently in PFRS that are attributed to FSA employees who transfer to CALPERS mitigates some of the increase to the normal contribution resulting from the contract amendment. Without the transfer of these *employer* contributions from PFRS to CALPERS, the City's normal retirement contribution rate would increase by 8.5%.

DISCUSSION

Resolution No. 76546 approved the current Memorandum of Understanding (MOU) between the City of Oakland and International Association of Fire Fighters, Local 55. In Articles 9.3 and 9.6 of the MOU, respectively, the City agrees to implement the transfer of PFRS members to CALPERS and the 3% @ 55 benefit improvement no later than November 1, 2001. Implementation of Articles 9.3 and 9.6 require amendment of the CALPERS contract as previously described.

ENVIRONMENTAL OPPORTUNITIES

There are no environmental opportunities or impacts associated with approval of this ordinance.

DISABILITY AND SENIOR CITIZEN ACCESS

There is no impact on residents with disabilities and/or senior citizens relative to accessibility.

RECOMMENDATION AND RATIONALE

The City Council approved the current MOU with IAFF, Local 55 pursuant to Resolution 76546 that mandates this contract change. Approval of this ordinance is necessary to implementation of key provisions of the current MOU with IAFF, Local 55.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the ordinance.

Respectfully submitted,



WALTER L. JOHNSON
Director, Office of Personnel

Prepared by:
Michael K. Rich, Principal HR Analyst
Office of Personnel

APPROVED FOR FORWARDING
TO THE CITY COUNCIL:

Office of the City Manager


CITY ATTORNEY 8/22/01

ORDINANCE NO. _____ C.M.S.

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

WHEREAS, the City Council approved a Memorandum of Understanding between the City of Oakland and the International Association of Fire Fighters, Local 55 pursuant to Resolution No. 76546 on June 26, 2001, and

WHEREAS, Articles 9.3 and 9.6 of said Memorandum of Understanding provide for Local System Transfer and 3% at 55 retirement benefits, respectively; and

WHEREAS, implementation of Articles 9.3 and 9.6 require an amendment to the contract between the City of Oakland and the Board of Administration of the California Public Employees' Retirement System; now, therefore

The Council of the City of Oakland does ordain as follows:

SECTION 1. That an amendment to the contract between the Council of the City of Oakland 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 2. The President of the Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3. The effective date of this Ordinance will be immediate if at least six Council Members vote in favor of the ordinance; otherwise it will take effect on the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2001

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MAYNE, NADEL, REID, SPEES, WAN, AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

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

NOTICE AND DIGEST

This Ordinance authorizes amendment to the contract between the City of Oakland and the Board of Administration of the California Public Employees' Retirement System to effectuate a Local System Transfer and 3% at 55 retirement benefits for sworn employees of the Fire Services Agency. This action is provided for in the current Memorandum of Understanding between the City and the International Association of Fire Fighters, Local 55.



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Oakland

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 September 1, 1970, and witnessed June 5, 1972, and as amended effective April 9, 1973, October 4, 1975, January 10, 1976, July 1, 1976, July 4, 1981, July 30, 1983, December 6, 1985, January 1, 1988, June 30, 1992, September 25, 1993, July 1, 1996, June 14, 2000 and July 7, 2001 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 15 are hereby stricken from said contract as executed effective July 7, 2001, and hereby replaced by the following paragraphs numbered 1 through 17 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; age 55 for local fire members and age 50 for local police members.
 2. Public Agency shall participate in the Public Employees' Retirement System from and after September 1, 1970 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.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

