

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2009 SEP 24 PM 3: 04

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Department of Human Resources Management  
DATE: October 6, 2009

RE: **Resolution Authorizing a Correction to the Amendment to the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City Council of the City of Oakland to Correct Non-Substantive Errors Identified by CalPERS Tied to Five Separate Contract Amendment Periods, October 13, 2001, June 21, 2003, June 19, 2004, July 2, 2005 and June 3, 2009, in Accordance With Government Code Section 20472**

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**SUMMARY**

A Resolution has been prepared by CalPERS to correct errors in the contract between the California Public Employees' Retirement System (CalPERS) Board of Administration and the City Council of the City of Oakland. This action is being requested by CalPERS in accordance with Section 20472 of the Government Code which provides that errors in a contract may be corrected through contract correction amendments executed by adoption of suitable resolutions by the contracting parties. A copy of Section 20472 is included as *Attachment A*. The corrections are tied to five separate contract amendment periods: October 13, 2001, June 21, 2003, June 19, 2004, July 2, 2005 and June 3, 2009 and are individually detailed in the Resolution.

The errors were identified by CalPERS while preparing documents for contract amendments requested by City staff in response to recently approved Memorandum of Understanding (MOU) provisions for Local 55 members. Before the contract amendments related to the Local 55 MOU can be made, CalPERS requires that the identified corrections be made.

**FISCAL IMPACT**

There is no cost associated with these contract amendment corrections.

**BACKGROUND**

The Board of Administration, California Public Employees' Retirement System (CalPERS) and the City of Oakland entered into a contract effective September 1, 1970 making its employees members of CalPERS for retirement benefits and services. Employees who are included as members in the CalPERS system include local safety members (sworn police and sworn fire) and employees other than local safety members, referred to as local miscellaneous members.

Item: \_\_\_\_\_  
City Council  
October 6, 2009

Periodically, the City Council authorized amendments to the CalPERS contract in response to MOU agreements and management decisions to add optional benefits. While preparing for amendments as a result of negotiations with Local 55, CalPERS staff informed City staff that there were errors in the language for contract amendments made October 13, 2001, June 21, 2003, June 19, 2004, July 2, 2005 and June 3, 2009.

## KEY ISSUES AND IMPACTS

There is no significant impact as a result of corrections to the contract. Errors being corrected include paragraph numbering changes, enhanced language to clarify provisions, and deletion of language that was incorporated in other sections of the contract.

For example:

- Due to an inadvertence, paragraph “3.a” in the October 13, 2001 amendment reads: *Local Fire Fighter (herein referred to local safety members)*. It is being corrected to read: *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.*
- Due to an inadvertence, paragraphs “3.a., 3.b., and 4.g., in the contract June 21, 2003 contract amendment read: *3.a. Local Fire Fighter (herein referred to local safety members); 3.b. Local Police Officers (herein referred to local safety members); and 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.* It is being corrected to read: *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.*

These changes have no impact on benefits implementation.

As soon as the required corrections are approved by the City Council, steps can begin to approve two pending contract amendments authorized in the recently negotiated Local 55 Memorandum of Understanding.

## SUSTAINABLE OPPORTUNITIES

There are no direct economic, environmental, or social equity opportunities resulting from this action.

Item: \_\_\_\_\_  
City Council  
October 6, 2009

## **DISABILITY AND SENIOR CITIZEN ACCESS**

The proposed action does not impact disability and senior citizen access.

## **RECOMMENDATION(S) AND RATIONALE**

Staff recommends that City Council approve the resolution authorizing correction to the amendment to the contract between CalPERS and the City of Oakland.

## **ACTION REQUESTED OF THE CITY COUNCIL**

Staff requests that City Council approve the resolution authorizing a correction to the amendment to the contract between the Board of Administration California Public Employees' Retirement System and the City Council.

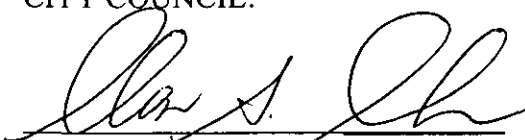
Respectfully submitted,



Wendell Pryor, Director  
Department of Human Resources Management

Prepared by:  
Yvonne S. Hudson, HR Manager  
Retirement and Benefits

APPROVED AND FORWARDED TO THE  
CITY COUNCIL:

  
Office of the City Administrator

Item: \_\_\_\_\_  
City Council  
October 6, 2009

## CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT LAW

PERL Part 3  
(Added by Stats. 1945, Ch. 123; amended by Stats. 1945, Ch. 1224; by Stats. 1947, Ch. 597; and by Stats. 1967, Ch. 1454; renumbered by Stats. 1995, Ch. 379.)

**§ 20471. Approval of Contract**

Approval of the contract shall be by ordinance adopted by the affirmative vote of a majority of the members of the governing body, not less than 20 days after the adoption of the resolution of intention; or by ordinance adopted by a majority vote of the electorate of the public agency voting thereon.

(Added by Stats. 1945, Ch. 123; amended by Stats. 1970, Ch. 1151; renumbered by Stats. 1995, Ch. 379.)

**§ 20471.1. Approval of Joint Contract—County and Trial Court**

Notwithstanding Section 20471, and except as provided in subdivision (b) of Section 20469.1, approval of a proposed joint contract by a trial court and county shall be by ordinances or resolutions adopted by both the affirmative vote of a majority of the members of the governing body of a county and the presiding officer of the trial court, not less than 20 days after the latest adoption of the notices of intention. The resolution of the presiding officer of the trial court and the resolution or ordinance of the governing body of the county which approve the joint contract must be adopted within 30 days of each other.

(Added by Stats. 2000, Ch. 1010.)

**§ 20472. Contract Errors Corrected by Amendment**

Errors in any contract may be corrected through amendments approved by the adoption of suitable resolutions by the contracting parties. Excluded employees may be included by groups through amendments approved in the manner prescribed for the approval of the contracts; except that if there were no members of an excluded group when the contract was entered into, an election among the employees is not required. Additional benefits for prior service provided in this part but not included in a contract, may be included through amendments so approved except that an election among employees is not required.

(Added by Stats. 1945, Ch. 123; amended by Stats. 1945, Ch. 1224; renumbered by Stats. 1995, Ch. 379.)

**§ 20473. Adjustment to Contribution**

Investigations and valuations necessary to adjust the agency's contributions on account of changed benefits or conditions of retirement shall be made in the manner prescribed for valuations and investigations to determine the approximate and actual contributions. Amendments in the contract necessary because of those valuations and investigations shall be approved in the manner prescribed for the

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 CONTRACT;
- 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."

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

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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."

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

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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."
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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 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

BY \_\_\_\_\_  
PRESIDING OFFICER

Attest:

\_\_\_\_\_  
Clerk