




California
Public Employees' Retirement System



AMENDMENT TO CONTRACT

**Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Santa Rosa**



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 January 1, 1959, and witnessed October 7, 1958, and as amended effective April 1, 1963, January 1, 1966, October 1, 1966, January 1, 1971, February 5, 1971, May 20, 1977, January 1, 1978, May 4, 1978, November 3, 1978, September 21, 1979, January 3, 1982, October 30, 1983, August 15, 1986, July 5, 1987, January 1, 1989, December 31, 1989, June 30, 1991, December 29, 1991, October 28, 1994, June 30, 1995, November 23, 1996, March 1, 1997, January 4, 1998, April 4, 1998, September 19, 1998, July 9, 2000, August 13, 2000, December 30, 2000, July 1, 2001, June 30, 2002, May 4, 2003, October 19, 2003, July 7, 2012, October 5, 2014 and August 9, 2015 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 18 are hereby stricken from said contract as executed effective August 9, 2015, and hereby replaced by the following paragraphs numbered 1 through 20 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 60 for classic local miscellaneous members entering membership in the miscellaneous classification on or prior to July 7, 2012, age 55 for classic local miscellaneous members entering membership for the first time in the miscellaneous classification after July 7, 2012, age 62 for new local miscellaneous members, age 50 for classic local safety members entering membership in the safety classification on or prior to July 7, 2012, age 55 for classic local safety members entering membership for the first time in the safety classification after July 7, 2012 and age 57 for new local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after January 1, 1959 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:
 - a. **SCHOOL CROSSING GUARDS; AND**
 - b. **PARKING LOT ATTENDANTS HIRED ON OR AFTER JULY 1, 1970.**
6. The hourly exclusion, removed retroactively from July 1, 1970, will not affect the rights and liabilities under the Public Employees' Retirement Law of any such employees who are members of the Public Employees' Retirement System on November 3, 1978.
7. Public Agency and the Santa Rosa Housing Authority and the Santa Rosa Redevelopment Agency have agreed to a merger of their contracts, and this contract shall be a continuation of the benefits of the contract of the Santa Rosa Housing Authority and the Santa Rosa Redevelopment Agency, pursuant to Section 20567.6 of the Government Code. Such merger is effective as of January 1, 1978. Public Agency, by this contract, assumes the assets and liabilities accumulated under the former contract of the Santa Rosa Housing Authority and the Santa Rosa Redevelopment Agency. Legislation repealed said Section effective January 1, 1988.
8. 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 May 4, 2003 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
9. 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 May 4, 2003 and not entering membership for the first time with this agency in the miscellaneous classification after July 7, 2012 shall be determined in accordance with Section 21354.3 of said Retirement Law (3% at age 60 Full).

10. The percentage of compensation to be provided for each year of credited current service as a classic local miscellaneous member entering membership for the first time with this agency in the miscellaneous classification after July 7, 2012 shall be determined in accordance with Section 21354.4 of said Retirement Law (2.5% at age 55 Full).
11. 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).
12. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local safety member entering membership in the safety classification on or prior to July 7, 2012 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
13. The percentage of final compensation to be provided for each year of credited current service as a classic local safety member entering membership for the first time with this agency in the safety classification after July 7, 2012 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
14. 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).
15. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 21001 (Credit for War Relocation Leave) for local miscellaneous members only. Legislation repealed said Section effective January 1, 2002.
 - b. Section 20042 (One-Year Final Compensation) for classic local miscellaneous members and for those classic local safety members entering membership on or prior to July 7, 2012.
 - c. Section 20903 (Two Years Additional Service Credit for local miscellaneous members and local police members only).
 - d. Section 20965 (Credit for Unused Sick Leave).
 - e. Section 21024 (Military Service Credit as Public Service).

- f. 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).
- g. Section 21574 (Fourth Level of 1959 Survivor Benefits).
- h. Section 21548 (Pre-Retirement Option 2W Death Benefit) for local miscellaneous members only.
- i. Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service) for local miscellaneous members only.
- j. Section 20503 (To Remove the Exclusion of Firefighter Aides, Prospectively from May 4, 2003).
- k. Section 21547.7 (Alternate Death Benefit for Local Fire Members Credited with 20 or More Years of Service).
- l. Section 20475 (Different Level of Benefits): Section 21354.4 (2.5% @ 55 Full formula) is applicable to classic local miscellaneous members entering membership for the first time with this agency in the miscellaneous classification after July 7, 2012.

Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local safety members entering membership for the first time with this agency in the safety classification after July 7, 2012.

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

From and after October 5, 2014 and until the effective date of this amendment to contract, 1.5% for classic local fire members in the Santa Rosa Fire Fighters Local 1401 Unit 2.

From and after August 9, 2015, 1.5% for local miscellaneous members in Operating Engineers Local Union 3 Maintenance Unit 3, Executive Management Unit 10, Middle-Management and Confidential Unit 11, Service Employees International Union Local 1021 Police Civilian Technical Unit 14, Operating Engineers Local Union 3 Utility Systems Operators Unit 16, Santa Rosa City Attorneys Association Local 856 City Attorneys Unit 17 and Santa Rosa Management Association Mid-Management Unit 18.

From and after August 9, 2015 and until the effective date of this amendment to contract, 1.5% for local miscellaneous members in Middle-Management and Confidential Unit 12.

From and after August 9, 2015 and until the effective date of this amendment to contract, 3% for classic local safety members in Santa Rosa Police Officers Association Unit 5, Santa Rosa Police Management Association Fire Safety Management Unit 9 and Santa Rosa Police Management Association Police Safety Management Unit 9.

From and after August 9, 2015, 3% for classic local fire members in Santa Rosa Police Management Association Fire Safety Management Unit 9.

From and after August 9, 2015, 1.5% for new local fire members in Santa Rosa Police Management Association Fire Safety Management Unit 9 and Executive Management Unit 10.

From and after August 9, 2015, 1.5% for classic local safety members in Executive Management Unit 10.

From and after the effective date of this amendment to contract, 2.5% for local miscellaneous members in Middle-Management and Confidential Unit 12, Santa Rosa City Employees Association Unit 4 Support Services, Santa Rosa City Employees Association Unit 6 Professional, Santa Rosa City Employees Association Unit 7 Technical and Service Employees International Union Local 1021 Unit 8 Transit.

From and after the effective date of this amendment to contract, 3% for classic local fire members in Santa Rosa Fire Fighters Local 1401 Unit 2.

From and after the effective date of this amendment to contract, 4% for classic local police members in Santa Rosa Police Officers Association Unit 5 and Santa Rosa Police Management Association Unit 9.

From and after the effective date of this amendment to contract, 1.5% for new local fire members in Santa Rosa Fire Fighters Local 1401 Unit 2.

From and after the effective date of this amendment to contract, 1% for new local police members in Santa Rosa Police Officers Association Unit 5 and Santa Rosa Police Management Association Unit 9.

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.

16. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on May 20, 1977. 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.
17. 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.
18. 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 21574 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 miscellaneous members and local safety members.
 - 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.
19. 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.

20. 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 SANTA ROSA

BY _____
ARNITA PAIGE, CHIEF
PENSION CONTRACTS AND PREFUNDING
PROGRAMS DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk