

2009 SEP 24 PM 3:07

**RESOLUTION
AUTHORIZING A CORRECTION TO THE
AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
CITY COUNCIL
CITY OF OAKLAND**

WHEREAS, the City Council of the City of Oakland, hereinafter referred to as Public Agency, and the Board of Administration of the Public Employees' Retirement System entered into a contract effective September 1, 1970 providing for the participation of Public Agency in the Public Employees' Retirement System; and

WHEREAS, said contract was amended effective October 13, 2001; and

WHEREAS, due to an inadvertence, paragraph "3.a." read:

"3.a. Local Fire Fighter (herein referred to local safety members)"

WHEREAS, said contract was amended effective June 21, 2003; and

WHEREAS, due to an inadvertence, paragraphs "3.a., 3.b., and 4.g." read:

"3.a. Local Fire Fighter (herein referred to local safety members)

3.b. Local Police Officers (herein referred to local safety members)";

4.g. FIRE EMPLOYEES HIRED PRIOR TO JULY 1, 1976 WHO WILL REMAIN MEMBERS OF THE CITY OF OAKLAND FIRE AND POLICE RETIREMENT SYSTEM AND WHO DID NOT WAIVE THEIR RIGHTS UNDER THAT PLAN AS OF OCTOBER 31, 2001";

WHEREAS, said contract was amended effective June 19, 2004; and

WHEREAS, due to an inadvertence, paragraphs "3.a., 3.b., 4.a., 4.g., 4.h., 6, and 8" read:

"3.a. Local Fire Fighter (herein referred to local safety members)

3.b. Local Police Officers (herein referred to local safety members);

4.a. EMPLOYEES, OTHER THAN ELECTIVE OFFICERS WHO ENTERED PUBLIC AGENCY SERVICE PRIOR TO SEPTEMBER 1, 1970 AND WHO HAVE NOT EXECUTED AND FILED, IN ACCORDANCE WITH RESOLUTIONS OF THE CITY COUNCIL A WAIVER OF RIGHTS UNDER THE OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT

SYSTEM PRIOR TO SEPTEMBER 1, 1970, OR IN THE PERIODS FEBRUARY 15, 1973 THROUGH MARCH 15, 1973, INCLUSIVE, OR NOVEMBER 24, 1975 THROUGH DECEMBER 19, 1975, INCLUSIVE, OR MAY 15, 1981 THROUGH JUNE 15, 1981, INCLUSIVE. THE EXCLUSION OF A MEMBER EXECUTING AND FILING SUCH WAIVER IN THE PERIOD MAY 15, 1981, THROUGH JUNE 15, 1981, INCLUSIVE, SHALL CEASE AND HIS MEMBERSHIP SHALL BE EFFECTIVE ON JULY 4, 1981;