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. Local Police Officers hired for the first time as Police Officers on or after July 1, 1976 (herein referred to 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. POLICE OFFICERS HIRED PRIOR TO JULY 1, 1976;
 - b. EMPLOYEES, OTHER THAN ELECTIVE OFFICERS WHO ENTERED PUBLIC AGENCY SERVICE PRIOR TO SEPTEMBER 1, 1970 AND WHO HAVE NOT EXECUTED AND FILED, IN ACCORDANCE WITH RESOLUTIONS OF THE CITY COUNCIL A WAIVER OF RIGHTS UNDER THE OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM PRIOR TO SEPTEMBER 1, 1970, OR IN THE PERIODS FEBRUARY 15, 1973 THROUGH MARCH 15, 1973, INCLUSIVE, OR NOVEMBER 24, 1975 THROUGH DECEMBER 19, 1975, INCLUSIVE, OR MAY 15, 1981 THROUGH JUNE 15, 1981, INCLUSIVE. THE EXCLUSION OF A MEMBER EXECUTING AND FILING SUCH WAIVER IN THE PERIOD MAY 15, 1981, THROUGH JUNE 15, 1981, INCLUSIVE, SHALL CEASE AND HIS MEMBERSHIP SHALL BE EFFECTIVE ON JULY 4, 1981;
 - c. THE PROVISION OF PARAGRAPH 4.b. SHALL ALSO APPLY TO INDIVIDUALS HIRED PRIOR TO SEPTEMBER 1, 1970 WHO TERMINATED EMPLOYMENT WITH THE PUBLIC AGENCY, LEFT CONTRIBUTIONS ON DEPOSIT WITH OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM, AND ARE MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM;
 - d. THE PROVISION OF PARAGRAPH 4.b. SHALL NOT APPLY TO EMPLOYEES OF PUBLIC AGENCY HIRED AFTER JULY 4, 1981, AS TO FUTURE SERVICE. SUCH EMPLOYEES MAY EXECUTE A WAIVER OF RIGHTS UNDER THE OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM WITHIN 30 DAYS OF NOTICE BY LOCAL AGENCY OF RIGHT TO EXECUTE A WAIVER AND WILL

PLEASE DO NOT SIGN "EXHIBIT ONLY"

RECEIVE SERVICE CREDIT IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR LOCAL SYSTEM SERVICE UPON PAYMENT OF CONTRIBUTIONS WITHDRAWN FROM THE LOCAL SYSTEM UNDER THE PROVISIONS OF GOVERNMENT CODE SECTION 20523 OR UPON TRANSFER OF MEMBER CONTRIBUTIONS FROM THE LOCAL SYSTEM UNDER THE PROVISIONS OF GOVERNMENT CODE SECTION 20530;

- e. MEMBERS OF BOARDS AND COMMISSIONS APPOINTED BY THE MAYOR OR THE CITY COUNCIL;
 - f. EMPLOYEES AND MEMBERS OF THE BOARD OF EDUCATION;
 - g. PERSONS EMPLOYED ON PROVISIONAL APPOINTMENTS, PURSUANT TO CITY OF OAKLAND CHARTER SECTION 803, OTHER THAN CITY OF OAKLAND EMPLOYEES WHO ARE MEMBERS OF PERS AND ACCEPT SUCH APPOINTMENT AFTER SEPTEMBER 1, 1970, AND PERSONS EMPLOYED FOR SEASONAL EMPLOYMENT PURSUANT TO SECTION 802(d) OF THE CHARTER; AND
 - h. EXCLUDE FIRE EMPLOYEES HIRED PRIOR TO JULY 1, 1976 WHO WILL REMAIN MEMBERS OF THE CITY OF OAKLAND FIRE AND POLICE RETIREMENT SYSTEM AND WHO DID NOT WAIVE THEIR RIGHTS UNDER THAT PLAN AS OF THE EFFECTIVE DATE OF THIS AMENDMENT TO CONTRACT.
5. Permanent part-time employees hired prior to September 1, 1970 were excluded from membership in the Public Employees' Retirement System prior to July 4, 1981 because they were not eligible for membership in the Oakland Municipal Employees' Retirement System and could not execute a waiver of rights pursuant to paragraph 4.b of this contract. This exclusion shall not apply to those employees in employment of public agency on or after July 4, 1981.
6. Assets heretofore accumulated with respect to miscellaneous members under the local retirement system who waived their rights under that system on April 9, 1973, January 10, 1976 and July 4, 1981, have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system have been credited to the individual membership account of each such employee under the Public Employees' Retirement System.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

