

1 [PERS Contract Amendment.]

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3 **Resolution of intention to approve an amendment to contract between the Board of**
4 **Administration, California Public Employees' Retirement System, and the Board of**
5 **Supervisors, City and County of San Francisco.**

6
7 WHEREAS, The Public Employees' Retirement Law permits the participation of public
8 agencies and their employees in the Public Employees' Retirement System by the execution
9 of a contract, and sets forth the procedure by which said public agencies may elect to subject
10 themselves and their employees to amendments to said Law; and

11 WHEREAS, On July 1, 1985, certain active airport county peace officers waived their
12 rights under the San Francisco Employees' Retirement System and became members of
13 PERS by contract amendment; and

14 WHEREAS, As of December 27, 1997, active airport county peace officers in PERS
15 were reclassified as City police and, for service on and after that date, were members of the
16 San Francisco Employees' Retirement System, but remained inactive PERS members for
17 airport county peace officer service from July 1, 1985 through December 27, 1997 and

18 WHEREAS, Government Code Section 20589 was enacted for the purpose of
19 authorizing the transfer of the airport county peace officer service between July 1, 1985 and
20 December 27, 1997 from PERS to the San Francisco Employees' Retirement System for the
21 airport county police who elect to transfer their service through an amendment to the contract
22 between the Board of Administration of the Public Employees' Retirement System and the
23 City and County of San Francisco; and

24 WHEREAS, At an election held on November 6, 2007, the voters of the City and
25 County of San Francisco approved an amendment to Charter Sections A8.506-2 and A8.597-

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1 11(a) to authorize the Board of Supervisors to amend the contract with the Public Employees'
2 Retirement System in order to transfer to the San Francisco Employees' Retirement System
3 the assets and liabilities of the airport county peace officers that elect to transfer the service
4 between July 1, 1985 and December 27, 1997, and to include said time worked in the
5 calculation for retirement benefits for City police department employees; and

6 WHEREAS, San Francisco Charter Section A8.506-2 states that: "The Board of
7 Supervisors shall have the power to amend such a contract to terminate the participation of
8 certain airport police officers in the Public Employees' Retirement System and to transfer to
9 the San Francisco Employees' Retirement System the accumulated assets and liabilities
10 relating to the airport police officers that make such an election, and to exempt such a
11 contract amendment from the cost-neutrality requirements of this section A8.506-2, provided
12 that the present value of any additional costs associated with said transfer and the related
13 benefits under the San Francisco Employees' Retirement System does not exceed \$670,000
14 in the aggregate. All additional costs in the form of actuarial liability associated with said
15 transfer and said benefits that exceed \$670,000 in the aggregate, shall be paid by the airport
16 police officers that elect to terminate their participation in the Public Employees' Retirement
17 System and transfer the accumulated assets and liabilities to the San Francisco Employees'
18 Retirement System. The Board of Supervisors and the Retirement Board shall have the
19 power to perform all acts necessary to carry out the amendment of such contract;" and

20 WHEREAS, The airport police officers eligible to participate in the transfer have,
21 individually, made an irrevocable election whether to transfer said service; and

22 WHEREAS, One of the steps in the procedure to amend this contract is the adoption
23 by the governing body of the public agency of a resolution giving notice of its intention to
24 approve an amendment to said contract, which resolution shall contain a summary of the
25 change proposed in said contract; and

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1 WHEREAS, upon receipt of this Resolution of Intention, the Certification of Governing
2 Body's Action, and the Certification of Compliance with Government Code Section 7507,
3 PERS will forward to the City and County the actual contract and other final documents
4 necessary to complete the proposed amendment on file with the Clerk of the Board of
5 Supervisors in File No. ⁰⁹⁰⁸³⁴ / , which is hereby declared to be a part of this resolution as if set
6 forth fully herein; now, therefore, be it

7 RESOLVED, That the San Francisco Board of Supervisors does hereby give notice of
8 intention to approve an amendment to the contract between the Board of Administration of the
9 Public Employees' Retirement System and the City and County of San Francisco. A copy of
10 said amendment is on file with the Clerk of the Board of Supervisors in File No. ⁰⁹⁰⁸³⁴ / , and is
11 hereby declared to be part of this resolution as if set forth fully herein.

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 090834

Date Passed:

Resolution of intention to approve an amendment to contract between the Board of Administration, California Public Employees' Retirement System (CalPERS), and the Board of Supervisors, City and County of San Francisco.

July 21, 2009 Board of Supervisors — ADOPTED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Absent: 1 - Daly

File No. 090834

I hereby certify that the foregoing Resolution was ADOPTED on July 21, 2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7/27/09

Date Approved

Mayor Gavin Newsom