- 4.g. FIRE EMPLOYEES HIRED PRIOR TO JULY 1, 1976 WHO WILL REMAIN MEMBERS OF THE CITY OF OAKLAND FIRE AND POLICE RETIREMENT SYSTEM AND WHO DID NOT WAIVE THEIR RIGHTS UNDER THAT PLAN AS OF OCTOBER 31, 2001;
 - 4.h. POLICE EMPLOYEES HIRED PRIOR TO JULY 1, 1976 WHO WILL REMAIN MEMBERS OF THE CITY OF OAKLAND FIRE AND POLICE RETIREMENT SYSTEM AND WHO DID NOT WAIVE THEIR RIGHTS UNDER THAT PLAN AS OF THE EFFECTIVE DATE OF THIS AMENDMENT TO CONTACT;
 - 6. ASSETS HERETOFORE ACCUMULATED WITH RESPECT TO MISCELLANEOUS MEMBERS UNDER THE LOCAL RETIREMENT SYSTEM WHO WAIVED THEIR RIGHTS UNDER THAT SYSTEM ON APRIL 9, 1973, JANUARY 10, 1976, JULY 4, 1981 HAVE BEEN TRANSFERRED TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND APPLIED AGAINST THE LIABILITY FOR PRIOR SERVICE INCURRED THEREUNDER. THAT PORTION OF ASSETS SO TRANSFERRED WHICH REPRESENT THE ACCUMULATED CONTRIBUTIONS (PLUS INTEREST THEREOF) REQUIRED OF THE EMPLOYEES UNDER SAID LOCAL SYSTEM HAVE BEEN CREDITED TO THE INDIVIDUAL MEMBERSHIP ACCOUNT OF EACH SUCH EMPLOYEE UNDER THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM.
 - 8. ASSETS HERETOFORE ACCUMULATED WITH RESPECT TO POLICE MEMBERS UNDER THE LOCAL RETIREMENT SYSTEM WHO WAIVED THEIR RIGHTS UNDER THAT SYSTEM ON THE EFFECTIVE DATE OF THIS AMENDMENT TO CONTRACT, HAVE BEEN TRANSFERRED TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND APPLIED AGAINST THE LIABILITY FOR PRIOR SERVICE INCURRED THEREUNDER. THAT PORTION OF ASSETS SO TRANSFERRED WHICH REPRESENT THE ACCUMULATED CONTRIBUTIONS (PLUS INTEREST THEREOF) REQUIRED OF THE EMPLOYEES UNDER SAID LOCAL SYSTEM HAVE BEEN CREDITED TO THE INDIVIDUAL MEMBERSHIP ACCOUNT OF EACH SUCH EMPLOYEE UNDER THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM."
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WHEREAS, said contract was amended effective July 2, 2005; and

WHEREAS, due to an inadvertence, paragraphs "3.a., 3.b, 4.a., 4.g., and 4.i." read:

- "3.a. Local Fire Fighter (herein referred to local safety members)
- 3.b. Local Police Officers (herein referred to local safety members);
- 4.a. EMPLOYEES, OTHER THAN ELECTIVE OFFICERS WHO ENTERED PUBLIC AGENCY SERVICE PRIOR TO SEPTEMBER 1, 1970 AND WHO HAVE NOT EXECUTED AND FILED, IN ACCORDANCE WITH RESOLUTIONS OF THE CITY COUNCIL A WAIVER OF RIGHTS UNDER THE OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM PRIOR TO SEPTEMBER 1, 1970, OR IN THE PERIODS FEBRUARY 15, 1973 THROUGH MARCH 15, 1973, INCLUSIVE, OR NOVEMBER 24, 1975 THROUGH DECEMBER 19, 1975, INCLUSIVE, OR MAY 15, 1981 THROUGH JUNE 15, 1981, INCLUSIVE. THE EXCLUSION OF A MEMBER EXECUTING AND FILING SUCH WAIVER IN THE PERIOD MAY 15, 1981, THROUGH JUNE 15, 1981, INCLUSIVE, SHALL CEASE AND HIS MEMBERSHIP SHALL BE EFFECTIVE ON JULY 4, 1981;";
- 4.g. FIRE EMPLOYEES HIRED PRIOR TO JULY 1, 1976 WHO WILL REMAIN MEMBERS OF THE CITY OF OAKLAND FIRE AND POLICE RETIREMENT SYSTEM AND WHO DID NOT WAIVE THEIR RIGHTS UNDER THAT PLAN AS OF OCTOBER 31, 2001;
- 4.i. MISCELLANEOUS EMPLOYEES HIRED PRIOR TO SEPTEMBER 1, 1970 WHO REMAINED MEMBERS OF THE OAKLAND MUNICIPAL EMPLOYEES RETIREMENT SYSTEM AND WHO DID NOT WAIVE THEIR RIGHTS UNDER THAT PLAN AS OF THE EFFECTIVE DATE OF THIS AMENDMENT TO CONTRACT";

WHEREAS, said contract was amended effective June 3, 2009; and

WHEREAS, due to an inadvertence, paragraphs "4.a., 4.b, 5.a., 5.b., 5.c., 5.g., 5.i., and 6" read:

