



**AGENDA**  
**REGULAR CITY COUNCIL MEETING, JOINT MEETING OF THE CITY COUNCIL**  
**AND THE BOARD OF DIRECTORS OF THE**  
**COTATI COMMUNITY REDEVELOPMENT AGENCY**  
**WEDNESDAY APRIL 27, 2011**  
**7:00 PM REGULAR SESSION (CLOSED SESSION TO FOLLOW)**  
**City Council Chambers, City Hall, 201 W. Sierra Avenue**

The Cotati City Council welcomes you to its meetings that are generally scheduled for the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of every month. Your interest and participation are encouraged and appreciated.

City Council meeting agendas, minutes and audio recordings (podcast) are posted on the City's website at [www.ci.cotati.ca.us](http://www.ci.cotati.ca.us). To receive the City Council Agenda by e-mail, sign up for City of Cotati community notifications at [www.nixle.com](http://www.nixle.com). Contact the Deputy City Clerk at [ttaylor@ci.cotati.ca.us](mailto:ttaylor@ci.cotati.ca.us) or 707-665-3622 for questions about the agenda.

Notice is hereby given that Council may discuss and/or take action on any or all of the items listed on this agenda.

Any writings or documents provided to a majority of the Cotati City Council regarding any item on this agenda will be made available for public inspection in the City Manager's office located at 201 West Sierra Avenue, Cotati, California, during normal business hours.

Disabled Accommodation: Upon request, this agenda will be made available in appropriate formats to persons with disabilities as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should contact the Deputy City Clerk at (707) 665-3622 at least 48 hours in advance of the meeting.

Waiver Warning: If you challenge decisions/direction of the City Council of the City of Cotati in court, you may be limited to raising only those issues you or someone else raised at public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Cotati at, or prior to, the public hearing(s).

***Those wishing to address the Council are asked to complete a speaker card and give it to the Deputy City Clerk. Please limit comments to three minutes or as the Mayor directs.; When you are called, step to the podium and state your name and address for the record. Persons wishing to address the Council are not required to identify themselves (Gov't. Code § 54953.3); however, this information assists the Mayor by ensuring that all persons wishing to address the Council are recognized and it assists the Deputy City Clerk in preparing the City Council meeting minutes.***

**7:00 PM REGULAR SESSION**

**CALL TO ORDER OF REGULAR CITY COUNCIL MEETING**

**REPORT OUT OF CLOSED SESSION**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

- 1. APPROVAL OF MINUTES OF APRIL 13, 2011 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (*Action*)**

## **ANNOUNCEMENTS**

The City of Cotati together with the California Association for Local Economic Development (CALED) is conducting an Economic Development Leadership Forum on Saturday, April 30th, 2011 from 9:00 a.m. to 2:30 p.m. in the City Council Chamber at City Hall, which is located at 201 W Sierra Ave., Cotati, CA 94931. Please contact the City Manager's office at ttaylor@ci.cotati.ca.us or (707) 665-3622 should you have any questions about the forum.

A General Plan Vision Workshop will be held on Monday, May 9, 2011 at 7:00 p.m. in the City Council Chamber. Details can be found on the web at cotati.generalplan.org.

## **PROCLAMATIONS**

### **7 PRINCIPALS OF RUSSIAN RIVER FRIENDLY LANDSCAPING AND GARDENING**

### **COMMENDING JERRY PAGNUSAT FOR 30 YEARS OF SERVICE TO THE CITY OF COTATI**

## **HONORARY MAYOR**

Grant Thomas of Phoenix High School.

## **PRESENTATION**

Representatives of the Sonoma County Water Agency will present a briefing on Santa Rosa Plain Groundwater

## **RECEPTION**

The public is cordially invited to enjoy refreshments at a brief reception in honor of Jerry Pagnusat.

## **CITY MANAGER'S REPORT**

## **APPROVAL OF FINAL AGENDA**

## **CITIZEN BUSINESS**

Any member of the public wishing to speak to the Council on any item or items listed on the Consent Calendar or any item or items not listed on the agenda that are within the subject matter jurisdiction of the Council may do so at this time. Pursuant to the Brown Act, the Council is not allowed to consider issues or take action on any item not listed on the agenda during this period. Comments of any member of the public are normally restricted to a total of three (3) minutes in length per person for matters not on the agenda and a total of three (3) minutes per person in length for items on the Consent Calendar.

## **DIRECTION ON FUTURE AGENDA ITEMS**

## CONSENT CALENDAR

The following items listed on the Consent Calendar are considered routine in nature and require little or no further discussion by the Council, public or applicant and action may be taken by the City Council by a single motion. Unless already having done so under Citizen Business, any member of the public may comment at this time on items on this Consent Calendar prior to the Council's consideration of the Consent Calendar. Comments of on the Consent Calendar are normally restricted to a total of three (3) minutes in length per person. Any member of the Council may request that any listed item be removed from the Consent Calendar. That item shall be placed on the Regular Agenda section of the Council meeting and considered by the Council as other matters on the Regular Agenda portion of the Agenda.

- 2. AUTHORIZE THE CITY MANAGER TO SIGN SIDE LETTERS OF AGREEMENT TO THE CURRENT MEMORANDA OF UNDERSTANDING BETWEEN THE CITY AND THE COTATI POLICE OFFICER'S ASSOCIATION (CPOA), AND THE COTATI POLICE MANAGEMENT ASSOCIATION (CPMA) (Administrative Services) (Action)**

It is recommended that the City Council adopt a motion to authorize the City Manager to sign Side letters of agreement to the current Memoranda of Understanding between the City and the Cotati Police Officer's Association (CPOA), and the Cotati Police Management Association (CPMA).

## REGULAR AGENDA

- 3. REVISED MEMORANDUM OF MUTUAL UNDERSTANDINGS FOR THE NORTH COAST INTEGRATED REGIONAL WATER MANAGEMENT PLAN (Engineering/Public Works) (Report)**

It is recommended that the City Council adopt a motion authorizing the Mayor to execute the revised *Memorandum of Mutual Understandings Integrated Regional Water Management Plan (November 11, 2010)*.