7. Assets heretofore accumulated with respect to fire members under the local retirement system who waived their rights under that system as of the effective date of the amendment to contract have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system have been credited to the individual membership account of each such employee under the Public Employees' Retirement System.
8. Public Agency and the Redevelopment Agency of the City of Oakland have agreed to a merger of their contracts, and this contract shall be a continuation of the benefits of the contract of the Redevelopment Agency of the City of Oakland, pursuant to Section 20567.6 of the Government Code. Such merger is effective as of December 28, 1975. Public Agency, by this contract, assumes the assets and liabilities accumulated under the former contract of the Redevelopment Agency of the City of Oakland. Legislation repealed said Section effective January 1, 1988.
 - a. The optional provisions of Section 21354 shall apply to all past service for former employees of the Redevelopment Agency of the City of Oakland.
9. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a local police member shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a local fire member shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
12. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance).
 - b. Section 21536 (Local System Service Credit Included in Basic Death Benefit) for local miscellaneous members only.
 - c. Section 20042 (One-Year Final Compensation).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- d. Section 21024 (Military Service Credit as Public Service), Statutes of 1974 for local miscellaneous members only.
 - e. Section 21573 (Third Level of 1959 Survivor Benefits) for local fire members only.
 - f. Section 21024 (Military Service Credit as Public Service), Statutes of 1976 for local safety members only.
 - g. Section 20431 ("Local Police Officer" shall include city jail, detention or correctional facility employees as described in Government Code Section 20431).
 - h. Section 20434 ("Local Fire Fighter" shall include any officer or employee of a fire department employed to perform firefighting, fire prevention, fire training, hazardous materials, emergency medical services, or fire or arson investigation services as described in Government Code Section 20434).
13. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on October 4, 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.
14. 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.
15. Public Agency shall also contribute to said Retirement System as follows:
- a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local fire members only.
 - b. 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.

- c. 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.
16. 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.
17. 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 OAKLAND

BY _____
KENNETH W. MARZION, CHIEF
ACTUARIAL & EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER


Witness Date

Attest:

Clerk

City of Oakland Public Records Request No. 20621
April 17, 2017

Attachment No. 2

 8/22/01
CITY ATTORNEY

ORDINANCE NO. 12363 C.M.S.

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

WHEREAS, the City Council approved a Memorandum of Understanding between the City of Oakland and the International Association of Fire Fighters, Local 55 pursuant to Resolution No. 76546 on June 26, 2001, and

WHEREAS, Articles 9.3 and 9.6 of said Memorandum of Understanding provide for Local System Transfer and 3% at 55 retirement benefits, respectively; and

WHEREAS, implementation of Articles 9.3 and 9.6 require an amendment to the contract between the City of Oakland and the Board of Administration of the California Public Employees' Retirement System; now, therefore

The Council of the City of Oakland does ordain as follows:

SECTION 1. That an amendment to the contract between the Council of the City of Oakland 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 2. The President of the Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3. The effective date of this Ordinance will be immediate if at least six Council Members vote in favor of the ordinance; otherwise it will take effect on the seventh day after final adoption.

Introduced - 9/18/01
 IN COUNCIL, OAKLAND, CALIFORNIA, OCT - 9 2001, 2001

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MAYNE, NADEL, REID, SPEES, WAN, AND PRESIDENT DE LA FUENTE — 8

NOES- *None*

ABSENT- *None*

ABSTENTION- *None*

CERTIFIED COPY

I certify that this is a true and authentic
 Copy of this document

Onetha M. Watson 10-17-01
 Office of the City Clerk Date

ATTEST:

Ceda Floyd

CEDA FLOYD
 City Clerk and Clerk of the Council
 of the City of Oakland, California

