



AGENDA REPORT

TO: HENRY L. GARDNER
INTERIM CITY ADMINISTRATOR

FROM: Katano Kasaine

SUBJECT: Approval of Fire (Tier 3)
1% Retirement Cost Sharing

DATE: September 25, 2014

City Administrator
Approval

A

Date

10/8/14

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council approve:

A Resolution of Intention of the California Public Employees' Retirement System (CalPERS), and an Ordinance of the City of Oakland, authorizing an amendment to the contract between the City of Oakland and the Board of Administration of CalPERS to include a 1% employees cost sharing of additional benefits for Tier three local fire safety members (California Government code section 20516) as approved in the 2014 Memorandum of Understanding between International Association of Firefighters (IAFF) Local 55 and the City of Oakland.

This employee retirement contribution rate was agreed upon in the most recent Memorandum of Understanding between Local IAFF Local 55 and the City of Oakland (2014 Fire MOU) which was approved by City Council on July 1, 2014 (Resolution 85079 C.M.S.). This Resolution and Ordinance is required by CalPERS to change the existing contract to be in line with the new 2014 Fire MOU.

OUTCOME

Adopting this Ordinance would amend the CalPERS contract to increase the required employee contribution for all Tier 3 Fire Safety employees from the current contribution rate of 12% to 13%. The California Public Employees' Pension Reform Act of 2013 (PEPRA), set all Tier 3 Fire Safety Employees at 12%. However, the 2014 Fire MOU set all Fire Safety Employees at a contribution rate of 13%.

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The CalPERS contract must be amended to allow for the additional cost sharing of 1% for all Tier 3 Fire Safety Employees per the 2014 Fire MOU. Tier 1 and Tier 2 Fire Safety Employees are already set at a contribution rate of 13%. This change only impact Fire Safety Employees hired after January 1, 2013 (Tier 3).

BACKGROUND/LEGISLATIVE HISTORY

On September 12, 2012 the Governor of California signed pension reform AB 340, which included, the California Public Employees' Pension Reform Act of 2013 (PEPRA), this legislature created a new Tier (Tier 3) for all new Miscellaneous and Safety City of Oakland employees hired after January 1, 2013. The new PEPRA legislature has a maximum Safety Employee Contribution of 12% per California Government Code Section 20516.5. However, additional cost sharing is permitted based on a collective bargaining agreement per California Government Code Section 20516.5.

On July 1, 2014, the City Council approved the July 1, 2014 through June 30, 2017 Memorandum of Understanding between the City of Oakland and the International Association of Firefighters, Local 55 ("Local 55") through passage of Resolution 85079 C.M.S. Pursuant to the new 2014 Fire MOU, all Safety Fire Employees will have an Employee Retirement Contribution Rate of 13%. Tier 1 and Tier 2 Safety Fire Employees are already set at an employee retirement contribution rate of 13%. Tier 3 employees remain at 12% until the CalPERS contract is amended.

ANALYSIS

In order to adjust the new City of Oakland Fire Safety Employee retirement contribution to CalPERS from 12% to 13%, CalPERS's process requires that the City approve a separate Resolution and Ordinance approving the additional cost sharing of 1%. A resolution has been prepared in CalPERS-sanctioned form for City Council's approval. The language in the resolution revalidates Article 8.5.3.2: Additional 1.0% Toward City's Normal Cost in the 2014 Fire MOU adopted by City Council Resolution 85079 C.M.S., designating additional Cost Sharing for all Safety Fire Employees.

PUBLIC OUTREACH/INTEREST

This item did not require any additional public outreach other than the required posting on the City's website. Although the overall 2014 Fire MOU has been approved by the Fire Membership, CalPERS process requires that the impacted Fire Safety Members vote again on the specific change in retirement benefits. Retirement staff is working with the Local 55 on fulfilling this additional requirement.

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COORDINATION

This report has been prepared by the Treasury Bureau in coordination with City Attorney's Office, and Budget Office.

COST SUMMARY/IMPLICATIONS

There are no costs associated with this report.

SUSTAINABLE OPPORTUNITIES

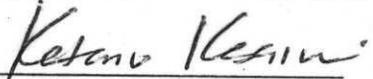
Economic: There are no impacts to economic opportunities associated with this report.

Environmental: There are no impacts to environmental opportunities associated with this report.

Social Equity: There are no impacts to social equity opportunities associated with this report.

For questions regarding this report, please contact Katano Kasaine, Treasurer, at (510) 238-2989.