- 4. ADOPTION OF A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF COTATI; AND ADOPTION OF AN URGENCY ORDINANCE AUTHORIZING THE AMENDMENT TO PERS AGREEMENT (Administrative Services) (Action)**

It is recommended that the City Council adopt a motion to 1) approve a Resolution of Intention to approve an amendment to the contract between the Board of Administration of the Public Employees' Retirement System (PERS) and the City Council of the City of Cotati and 2) approve an Urgency Ordinance Authorizing the Amendment to PERS Agreement

- 5. RESOLUTION COMMEMORATING COUNCILMEMBER COLEMAN-SENGHOR (City Manager) (Action)**

It is recommended that the City Council adopt a resolution commemorating the late Councilmember Coleman-Senghor.

**6. CITY COUNCIL VACANCY (City Manager) (Action)**

It is recommended that the Council adopt a motion to select an option for filling a Council Member seat vacancy, either by appointment or by special election.

**7. COUNCIL ASSIGNMENTS AS REPRESENTATIVES AND LIAISONS TO VARIOUS COMMITTEES AND COMMISSIONS (City Manager) (Action)**

It is recommended that the Council consider council assignments and adopt a motion to assign representatives and liaisons to various committees and commissions for 2011 if there are changes needed.

**ADJOURNMENT OF REGULAR MEETING OF THE CITY COUNCIL AND CALL TO ORDER OF JOINT MEETING OF CITY COUNCIL AND COTATI COMMUNITY REDEVELOPMENT AGENCY BOARD OF DIRECTORS**

**CONSENT CALENDAR (JOINT MEETING)**

The following items listed on the Consent Calendar are considered routine in nature and require little or no further discussion by the Council, public or applicant and action may be taken by the City Council by a single motion. Unless already having done so under Citizen Business, any member of the public may comment at this time on items on this Consent Calendar prior to the Council's consideration of the Consent Calendar. Comments on the Consent Calendar are normally restricted to a total of three (3) minutes in length per person. Any member of the Council may request that any listed item be removed from the Consent Calendar. That item shall be placed on the Regular Agenda section of the Council meeting and considered by the Council as other matters on the Regular Agenda portion of the Agenda.

**8. WARRANTS AND AUDITED CLAIMS March 24th, 2011 – April 13th, 2011 (Administrative Services) (Action)**

This motion receives and files warrants and audited claims for March 24th, 2011 – April 13th, 2011.

**ADJOURNMENT OF JOINT MEETING; RECONVENING OF REGULAR MEETING OF CITY COUNCIL**

**CORRESPONDENCE AND PENDING LEGISLATION (Action)**

Request from the Climate Protection Campaign for letter of support for Public Interest Energy Research (PIER) program.

**CITY COUNCIL REPORTS (Discussion)**

**PUBLIC COMMENT ON CLOSED SESSION**

**ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government code Section 54956.9(a))** Wildease, LLC, dba Countryside Mobilehome Park vs. City of Cotati, et. al. (Sonoma County Superior Court Case # SCV 247044)

**CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6)**

Agency designated representatives: Dianne Thompson, Jone Hayes , Employee Organizations: Cotati Employees Association, Cotati Police Officers Association, Cotati Police Management Association., Unrepresented employee(s): Director of Administrative Services, Director of Public Works/City Engineer, Director of Community Development, Community Development Manager, Deputy City Clerk, Police Chief

Certification of Posting of the Agenda: I declare under penalty of perjury that I am employed by the City of Cotati and that I posted this agenda on the bulletin boards of City Hall, Veterans' Memorial Building and the U.S. Post Office on or before April 22, 2011.

/s/ Tamara Taylor, Deputy City Clerk



**DRAFT**

Subject to approval.



**MINUTES**

**REGULAR CITY COUNCIL MEETING, JOINT MEETING OF THE CITY COUNCIL  
AND THE BOARD OF DIRECTORS OF THE  
COTATI COMMUNITY REDEVELOPMENT AGENCY  
WEDNESDAY APRIL 13, 2011  
6:00 PM CLOSED SESSION, 7:00 PM REGULAR SESSION  
City Council Chambers, City Hall, 201 W. Sierra Avenue**

**6:00 PM CLOSED SESSION CALL TO ORDER (CITY COUNCIL CHAMBERS)**

Mayor Orchard called the closed session to order at 6:03 p.m.

**PUBLIC COMMENT ON CLOSED SESSION**

None.

**ADJOURNMENT TO CLOSED SESSION (CITY MANAGER'S OFFICE)**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Public Employee Performance Evaluation (California Government Code Section 54957) Title: City Attorney

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Public Employee Performance Evaluation (California Government Code Section 54957) Title: City Manager

**7:00 PM REGULAR SESSION**

**CALL TO ORDER OF REGULAR CITY COUNCIL MEETING**

Mayor Orchard called the Regular session to order at 7:03 p.m. in honor of Council member Robert Coleman-Senghor and noted that all Councilmembers are present. Mayor Orchard extended the Council's sympathies to the family of Councilmember Coleman-Senghor.

**REPORT OUT OF CLOSED SESSION**

None.

**ROLL CALL**

All Councilmembers present (Gilardi, and Landman, Vice Mayor Harvey and Mayor Orchard) as noted above.

Staff present: Director of Administrative Services Jone Hayes, Acting Community Development Director/Assistant to the City Manager Marsha Sue Lustig, City Engineer/Director of Public Works

**DRAFT**

Subject to approval.

Damien O'Bid, Police Chief Michael Parish, City Attorney Robin Donoghue, Deputy City Clerk Tamara Taylor and City Manager Dianne Thompson.

Mayor Orchard announced that Councilmembers, other elected officials present, staff members, and members of the public would be given an opportunity to honor Councilmember Coleman-Senghor.

Mayor Orchard, Vice Mayor Harvey, Councilmember Landman and Councilmember Gilardi each spoke about Councilmember Coleman-Senghor and his impact on their lives and the community.

The following elected officials and City staff members spoke to honor Councilmember Coleman-Senghor:

Marsha Vas Dupre, Santa Rosa Councilmember, on behalf of the Santa Rosa City Council and the Sonoma County Mayors' and Councilmembers' Association;

City Manager Dianne Thompson;

City Attorney Rich Rudnansky.

The following individuals spoke to honor Councilmember Coleman-Senghor:

Greg Karraker;

Richard Merriss;

Art Warmouth;

Kathryn Wickstrom;

Chris Cone;

Carol Williams;

Joan Simon;

Harold Berkemeier;

Andre Morrow;

Georgina Warmouth;

Maddy Hirschfield.

Mayor Orchard announced that tonight's meeting would be adjourned in Bob's memory.

