



INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**OAKLAND CITY COUNCIL**  
**ORDINANCE NO. 13106 - C.M.S.**

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**ORDINANCE OF THE CITY OF OAKLAND TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF OAKLAND AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) TO: 1) PROVIDE NEW CITY OF OAKLAND SAFETY MEMBERS DIFFERENT LEVEL OF BENEFITS (CALIFORNIA GOVERNMENT CODE SECTION 20475), 3% AT 55 FULL FORMULA AND GOVERNMENT CODE SECTION (CALIFORNIA GOVERNMENT CODE SECTION 21363.1), THREE-YEAR FINAL COMPENSATION (CALIFORNIA GOVERNMENT CODE SECTION 20037) APPLICABLE TO LOCAL SAFETY MEMBERS ENTERING MEMBERSHIP FOR THE FIRST TIME IN THE SAFETY CLASSIFICATION AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO CONTRACT; AND 2) INCLUDE FOR CITY OF OAKLAND FIRE MEMBERS A 4% EMPLOYEES COST SHARING OF ADDITIONAL BENEFITS FOR SECOND TIER LOCAL FIRE MEMBERS (CALIFORNIA GOVERNMENT CODE SECTION 20516)**

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**WHEREAS**, on July 26, 2011, the City Council approved Memoranda of Understanding between the City of Oakland and the labor organizations representing safety employees, International Association of Firefighters, Local 55 and Oakland Police Officers Association, OPOA, to implement changes to the retirement plans; and

**WHEREAS**, current City of Oakland safety employees receive a retirement benefit of 3.0% at age 50 and final compensation based on the highest annual salary during one year of employment; and

**WHEREAS**, the July 2011 Memorandum of Understanding between the City of Oakland and the Oakland Police Officers' Association (OPOA) provides that the City shall amend its contract with CalPERS to provide Different Level of Benefits (California Government Code Section 20475), 3% at 55 full formula (California Government Code Section 21363.1), for each bargaining unit member effective July 1, 2011, and the calculation of pension benefits based on three consecutive years immediately preceding the effective date of retirement (California Government Code Section 20037); and

**WHEREAS**, Memorandum of Understanding between the City of Oakland and Local 55 provides that the City shall amend its contract with CalPERS to provide Different Level of Benefits (California Government Code Section 20475), 3% at 55 full formula (California Government Code Section 21363.1), for each bargaining unit member effective July 1 2011, and the calculation of pension benefits based on three consecutive years immediately preceding the effective date of retirement (California Government Code Section 20037); and

**WHEREAS**, in accordance with the July 2011 OPOA and Local 55 MOU's, the City of Oakland desires to create a new retirement tier for newly hired safety employees in which they will receive a retirement benefit of 3.0% at age 55 and final compensation based on the highest 3-year salary during employment; and

**WHEREAS**, current Fire employees are subject to a 4% Employee Cost Sharing; and

**WHEREAS**, in accordance with the Local 55 MOU, the City of Oakland desires to subject new second tier Local 55 members to a 4% Employee Cost Sharing of Additional Benefits (California Government Code Section 20516); and

**WHEREAS**, implementation of the agreements made between the City of Oakland and the labor organizations representing safety employees to implement Different Level of Benefits (California Government Code Section 20475), three years final compensation in accordance with Government Code Section 20037 and subject second tier Local 55 members to 4% Employee Cost Sharing of Additional Benefits (California Government Code Section 20516), require an amendment to the contract between the City of Oakland and the Board of Administration of the California Public Employees' Retirement System;

**NOW, THEREFORE,**

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

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

**Section 2.** The President of the Council is hereby authorized, empowered and directed to execute said amendment for and on behalf of the City of Oakland.

**Section 3.** The effective date of this Ordinance shall be immediate if at least six Council Members vote in favor of the Ordinance, otherwise, it will take effect on the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 7 2012

**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, KERNIGHAN, NADEL, SCHAAF, DE LA FUENTE, BROOKS, KAPLAN and PRESIDENT REID - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: LaTonda Simmons

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

Introduction Date **JAN 17 2012**

DATE OF ATTESTATION: February 9, 2012