

ORDINANCE NO.1842

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM ("CALPERS") AND THE CITY OF GARDENA

THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, DOES ORDAIN, AS FOLLOWS:

**SECTION 1.** That an amendment to the contract between the Gardena City Council of the City of Gardena 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 Mayor of the Gardena City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

**SECTION 3:** This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Gardena Valley News, a newspaper of general circulation, published and circulated in the City of Gardena and thenceforth and thereafter the same shall be in full force and effect.

Adopted and approved this 14<sup>th</sup> day of June, 2022.

CITY OF GARDENA CITY COUNCIL

By: Tasha Cerda  
Presiding Officer: Tasha Cerda  
Title: Mayor

ATTEST:  
Mina Semenza  
MINA SEMENZA, City Clerk

APPROVED AS TO FORM:

Carmen Vasquez  
CARMEN VASQUEZ, City Attorney



## **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 Gardena

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 July 1, 1948, and as amended effective December 1, 1948, July 1, 1956, July 1, 1957, August 1, 1963, January 1, 1967, March 25, 1973, November 1, 1977, December 11, 1977, June 11, 1978, February 4, 1979, April 1, 1979, August 14, 1983, June 1, 1986, December 11, 1988, November 11, 1991, January 2, 1994, June 28, 1998, June 25, 2018, and November 18, 2018, 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 November 18, 2018, and hereby replaced by the following paragraphs numbered 1 through 15 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 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. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member 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 new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
8. 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).
9. 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).
10. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 21573 (Third Level of 1959 Survivor Benefits).
  - b. Section 20042 (One-Year Final Compensation) for classic members only.
  - c. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance).
  - d. Section 21024 (Military Service Credit as Public Service) for local safety members only.
  - e. Section 20614, Statutes of 1978, (Reduction of Normal Member Contribution Rate). From April 1, 1979, and until August 13, 1983, the normal local miscellaneous member contribution rate shall be 3.5% and the normal local safety member contribution rate shall be 3.0%. Legislation repealed said Section effective September 29, 1980.
  - f. Section 20690, Statutes of 1980, (To Prospectively Revoke Section 20614, Statutes of 1978).
  - g. Section 20965 (Credit for Unused Sick Leave).
  - h. Section 20903 (Two Years Additional Service Credit).

i. Section 20516 (Employees Sharing Additional Cost):

From and after November 18, 2018, 3% for local police members in the Gardena Police Officers Association.

From and after November 18, 2018, 3% for local police members in the Unrepresented Gardena Police Managers group.

From and after the effective date of this amendment to contract, 1% for local miscellaneous members in the Gardena Municipal Employees Association.

From and after the effective date of this amendment to contract, 1% for local miscellaneous members in the Gardena Management Employees Organization.

From and after the effective date of this amendment to contract, 1% for local miscellaneous members in the Unrepresented Confidential group.

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.

11. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on June 11, 1998. 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.
12. 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.
13. 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 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.
14. 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.
15. 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 GARDENA

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

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

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

\_\_\_\_\_  
Attest:

\_\_\_\_\_  
Clerk

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES       ) ss:  
CITY OF GARDENA                )

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance being **Ordinance No. 1842** was duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a special meeting of said City Council held on the **14<sup>th</sup> day of June 2022**, and that the same was so passed and adopted by the following roll call vote:

AYES:     MAYOR PRO TEM TANAKA, COUNCIL MEMBERS HENDERSON, KASKANIAN  
            AND FRANCIS, AND MAYOR CERDA

NOES:     NONE

ABSENT:   NONE

  
\_\_\_\_\_  
City Clerk of the City of Gardena, California

(SEAL)