

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

OAKLAND CITY COUNCIL

Gracy Chinn
City Attorney

2011 SEP -6 AM 11:25

RESOLUTION NO. 83564 C.M.S.

Introduced by Councilmember _____

RESOLUTION RESCINDING RESOLUTION NO. 72693 C.M.S. WHICH AUTHORIZED THE CITY OF OAKLAND TO PAY 100 PERCENT (100%) OF EMPLOYEES' COMPENSATION EARNABLE AS EMPLOYER PAID MEMBER CONTRIBUTIONS; AND AUTHORIZING IMPLEMENTATION OF THE PROVISIONS OF SECTION 414(h)(2) OF THE INTERNAL REVENUE CODE TO TAX DEFER MEMBER PAID CONTRIBUTIONS TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) FOR REPRESENTED LOCAL POLICE SAFETY EMPLOYEES AND LOCAL POLICE SAFETY MANAGEMENT EMPLOYEES, AND UNREPRESENTED LOCAL POLICE SAFETY MANAGEMENT EMPLOYEES WHO ARE MEMBERS OF PERS

WHEREAS, the City of Oakland has the authority to implement Government Code Section 20636(c)(4), pursuant to Government code 20691; and

WHEREAS, the City of Oakland adopted Resolution No. 72693 C.M.S. on June 4, 1996 authorizing the City to pay 100 percent (100%) of all local Police Safety employees' compensation earnable as Employer Paid Member Contributions and report the same percent (value) of compensation earnable (excluding Government Code Section 20636(c)(4) as additional compensation effective June 30, 1996; and

WHEREAS, the Memoranda of Understanding between the City of Oakland and the bargaining unit representing the local police safety employees and local police management employees (Oakland Police Officers' Association) were approved requiring the City to report to PERS the value of members' retirement contributions that are paid by the City on behalf of each member (Employer Paid Member Contributions); and

WHEREAS, the Memoranda of Understanding approved on July 26, 2011 representing the local police safety employees in Representation Unit PP1 and police safety management employees in Representation Unit UN2, require employees to pay the entire member contribution of nine percent (9%); and

WHEREAS, the City Administrator authorized concessions agreed to by the unrepresented Chief of Police and Assistant Chief of Police in Representation Unit UN1, to pay the entire nine percent (9%) member contribution; and

WHEREAS, Resolution No. 81741 C.M.S. was approved by the City Council on January 6, 2009 and is on file with the Public Employees' Retirement System (PERS), authorizing the City of Oakland to implement the provisions of Internal Revenue Code Section 414(h)(2), making member contributions pursuant to California Government Code Section 20691 to the Public Employees' Retirement System on behalf of its employees who are members of the Public Employees' Retirement System; now, therefore be it

RESOLVED:

- I. That the City of Oakland shall rescind Resolution No. 72693 C.M.S. which authorized the City to pay 100 percent (100%) of all local police safety employees' compensation earnable as Employer Paid Member contributions effective June 30, 2011.
- II. That all represented local police safety employees and police safety management employees shall be required to pay the entire member contribution of nine percent (9%) effective July 1, 2011;
- III. That the City of Oakland will continue to implement the provisions of Internal Revenue Code Section 414(h)(2) by making employee contributions pursuant to California Government Code Section 20691 to the Public Employees' Retirement System on behalf of its employees who are members of the Public Employees' Retirement System. "Employee contributions" shall mean those contributions to the Public Employees' Retirement System which are deducted from the salary of employees and are credited to individual employee's accounts pursuant to California Government Code Section 20691 and treated as pre-tax income.

SEP 20 2011

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

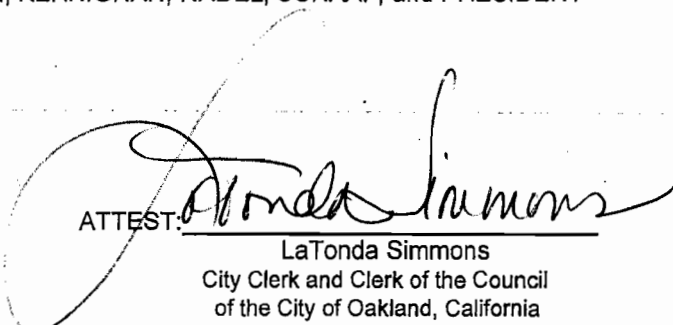
AYES - BROOKS, ~~BRUNNER~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID - 7

NOES - 0

ABSENT - Brunner - 1

ABSTENTION - 0

ATTEST:


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