- "4.a. Local Fire Fighter (herein referred to local safety members)
- 4.b. Local Police Officers (herein referred to local safety members);
- 5.a. EMPLOYEES, OTHER THAN ELECTIVE OFFICERS WHO ENTERED PUBLIC AGENCY SERVICE PRIOR TO SEPTEMBER 1, 1970 AND WHO HAVE NOT EXECUTED AND FILED, IN ACCORDANCE WITH RESOLUTIONS OF THE CITY COUNCIL A WAIVER OF RIGHTS UNDER THE OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM PRIOR TO SEPTEMBER 1, 1970, OR IN THE PERIODS FEBRUARY 15, 1973 THROUGH MARCH 15, 1973, INCLUSIVE, OR NOVEMBER 24, 1975 THROUGH DECEMBER 19, 1975, INCLUSIVE, OR MAY 15, 1981

THROUGH JUNE 15, 1981, INCLUSIVE. THE EXCLUSION OF A MEMBER EXECUTING AND FILING SUCH WAIVER IN THE PERIOD MAY 15, 1981, THROUGH JUNE 15, 1981, INCLUSIVE, SHALL CEASE AND HIS MEMBERSHIP SHALL BE EFFECTIVE ON JULY 4, 1981;"

- 5.b. THE PROVISION OF PARAGRAPH 4.a SHALL ALSO APPLY TO INDIVIDUALS HIRED PRIOR TO SEPTEMBER 1, 1970 WHO TERMINATED EMPLOYMENT WITH THE PUBLIC AGENCY, LEFT CONTRIBUTIONS ON DEPOSIT WITH OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM, AND ARE MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM;
- 5.c. THE PROVISION OF PARAGRAPH 4.a SHALL NOT APPLY TO EMPLOYEES OF PUBLIC AGENCY HIRED AFTER JULY 4, 1981, AS TO FUTURE SERVICE. SUCH EMPLOYEES MAY EXECUTE A WAIVER OF RIGHTS UNDER THE OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM WITHIN 30 DAYS OF NOTICE BY LOCAL AGENCY OF RIGHT, TO EXECUTE A WAIVER AND WILL RECEIVE SERVICE CREDIT IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR LOCAL SYSTEM SERVICE UPON PAYMENT OF CONTRIBUTIONS WITHDRAWN FROM THE LOCAL SYSTEM UNDER THE PROVISION OF GOVERNMENT CODE SECTION 20523 OR UPON TRANSFER OF MEMBER CONTRIBUTIONS FROM THE LOCAL SYSTEM UNDER THE PROVISION OF GOVERNMENT CODE 20530;
- 5.g. FIRE EMPLOYEES HIRED PRIOR TO JULY 1, 1976 WHO WILL REMAIN MEMBERS OF THE CITY OF OAKLAND FIRE AND POLICE RETIREMENT SYSTEM AND WHO DID NOT WAIVE THEIR RIGHTS UNDER THAT PLAN AS OF OCTOBER 31, 2001;
- 5.i. MISCELLANEOUS EMPLOYEES HIRED PRIOR TO SEPTEMBER 1, 1970 WHO REMAINED MEMBERS OF THE OAKLAND MUNICIPAL EMPLOYEES RETIREMENT SYSTEM AND WHO DID NOT WAIVE THEIR RIGHTS UNDER THAT PLAN AS OF THE EFFECTIVE DATE OF THIS AMENDMENT TO CONTRACT;
- 6. Permanent part-time employees hired prior to September 1, 1970 were excluded from membership in the Public Employees' Retirement System prior to July 4, 1981 because they were not eligible for membership in the Oakland Municipal Employees' Retirement System and could not execute a waiver of rights pursuant to paragraph 4.a. of this contract. This exclusion shall not apply to those employees in employment of public agency on or after July 4, 1981."

WHEREAS, Section 20472 of the Government code provides that errors in a contract may be corrected through contract correction amendments executed by adoption of suitable resolutions by the contracting parties; and

NOW, THEREFORE, BE IT RESOLVED that said governing body of Public Agency authorizes, and it does hereby authorize, a correction to the amendments to contract as follows:

- A. Paragraph 3.a of said contract effective October 13, 2001 shall be changed as follows:

"3.a. Local Fire Fighter hired for the first time as Fire Fighters on or after July 1, 1976 and those Fire Fighters prior to July 1, 1976 who waived their rights as of the effective date of the amendment to contract."