Respectfully submitted,


KATANO KASAINÉ
Treasurer

Prepared by:
Téir Jenkins, Investment Officer
Treasury Bureau / Retirement Division

Attachment(s):

Exhibit A: Oakland City Council Ordinance (DRAFT)

Exhibit B: Resolution of Intention to Approve Amendment to Contract

Exhibit C: Amendment to Contract

Exhibit D: Oakland City Council Resolution No 85079 C.M.S. – 2014 Fire MOU Approval

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EXHIBIT A

Oakland City Council Ordinance
(DRAFT)

INTRODUCED BY COUNCIL MEMBER _____

OFFICE OF THE CITY CLERK
OAKLAND

City Attorney

2014 OCT -9 PM 3:50

OAKLAND CITY COUNCIL**ORDINANCE No. _____ C.M.S.**

ORDINANCE OF THE CITY OF OAKLAND AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF OAKLAND AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) TO INCLUDE A 1% EMPLOYEES COST SHARING OF ADDITIONAL BENEFITS FOR TIER THREE LOCAL FIRE MEMBERS (CALIFORNIA GOVERNMENT CODE SECTION 20516) AS APPROVED IN THE 2014 MEMORANDUM OF UNDERSTANDING BETWEEN INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF) LOCAL 55 AND THE CITY OF OAKLAND

WHEREAS, On September 12, 2012 the Governor of California signed pension reform AB 340, which included, the California Public Employees' Pension Reform Act of 2013 (PEPRA), which created a new Tier (Tier 3) for all Sworn Safety Members hired after January 1, 2013

WHEREAS, on July 01, 2014, 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, to implement changes to the retirement plans; and

WHEREAS, based on the MOU all Fire employees are subject to a 13% Employee Contribution towards their CalPERS Retirement benefits; and

WHEREAS, in accordance with the new PEPRA legislature new Sworn Fire employees hired after January 1, 2013 are able to pay a maximum employee contribution of 12% per California Government Code Section 20516.50

WHEREAS, additional cost sharing is permitted in California Government Code Section 20516; and

WHEREAS, in accordance with the Local 55 MOU, the City of Oakland desires to subject new tier three Local 55 members to a 1% Employee Cost Sharing of Additional Benefits per California Government Code Section 20516.5; and

WHEREAS, implementation of the agreements made between the City of Oakland and the labor organizations representing safety employees to tier three Local 55 members to 1% 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 be it

**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 C, 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, _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____

EXHIBIT B

Resolution of Intention to
Approve Amendment to Contract

2014 OCT -9 PM 3:51

RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
CITY COUNCIL
CITY OF OAKLAND

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

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

WHEREAS, the following is a statement of the proposed change:

Section 20516 (Employees Sharing Additional Cost) of 1% for new local fire members.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

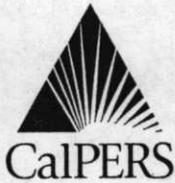
By: _____
Presiding Officer

Title

Date adopted and approved

EXHIBIT C

AMENDMENT TO CONTRACT



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Oakland

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 1, 1970, and witnessed June 5, 1972, and as amended effective April 9, 1973, October 4, 1975, January 10, 1976, July 1, 1976, July 4, 1981, July 30, 1983, December 6, 1985, January 1, 1988, June 30, 1992, September 25, 1993, July 1, 1996, June 14, 2000, July 7, 2001, October 13, 2001, June 21, 2003, June 19, 2004, July 2, 2005, June 3, 2009, January 23, 2010, February 8, 2012 and June 8, 2012 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 21 are hereby stricken from said contract as executed effective June 8, 2012, and hereby replaced by the following paragraphs numbered 1 through 21 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, age 50 for local safety members entering membership in the safety classification on or prior to February 8, 2012 and age 55 for local safety members entering membership for the first time in the safety classification after February 8, 2012.

2. Public Agency shall participate in the Public Employees' Retirement System from and after September 1, 1970 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.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

4. 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. Local Fire Fighters 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;
 - 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;

- c. Employees other than local safety members (herein referred to as local miscellaneous members).
5. 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. **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;**
 - 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;**
 - 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 PROVISIONS OF GOVERNMENT CODE SECTION 20523 OR UPON TRANSFER OF MEMBER CONTRIBUTIONS FROM THE LOCAL SYSTEM UNDER THE PROVISIONS OF GOVERNMENT CODE SECTION 20530;**