Mayor Orchard called a recess 7:48 p.m. and reconvened at 7:58 p.m.

**DRAFT**

Subject to approval.

## **PLEDGE OF ALLEGIANCE**

Mayor Orchard led the pledge of allegiance.

Mayor Orchard announced that the Honorary Mayor report would be heard at this time.

### **1. APPROVAL OF MINUTES OF THE MARCH 23, 2011 REGULAR MEETING AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (*Action*)**

**Moved** by Vice Mayor Harvey seconded by Councilmember Landman and passed unanimously to approve the minutes of the March 23, 2011 Regular meeting minutes as presented and to waive reading of all resolutions and ordinances introduced and/or adopted under this agenda.

## **ANNOUNCEMENTS**

The Cotati Historical Society Museum's annual barbeque will be held in the Cotati Room on Sunday April 17<sup>th</sup> from noon to 4:00 p.m. Tickets are \$10 in advance, \$12 at the door. Advance tickets can be purchased at the Chamber of Commerce or Exchange Bank. For details on the web see [cotatihistoricalsociety.org](http://cotatihistoricalsociety.org).

A General Plan Vision Workshop will be held on Monday, April 25, 2011 at 7:00 p.m. in the City Council Chamber. Details can be found on the web at [cotati.generalplan.org](http://cotati.generalplan.org).

## **PROCLAMATION**

### **DECLARING FRIDAY, APRIL 22, 2011 CHILDREN'S MEMORIAL DAY**

Mayor Orchard read the proclamation and presented it to Steve Barry, member of the Board of Directors for MOVES (Minimizing Occurrences of Violence in Everyday Society). Mr. Barry described the MOVES organization. He expressed his condolences for the City's loss and thanked the Council for the proclamation and for flying the Children's Memorial Flag.

## **HONORARY MAYOR**

This item was heard immediately after the Pledge of Allegiance.

Grant Thomas of Phoenix High School provided a report to the Council and responded to questions from the Councilmembers.

## **PRESENTATION**

### **SONOMA COUNTY SUPERVISOR DAVID RABBITT (2ND DISTRICT)**

This item was pulled from the agenda.

**DRAFT**

Subject to approval.

## **RECEPTION**

The reception was postponed to a future meeting.

## **CITY MANAGER'S REPORT**

City Manager Dianne Thompson announced that a Mayoral proclamation has been issued in recognition of National Crime Victims' Rights Week, and provided updates on the following:

- The City's use of the Nixle communication system;
- A successful field trip of 4<sup>th</sup> graders from Thomas Page elementary school to City Hall; and
- A potential Scholarship proposal in honor of Robert Coleman-Senghor for a Cotati student who is entering Sonoma State University.

## **APPROVAL OF FINAL AGENDA**

The presentation by Supervisor David Rabbitt and reception has been postponed until the May 11, 2011 City Council meeting.

## **CITIZEN BUSINESS**

The following individuals addressed the Council:

George Barich, regarding the Capital Improvement Program (CIP) and a recent newspaper article about cities, and regarding item 4 (Mid-Year Budget Amendments) on the Consent Calendar;

Eric Kirchmann, regarding lighting, sidewalks, parking, and being in a hurry to spend money;

Greg Karraker, regarding the Downtown Specific Plan;

Kathryn Wickstrom, regarding bringing business and revenue to Cotati, and public employees' salaries.

Mayor Orchard thanked the speakers for their comments.

## **DIRECTION ON FUTURE AGENDA ITEMS**

None.

## **CONSENT CALENDAR**

Mayor Orchard opened the floor to public comments on Consent Calendar items.

The following individuals spoke:

Neil Hancock, regarding item 2 (Notice of Completion for the Valparaiso Avenue Pedestrian Bridge).

**DRAFT**

Subject to approval.

Jenny Blaker, regarding item 2 (Notice of Completion for the Valparaiso Avenue Pedestrian Bridge)

Eric Kirchmann, regarding the lack of discussion about Consent Calendar items, and item 4 (Mid-Year Budget Amendments).

Responding to questions from the Council regarding the Valparaiso Avenue Pedestrian Bridge, City Manager Thompson pointed out the legal requirement to issue a notice of completion.

City Engineer/Director of Public Works Damien O'Bid described the project, which was funded by a Community Development Block Grant and predates the Bicycle and Pedestrian Master Plan. The City anticipates completing the sidewalk in the future as additional grant funding becomes available.

Councilmember Landman noted that the mid-year budget was reviewed at a City Council special meeting study session on April 4, 2011; Mayor Orchard noted that the mid-year budget and staff report are available on the City's website.

**Moved** by Councilmember Gilardi, seconded by Councilmember Landman, and passed unanimously to approve items 2 through 5 on the consent calendar.

**2. NOTICE OF COMPLETION FOR THE VALPARAISO AVENUE PEDESTRIAN BRIDGE AT COTATI CREEK, PROJECT NO. E10-01 (Engineering/Public Works) (Action)**

Resolution No. 2011-12 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AS COMPLETE THE VALPARAISO AVENUE PEDESTRIAN BRIDGE AT COTATI CREEK, PROJECT NO. E10-01

**3. CITY OF COTATI WELL 1A / WELL 3 WATER TREATMENT FACILITIES REHABILITATION PROJECT (E10-03) – APPROPRIATION ADDITIONAL FUNDS (Engineering/Public Works) (Action)**

Resolution No. 2011-13 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI MAKING AN ADDITIONAL APPROPRIATION OF FUNDS NOT TO EXCEED \$80,000 FROM THE WATER OPERATING FUND

**4. APPROVAL OF MID-YEAR BUDGET AMENDMENTS (Administrative Services) (Action)**

This motion approves the mid-year budget amendments.

**5. NOTICE OF COMPLETION FOR THE WELL 1A / WELL 3 REHABILITATION, PROJECT NO. E10-02 (Engineering/Public Works) (Action)**

Resolution No. 2011-14 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ACCEPTING AS COMPLETE THE WELL 1A / WELL 3 REHABILITATION, PROJECT NO. E10-02

**DRAFT**

Subject to approval.

## **REGULAR AGENDA**

### **6. URBAN WATER MANAGEMENT PLAN WATER CONSERVATION TARGET (Engineering/Public Works) (Action)**

City Engineer/Director of Public Works Damien O'Bid presented the staff report.

Mayor Orchard opened the floor to public comment.

There being no one wishing to speak, Mayor Orchard closed the public comment period.

