

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 11/17/2015 by the following vote:

AYE: ☒ 5 **John Gioia**
Candace Andersen
Mary N. Piepho
Karen Mitchoff
Federal D. Glover

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2015/445

SUBJECT: Implementing a New Cost of Living Adjustment to the Pension Benefit (Government Code Section 31870) for Employees in the Probation Management Unit, AFSCME 512 Safety Unit, and Fire Management Unit, Who Become New Members of CCCERA in the PEPRA Retirement Tier on or after January 1, 2016

Whereas Government Code section 31483 provides that whenever the Board of Supervisors has adopted a resolution or ordinance making a particular provision of the County Employees Retirement Law of 1937 (Gov. Code, §§ 31450 et. seq.) applicable, the Board may, through a future resolution or ordinance, terminate the applicability of the provision as to employees of the County whose services commence after a future date specified in the latter ordinance or resolution; and

Whereas Government Code section 31870 provides for a Cost of Living Adjustment (COLA) to the retirement allowance that shall not exceed two percent (2%) per year and that is banked; and

Whereas Government Code section 31552 provides that each person entering county employment becomes a member of the Contra Costa County Employees Retirement Association (CCCERA) on the first day of the calendar month after his/her entrance into county service, provided that the person enters a classification and position eligible for membership in CCCERA; and

Whereas pursuant to section 31552, persons who enter County employment in classifications eligible for membership in CCCERA on or after December 1, 2015, become members of CCCERA on or after January 1, 2016; and

Whereas the California Public Employees Pension Reform Act of 2013, Government Code sections 7522 et. seq. (PEPRA) established a new retirement benefit for all persons becoming New Members (as defined in PEPRA) of California public retirement systems on or after January 1, 2013, but did not address the Cost of Living Adjustment to the pension benefit for such persons; and

Whereas the District and the United Chief Officers' Association agreed in the Memorandum of Understanding ratified by the Association and approved by the Fire Board on August 25, 2015, that for safety employees represented by the Association who are hired on or after December 1, 2015, and become New Members of CCCERA in the PEPRA Tier, the COLA to the employee's retirement allowance shall not exceed two percent (2%) per year and shall be banked; and

Whereas the County and AFSCME, Local 512 agreed in the Memorandum of Understanding ratified by the Union and approved by the Board of Supervisors on July 29, 2014, that future agreement reached with the Probation Peace Officers' of Contra Costa County regarding the cost of living adjustment to the retirement allowance for PEPRA Safety Option Plan Two Safety members retirement will apply to Safety members of AFSCME, Local 512, effective on the same date; and

Whereas the County and the Probation Peace Officers' Association agreed in the Memorandum of Understanding ratified by the Association and approved by the Board of Supervisors on October 13, 2015, that for safety employees represented by the Association who are hired on or after December 1, 2015, and become New Members of CCCERA in the PEPRA Retirement Tier, the COLA to the employee's retirement allowance shall not exceed two percent (2%) per year and shall be banked; and

THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS in its capacity as governing Board of the County of Contra Costa and all districts of which it is ex-officio governing Board **RESOLVES THAT:**

1. Government Code section 31870.1 (banked COLA not to exceed three percent) shall not apply to any safety employees in the unrepresented Probation Management Unit, AFSCME 512 Safety Unit, and unrepresented Fire Management Unit hired on or after December 1, 2015, who become New Members of CCCERA (as defined in PEPRA) in the PEPRA Retirement Tier. Instead, Government Code section 31870 (banked COLA not to exceed two percent) shall apply to such safety employees in the unrepresented Probation Management Unit, AFSCME 512 Safety Unit, and unrepresented Fire Management Unit who become New Members of CCCERA on or after January 1, 2016.

2. To the extent a previous Resolution adopted by the Board of Supervisors is inconsistent with this Resolution 2015/445, this Resolution governs the cost of living adjustment to the pension benefit for all safety employees in the unrepresented Probation Management Unit, AFSCME 512 Safety Unit, and unrepresented Fire Management Unit, who become New Members of CCCERA on or after January 1, 2016, and any inconsistent provision in such prior Resolution shall not apply.

**Contact: Lisa Driscoll, County Finance Director (925)
335-1023**

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 17, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors


By: June McHuen, Deputy

cc: Ann Elliott, Employee Benefits Manager, Harjit S. Nahal, Assistant County Auditor, County Counsel