

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING EMPLOYER PAID MEMBER CONTRIBUTIONS FOR CITY COUNCIL AND CITY COUNCIL APPOINTED EMPLOYEES WITH TIME-IN-GRADE EXCEPTIONS

WHEREAS, the City Council of the City of Milpitas has the authority to implement Government Code Section 20691;

WHEREAS, the City Council of the City of Milpitas has an agreement with the City Manager which specifically provides for the normal member contributions to be paid by the employer;

WHEREAS, the California Public Employees’ Retirement System (CalPERS) requires that Employer Paid Member Contributions (EPMC) benefits be applied to a group;

WHEREAS, the group of employees consists of the Mayor, City Council and City Council appointed employees and is the most cost effective means to implement CalPERS requirements;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the City Council of the City of Milpitas of a Resolution to commence said Employer Paid Member Contributions;

WHEREAS, the City Council of the City of Milpitas has identified the following conditions for the purpose of its election to pay EPMC;

1. This benefit shall apply to all City Council appointed employees and all elected City Council members including the Mayor.
2. This benefit shall consist of paying 8% of the normal member contributions as EPMC.
3. The effective date of this Resolution shall be February 5, 2008.

WHEREAS, the City Council of the City of Milpitas may elect a time-in-grade Exception to said EPMC within the group as defined in Government Code Section 20636(e)(1) and as specifically authorized in Title 2, California Code of Regulations Section 569;

WHEREAS, the City Council of the City of Milpitas has identified the following condition for the application of said Exception;

For employees hired after September 30, 2007, the City of Milpitas will pay EPMC when employee accrues five (5) years of total service (either on a continuous or cumulative basis). S/he shall be entitled to payment of EPMC on the same terms that apply to all other employees in the group. In so resolving, the City Council of the City of Milpitas agrees to abide by Section 569, the terms of which are incorporated by reference as if fully set forth herein.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Milpitas elects to pay EPMC, as set forth above.

PASSED AND ADOPTED this ____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney