

**BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA**

A RESOLUTION ESTABLISHING
PLAN 8 FOR GENERAL MEMBERS
AND SAFETY MEMBERS HIRED
BY THE COUNTY ON OR AFTER
JANUARY 1, 2013

Resolution No. _____

WHEREAS, the Santa Barbara County Employees Retirement System (“SBCERS”) was established pursuant to the County Employees’ Retirement Law of 1937 (Government Code § 31450 et seq.);

WHEREAS, all County employees who are eligible to participate in the Retirement System are members of the SBCERS;

WHEREAS, current County employees who are general members of SBCERS are enrolled in Plan 7 (effective June 25, 2012), Plan 5 (General) or Non-Contributory Plan 2 (enrollment in Non-Contributory Plan 2 closed January 10, 1999);

WHEREAS, under Plan 7 (General), a general member’s retirement allowance formula is calculated pursuant to Government Code § 31676.1;

WHEREAS, current County employees who are safety members of SBCERS are enrolled in Plan 4A, Plan 4B, Plan 4C, Plan 6A or Plan 6B and their retirement allowance formulas are calculated pursuant to Government Code §§ 31664.1 or 31664.2 as defined by the respective Plan;

WHEREAS, on September 12, 2012, the Governor signed Assembly Bill 340 (the California Public Employees’ Pension Reform Act of 2013 or “PEPRA”) which is effective as of January 1, 2013 and imposes a compulsory retirement allowance for public employees who become new members on or after January 1, 2013;

WHEREAS, PEPRA (Section 7522.04(f)) defines New Member as any of the following: “(1) An individual who becomes a member of any public retirement system for the first time on or after January 1, 2013, and who was not a member of any other public retirement system prior to that date; (2) Any individual who becomes a member of a public retirement system for the first time on or after January 1, 2013, and who was a

member of another public retirement system prior to that date, but who was not subject to reciprocity under subdivision (c), of Section 7522.02; or (3) An individual who was an active member in a retirement system and who, after a break in service of more than six months, returned to active membership in that system with a new employer...”;

WHEREAS, in compliance with the provisions of PEPRA, this Board intends to modify the applicability of the retirement allowance formula provisions of Government Code § 31676.1 to limit its application to new general employees who are not New Members;

WHEREAS, in compliance with the provisions of PEPRA, this Board intends to modify the applicability of the retirement allowance formula provisions of Government Code § 31664.1 and 31664.2 to limit its application to new safety employees who are not New Members;

WHEREAS, this Board intends to affirm the retirement allowance formula provision imposed by Government Code § 7522.20 (commonly known as “2% at 62”) on employees in general membership positions who become New Members on or after January 1, 2013;

WHEREAS, this Board intends to affirm the retirement allowance formula provision imposed by Government Code § 7522.25(f) (commonly known as “2.7% at 57” or “Safety Option Plan Two”) on employees in safety membership positions who become New Members on or after January 1, 2013;

IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Santa Barbara as follows:

- 1) the retirement allowance formula provisions of Government Code § 7522.20 shall apply to persons who become New Members as defined in Government Code § 7522.04(f) in general membership positions, on or after January 1, 2013; and
- 2) the retirement allowance formula provisions of Government Code § 7522.25(d) shall apply to persons who become New Members as defined in Government Code § 7522.04(f) in safety membership positions, on or after January 1, 2013; and
- 3) the retirement allowance formula provisions of Government Code § 31676.1, as memorialized in Resolution No. 12-126 adopted by this Board on May 15, 2012, are hereby modified, effective January 1, 2013, so as to only apply to new general employees (Plan 8 (General) who are not New Members as defined in Government Code § 7522.04(f)); and

- 4) the retirement allowance formula provisions of Government Code § 31664.1 (“3% at 50”) and/or 31664.2 (3% at 55), as memorialized in Resolution No. 06-173 effective February 25, 2008 and Resolution 01-270 adopted by this Board on August 28, 2001, are hereby modified, effective January 1, 2013, so as to only apply to new safety employees (Plan 8 (Safety) who are not New Members as defined in Government Code § 7522.04(f); and
- 5) Plan 8 (General) and Plan 8 (Safety) of the SBCERS are established in accordance with the above for all employees who become New Members as defined in Government Code § 7522.04(f) as of January 1, 2013; and
- 6) County employees hired before January 1, 2013 shall remain enrolled in their existing respective Plans.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair, Board of Supervisors
County of Santa Barbara

Attest:
Chandra L. Wallar
Clerk of the Board

By _____
Deputy Clerk

Approved as to Form:
Dennis A. Marshall
County Counsel

Deputy County Counsel

Approved as to Form:
Gary A. Amelio
Retirement Administrator

Approved as to Form:
Robert W. Geis
Auditor-Controller

By _____