

ORDINANCE NO.

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

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. An amendment to the contract between the City Council of the City of Mountain View and the Board of Administration of the California Public Employees' Retirement System (CalPERS) is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit A, and by such reference made a part hereof as though herein set out in full.

Section 2. The Mayor of the City of Mountain View is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said City.

Section 3. This Ordinance shall take effect thirty (30) days after the date of its adoption and prior to the expiration of two (2) days from the passage thereof shall be posted in three (3) prominent places in the City and that a single publication be made to the *Palo Alto Daily Post* of a notice setting forth the title of the ordinance, the date of its introduction, and a list of places where copies of the proposed ordinance are posted.

Section 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 5. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

LB-SCR/AC/6/ORD/035-09-12-23o

Exhibit: A. Amendment to Contract

**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 Mountain View

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 February 1, 1949, and witnessed January 5, 1949, and as amended effective July 1, 1956, December 1, 1959, October 1, 1961, December 22, 1968, September 17, 1978, December 23, 1979, December 1, 1980, October 25, 1981, February 14, 1982, December 19, 1982, April 24, 1983, July 13, 1986, July 10, 1988, September 26, 1992, January 1, 1993, January 1, 1994, October 28, 1994, January 1, 1996, July 8, 2001, July 1, 2007, June 14, 2009, October 17, 2010, August 7, 2011, May 17, 2020, and November 1, 2020, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 16 are hereby stricken from said contract as executed effective November 1, 2020, and hereby replaced by the following paragraphs numbered 1 through 16 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, age 62 for new local miscellaneous members, age 50 for classic local safety members, and age 57 for new local safety members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after February 1, 1949, 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. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member in employment before and not on or after July 1, 2007, shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
7. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member in employment on or after July 1, 2007, shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).
8. 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).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local safety member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
10. 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).
11. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 20965 (Credit for Unused Sick Leave).
 - b. Section 21325 (One-Time 3% to 15% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to January 1, 1974). Legislation repealed said Section effective January 1, 2002.
 - c. Section 21326 (One-Time 1% to 7% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to July 1, 1974). Legislation repealed said Section effective January 1, 2002.
 - d. Section 20042 (One-Year Final Compensation) for classic members only.

- e. Section 20503 (To Remove the Exclusion of "Employees serving under a temporary, part-time, or emergency appointment, when such appointment does not constitute permanent and/or career employment and who are hired on or after October 1, 1961," prospectively from April 24, 1983).
- f. Section 21573 (Third Level of 1959 Survivor Benefits) for local miscellaneous members only.
- g. Section 20903 (Two Years Additional Service Credit).
- h. Section 21024 (Military Service Credit as Public Service).
- i. Section 21118 (Partial Service Retirement).
- j. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local safety members only.
- k. Section 21548 (Pre-Retirement Option 2W Death Benefit) for local safety members only.
- l. Section 21547.7 (Alternate Death Benefit for Local Fire Members Credited with 20 or More Years of Service).
- m. From and after August 7, 2011, and until May 17, 2020, Section 20516 (Employee Sharing Cost of Additional Benefits) applicable to Section 21362.2 (3% @ 50) effective July 8, 2001, Section 21548 (Pre-Retirement Option 2W Death Benefit) and Section 21547.7 (Alternate Death Benefit for Local Fire Members Credited with 20 or More Years of Service) effective June 14, 2009, for local safety fire members. The employee cost sharing contribution is not to exceed 12.470%. 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 preceding the 20th anniversary of the effective date of the additional benefits. Therefore, after June 30, 2021, in any given contribution year, the maximum employee cost sharing contribution cannot exceed 4.947%; and after June 30, 2028, in any given contribution year, the maximum employee cost sharing contribution cannot exceed 4.729%.
- n. Section 20516 (Employees Sharing Additional Cost):

From and after May 17, 2020, 3.5% for classic local miscellaneous members in the EAGLES Employee Organization.

From and after May 17, 2020, 4.25% for new local miscellaneous members in the EAGLES Employee Organization.

From and after May 17, 2020, 3.7% for classic local miscellaneous members in the Mountain View Police Officers' Association.

From and after May 17, 2020, 4.45% for new local miscellaneous members in the Mountain View Police Officers' Association.

From and after May 17, 2020, 6.148% for classic local police members in the Mountain View Police Officers' Association.

From and after May 17, 2020, 2.898% for new local police members in the Mountain View Police Officers' Association.

From and after May 17, 2020, 3.5% for classic local miscellaneous members in the Service Employees International Union, AFL-CIO.

From and after May 17, 2020, 4.25% for new local miscellaneous members in the Service Employees International Union, AFL-CIO.

From and after May 17, 2020, 8.366% for classic local fire members in the Mountain View Professional Firefighters.

From and after May 17, 2020, 2.366% for new local fire members in the Mountain View Professional Firefighters.

From and after May 17, 2020, 3.5% for classic local miscellaneous members in the Unrepresented Miscellaneous Members group.

From and after May 17, 2020, and until November 1, 2020, 4.25% for new local miscellaneous members in the Unrepresented Miscellaneous Members group.

From and after May 17, 2020, 3.5% for classic local miscellaneous members in the Unrepresented Hourly Employees group.

From and after May 17, 2020, and until November 1, 2020, 4.25% for new local miscellaneous members in the Unrepresented Hourly Employees group.

From and after May 17, 2020, 6.148% for classic local police members in the Unrepresented Hourly Employees group.

From and after May 17, 2020, and until the effective date of this amendment to contract, 2.898% for new local police members in the Unrepresented Hourly Employees group.

From and after May 17, 2020, 6.366% for classic local fire members in the Unrepresented Safety Members group.

From and after May 17, 2020, and until the effective date of this amendment to contract, 3.116% for new local fire members in the Unrepresented Safety Members group.

From and after May 17, 2020, 6.798% for classic local police members in the Unrepresented Safety Members group.

From and after May 17, 2020, and until the effective date of this amendment to contract, 3.548% for new local police members in the Unrepresented Safety Members group.

From and after November 1, 2020, 3.5% for new local miscellaneous members in the Unrepresented Miscellaneous Members group.

From and after November 1, 2020, 3.5% for new local miscellaneous members in the Unrepresented Hourly Employees group.

From and after the effective date of this amendment to contract, 2.366% for new local fire members in the Unrepresented Safety Members group.

From and after the effective date of this amendment to contract, 2.798% for new local police members in the Unrepresented Safety Members group.

From and after the effective date of this amendment to contract, 2.148% for new local police members in the Unrepresented Hourly Employees group.

12. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on December 23, 1979. 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.
13. 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.
14. 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.
15. 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.
16. 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 MOUNTAIN VIEW

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

BY _____
PRESIDING OFFICER

PLEASE DO NOT SIGN "EXHIBIT ONLY"

PLEASE DO NOT SIGN "EXHIBIT ONLY"

Witness Date

Attest: _____

Clerk