- B. Paragraph 3.a, 3.b., and 4.g. of said contract effective June 21, 2003 shall be changed as follows:

"3.a. Local Fire Fighter hired for the first time as Fire Fighters on or after July 1, 1976 and those Fire Fighters prior to July 1, 1976 who waived their rights as of October 13, 2001.

3.b. Local Police Officers hired for the first time as Police Officers on or after July 1, 1976 and those Police Officers prior to July 1, 1976 who waived their rights as of the effective date of this amendment to contract.

4.g. FIRE EMPLOYEES HIRED PRIOR TO JULY 1, 1976 WHO WILL REMAIN MEMBERS OF THE CITY OF OAKLAND FIRE AND POLICE RETIREMENT SYSTEM AND WHO DID NOT WAIVE THEIR RIGHTS UNDER THAT PLAN AS OF OCTOBER 13, 2001;"

- C. Paragraph 3.a, 3.b., 4.a 4.g., 4.h., 6 and 8 of said contract effective June 19, 2004 shall be changed as follows:

"3.a. Local Fire Fighter hired for the first time as Fire Fighters on or after July 1, 1976 and those Fire Fighters prior to July 1, 1976 who waived their rights as of October 13, 2001.

3.b. Local Police Officers hired for the first time as Police Officers on or after July 1, 1976 and those Police Officers prior to July 1, 1976 who waived their rights as of June 21, 2003.

4.a. MISCELLANEOUS EMPLOYEES, OTHER THAN ELECTIVE OFFICERS WHO ENTERED PUBLIC AGENCY SERVICE PRIOR TO SEPTEMBER 1, 1970 AND WHO HAVE NOT EXECUTED AND FILED, IN ACCORDANCE WITH RESOLUTIONS OF THE CITY COUNCIL A WAIVER OF RIGHTS UNDER THE OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM PRIOR TO SEPTEMBER 1, 1970, OR IN THE PERIODS FEBRUARY 15, 1973 THROUGH MARCH 15, 1973, INCLUSIVE, OR NOVEMBER 24, 1975 THROUGH DECEMBER 19, 1975, INCLUSIVE, OR MAY 15, 1981 THROUGH JUNE 15, 1981, INCLUSIVE. THE EXCLUSION OF A MEMBER EXECUTING AND FILING SUCH WAIVER IN THE

PERIOD MAY 15, 1981, THROUGH JUNE 15, 1981, INCLUSIVE, SHALL CEASE AND HIS MEMBERSHIP SHALL BE EFFECTIVE ON JULY 4, 1981; AND THOSE EMPLOYEES WHO DID NOT WAIVE THEIR RIGHTS ON THE EFFECTIVE DATE OF THIS AMENDMENT TO CONTRACT

