



Midpeninsula Regional
Open Space District

R-17-95
Meeting 17-16
July 12, 2017

AGENDA ITEM 5

AGENDA ITEM

Revise Resolutions to Accurately Reflect Board Appointee Compensation in Response to California Public Employees' Retirement System Public Agency Direction

GENERAL MANAGER'S RECOMMENDATION

Adopt two resolutions to supersede previous resolution that did not include language required by CalPERS to accurately reflect Employer Paid Member Contributions as special compensation for Board Appointees.

SUMMARY

The recommended action updates resolutions implementing existing compensation reporting practices by the District, with language required by the California Public Employees' Retirement System (CalPERS). The proposed revision corrects language in the resolutions to accurately reflect the District's practice to pay Employer Paid Member Contributions (EMPC) as special compensation for Board Appointees. The new resolutions bring the District into compliance with CalPERS requirements and these changes are cost-neutral.

DISCUSSION

CalPERS periodically reviews member agencies to ensure compliance with applicable sections of the California Government Code and provision of the CalPERS contract. CalPERS Office of Audit Services requires that the District revise and resubmit two resolutions to report the Employer Paid Member Contributions (EPMC) for the Board Appointees as special compensation. Although in practice the District did correctly report the EPMC as special compensation to CalPERS, the resolutions did not include the correct language required by CalPERS to accurately reflect this practice.

The attached resolutions include the correct language prescribed by CalPERS and will supersede the previous inaccurate resolutions with the approval by the Board of Directors.

FISCAL IMPACT

There is no fiscal impact associated with the recommended action.

BOARD COMMITTEE REVIEW

This item was not reviewed by a Committee.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

Upon approval of the resolution, staff will send the revised resolution to CalPERS to be in compliance with CalPERS and state law.

Attachment

1. Two Resolutions with language that correctly reports Employer Paid Member Contribution as special compensation for the Board Appointees.

Responsible Department Head:

Stefan Jaskulak, Chief Financial Officer/Director of Administrative Services

Prepared by:

Candice Basnight, Human Resources Supervisor

RESOLUTION NO. 17-__

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS

WHEREAS, the Board of Directors of Midpeninsula Regional Open Space District has the authority to implement Government Code Section 20636(c) (4) pursuant to Section 20691; and

WHEREAS, the Board of Directors of Midpeninsula Regional Open Space District has written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer, and reported as additional compensation; and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of Midpeninsula Regional Open Space District of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions (EPMC); and

WHEREAS, the Board of Directors of the Midpeninsula Regional Open Space District has identified the following conditions for the purpose of its election to pay EPMC;

- This benefit shall apply to all employees of the Board Appointee Group
- This benefit shall consist of paying two (2) percent of the normal contributions as EPMC, and reporting the same percent (value) of compensation earnable**{excluding Government Code Section 20636 (c) (4)} as additional compensation.
- The effective date of this Resolution shall be October 28, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Midpeninsula Regional Open Space District elects to pay and report the value of EPMC as set forth above.

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on _____, 2017, at a regular meeting thereof, by the following vote:

* * * * *

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

ATTEST:

APPROVED:

Secretary
Board of Directors

President
Board of Directors

APPROVED AS TO FORM:

General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

District Clerk

*Note: Payment of EPMC as reporting the value of EPMC on compensation earnable is on pay rate and special compensation except special compensation delineated in Government Code Section 20636 (c)(4) which is the monetary value of EPMC on compensation earnable.

RESOLUTION NO. 17-__

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT FOR PAYING
AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER
CONTRIBUTIONS**

WHEREAS, the Board of Directors of Midpeninsula Regional Open Space District has the authority to implement Government Code Section 20636(c) (4) pursuant to Section 20691

WHEREAS, the Board of Directors of Midpeninsula Regional Open Space District has written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer, and reported as additional compensation;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of Midpeninsula Regional Open Space District of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions (EPMC);

WHEREAS, the Board of Directors of the Midpeninsula Regional Open Space District has identified the following conditions for the purpose of its election to pay EPMC;

- This benefit shall apply to all employees of the Board Appointee Group
- This benefit shall consist of paying zero (0) percent of the normal contributions as EPMC, and reporting the same percent (value) of compensation earnable**{excluding Government Code Section 20636 (c) (4)} as additional compensation.
- The effective date of this Resolution shall be February 11, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Midpeninsula Regional Open Space District elects to pay and report the value of EPMC as set forth above.

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on ____, 2017, at a regular meeting thereof, by the following vote:

* * * * *

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

Secretary
Board of Directors

President
Board of Directors

APPROVED AS TO FORM:

General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

District Clerk

*Note: Payment of EPMC as reporting the value of EPMC on compensation earnable is on pay rate and special compensation except special compensation delineated in Government Code Section 20636 (c)(4) which is the monetary value of EPMC on compensation earnable.