**Moved** by Vice Mayor Harvey, seconded by Councilmember Gilardi and passed unanimously to authorize the City's WAC (Water Advisory Committee) representative to include Cotati in a regional alliance for establishing regional water conservation target and authorize the City Manager to execute the Regional Alliance Letter Agreement.

## **ADJOURNMENT OF REGULAR MEETING OF THE CITY COUNCIL AND CALL TO ORDER OF JOINT MEETING OF CITY COUNCIL AND COTATI COMMUNITY REDEVELOPMENT AGENCY BOARD OF DIRECTORS**

Mayor Orchard adjourned the Regular meeting and called to order the joint meeting at 8:52 p.m.

### **CONSENT CALENDAR (JOINT MEETING)**

The following individuals addressed the Council regarding Consent Calendar items:

Greg Karraker, in opposition to item 8 (Salary and Benefits Changes for Confidential Employees);

John Moore, in support to item 8 (Salary and Benefits Changes for Confidential Employees);

George Barich, in opposition to item 8 (Salary and Benefits Changes for Confidential Employees);

In response to questions from the Council, Administrative Services Director Jone Hayes, summarized the salary and benefits changes for confidential employees.

Brief discussion ensued, with Councilmembers describing the efforts of City employees commended City of Cotati employees.

**Moved** by Council/Board member Gilardi, seconded by Vice Mayor/Board member Harvey, and passed unanimously to approve item 7 on the consent calendar.

### **7. WARRANTS AND AUDITED CLAIMS March 10<sup>th</sup> 2011 – March 23<sup>rd</sup>, 2011 (Administrative Services) (Action)**

This motion receives and files warrants and audited claims for March 10<sup>th</sup>, 2011 – March 23<sup>rd</sup>, 2011.

**DRAFT**

Subject to approval.

**8. ADOPTION OF A RESOLUTION APPROVING SALARY AND BENEFITS CHANGES FOR CONFIDENTIAL EMPLOYEES (Administrative Services) (Action)**

**Moved** by Council/Board member Gilardi, seconded by Council/Board member Landman, and passed unanimously to adopt Resolution No. 2011-15 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING SALARY AND BENEFITS CHANGES FOR CONFIDENTIAL EMPLOYEES

**ADJOURNMENT OF JOINT MEETING; RECONVENING OF REGULAR MEETING OF CITY COUNCIL**

Mayor Orchard adjourned the Joint meeting and reconvened the Regular meeting at 9:05 p.m.

**CITY COUNCIL REPORTS (Discussion)**

Councilmembers reported on recent and upcoming activities, including reports from meetings attended at City expense.

**ADJOURNMENT**

Mayor Orchard adjourned the meeting at 9:10 p.m. in the memory of Councilmember Robert Coleman-Senghor

Respectfully submitted,

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Tamara Taylor, Deputy City Clerk



## City Council Consent Calendar

**Subject:** Authorize the City Manager to sign Side Letters of Agreement to the Current Memoranda of Understanding Between the City and the Cotati Police Officer's Association (CPOA), and the Cotati Police Management Association (CPMA)

**Date:** April 27, 2011

**Written by:** Jone Hayes, Director of Administrative Services

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### **Recommendation**

It is recommended that the Council adopt a motion to Authorize the City Manager to sign the side letters of agreement to the current Memoranda of Understanding (MOU) between the City and the Cotati Police Officer's Association (CPOA), and the Cotati Police Management Association (CPMA).

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### **Background**

Memoranda of Understanding are currently in effect through June 30, 2013 with the City's two police department employee organizations, the CPOA and CPMA.

### **Analysis/Discussion**

The City's two police department MOUS contain the following language in Section 9.01:

...Non-sworn employees hired before the date the City adopts a resolution to establish a second pension tier shall contribute 7.546% of the cost for the following retirement benefit enhancements implemented in 2007:

- Section 21354.5 - 2.7 @ 55 Full and Modified formula
- Section 20042 - One-Year Final Compensation
- Section 21574 - Fourth Level of 1959 Survivor Benefits

The percentage is based on the 2007 PERS actuarial for benefit enhancements. Future increases in the employer contribution may result in a change to the employees contribution rate to facilitate sharing of costs and continued employee payment for the agreed-upon enhancements. The City and the Association agree to meet each year of the term of this Agreement regarding cost sharing of any increase to the employer contribution.

The proposed side letters change the employee contribution from 7.546% to 9.371% due to increases in employer contribution rates since 2007.

Additionally, the side letter with the CPOA contains language correcting the 2<sup>nd</sup> tier retirement benefit formula and clarifying implementation of other concessions for current employees and new hires.

The proposed side letters would be in effect until June 30, 2013. As noted above, the current MOUs with the two organizations will terminate on that date.

### **Financial Considerations**

The increase employee contribution rates update the cost sharing formula to ensure that miscellaneous employees pay for the increased cost of the benefit enhancements implemented in 2007.

### **Environmental Issues**

None.

Attachments:

1. CPOA Side Letter of Agreement
2. CPMA Side Letter of Agreement

**SIDE LETTER AGREEMENT  
BETWEEN  
CITY OF COTATI AND  
COTATI POLICE OFFICERS' ASSOCIATION**

The City of Cotati ("City") and the Cotati Police Officers' Association ("CPOA" or "Association"), (collectively referred to as "the parties") have met and conferred in good faith over the following changes, and agree to the amendment of Article 9 of the 2010 - 2013 Memorandum of Understanding (MOU) between the parties, as follows:

**ARTICLE 9: RETIREMENT**

Section 9.01. Public Employees' Retirement System (PERS)

The City of Cotati is a member of the Public Employees' Retirement System (PERS). All permanent or probationary, full-time employees are required to become members of the system. Permanent part-time employees are required to become members if they work more than 1,000 hours in any fiscal year.

Non-sworn safety employees hired before the date the City adopts a resolution to establish a second pension tier are covered under the "2.7% at 55, single highest years' salaries formula." This plan provides for a retirement allowance at age 55 that is equal to the product of the number of years of service time .027 of the average monthly compensation earned during the single highest-paid year of service. Employees may retire at age 55, with 5 or more years of PERS-credited service.

Non-sworn safety employees also receive the PERS Section 21382.4 Fourth Level of 1959 Survivor Benefits. This benefit costs \$4 per month per employee. The City shall match \$2 per month of the cost with each employee. There will be a payroll deduction of \$1 per semi-monthly pay period.

