

In the Matter of the Calculation of Final Compensation of:

Bruce Malkenhorst, Sr., Respondent,
and
City of Vernon, Respondent

OAH Case No. 2013080917

CalPERS Case No. 2012-0671

EXHIBIT III (9 PAGES)

ORDINANCE NO. 616

AN ORDINANCE OF THE CITY OF VERNON AUTHORIZING A CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF VERNON AND THE BOARD OF ADMINISTRATION, CALIFORNIA STATE EMPLOYEES' RETIREMENT SYSTEM, MAKING ITS EMPLOYEES MEMBERS OF SAID SYSTEM.

THE CITY COUNCIL OF THE CITY OF VERNON DOES ORDAIN AS FOLLOWS:

Section 1. That a contract is hereby authorized between the City Council of the City of Vernon and the Board of Administration, California State Employees' Retirement System, a copy of said contract being attached hereto, marked Exhibit "A" and by such reference made a part hereof as though herein set out in full, to be effective as of August 1, 1948.

Section 2. The Mayor of the City of Vernon is hereby authorized, empowered and directed to execute said contract for and on behalf of said City of Vernon.

Section 3. That there is no newspaper printed, published and circulated within the City of Vernon. That the City Clerk shall certify to the passage of this Ordinance and cause same to be posted in three (3) of the most conspicuous places in the city, to-wit: The northwest corner of Thirty-eighth Street and Santa Fe Avenue; the Northwest corner of Thirty-seventh Street and Santa Fe Avenue; and the Bulletin Board in the lobby of the City Hall of the City of Vernon, located at 4305 Santa Fe Avenue, and that this Ordinance shall be in full force and effect from and after thirty (30) days of the date of posting.

ATTEST:



City Clerk

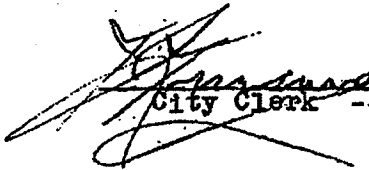


Mayor pro tem - City of Vernon

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, T. J. FURLONG, City Clerk of the City of Vernon,
do hereby certify that the foregoing ordinance was duly and
regularly introduced at a regular meeting of the City Council
of said City of Vernon, held on July 20, 1948 and thereafter
finally adopted at a regular meeting of said City Council held
on September 21, 1948 by a four-fifths (4/5) vote of the members
thereof; said Ordinance was adopted by the following vote:

- AYES: Leonis, Anderson, Trowbridge and
 Mailliard
- NOES: None
- ABSENT: Furlong



City Clerk -- City of Vernon

STATE EMPLOYEES' RETIREMENT SYSTEM
SACRAMENTO 14, CALIFORNIA

Contract

BETWEEN

CITY COUNCIL
NAME OF LEGISLATIVE BODY

OF

CITY OF VERNON
NAME OF CITY, COUNTY, SCHOOL DISTRICT, OR OTHER PUBLIC AGENCY

AND THE

BOARD OF ADMINISTRATION

OF THE

CALIFORNIA STATE EMPLOYEES' RETIREMENT SYSTEM

This Agreement made this _____ day of _____, 194____, by and between
the Legislative Body of CITY OF VERNON
Name of City, County, School District, or Other Public Agency

hereafter referred to as "Public Agency," and the Board of Administration, California State Employees' Retirement System,
hereafter referred to as "Board."

WITNESSETH:

In consideration of the covenants and agreements hereinafter contained and on the part of both parties to be kept
and performed, Public Agency and Board hereby agree as follows:

1. Public Agency is to participate in the State Employees' Retirement System, subject to the provisions of the State Employees' Retirement Law.
2. Public Agency shall participate in said Retirement System, making its employees members of said System, from and after August 1, 1948.
3. Employees of Public Agency in the following classes shall become members of said Retirement System in accordance with the provisions of said Retirement Law, governing membership in said Retirement System, and subject to the further exclusions from membership in the next following sentence:

CLASSES OF EMPLOYEES	NUMBER OF EMPLOYEES ELIGIBLE FOR MEMBERSHIP
	ON <u>August 1</u> 194 <u>8</u>
a. Local Firemen, as defined in the State Employees' Retirement Law . . .	<u>39</u>
b. Local Policemen, as defined in the State Employees' Retirement Law . . .	<u>18</u>
c. County Peace Officers, as defined in the State Employees' Retirement Law . . .	<u>0</u>
d. Employees other than Local Firemen, Local Policemen, and County Peace Officers	<u>40</u>

F 126C

In addition to the employees excluded from membership by said Retirement Law, the following employees shall not become members of the Retirement System:

No Additional Exclusions

Board and Public Agency agree that, except as provided in paragraph 11, no adjustment shall be made in the amount of contributions provided in paragraph 11a on account of prior service, or in the percentage provided in paragraph 11b, because of variations in the numbers of employees who become members of said Retirement System on the effective date hereof, from the number listed above, due to termination of service by such causes as death, resignation or discharge, or the employment of individuals not included in said number.

