

**ORDINANCE 2004-15**

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

**WHEREAS**, in 1992, the City of American Canyon entered into a contract with the Public Employee's Retirement System (PERS) to provide retirement benefits for City employees; and,

**WHEREAS**, the contract between the City and PERS was subsequently amended in 1993, 1998 and 2001; and

**WHEREAS**, the City now wishes to amend its contract to include two enhanced benefits; namely, to provide Section 20042 (One Year Final Compensation); and Section 21574.5 (Indexed Level of 1959 Survivor Benefits) benefits for local miscellaneous members.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAINS THE FOLLOWING:**

**SECTION 1:** That an amendment to the contract between the City Council of the City of American Canyon and the Board of Administration, California Public Employees' Retirement System, is hereby authorized, and a copy of said amendment is attached hereto marked Exhibit A, and such reference made a part hereof as though herein set out in full.

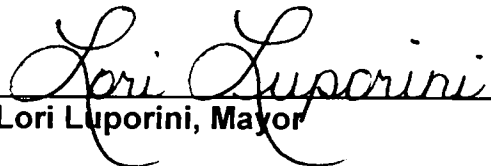
**SECTION 2:** The Mayor of the City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of the City of American Canyon.

**SECTION 3:** A summary of this Ordinance shall be published once in the Vallejo Times Herald, a newspaper of general circulation serving the City of American Canyon, within fifteen (15) days after its passage and shall become effective thirty (30) days after the date of its adoption.

**SECTION 4:** The foregoing Ordinance was introduced and read at the regular meeting of the City Council of the City of American Canyon, State of California, held on the 16th day of September 2004 and approved and adopted at a regular meeting on the 7th day of October 2004, by the following vote:

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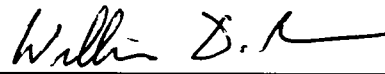
AYES: Luporini, Shaver, Anderson, Garcia  
NOES: None  
ABSTAIN: None  
ABSENT: Colcleaser

  
\_\_\_\_\_  
Lori Luporini, Mayor

APPROVED AS TO FORM

ATTEST

  
\_\_\_\_\_  
Kay Woodson, City Clerk

  
\_\_\_\_\_  
William D. Ross, City Attorney



**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 American Canyon

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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 September 16, 1992, and witnessed August 21, 1992, and as amended effective January 2, 1993, June 19, 1993, January 1, 1999 and March 18, 2001 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 11 are hereby stricken from said contract as executed effective March 18, 2001, and hereby replaced by the following paragraphs numbered 1 through 11 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.
  2. Public Agency shall participate in the Public Employees' Retirement System from and after September 16, 1992 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.

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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. 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. **SAFETY EMPLOYEES.**
5. This contract shall be a continuation of the contract of the American Canyon County Water District, hereinafter referred to as "Former Agency". The accumulated contributions, assets and liability for prior and current service under the Former Agency's contract shall be merged pursuant to Section 20508 of the Government Code. Such merger occurred January 1, 1992.
  - a. All benefits provided under this contract shall apply to all past service for former employees of the American Canyon County Water District.
6. 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).
7. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 21024 (Military Service Credit as Public Service).
  - b. Section 20965 (Credit for Unused Sick Leave).
  - c. Section 20042 (One-Year Final Compensation).
  - d. Section 21574.5 (Indexed Level of 1959 Survivor Benefits).
8. 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 of said Retirement System.
9. 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 21574.5 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.

- 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.
10. 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.
11. 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 AMERICAN CANYON

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

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

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

Attest:

\_\_\_\_\_  
Clerk

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