



Legislation Text

File #: 18-255, **Version:** 1

An Urgency Ordinance of the City Council for the City of San Leandro to Authorize an Amendment to the Contract Between the City of San Leandro and the Board of Administration of the California Public Employees' Retirement System (CalPERS)

WHEREAS, the City Council of the City of San Leandro desires to amend the contract between the City of San Leandro ("City") and the Board of Administration of the California Public Employees' Retirement System ("CalPERS"); and

WHEREAS, the City participated in labor negotiations with the San Leandro Police Officers Association, part of which included an agreement on the adoption of an additional 1% employee contribution for local police members in the San Leandro Police Officers Association to CalPERS to start on July 1, 2018 (the "Agreement"); and

WHEREAS, on May 7, 2018, the City Council adopted a resolution of intention (the "Resolution of Intention") to approve an amendment to the contract between CalPERS and the City; and

WHEREAS, California Government Code Section 20471 requires that an ordinance implementing a CalPERS contract amendment cannot be approved until at least 20 days after adoption of the Resolution of Intention and the subsequent City Council meeting for adoption of such an ordinance will not occur until June 4, 2018; and

WHEREAS, due to the need to immediately begin implementation of the CalPERS amendment and fulfill the City's obligations under the Agreement, which is in the interest of the public health and safety of the City, it is necessary to adopt this Ordinance as an urgency measure; and

WHEREAS, the current City Municipal Code authorizes an amendment to the contract between the City and CalPERS.

NOW THEREFORE, the City Council of the City of San Leandro does **ORDAIN** as follows:

SECTION 1. RECITALS. The above recitals are true and correct and made a part of this ordinance.

SECTION 2. AMENDMENT OF CONTRACT. An amendment to the contract between the City of San Leandro and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit A, and by such reference made a part hereof as though herein set out in full.

SECTION 3. CITY MANAGER AUTHORITY. The City Manager of the City of San Leandro is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said

City.

SECTION 4. URGENCY FINDINGS AND DECLARATION. The City Council finds and declares that this Ordinance must be adopted as an urgency matter because it is necessary for the immediate preservation of the public peace, health, and safety. The following facts and circumstances support such necessity: This Ordinance implements the provisions of the Agreement negotiated in good faith and entered into between the City and the San Leandro Police Officers Association. The Agreement requires that the agreement between CalPERS and the City be effective July 1, 2018. Failure to provide for an effective date of July 1, 2018 would constitute a breach of the Agreement. On May 7, 2018, the City Council adopted the Resolution of Intention and introduced an ordinance to amend the contract with CalPERS. Second reading of that ordinance will not occur until June 4, 2018 because Government Code Section 20471 requires that an ordinance implementing a CalPERS contract amendment cannot be approved until at least 20 days after adoption of the Resolution of Intention. Thus, the adoption of this urgency Ordinance is necessary to ensure an effective date of July 1, 2018.

Based on said findings, facts and circumstances, the City Council finds that this Ordinance should be adopted as an urgency ordinance for the immediate preservation of the public peace, health and safety, and that it is necessary that this Ordinance should go into effect as described below.

SECTION 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 6. EFFECTIVE DATE AND PUBLICATION. This ordinance shall be effective immediately upon adoption pursuant to San Leandro Municipal Code Section 1-1-345. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days following adoption.