

**AMENDMENT TO
MEMORANDUM OF UNDERSTANDING
BETWEEN CITY OF MILPITAS
AND
MILPITAS POLICE OFFICERS ASSOCIATION**

It is hereby agreed by and between the City of Milpitas and the Milpitas Police Officers Association:

The City of Milpitas and the Milpitas Police Officers Association (MPOA) have agreed to re-open the present Memorandum of Understanding (January 1, 2009 – December 31, 2011) (MOU) to amend MOU §24.01 to provide that non-safety or miscellaneous employees represented by MPOA hired after the effective date of the proposed amendment to the City of Milpitas contract with the California Public Employees Retirement System (CalPERS) will be subject to the 2% @ Age 60 Benefit Formula (Govt. Code §21353) and Final Compensation – Three Years (Govt. Code §20037). This amendment will not be applied to present employees or employees hired before the effective date of the City/CalPERS contract amendment. Govt. Code §20475 shall not be included in the City/CalPERS contract amendment.

The following paragraph shall be added to MOU Section 24.00, subsection 24.01:

Notwithstanding the provisions for retirement in the above paragraphs in this Section 24.00, subsection 24.01, non-safety or miscellaneous employees hired after the effective date of an amendment to the City of Milpitas/CalPERS contract shall be covered by and be subject to the 2% @ Age 60 Benefit Formula (Govt. Code §21353) and Final Compensation – Three Years (Govt. Code §20037) and not the 2.7% @55 Benefit Formula (Govt. Code §21354.5) and the highest consecutive 12 month period preceding retirement (Govt. Code §20035). The local miscellaneous member contribution rate affected by this amendment will be 7% of reportable earnings, as of the effective date of the amendment to the contract.

Employees represented by MPOA presently serving the City and employees hired by the City prior to the effective date of these amendments to the City/CalPERS contract shall continue to be covered by and be subject to the 2.7% @55 Benefit Formula (Govt. Code §21354.5) and the highest consecutive 12 month period preceding retirement (Govt. Code §20035).

The City shall provide MPOA a copy of the proposed amendments to the City/CalPERS contract prior to its adoption by the City Council.

The current MOU, including all previous agreements and amendments, set to expire on December 31, 2012, shall remain in full force and effect except as otherwise set forth in this Amendment to the Memorandum of Understanding.

If this Amendment to the Memorandum of Understanding is signed by the representatives of the City of Milpitas and the representatives of the Milpitas Police Officers Association, it shall not be binding but shall be presented to the Milpitas City Council for determination, pursuant to Calif. Govt. Code §3505.1.

Dated

Matthew Toffey, President
Milpitas Police Officers Association

Dated

David P. Clisham, Attorney
Milpitas Police Officers Association

Dated

Tom Williams, City Manager

Dated

Carmen Valdez, HR Director

Dated

Michael J. Ogaz, City Attorney