- 4.g. FIRE EMPLOYEES HIRED PRIOR TO JULY 1, 1976 WHO WILL REMAIN MEMBERS OF THE CITY OF OAKLAND FIRE AND POLICE RETIREMENT SYSTEM AND WHO DID NOT WAIVE THEIR RIGHTS UNDER THAT PLAN AS OF OCTOBER 13, 2001;
 - 4.h. POLICE EMPLOYEES HIRED PRIOR TO JULY 1, 1976 WHO WILL REMAIN MEMBERS OF THE CITY OF OAKLAND FIRE AND POLICE RETIREMENT SYSTEM AND WHO DID NOT WAIVE THEIR RIGHTS UNDER THAT PLAN AS OF JUNE 21, 2003;
 - 6. ASSETS HERETOFORE ACCUMULATED WITH RESPECT TO MISCELLANEOUS MEMBERS UNDER THE LOCAL RETIREMENT SYSTEM WHO WAIVED THEIR RIGHTS UNDER THAT SYSTEM ON APRIL 9, 1973, JANUARY 10, 1976, JULY 4, 1981 AND THE EFFECTIVE DATE OF THIS AMENDMENT TO CONTRACT, HAVE BEEN TRANSFERRED TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND APPLIED AGAINST THE LIABILITY FOR PRIOR SERVICE INCURRED THEREUNDER. THAT PORTION OF ASSETS SO TRANSFERRED WHICH REPRESENT THE ACCUMULATED CONTRIBUTIONS (PLUS INTEREST THEREOF) REQUIRED OF THE EMPLOYEES UNDER SAID LOCAL SYSTEM HAVE BEEN CREDITED TO THE INDIVIDUAL MEMBERSHIP ACCOUNT OF EACH SUCH EMPLOYEE UNDER THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM.
 - 8. ASSETS HERETOFORE ACCUMULATED WITH RESPECT TO POLICE MEMBERS UNDER THE LOCAL RETIREMENT SYSTEM WHO WAIVED THEIR RIGHTS UNDER THAT SYSTEM ON JUNE 21, 2003, HAVE BEEN TRANSFERRED TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND APPLIED AGAINST THE LIABILITY FOR PRIOR SERVICE INCURRED THEREUNDER. THAT PORTION OF ASSETS SO TRANSFERRED WHICH REPRESENT THE ACCUMULATED CONTRIBUTIONS (PLUS INTEREST THEREOF) REQUIRED OF THE EMPLOYEES UNDER SAID LOCAL SYSTEM HAVE BEEN CREDITED TO THE INDIVIDUAL MEMBERSHIP ACCOUNT OF EACH SUCH EMPLOYEE UNDER THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM."
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D. Paragraph 3.a., 3.b., 4.a., and 4.g., of said contract effective July 2, 2005 shall be changed as follows and paragraph 4.i. shall be deleted and corrected information incorporated in 4.a.:

"3.a. Local Fire Fighter hired for the first time as Fire Fighters on or after July 1, 1976 and those Fire Fighters prior to July 1, 1976 who waived their rights as of October 13, 2001.

3.b. Local Police Officers hired for the first time as Police Officers on or after July 1, 1976 and those Police Officers prior to July 1, 1976 who waived their rights as of June 21, 2003.

4.a. MISCELLANEOUS EMPLOYEES, OTHER THAN ELECTIVE OFFICERS WHO ENTERED PUBLIC AGENCY SERVICE PRIOR TO SEPTEMBER 1, 1970 AND WHO HAVE NOT EXECUTED AND FILED, IN ACCORDANCE WITH RESOLUTIONS OF THE CITY COUNCIL A WAIVER OF RIGHTS UNDER THE OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM PRIOR TO SEPTEMBER 1, 1970, OR IN THE PERIODS FEBRUARY 15, 1973 THROUGH MARCH 15, 1973, INCLUSIVE, OR NOVEMBER 24, 1975 THROUGH DECEMBER 19, 1975, INCLUSIVE, OR MAY 15, 1981 THROUGH JUNE 15, 1981, INCLUSIVE. THE EXCLUSION OF A MEMBER EXECUTING AND FILING SUCH WAIVER IN THE PERIOD MAY 15, 1981, THROUGH JUNE 15, 1981, INCLUSIVE, SHALL CEASE AND HIS MEMBERSHIP SHALL BE EFFECTIVE ON JULY 4, 1981, AND THOSE EMPLOYEES WHO DID NOT WAIVE THEIR RIGHTS AS OF JUNE 19, 2004;

4.g. FIRE EMPLOYEES HIRED PRIOR TO JULY 1, 1976 WHO WILL REMAIN MEMBERS OF THE CITY OF OAKLAND FIRE AND POLICE RETIREMENT SYSTEM AND WHO DID NOT WAIVE THEIR RIGHTS UNDER THAT PLAN AS OF OCTOBER 13, 2001;"

E. Paragraph 4.a., 4.b., 5.a., 5.b., 5.c., 5.g., 6., of said contract effective June 3, 2009 shall be changed as follows and paragraph 5.i. shall be deleted and corrected information incorporated in 5.a.:

"4.a. Local Fire Fighter hired for the first time as Fire Fighters on or after July 1, 1976 and those Fire Fighters prior to July 1, 1976 who waived their rights as of October 13, 2001.

4.b. Local Police Officers hired for the first time as Police Officers on or after July 1, 1976 and those Police Officers prior to July 1, 1976 who waived their rights as of June 21, 2003.

5.a. MISCELLANEOUS EMPLOYEES, OTHER THAN ELECTIVE OFFICERS WHO ENTERED PUBLIC AGENCY SERVICE PRIOR TO SEPTEMBER 1, 1970 AND WHO HAVE NOT EXECUTED AND FILED, IN ACCORDANCE WITH RESOLUTIONS OF THE CITY COUNCIL A WAIVER OF RIGHTS UNDER THE OAKLAND

MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM PRIOR TO SEPTEMBER 1, 1970, OR IN THE PERIODS FEBRUARY 15, 1973 THROUGH MARCH 15, 1973, INCLUSIVE, OR NOVEMBER 24, 1975 THROUGH DECEMBER 19, 1975, INCLUSIVE, OR MAY 15, 1981 THROUGH JUNE 15, 1981, INCLUSIVE. THE EXCLUSION OF A MEMBER EXECUTING AND FILING SUCH WAIVER IN THE PERIOD MAY 15, 1981, THROUGH JUNE 15, 1981, INCLUSIVE, SHALL CEASE AND HIS MEMBERSHIP SHALL BE EFFECTIVE ON JULY 4, 1981; AND THOSE EMPLOYEES WHO DID NOT WAIVE THEIR RIGHTS AS OF JUNE 19, 2004;

5.b. THE PROVISION OF PARAGRAPH 5.a. SHALL ALSO APPLY TO INDIVIDUALS HIRED PRIOR TO SEPTEMBER 1, 1970 WHO TERMINATED EMPLOYMENT WITH THE PUBLIC AGENCY, LEFT CONTRIBUTIONS ON DEPOSIT WITH OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM, AND ARE MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM;

5.c. THE PROVISION OF PARAGRAPH 5.a. SHALL NOT APPLY TO EMPLOYEES OF PUBLIC AGENCY HIRED AFTER JULY 4, 1981, AS TO FUTURE SERVICE. SUCH EMPLOYEES MAY EXECUTE A WAIVER OF RIGHTS UNDER THE OAKLAND MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM WITHIN 30 DAYS OF NOTICE BY LOCAL AGENCY OF RIGHT TO EXECUTE A WAIVER AND WILL RECEIVE SERVICE CREDIT IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR LOCAL SYSTEM SERVICE UPON PAYMENT OF CONTRIBUTIONS WITHDRAWN FROM THE LOCAL SYSTEM UNDER THE PROVISION OF GOVERNMENT CODE SECTION 20523 OR UPON TRANSFER OF MEMBER CONTRIBUTIONS FROM THE LOCAL SYSTEM UNDER THE PROVISION OF GOVERNMENT CODE 20530;

5.g. FIRE EMPLOYEES HIRED PRIOR TO JULY 1, 1976 WHO WILL REMAIN MEMBERS OF THE CITY OF OAKLAND FIRE AND POLICE RETIREMENT SYSTEM AND WHO DID NOT WAIVE THEIR RIGHTS UNDER THAT PLAN AS OF OCTOBER 13, 2001;

6. Permanent part-time employees hired prior to September 1, 1970 were excluded from membership in the Public Employees' Retirement System prior to July 4, 1981 because they were not eligible for membership in the Oakland Municipal Employees' Retirement System and could not execute a waiver of rights pursuant to paragraph 5.a. of this contract. This exclusion shall not apply to those employees in employment of public agency on or after July 4, 1981."

BE IT FURTHER RESOLVED, that the presiding officer of the governing body of Public Agency is hereby authorized, empowered, and directed to execute said amendment for and on behalf of Public Agency.

Adopted this 6TH day of OCTOBER, 2009.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
LORI MCGARTLAND, CHIEF
EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Attest:

Clerk