Non-sworn employees hired before the date the City adopts a resolution to establish a second pension tier shall contribute ~~7.546%~~ 9.371% of the cost for the following retirement benefit enhancements implemented in 2007:

- Section 21354.5 - 2.7 @ 55 Full and Modified formula
- Section 20042 - One-Year Final Compensation
- Section 21574 - Fourth Level of 1959 Survivor Benefits

The percentage is based on the 2007 PERS actuarial for benefit enhancements. Future increases in the employer contribution may result in a change to the employees contribution rate to facilitate sharing of costs and continued employee payment for the agreed-upon enhancements. The City and the Association agree to meet each year of the term of this Agreement regarding cost sharing of any increase to the employer contribution.

Effective July 1, 2012, non-sworn employees' contribution to the cost for 2007 retirement benefits enhancements will be reduced by 2% in lieu of reinstatement of the City's contribution to the deferred compensation plan.

Effective July 1, 2012, non-sworn employees hired before the date the City adopts a resolution to establish a second pension tier will pay three percent (3%) of the employee contribution to CalPERS for pension.

Non-sworn safety employees hired on or after the date the City adopts a resolution to establish a second pension tier will be covered under the 2% at 60 formula as provided under Government Code section 21353, calculated using the average of three highest years, and will pay the full CalPERS employee contribution.

Sworn safety employees hired before the date the City adopts a resolution to establish a second pension tier are covered under the "3% at 50, average three highest years' salaries formula.. This plan provides for a retirement allowance at age 50 that is equal to the product of the number of years of service times .030 of the average monthly compensation earned during the average three highest paid years of service. Employees may retire at age 50, with 5 or more years of PERS-credited service.

Effective July 1, 2012, sworn employees hired before the date the City adopts a resolution to establish a second pension tier will pay three percent (3%) of the employee contribution to CalPERS for pension.

Sworn safety employees hired on or after the date the City adopts a resolution to establish a second pension tier will receive a CalPERS retirement benefits based on the 2% at 50 formula, as provided under Government Code section 21362, calculated on average income of the three highest years, and will pay the full CalPERS employee contribution.

Sworn safety employees also receive the PERS Section 21382.4 Second Level of 1959 Survivor Benefits. This benefit costs \$4 per month per employee. The City shall match \$2 per month of the cost with each employee. There will be a payroll deduction of \$1 per semi-monthly pay period.

Additionally, for the term of this MOU, sworn and non-sworn employees hired before the date the City adopts a resolution to establish a second pension tier shall contribute the additional monthly amount shown in exhibit A toward the cost of their PERS retirement benefit. Effective July 1, 2010, the employee contribution to benefits by employees hired before the date the City adopts a resolution to establish a second pension tier will be reduced by 5% (i.e., employees will continue a 9% contribution to benefits). Effective July 1, 2011, the employee contribution to benefits by employees hired before the date the City adopts a resolution to establish a second pension tier will be reduced by 5% (i.e., employees will continue a 4% contribution to benefits) Effective July 1, 2012, the employee contribution to benefits by employees hired before the date the City adopts a resolution to establish a second pension tier will be reduced by 4% (for non-sworn employees, this includes the 2% reduction to the employee contribution for retirement

benefit enhancements in lieu of reinstatement of the City contribution to the deferred compensation plan), and the additional monthly contribution will cease.

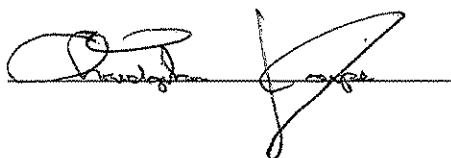
The City contracts with CalPERS to provide the following benefits as described under the California Public Employees' Retirement Law:

- Government Code Section 20965 – Credit for Unused Sick Leave
- Section 21022 – Public Service Credit for Periods of Layoffs
- Section 21023.5 – Public Service Credit for Peace Corps or Americorps: Vista Service
- Section 21024 – Military Service Credit as Public Service
- Section 21026 – Public Service Credit for Service Rendered to a Nonprofit Corporation
- Section 21027 – Military Service Credit for Retired Persons
- Section 21548 – Pre-Retirement Option 2W Death Benefit

FOR THE CITY

FOR THE ASSOCIATION

\_\_\_\_\_

\_\_\_\_\_

DATE:

DATE:

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4/8/11\_\_\_\_\_

**SIDE LETTER AGREEMENT  
BETWEEN  
CITY OF COTATI AND  
COTATI POLICE MANAGEMENT ASSOCIATION**

The City of Cotati ("City") and the Cotati Police Management Association ("CPMA" or "Association"), (collectively referred to as "the parties") have met and conferred in good faith over the following change, and agree to the amendment of Article 9 of the 2010 – 2013 Memorandum of Understanding (MOU) between the parties, as indicated in bold print, as follows:

**ARTICLE 9: RETIREMENT**

Section 9.01. Public Employees' Retirement System (PERS)

The City of Cotati is a member of the Public Employees' Retirement System (PERS). All permanent or probationary, full-time employees are required to become members of the system. Permanent part-time employees are required to become members if they work more than 1,000 hours in any fiscal year.

Non-sworn safety employees hired before the date the City adopts a resolution to establish a second pension tier are covered under the "2.7% at 55, single highest years' salaries formula." This plan provides for a retirement allowance at age 55 that is equal to the product of the number of years of service time .027 of the average monthly compensation earned during the single highest-paid year of service. Employees may retire at age 55, with 5 or more years of PERS-credited service.

Non-sworn safety employees also receive the PERS Section 21382.4 Fourth Level of 1959 Survivor Benefits. This benefit costs \$4 per month per employee. The City shall match \$2 per month of the cost with each employee. There will be a payroll deduction of \$1 per semi-monthly pay period.

Non-sworn employees hired before the date the City adopts a resolution to establish a second pension tier shall contribute ~~7.546%~~ **9.371%** of the cost for the following retirement benefit enhancements implemented in 2007:

- Section 21354.5 - 2.7 @ 55 Full and Modified formula
- Section 20042 - One-Year Final Compensation
- Section 21574 - Fourth Level of 1959 Survivor Benefits

The percentage is based on the 2007 PERS actuarial for benefit enhancements. Future increases in the employer contribution may result in a change to the employees contribution rate to facilitate sharing of costs and continued employee payment for the agreed-upon enhancements. The City and the Association agree to meet each year of the term of this Agreement regarding cost sharing of any increase to the employer contribution.

