

Attachment A

First Amendment to the Santa Barbara County
Replacement Benefits Plan

**FIRST AMENDMENT
TO THE SANTA BARBARA COUNTY
REPLACEMENT BENEFITS PLAN**

On September 21, 2004, the Board of Supervisors, County of Santa Barbara, State of California ("Board of Supervisors"), pursuant to the County Employees Retirement Law of 1937 ("CERL") Section 31899.4, passed a resolution adopting the Santa Barbara County Replacement Benefits Plan ("Plan") and the memorandum of understanding ("MOU") between the County and the Santa Barbara County Employees' Retirement System. In addition, an Administrative Services Agreement was entered into between the County and the Retirement System designating the Retirement System as the contract administrator for the Plan. Plan benefits were paid in 2006 through 2018 to one to six retirees, all of whom were hired prior to 2013 and retired prior to 2013, and these are grandfathered.

Effective January 1, 2013, the article known as the California Public Employees' Pension Reform Act of 2013 ("PEPRA") was enacted and applied to new members. PEPRA provides that "[o]n or after January 1, 2013, each public retirement system shall modify its plan or plans to comply with the requirements of this section for each public employer that participates in the system." Cal. Gov. Code Section 7522.10. Specifically, Cal. Gov. Code Section 7522.43 of PEPRA provides that a public employer shall not offer a plan of replacement of benefits to new members. Further, any public employer that did not offer a plan of replacement benefits prior to January 1, 2013, shall not offer such a plan for any employee on or after January 1, 2013. Cal. Gov. Section 7522.43.

In order to comply with Cal. Gov. Code Sections 7522.10 and 7522.43, the Board of Supervisors now wishes to amend the Plan.

The Plan is hereby amended as follows:

1. Section 2.1 is hereby amended to add a definition of New Member and to amend the definition of Participant as follows:

New Member means an individual as defined by the California Government Code § 7522.04(f), as amended.

Participant means a retired Member who participates in this Plan pursuant to Article 3 and 5 hereof. An Eligible Survivor is not a Participant in this Plan, but is a beneficiary who receives benefits under this Plan with respect to a Participant or Member. A New Member or retired New Member may not participate in this Plan.

2. Section 3.1 is hereby amended to add a new subsection (c) as follows:

(c) Effective January 1, 2013, New Members shall not be eligible to participate in this Plan.

3. Section 5.1(a) is hereby amended to read as follows:

(a) Effective January 1, 2013, only those Districts which participate in this Plan on December 31, 2012 may continue to participate in and be a sponsoring employer of this Plan in order to provide benefits under this Plan for its employees hired before January 1, 2013 whose benefits from the System are limited by Section 415(b).

Except for the changes described above, the Plan shall remain unchanged.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2018 by the following vote:

AYES:

NOES:


ABSENT:

CHAIR, BOARD OF SUPERVISORS

MONA MIYASATO
CLERK OF THE BOARD

By: _____ (SEAL)

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: 
Deputy County Counsel

APPROVED AS TO FORM:
THEODORE A. FALLATI, CPA
AUDITOR-CONTROLLER

By: 