City of Oakland Public Records Request No. 20621
April 17, 2017

Attachment No. 3



California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Oakland

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 September 1, 1970, and witnessed June 5, 1972, and as amended effective April 9, 1973, October 4, 1975, January 10, 1976, July 1, 1976, July 4, 1981, July 30, 1983, December 6, 1985, January 1, 1988, June 30, 1992, September 25, 1993, July 1, 1996, June 14, 2000 and July 7, 2001 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 15 are hereby stricken from said contract as executed effective July 7, 2001, and hereby replaced by the following paragraphs numbered 1 through 17 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; age 55 for local fire members and age 50 for local police members.
 2. Public Agency shall participate in the Public Employees' Retirement System from and after September 1, 1970 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. Local Police Officers hired for the first time as Police Officers on or after July 1, 1976 (herein referred to 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. **POLICE OFFICERS HIRED PRIOR TO JULY 1, 1976;**
 - b. **EMPLOYEES, OTHER THAN ELECTIVE OFFICERS WHO ENTERED PUBLIC AGENCY SERVICE PRIOR TO SEPTEMBER 1, 1970 AND WHO HAVE NOT EXECUTED AND FILED, IN ACCORDANCE WITH RESOLUTIONS OF THE CITY COUNCIL A WAIVER OF RIGHTS UNDER THE OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM PRIOR TO SEPTEMBER 1, 1970, OR IN THE PERIODS FEBRUARY 15, 1973 THROUGH MARCH 15, 1973, INCLUSIVE, OR NOVEMBER 24, 1975 THROUGH DECEMBER 19, 1975, INCLUSIVE, OR MAY 15, 1981 THROUGH JUNE 15, 1981, INCLUSIVE. THE EXCLUSION OF A MEMBER EXECUTING AND FILING SUCH WAIVER IN THE PERIOD MAY 15, 1981, THROUGH JUNE 15, 1981, INCLUSIVE, SHALL CEASE AND HIS MEMBERSHIP SHALL BE EFFECTIVE ON JULY 4, 1981;**
 - c. **THE PROVISION OF PARAGRAPH 4.b. SHALL ALSO APPLY TO INDIVIDUALS HIRED PRIOR TO SEPTEMBER 1, 1970 WHO TERMINATED EMPLOYMENT WITH THE PUBLIC AGENCY, LEFT CONTRIBUTIONS ON DEPOSIT WITH OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM, AND ARE MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM;**
 - d. **THE PROVISION OF PARAGRAPH 4.b. SHALL NOT APPLY TO EMPLOYEES OF PUBLIC AGENCY HIRED AFTER JULY 4, 1981, AS TO FUTURE SERVICE. SUCH EMPLOYEES MAY EXECUTE A WAIVER OF RIGHTS UNDER THE OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM WITHIN 30 DAYS OF NOTICE BY LOCAL AGENCY OF RIGHT TO EXECUTE A WAIVER AND WILL**

RECEIVE SERVICE CREDIT IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR LOCAL SYSTEM SERVICE UPON PAYMENT OF CONTRIBUTIONS WITHDRAWN FROM THE LOCAL SYSTEM UNDER THE PROVISIONS OF GOVERNMENT CODE SECTION 20523 OR UPON TRANSFER OF MEMBER CONTRIBUTIONS FROM THE LOCAL SYSTEM UNDER THE PROVISIONS OF GOVERNMENT CODE SECTION 20530;