Effective July 1, 2012, non-sworn employees hired before the date the City adopts a resolution to establish a second pension tier will pay three percent (3%) of the employee contribution to CalPERS for pension.

Non-sworn safety employees hired on or after the date the City adopts a resolution to establish a second pension tier will be covered under the 2% at 60 formula as provided under Government Code section 21353, calculated using the average of three highest years, and will pay the full CalPERS employee contribution.

FOR THE CITY

FOR THE ASSOCIATION

\_\_\_\_\_

Steven C. Borman, PRESIDENT

DATE:

\_\_\_\_\_

DATE:

APRIL 19, 2011



## City Council Consent Calendar

**Subject:** Revised Memorandum of Mutual Understandings for the North Coast Integrated Regional Water Management Plan

**Date:** April 27, 2011

**Written by:** Damien O'Bid, City Engineer / Director of Public Works

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### **Recommendation**

It is recommended that the City Council adopt a motion authorizing the Mayor to execute the revised *Memorandum of Mutual Understandings Integrated Regional Water Management Plan (November 11, 2010)*.

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### **Background**

To facilitate comprehensive planning and to prepare our region to effectively compete for grant funds designated for Integrated Regional Water Management Plans (IRWMP), in 2004, a coalition of stakeholders throughout the North Coast entered into a Memorandum of Mutual Understandings (MOMU) to participate in the development of a North Coast IRWMP. The North Coast IRWMP boundary mirrors the North Coast Regional Water Quality Control Board Hydrologic Region and includes some or all of the counties of Sonoma, Mendocino, Humboldt, Modoc, Trinity, Del Norte and Siskiyou. The MOMU is a non-binding, cooperative agreement that establishes the mutual understandings of North Coast stakeholders with respect to their efforts guiding and implementing the North Coast IRWMP.

The goals of the plan include comprehensive planning for water related resources and projects; fostering coordination and collaboration among stakeholders to enhance efficiency and broad scale involvement; and to improve regional competitiveness for State and Federal grant funding. The City is signatory to the 2004 MOMU. Additionally, Russian River Watershed Association, of which we are a member, has a project in the North Coast IRWMP which includes an element for our community.

The North Coast IRWMP has been the recipient of approximately \$25 million of 2002 State Proposition 50 funds for the North Coast, and is designated to be the recipient of the estimated \$37 million in Proposition 84 funds for the North Coast.

### **Analysis/Discussion**

The MOMU has recently been revised. By becoming signatory to the revised MOMU, the City remains in good standing in the North Coast IRWMP and can compete for funding. The key revisions to the MOMU are:

1. Expanded representation on the Policy Review Panel (PRP – the governing body made up of two representatives from each County), and the Technical Peer Review Panel (TCRP also made up of two from each County) to include three tribal representatives on each panel at the request of a coalition of North Coast tribes; and
2. Requiring the PRP to adhere to the Brown Act; and
3. Including new provisions regarding stormwater, flood management, groundwater and climate change that are required by Proposition 84.

### **Financial Considerations**

The revised MOMU does not commit the City to any specific action, is non-binding and will allow the opportunity to apply for grant funding for water resource projects.

### **Environmental Issues**

None.

Attachments:

1. Initial Memorandum of Mutual Understandings Integrated Regional Water Management Plan (August 20, 2004).
2. Revised Memorandum of Mutual Understandings Integrated Regional Water Management Plan (November 11, 2010)

## **Memorandum of Mutual Understandings** **Integrated Regional Water Management Plan**

### **1. PURPOSE**

The purpose of this document is to establish the mutual understandings of North Coast area agencies with respect to their joint efforts towards developing a North Coast Integrated Regional Water Management Plan (IRWMP) that will increase regional coordination, collaboration and communication and help in obtaining funding for water-related projects.

### **2. GOALS**

The goals of the IRWMP are:

- 2.1. To develop a comprehensive plan to facilitate regional cooperation in providing water supply reliability, water recycling, water conservation, water quality improvement, storm water capture and management, flood management, wetlands enhancement and creation, and environmental and habitat protection and improvement.
- 2.2. To foster coordination, collaboration and communication between North Coast agencies responsible for water-related issues and interested stakeholders, to achieve greater efficiencies, enhance public services, and build public support for vital projects.
- 2.3. To improve regional competitiveness for State and Federal grant funding.

### **3. DEFINITIONS**

3.1. **Integrated Regional Water Management Plan.** The plan envisioned by state legislators and state resource agencies that integrates the projects and management plans of all water-related agencies and stakeholders in a region, in this case the North Coast Region, in order to foster coordination, collaboration and communication among those entities and to assist decision-makers in awarding grants and other funding. The plan will address water supply, water quality, wastewater, stormwater/flood control, watershed planning and aquatic habitat protection and restoration.

3.2. **Agency.** A public entity, be it a special district, city or other governmental entity, responsible for providing one or more services in the areas of water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning and aquatic habitat protection and restoration.

3.3. **Service function.** A water-related individual service function provided by an agency, i.e. water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning, and aquatic habitat protection and restoration.

3.4. **Project.** A comprehensive list of resource projects or programs, in need of funding that addresses: water supply, water quality, wastewater, stormwater/flood control, watershed planning or aquatic habitat protection and restoration.

3.5. **Management plan.** An agency's or organization's plan, based in part on the land-use plans within the entity's jurisdiction, that addresses how that entity will provide service in the future in one or more of the following service functions: water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning or aquatic habitat protection and restoration.

3.6. **Integration.** Assembling into one document the water-related management strategies, projects and plans in the North Coast Region. The first phase would be to identify water management strategies for the region and the priority projects that work together to demonstrate how these strategies work together to provide reliable water supply, protect or improve water quality, provide watershed protection and planning, and provide environmental restoration and fisheries protection. Projects and plans would be categorized and opportunities to identify regional benefits of linkages between multiple water management strategies among projects and plans of separate service functions and to see where projects and plans of separate service functions may further interrelate, e.g. wastewater treatment and water recycling or habitat restoration.

3.7. **North Coast Technical Review Panel.** The panel comprised of representatives from each North Coast County appointed by IRWMP participants in the North Coast Region to compile and integrate projects and management plans of the North Coast region. Review panel members will define the process of compilation and integration including format, schedules and ground rules to ensure process consistency and uniformity.