4. Age 65 shall be the normal minimum age for retirement for service, of miscellaneous members employed by public agency, that is, members other than Local Firemen and Local Policemen, and one-seventieth shall be the fraction of final compensation, as defined in said Retirement Law, to be provided on the average, for each year of service as a member, by the members' and Public Agency's normal contributions, upon retirement at said minimum age.

5. Benefits on account of prior service, that is, service credited hereunder as rendered to Public Agency prior to the effective date of participation, to respective members employed by Public Agency as Local Firemen or Local Policemen, shall be allowed only as a percentage of the average salary specified in said Retirement Law, for each year of such service, and said percentage shall be 100 per cent of the fraction of final compensation, as defined in the State Employees' Retirement Law, for each year of service rendered after said date, as determined for said respective members under said law, for retirement for service at age 55, or upon qualification for service retirement at a higher age. If a member retires for service before attaining age 55, his prior service pension shall be reduced to that amount which the value of the pension as deferred to age 55 will purchase at the actual age of retirement.

6. Prior service benefits to miscellaneous members employed by Public Agency, that is, members other than Local Firemen and Local Policemen, upon retirement for service at the normal minimum age entered in paragraph 4 hereof, shall be allowed only as a percentage of the average salary specified in said Retirement Law, for each year of such service, and said percentage shall be 100 per cent of one-seventieth. If a member retires for service before attaining the normal minimum age in item 4, his prior service pension shall be reduced to that amount which the value of the pension as deferred to said minimum age will purchase at the actual age of retirement.

7. If the fraction stated in the preceding paragraph is one-sixtieth, the provisions of Section 21251.1 of the State Employees' Retirement Law, providing for a guaranteed percentage of final compensation for each year of current service as a member, SHALL NOT apply to employees of Public Agency who become members of said Retirement System.

8. The provisions of Section 21258c of the State Employees' Retirement Law, guaranteeing a minimum retirement allowance under certain conditions SHALL NOT apply to employees of Public Agency who become members of said Retirement System.

9. The provisions of Section 21367.5 of the State Employees' Retirement Law, providing a \$300 death benefit after retirement SHALL apply to employees of Public Agency who become members of said Retirement System.
(*"shall" or "shall not"*)

10. The provisions of Section 20025 of the State Employees' Retirement Law, providing for the portion of compensation which shall be included in computations under the Retirement Law SHALL NOT apply to employees of Public Agency who become members of said Retirement System.
(*"shall" or "shall not"*)

11. Public Agency shall contribute to said Retirement System as follows:

- a. The sum of \$13,363.61 per annum, payable in equal monthly or less frequent installments as Board shall require, for a period of 25 years, on account of the liability for benefits based on service rendered to Public Agency prior to the effective date hereof.
- b. 10.477 per cent of total salaries paid by Public Agency each month to its employees who are members of said Retirement System, provided that only salary earned as members of said System shall be included in said total salaries, and the employees who are members of said System shall include employees who become members upon the effective date hereof and employees who become members thereafter.
- c. A reasonable amount per annum, as fixed by Board, payable in equal monthly or less frequent installments, as Board shall require, 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 periodical investigation and valuation required by law, provided that said amount shall be determined on the basis of the number of employees of Public Agency who are members on July 1st of the respective fiscal years, or with respect to the first year of participation, on the effective date of said participation.
- d. A reasonable amount as fixed by the Board, payable in one installment from time to time as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and the costs of the periodical investigation into the experience under said Retirement System, as it affects said employees, and the valuation of the assets and liabilities of said System on account of said employees.

Contributions required of Public Agency and its employees shall be subject to adjustment by the Board of Administration on account of amendments to the State Employees' Retirement Law, and on account of experience under the Retirement System, as determined by the periodical investigation, valuation and determination provided for by said Retirement Law.

12. Contributions required of Public Agency under paragraph 11 immediately preceding, and contributions required of Public Agency's employees who are members of said System, shall be paid by Public Agency to the State Employees' Retirement System within thirty days after the end of the month or longer period to which said contributions refer. If more or less than the correct amount of contribution required of Public Agency or its employees is paid for any period, proper adjustment shall be made in connection with subsequent remittances of Public Agency to the Board, to rectify the errors; or such adjustments on account of errors made in contributions required of employees, may be made by direct cash payments between the employee in connection with whom the error was made, and Board. Payments of Public Agency to Board may be made in the form of warrants, bank checks, bank drafts, certified checks, money orders, or cash.

