

## ORDINANCE NO. 578

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BISHOP, STATE OF CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF BISHOP AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

The City Council of the City of Bishop, State of California, does ordain as follows:

#### Section 1.

That an amendment to the contract between the City Council of the City of Bishop and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

#### Section 2.

The Mayor of the City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

#### Section 3.

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 30 days from the passage thereof shall be published at least in the Inyo Register, a newspaper of general circulation, published and circulated in the City of Bishop and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED AND ADOPTED this 25<sup>th</sup> day of April, 2022.

  
Karen Schwartz, Mayor

Attest:

By:   
Robin Picken, City Clerk





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 Bishop

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 April 1, 1966, and witnessed February 17, 1966, and as amended effective June 1, 1973, April 1, 1974, March 1, 1979, May 16, 1979, November 1, 1980, July 1, 1989, October 1, 1989, December 1, 1989, October 14, 1993, December 1, 1997, November 10, 2000, March 16, 2001, October 16, 2001, August 1, 2003 and January 1, 2010 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 15 are hereby stricken from said contract as executed effective January 1, 2010, and hereby replaced by the following paragraphs numbered 1 through 17 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 classic local miscellaneous members entering membership in the miscellaneous classification on or prior to January 1, 2010, age 60 for classic local miscellaneous members entering membership for the first time in the miscellaneous classification after January 1, 2010, age 62 for new local miscellaneous members, age 50 for classic local safety members entering membership in the safety classification on or prior to January 1, 2010, age 55 for classic local safety members entering membership for the first time in the safety classification after January 1, 2010 and age 57 for new local safety members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after April 1, 1966 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 attorney 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 (herein referred to as local safety members);
  - b. Local Police Officers (herein referred to as local safety members);
  - 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. **ELECTIVE OFFICIALS; AND**
  - b. **EMPLOYEES OF THE RECREATIONAL DEPARTMENT WHO ARE COMPENSATED ON AN HOURLY BASIS.**
6. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members entering membership for the first time in the miscellaneous classification on or prior to the January 1, 2010 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service prior to September 30, 1978, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full).
7. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members entering membership for the first time in the miscellaneous classification after January 1, 2010 shall be determined in accordance with Section 21353 of said Retirement Law, subject to the reduction provided therein for service prior to September 30, 1978, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 60 Full).
8. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local safety member entering membership in the safety classification on or prior to January 1, 2010 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
10. The percentage of final compensation to be provided for each year of credited current service as a classic local safety member entering membership for the first time in the safety classification after January 1, 2010 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).

12. Public Agency elected and elects to be subject to the following optional provisions:

- a. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
- b. Section 21571 (Basic Level of 1959 Survivor Benefits) for local miscellaneous members and local police members only.
- c. Section 20965 (Credit for Unused Sick Leave).
- d. Section 21335 (4% Cost-of-Living Allowance, base year 1980) for local miscellaneous members and local police members only.
- e. Section 20042 (One-Year Final Compensation) for classic members only.
- f. Section 20938 (Limit Prior Service to Members Employed on Contract Date) for local fire members only.
- g. Section 21024 (Military Service Credit as Public Service).
- h. Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service).
- i. Section 21335 (4% Cost-of-Living Allowance, base year 2003) for local fire members only.
- j. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local fire members only.
- k. Section 20475 (Different Level of Benefits): Section 21354 (2% @ 55 Full formula) is applicable to only those classic local miscellaneous members entering membership in the miscellaneous classification on or prior to January 1, 2010. Section 21353 (2% @ 60 Full formula) is applicable to classic local miscellaneous members entering membership for the first time with this agency in the miscellaneous classification after January 1, 2010.

Section 20475 (Different Level of Benefits): Section 21362.2 (3% @ 50 Full formula) is applicable to only those classic local safety members entering membership in the safety classification on or prior to January 1, 2010. Section 21363.1 (3% @ 55 Full formula) is applicable to classic local safety members entering membership for the first time with this agency in the safety classification after January 1, 2010.

- I. 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).
13. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on May 16, 1979. 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.
14. 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.
15. 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 21574 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.
16. 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.

17. 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 25th day of May, 2022.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF BISHOP

BY \_\_\_\_\_  
MELODY BENAVIDES, CHIEF  
PENSION CONTRACTS AND PREFUNDING  
PROGRAMS DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY Karen Schwally  
PRESIDING OFFICER

4/28/2022  
Witness Date

Attest:

Robin Puckin  
Clerk



California Public Employees' Retirement System  
Financial Office | Pension Contracts and Prefunding Programs Division  
P.O. Box 942703, Sacramento, CA 94229-2703  
888 CalPERS (or 888-225-7377) | TTY: (877) 249-7442 | [www.calpers.ca.gov](http://www.calpers.ca.gov)

---

**CERTIFICATION  
OF  
FINAL ACTION OF GOVERNING BODY**

I hereby certify that the \_\_\_\_\_ City Council \_\_\_\_\_ of the  
(governing body)

\_\_\_\_\_ City of Bishop \_\_\_\_\_  
(public agency)

considered and adopted on \_\_\_\_\_ April 25 \_\_\_\_\_, 2022 \_\_\_\_\_, by an affirmative vote of a  
(date)

majority of the members of said Governing Body, **Ordinance/Resolution** No. 578  
approving the attached contractual agreement between the Governing Body of said Agency and  
the Board of Administration of the California Public Employees' Retirement System, a certified  
copy of said **Ordinance/Resolution** in the form furnished by said Board of Administration being  
attached hereto.

Adoption of the retirement benefit increase/change was not placed on the consent calendar.

\_\_\_\_\_  
Clerk/Secretary

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Title

Date 4/26/2022



STATE OF CALIFORNIA  
COUNTY OF INYO }

I, Robin Picken, City Clerk of the City of Bishop, do hereby certify that the whole number of members of the City Council of said City of Bishop is five (5); that the foregoing Ordinance No. 578 was duly passed and adopted by said City Council; approved and signed by the Mayor of said City; and attested by the City Clerk of said City, all at a regular meeting of said City Council, held on the 25<sup>th</sup> day of April, 2022, and that the same was so passed and adopted by the following roll call vote:

AYES: Kong, Garcia, Muchovej, Ellis, Schwartz

NOES: None

ABSENT: None

WITNESS, my hand and the seal of the City of Bishop this 26<sup>th</sup> day of April, 2022.



Robin Picken, City Clerk  
CITY OF BISHOP