#### 4. IRWMP PROJECT PARTICIPANTS

4.1. **Public agencies.** Public agencies, which have developed projects and management plans, are responsible to their respective electorates, and are devoting staff to the process, will take the lead as described in "Approach to developing the IRWMP" below. These agencies will be the signatories to this memorandum of mutual understandings.

4.2. **Contributing entities.** Other entities, such as business and environmental groups, are considered valuable contributors and will continue to be invited and encouraged to participate and will be invited to be signatories to this memorandum of mutual understandings.

**4.3. Regulatory agencies.** These agencies, such as the North Coast Regional Water Quality Control Board, Coastal Conservancy, and Department of Fish and Game, will be invited to participate. If they cannot participate in work meetings, representatives of the technical review panel will keep them advised of project and plan progress and seek guidance as needed.

## **5. MUTUAL UNDERSTANDINGS**

### **5.1. Need for a North Coast IRWMP**

5.1.1. To foster increased coordination, collaboration and communication between North Coast water-related agencies and interested stakeholders that may result in more effectively managed resources, cost efficiencies and better service to the public.

5.1.2. Also, representatives of state resource agencies and state legislators have suggested that qualification of some state grants and other funding criteria will require development and implementation of Integrated Regional Water Management Plans.

**5.2. Subject matter scope of the IRWMP.** The IRWMP will include, but may not necessarily be limited to, water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning and aquatic habitat protection and restoration. It is acknowledged that the management plans of each individual public agency are based, in part, on the land-use plans within an agency's jurisdiction. Therefore, the resultant IRWMP will by design have incorporated the land-use plans and assumptions intrinsic to the respective water-related service function.

**5.3. Geographical scope of the IRWMP.** The North Coast Region for this Memorandum is defined as the seven North Coast counties – Del Norte, Siskiyou, Humboldt, Trinity, Lake, Mendocino and Sonoma – even though some areas of some counties and individual agencies may lay outside the North Coast hydrologic region.

### **5.4. Approach to developing the IRWMP**

5.4.1. A reasonable approach towards developing the IRWMP is first for the participants involved to create a technical review panel whose members work together to compile their individual projects and management plans to see where cooperative efforts could be employed. The panel would also work to identify needs and list projects that may qualify for funding under various state and federal grant and loan programs.

5.4.2. The proposed forum for this regional planning effort is through the associations, coalitions, or other entities to which the majority belong, inviting others agencies and entities to participate in the effort.

5.4.3. The technical review panel should refer to any already completed and ongoing compilation efforts for information and input.

5.4.4. Once there has been a compilation of projects and plans for the separate, service function areas, the North Coast technical review panel will place all the projects and plans into one integrated document. As stated above in “definitions,” the first phase would be to identify water management strategies for the region and the priority projects that work together to demonstrate how these strategies work together to provide reliable water supply, protect or improve water quality, provide watershed protection and planning, and provide environmental restoration and fisheries protection. Projects and plans would be categorized and opportunities to identify regional benefits of linkages between multiple water management strategies among projects and plans of separate service functions and to see where projects and plans of separate service functions may further interrelate, e.g. wastewater treatment and water recycling or habitat restoration.

5.5. **Decision-making.** Consensus will be sought in the event the need for a decision arises.

5.6. **Approval of the IRWMP.** IRWMP approval and adoption will occur by participating agency and organization signatures on the IRWMP.

5.7. **Non-binding nature.** This document and participation in this IRWMP effort are nonbinding, and in no way suggest that an agency may not continue its own planning and undertake efforts to secure project funding from any source. An agency may withdraw from participation at any time.

5.8. **Personnel and financial resources.** It is expected that agencies and organizations will contribute the personnel and financial resources necessary to develop the IRWMP.

5.9. **Other on-going regional efforts.** Development of the IRWMP is separate from efforts of other organizations to develop water-related plans on a regional basis. These other plans include, but are not limited to, Pacific Coastal Salmon Recovery Program, Eel Russian River Commission, and Department of Water Resources (DWR) Bulletin 160 development. As the IRWMP is developed, work products can be shared with these separate efforts to provide them with current information.

5.10. **Reports and communications.** The North Coast technical review panel will regularly report on their progress to the agencies and stakeholders they represent and the associations or organizations to which they belong that are involved in the IRWMP process.

5.11. **Termination.** Because the IRWMP will require periodic review and updating for use into the future, it is envisioned that the joint efforts of those involved will be ongoing in maintaining a living document. Thus this document

will remain as a reflection of the understandings of the participants. As indicated, individual signatories of this Memorandum may terminate their involvement at any time.

**6. SIGNATORIES TO THE MEMORANDUM OF MUTUAL UNDERSTANDINGS**

We, the undersigned representatives of our respective agencies, acknowledge the above as our understanding of how the North Coast Integrated Regional Water Management Plan will be developed.

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# Attachment

## Memorandum of Mutual Understandings Integrated Regional Water Management Plan November 11, 2010

### 1. PURPOSE

The purpose of this Memorandum is to establish the mutual understandings of North Coast area agencies, tribes and stakeholders with respect to their joint efforts towards an ongoing, adaptive North Coast Integrated Regional Water Management Plan (IRWMP) that will increase regional coordination, collaboration and communication and help in obtaining funding for water-related projects, watershed protection and enhancement, energy programs and projects, and climate change initiatives and increase regional economic vitality.

### 2. GOALS

The goals of the IRWMP are:

2.1. To develop a comprehensive plan to facilitate regional cooperation in providing water supply reliability, water recycling, water conservation, water quality improvement, storm water capture and management, flood management, watershed protection and enhancement, wetlands enhancement and creation, and environmental and habitat protection and improvement.

2.2. To foster coordination, collaboration and communication between North Coast agencies, tribes and stakeholders responsible for water-related and climate/energy issues and interested stakeholders, to achieve greater efficiencies, enhance public services, and build public support for vital projects.

2.3. To improve regional competitiveness for State and Federal grant funding.

### 3. DEFINITIONS

3.1. Integrated Regional Water Management Plan: The plan envisioned by state legislators, state resource agencies and local governments and stakeholders in the North Coast Region that integrates the projects and management plans of all water-related agencies, tribes and stakeholders in the North Coast Region, in order to foster coordination, collaboration and communication among those entities and to assist decision-makers in awarding grants and other funding. The plan will address water supply, water quality, wastewater, stormwater/flood control, watershed planning and aquatic habitat protection and restoration as well as economic development, assistance to disadvantaged communities, climate change mitigation and adaptation and energy independence.