- d. **MEMBERS OF BOARDS AND COMMISSIONS APPOINTED BY THE MAYOR OR THE CITY COUNCIL;**
 - e. **EMPLOYEES AND MEMBERS OF THE BOARD OF EDUCATION;**
 - f. **PERSONS EMPLOYED ON PROVISIONAL APPOINTMENTS, PURSUANT TO CITY OF OAKLAND CHARTER SECTION 803, OTHER THAN CITY OF OAKLAND EMPLOYEES WHO ARE MEMBERS OF PERS AND ACCEPT SUCH APPOINTMENT AFTER SEPTEMBER 1, 1970, AND PERSONS EMPLOYED FOR SEASONAL EMPLOYMENT PURSUANT TO SECTION 802(d) OF THE CHARTER;**
 - 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;**
 - 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. 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.
7. 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 June 19, 2004, 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 fire members under the local retirement system who waived their rights under that system on October 13, 2001, 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.
9. 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.
10. Public Agency and the Redevelopment Agency of the City of Oakland have agreed to a merger of their contracts, and this contract shall be a continuation of the benefits of the contract of the Redevelopment Agency of the City of Oakland, pursuant to Section 20567.6 of the Government Code. Such merger is effective as of December 28, 1975. Public Agency, by this contract, assumes the assets and liabilities accumulated under the former contract of the Redevelopment Agency of the City of Oakland. Legislation repealed said Section effective January 1, 1988.
 - a. The optional provisions of Section 21354 shall apply to all past service for former employees of the Redevelopment Agency of the City of Oakland.
11. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment before and not on or after June 19, 2004 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).

12. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after June 19, 2004 and not entering membership for the first time in the miscellaneous classification after June 8, 2012 shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).
13. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after June 8, 2012 shall be determined in accordance with Section 21354.4 of said Retirement Law (2.5% at age 55 Full).
14. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member entering membership in the safety classification on or prior to February 8, 2012 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
15. The percentage of final compensation to be provided for each year of credited current service as a local safety member entering membership for the first time in the safety classification after February 8, 2012 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
16. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance).
 - b. Section 21536 (Local System Service Credit Included in Basic Death Benefit) for local miscellaneous members only.
 - c. Section 20042 (One-Year Final Compensation) for local safety members entering membership on or prior to February 8, 2012 and for those local miscellaneous members entering membership on or prior to June 8, 2012.
 - d. Section 21573 (Third Level of 1959 Survivor Benefits) for local fire members only.

- e. Section 21024 (Military Service Credit as Public Service).
- f. Section 20431 ("Local Police Officer" shall include city jail, detention or correctional facility employees as described in Government Code Section 20431).
- g. Section 20434 ("Local Fire Fighter" shall include any officer or employee of a fire department employed to perform firefighting, fire prevention, fire training, hazardous materials, emergency medical services, or fire or arson investigation services as described in Government Code Section 20434).
- h. Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service).
- i. Section 20965 (Credit for Unused Sick Leave) for local fire members only.
- j. Section 20903 (Two Years Additional Service Credit).
- k. Section 21024.5 (Public Service Credit for Career Federal/State Firefighter Service).
- l. Section 20516 (Employees Sharing Cost of Additional Benefits):

Section 21362.2 (3% @ 50 Full formula) and Section 21363.1 (3% @ 55 Full formula) for classic local fire members.

From and after January 23, 2010 the classic fire employees of Public Agency shall be assessed an additional 4% of their compensation for a total contribution rate of 13% pursuant to Government Code Section 20516.

- m. Section 20475 (Different Level of Benefits). Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local safety members entering membership for the first time in the safety classification after February 8, 2012.

Section 21354.4 (2.5% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after June 8, 2012.

- n. Section 20516 (Employees Sharing Cost of Additional Benefits):
From and after the effective date of this amendment to contract, 1% for new local fire members.
- 17. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on October 4, 1975. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
- 18. 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 and local safety members of said Retirement System.
- 19. 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 21573 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 fire 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.
- 20. 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.

21. 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 OAKLAND

BY _____
RENEE OSTRANDER, ACTING CHIEF
CUSTOMER ACCOUNT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

EXHIBIT D

Oakland City Council Resolution No. 85079 C.M.S.
2014 FIRE M.O.U.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

[Signature]
City Attorney

2014 JUN 19 RESOLUTION No. 85079 C.M.S.

Introduced by Councilmember _____

**RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF OAKLAND AND THE INTERNATIONAL
ASSOCIATION OF FIREFIGHTERS (IAFF), LOCAL 55,
REPRESENTING EMPLOYEES IN REPRESENTATION UNIT FQ1,
FOR THE PERIOD OF JULY 1, 2014 THROUGH OCTOBER 31, 2017**

WHEREAS, the Memorandum of Understanding to be entered into between the City of Oakland and the International Association of Firefighters, Local 55 has been presented to the City Council for determination pursuant to Section 3505.1 of the Government Code of the State of California; and

WHEREAS, the key provisions of the Memorandum of Understanding are described in the Report from the City Administrator dated July 1, 2014; and

WHEREAS, the terms and conditions contained in said Memorandum of Understanding are in the best interests of the City; now, therefore, be it

RESOLVED: That said agreement be, and is, hereby approved; and be it

FURTHER RESOLVED: That the provisions of said Memorandum of Understanding are effective as of the date the City Council approves said Memorandum of Understanding, unless otherwise specified in said Memorandum of Understanding and shall be retroactive if required.

JUL 01 2014

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON, MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST *[Signature]*
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California