- e. MEMBERS OF BOARDS AND COMMISSIONS APPOINTED BY THE MAYOR OR THE CITY COUNCIL;
 - f. EMPLOYEES AND MEMBERS OF THE BOARD OF EDUCATION;
 - g. PERSONS EMPLOYED ON PROVISIONAL APPOINTMENTS, PURSUANT TO CITY OF OAKLAND CHARTER SECTION 803, OTHER THAN CITY OF OAKLAND EMPLOYEES WHO ARE MEMBERS OF PERS AND ACCEPT SUCH APPOINTMENT AFTER SEPTEMBER 1, 1970, AND PERSONS EMPLOYED FOR SEASONAL EMPLOYMENT PURSUANT TO SECTION 802(d) OF THE CHARTER; AND
 - h. EXCLUDE FIRE EMPLOYEES HIRED PRIOR TO JULY 1, 1976 WHO WILL REMAIN MEMBERS OF THE CITY OF OAKLAND FIRE AND POLICE RETIREMENT SYSTEM AND WHO DID NOT WAIVE THEIR RIGHTS UNDER THAT PLAN AS OF THE EFFECTIVE DATE OF THIS AMENDMENT TO CONTRACT.
5. Permanent part-time employees hired prior to September 1, 1970 were excluded from membership in the Public Employees' Retirement System prior to July 4, 1981 because they were not eligible for membership in the Oakland Municipal Employees' Retirement System and could not execute a waiver of rights pursuant to paragraph 4.b of this contract. This exclusion shall not apply to those employees in employment of public agency on or after July 4, 1981.
6. Assets heretofore accumulated with respect to miscellaneous members under the local retirement system who waived their rights under that system on April 9, 1973, January 10, 1976 and July 4, 1981, have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system have been credited to the individual membership account of each such employee under the Public Employees' Retirement System.

7. Assets heretofore accumulated with respect to fire members under the local retirement system who waived their rights under that system as of the effective date of the amendment to contract have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system have been credited to the individual membership account of each such employee under the Public Employees' Retirement System.
8. Public Agency and the Redevelopment Agency of the City of Oakland have agreed to a merger of their contracts, and this contract shall be a continuation of the benefits of the contract of the Redevelopment Agency of the City of Oakland, pursuant to Section 20567.6 of the Government Code. Such merger is effective as of December 28, 1975. Public Agency, by this contract, assumes the assets and liabilities accumulated under the former contract of the Redevelopment Agency of the City of Oakland. Legislation repealed said Section effective January 1, 1988.
 - a. The optional provisions of Section 21354 shall apply to all past service for former employees of the Redevelopment Agency of the City of Oakland.
9. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a local police member shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a local fire member shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
12. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance).
 - b. Section 21536 (Local System Service Credit Included in Basic Death Benefit) for local miscellaneous members only.
 - c. Section 20042 (One-Year Final Compensation).

- d. Section 21024 (Military Service Credit as Public Service), Statutes of 1974 for local miscellaneous members only.
 - e. Section 21573 (Third Level of 1959 Survivor Benefits) for local fire members only.
 - f. Section 21024 (Military Service Credit as Public Service), Statutes of 1976 for local safety members only.
 - g. Section 20431 ("Local Police Officer" shall include city jail, detention or correctional facility employees as described in Government Code Section 20431).
 - h. Section 20434 ("Local Fire Fighter" shall include any officer or employee of a fire department employed to perform firefighting, fire prevention, fire training, hazardous materials, emergency medical services, or fire or arson investigation services as described in Government Code Section 20434).
13. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on October 4, 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.
14. 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.
15. Public Agency shall also contribute to said Retirement System as follows:
- a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local fire members only.
 - b. 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.

- c. 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.
16. 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.
17. 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 13 day of October, 2001.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF OAKLAND

for BY *SDawn Evans*
KENNETH W. MARZION, CHIEF
ACTUARIAL & EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY *[Signature]*
PRESIDING OFFICER
Ignacio DeLaFuente

10.22.01
Witness Date

Attest:

Celia Floyd
Clerk

City of Oakland Public Records Request No. 20621
April 17, 2017

Attachment No. 4

OAKLAND CITY COUNCIL

RESOLUTION NO. 78678 C.M.S.

ORIGINAL

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION OF INTENTION TO APPROVE AN
AMENDMENT TO CONTRACT BETWEEN THE
BOARD OF ADMINISTRATION OF THE CALIFORNIA
PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND
THE CITY COUNCIL OF THE CITY OF OAKLAND

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 set 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 statement of the proposed change:

To provide Section 21363.1 (3% @ 55 Full Formula) for fire members only; Section 20434 (Any Officer or employees of a fire department employed to perform duties of fire fighting, fire prevention, fire training, hazardous materials, emergency medical services, or fire or arson investigation services as "Local Fire Fighters"); and include a local system transfer by waiver of the local fire members hired prior to July 1, 1976.

