

**REVISED**  
6-14-16

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER

JUN 16 PM 3:29

*Allyson C. ...*

City Attorney

## OAKLAND CITY COUNCIL

ORDINANCE NO. 13383 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 INCLUDE A 2% EMPLOYEES COST SHARING OF ADDITIONAL BENEFITS FOR TIER I AND TIER II CLASSIC POLICE MEMBERS (CALIFORNIA GOVERNMENT CODE SECTION 20516)**

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**WHEREAS**, on December 8, 2015 the City Council approved Memoranda of Understanding between the City of Oakland and the labor organizations representing safety employees, Oakland Police Officers Association (OPOA) and Oakland Police Management Association (OPMA), to implement changes to the retirement plans; and

**WHEREAS**, based on the OPOA & OPMA MOU, all Classic Safety Police employees are subject to an increased Employee Contribution from nine percent (9%) to eleven percent (11%) towards their CalPERS Retirement benefits through the implementation of a two percent (2%) Employee Pension Cost Sharing of additional benefits under California Government Code Section 20516; and

**WHEREAS**, Two percent (2%) of the employer's share of the CalPERS Pension Cost sharing contributions shall be made on pre-tax basis pursuant to section 414(h)(2) of the Internal Revenue Code; and

**WHEREAS**, pursuant to California Government Code Section 20471, amendments to the contract between the City of Oakland and the Board of Administration of CalPERS must be approved by ordinance by a majority of the legislative body, which is 5 votes of the City Council.

**WHEREAS**, pursuant to Section 500 of the Oakland City Charter, the City Administrator is the chief administrative officer of the City of Oakland, and pursuant to Section 504 of the Oakland City Charter, it is the administrative duty of the City Administrator to execute contracts authorized by the City Council on behalf of the City of Oakland; and 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 City Administrator 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 July 19, 2016

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, GALLO, KALB, GUILLEN, REID, KAPLAN, CAMPBELL WASHINGTON and PRESIDENT GIBSON MCELHANEY - 8

NOES- 0

ABSENT- 0

ASTENTION- 0

Introduction Date

JUN 21 2016

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

DATE OF ATTESTATION: July 27, 2016