WITNESS OUR HANDS the day and year first above written.

ATTEST:

CITY COUNCIL

Name of Legislative Body

T. J. Furlong City Clerk

CITY OF VERNON

Name of Public Agency

By Robert J. Furlong *Presiding Officer*
Mayor

BOARD OF ADMINISTRATION
STATE EMPLOYEES' RETIREMENT SYSTEM

ATTEST:

Executive Officer

By _____
President, Board of Administration

75454 6-47 IM SPO

CITY OF VERNON CALIFORNIA

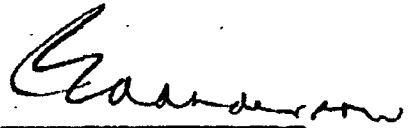
IN REPLY REFER TO:

AFFIDAVIT OF POSTING

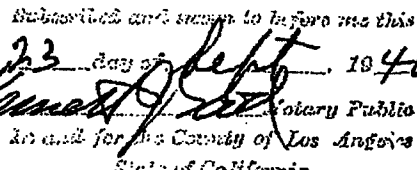
State of California)
County of Los Angeles: ss
City of Vernon)

I, G. A. Anderson, Deputy City Clerk of the City of Vernon, California, do hereby certify that I did on the 23rd day of September, 1948, post 3 copies of Ordinance No. 616, in the following places to-wit: At the northwest corner of 38th Street and Santa Fe Avenue, at the northwest corner of 37th Street and Santa Fe Avenue, and on the bulletin board in the lobby of the City Hall of the City of Vernon, located at 4305 Santa Fe Avenue, Vernon, California, there being no newspaper of general circulation printed and published in the City of Vernon.

Signed this 23 day of September, 1948



G. A. Anderson
Deputy City Clerk of the
City of Vernon, Calif.

Subscribed and sworn to before me this
23 day of Sept, 1948

Notary Public
in and for the County of Los Angeles
State of California

My Commission Expires Sept. 30, 1951

COV-MALSR 00015274

STATE EMPLOYEES' RETIREMENT SYSTEM
SACRAMENTO 14, CALIFORNIA

2 Copies

Contract

RECEIVED
OCT 25 1948
STATE EMPLOYEES
RETIREMENT SYSTEM

BETWEEN

CITY COUNCIL

NAME OF LEGISLATIVE BODY

OF

CITY OF VERNON

NAME OF CITY, COUNTY, SCHOOL DISTRICT, OR OTHER PUBLIC AGENCY

AND THE

BOARD OF ADMINISTRATION

OF THE

CALIFORNIA STATE EMPLOYEES' RETIREMENT SYSTEM

This Agreement made this 23rd day of October, 1948, by and between

the Legislative Body of CITY OF VERNON, Name of City, County, School District, or Other Public Agency

hereafter referred to as "Public Agency," and the Board of Administration, California State Employees' Retirement System; hereafter referred to as "Board."

WITNESSETH:

In consideration of the covenants and agreements hereinafter contained and on the part of both parties to be kept and performed, Public Agency and Board hereby agree as follows:

1. Public Agency is to participate in the State Employees' Retirement System, subject to the provisions of the State Employees' Retirement Law;

2. Public Agency shall participate in said Retirement System, making its employees members of said System, from and after November 1, 1948

3. Employees of Public Agency in the following classes shall become members of said Retirement System in accordance with the provisions of said Retirement Law, governing membership in said Retirement System, and subject to the further exclusions from membership in the next following sentence:

CLASSES OF EMPLOYEES	NUMBER OF EMPLOYEES ELIGIBLE FOR MEMBERSHIP
	ON November 1, 1948
a. Local Firemen, as defined in the State Employees' Retirement Law	39
b. Local Policemen, as defined in the State Employees' Retirement Law	21
c. County Peace Officers, as defined in the State Employees' Retirement Law	
d. Employees other than Local Firemen, Local Policemen, and County Peace Officers	49

In addition to the employees excluded from membership by said Retirement Law, the following employees shall not become members of the Retirement System:

No Additional Exclusions

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(*"shall" or "shall not"*)

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- d. A reasonable amount as fixed by the Board, payable in one installment from time to time as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and the costs of the periodical investigation into the experience under said Retirement System, as it affects said employees, and the valuation of the assets and liabilities of said System on account of said employees.

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WITNESS OUR HANDS the day and year first above written.

ATTEST:

[Signature]
T. J. Furlong
City Clerk

CITY COUNCIL

Name of Legislative Body

CITY OF VERNON

Name of Public Agency

By [Signature]
R. J. Furlong, Mayor
Presiding Officer

BOARD OF ADMINISTRATION
STATE EMPLOYEES' RETIREMENT SYSTEM

ATTEST:

[Signature]
Executive Officer

By [Signature]
President, Board of Administration

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