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.

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland on SEP 18 2001

CEDA FLOYD

City Clerk and Clerk of the Council

Per

Onetta Middleton

Deputy

City of Oakland Public Records Request No. 20621
April 17, 2017

Attachment No. 5

FULL NAME

- 1 Anderson, Todd S
- 2 Archuleta, Alex E
- 3 Arellanes Jr., Cruz
- 4 August, Steven A
- 5 Backman, Richard A
- 6 Baptista, Steven A
- 7 Berg, Stephen M
- 8 Berry, Glenn D
- 9 Bird, Roger E
- 10 Bragg, Ronald A
- 11 Buckhorn, John H
- 12 Catalano, James R.
- 13 Chew, David E
- 14 Clausen, Edmund A
- 15 Connelly, John R
- 16 Crudele Jr., Anthony
- 17 Cuneo, Steven R
- 18 David, John W
- 19 Davis, Jerry
- 20 Davis, Richard M
- 21 De Glymes, Richard G.
- 22 Depp, Gary V
- 23 Detlefsen, William D
- 24 Dillon, James B
- 25 Dixon, Willie B
- 26 Dolan, John M.
- 27 Dossa, Raymond
- 28 Dunham, Glenn E
- 29 Elvin, Lyle H.
- 30 Erhardt, Kenneth B
- 31 Fletcher, David B
- 32 Freese, Donald V
- 33 Furtado, Jr., James R
- 34 Gaskin Jr., Wayne C
- 35 Gatchalian, Raymond A
- 36 Greben, Nicholas F.
- 37 Gregoire, George G.

FULL NAME

38 Gregoire, Roland R.
39 Harger, Bradley L.
40 Harrell, Howard L.
41 Harris, James H.
42 Heath, Chris R.
43 Hillstrom, Jeffrey A.
44 Hoskins, Michael A.
45 Hysten, Myron E
46 Ironside, John M
47 Jackson Jr., John L.
48 Jarrett, William R
49 Jung, Roger L.
50 Kelly, Michael M.
51 Kicherer, Stephen H
52 Killingsworth, Fitzroy E
53 Kilmartin IV, Edward J
54 King, Kenton S
55 King, Sidney E
56 Kirchner, Randy E
57 Kreeft Jr., Robert G
58 Lendl, Carl L.
59 Logan, Richard
60 McCotter, Christopher
61 McDonald, Patrick A
62 Means II, Bob B
63 Medina, Randy L
64 Meiers, Mark C
65 Merritt, Ahvrumm W
66 Miles, Roy A.
67 Myers, Robert L
68 Norris, Kenneth J.
69 O'Keefe, Daniel J
70 Ontiveros, Dwight A
71 Osanna, Michael D.
72 Pacini, Gary A
73 Papp, Andrew D
74 Parker II, Eldon B

FULL NAME

75 Perkins, Fred W
76 Prange, Leroy M
77 Prola, Jerry R
78 Quinn, Dale E
79 Raabe, Donald C
80 Rainero, Dennis J
81 Ready III, James C
82 Reese III, Thomas W
83 Riley, Gerald D
84 Robbins, Gary R
85 Robinson III, Ernest A
86 Rosso, Larry M
87 Rudiger, Joe V
88 Salters, William H
89 Schroeder, Gary L
90 Smith, Harry L
91 Spikes, Ozzievelt J.
92 Splendorio, Steven F
93 Splithoff, Alan A
94 Stephens Jr., George L
95 Stinson, Thomas D.
96 Tannehill, Lee G
97 Thompson, Jr., Lawrence W
98 Thompson, Raymond O
99 Veirs, Thomas C
100 Weyburn, Michael K
101 Wilson, Ronald C
102 Wittmer, William C
103 Wraa, Alan N.
104 Young, Richard E