3.2. Agency: A public entity, be it a special district, city or other governmental entity, responsible for providing one or more services in the areas of water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning, aquatic habitat protection, restoration, climate change mitigation and/or adaptation and local economic development.

3.3. Service Function: A water or climate-related individual service function provided by an agency or tribe, i.e. water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning, aquatic habitat protection or restoration, or energy programs

3.4. Project: An integrated, multi-benefit implementation activity in need of funding that addresses: water supply, water quality, wastewater, stormwater/flood control, watershed planning or aquatic habitat protection and restoration, local economic development, climate mitigation or adaptation and energy independence

3.5. Management Plan: An agency's, tribe's, or organization's plan, based in part on the land-use plans within the entity's jurisdiction, that addresses how that entity will provide service in the future in one or more of the following service functions: water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning, climate change mitigation/adaptation, or aquatic habitat protection or restoration.

3.6. Integration: Assembling into one document the water-related management strategies, projects and plans in the North Coast Region. The plan will identify water management and climate mitigation/adaptation strategies and priority projects for the region and demonstrate how these strategies and priority projects work together to provide reliable water supply, protect or improve water quality, provide watershed protection and planning, mitigate the effects of climate change, assist the region in adapting to climate change, provide local economic development – especially to disadvantaged communities - or provide environmental restoration and fisheries protection. Projects and plans would be categorized, and the regional benefits of linkages and interrelationships between multiple water and climate change management strategies, projects and plans of separate service functions would be identified, e.g. wastewater treatment and water recycling, stormwater/flood management, climate mitigation/adaptation or habitat restoration.

3.7. North Coast IRWMP Policy Review Panel (PRP). The governing and decision making body for the North Coast IRWMP, described in Section 5.4. The PRP reviews and approves plans and applications for grants or other types of financial assistance on behalf of the NCIRWMP and makes policy decisions on behalf of the NCIRWMP.

3.8. North Coast IRWMP Technical Peer Review Committee (TPRC). The panel is comprised of up to two technical representatives from each North Coast County and three tribal representatives. The TPRC representatives from each North Coast County will be appointed by the PRP members from each County. The tribal representatives on

the TPRC will be selected through the Tribal Representation Process attached hereto as Exhibit A. The TPRC is advisory to the PRP and evaluates and makes recommendations based on technical and scientific data. They will support staff in compiling and integrating projects and management plans of the North Coast region. Review committee members will define the process of compilation and integration including format, schedules, and ground rules to ensure process consistency and uniformity.

#### 4. IRWMP PROJECT PARTICIPANTS

4.1 Local Public Agencies. Public agencies, which have developed projects and management plans, and are devoting staff to the process, will contribute to the development of the NCIRWMP both via in-kind staff support and in some cases direct financial support. These agencies will be signatories to this Memorandum of Mutual Understandings. As authorized by the NCIRWMP Policy Review Panel, a local public agency may act as a contracting entity on behalf of the NCIRWMP.

4.2. Tribes. Tribes, which have developed projects and management plans, are responsible to their respective constituents and members, and are devoting staff to the process, will contribute to the development of the NCIRWMP both via in-kind staff support and in some cases direct financial support. These tribes will be signatories to this Memorandum of Mutual Understandings.

4.3 Contributing entities. Other entities (including, but not limited to, business and environmental groups, and landowner organizations) are considered valuable contributors to the process. Contributing entities will be kept informed via the NCIRWMP website, will continue to be invited and encouraged to participate in all meetings and workshops, and may be signatories to this Memorandum of Mutual Understandings.

4.4. State and Federal Agencies. Such agencies may include the Department of Water Resources, the State Water Resources Control Board, the North Coast Regional Water Quality Control Board, the California State Coastal Conservancy, Department of Fish and Game, National Oceanic and Atmospheric Administration, Environmental Protection Agency, Natural Resources Conservation Service, Department of Conservation, California Energy Commission, and Department of Energy. Such agencies will be invited to participate in a variety of ways, including but not limited to, providing input into the NCIRWMP planning process, and updating the PRP and staff on relevant legislative, policy, regulatory and funding initiatives and opportunities. If they cannot participate in work meetings, staff and representatives of the PRP and TPRC will keep them advised of project and plan progress and seek guidance as needed.

#### 5. MUTUAL UNDERSTANDINGS

##### 5.1. Need for a North Coast IRWMP

5.1.1. The North Coast IRWMP process is intended to foster increased coordination, collaboration and communication between North Coast agencies, tribes and interested stakeholders that may result in more effectively managed resources, cost efficiencies and better service to the public.

5.1.2. Also, representatives of state resource agencies and state legislators have suggested that qualification of some state grants and other funding criteria will require development and implementation of Integrated Regional Water Management Plans.

5.2. Subject matter scope of the IRWMP. The IRWMP will include, but may not necessarily be limited to, water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning and aquatic habitat protection and restoration, climate mitigation and adaptation, local economic development or energy independence programs. It is acknowledged that the management plans of each individual public agency or tribe are based, in part, on the land-use plans within an agency's or tribe's jurisdiction. Therefore, the NCIRWMP will by design incorporate the land-use plans and assumptions intrinsic to the respective service functions of these local agencies

5.3. Geographic scope of the IRWMP. The North Coast Region for this Memorandum is defined as the seven North Coast counties – Modoc, Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, and Sonoma. These counties lie within the North Coast Hydrologic Region, even though some areas of some counties and individual agencies may lay outside the North Coast hydrologic region. Where it demonstrably supports the purpose of the NCIRWMP, as determined by the NCIRWMP Policy Review Panel, collaborations may extend beyond the NCIRWMP regional boundary into other counties and/or states. In the case of energy independence endeavors, boundaries may encompass full counties.

#### 5.4. Approach to developing the IRWMP

5.4.1. The first phase of the NCIRWMP formed the PRP and TPRC, developed a NCIRWMP website for stakeholder communication and data sharing, developed the North Coast IRWM plan, identified water management strategies for the region and the integrated priority projects that demonstrate how these strategies work together to provide reliable water supply, protect or improve water quality, provide watershed protection and planning, and provide environmental restoration and fisheries protection. Opportunities to identify regional benefits and linkages between multiple water management strategies among projects and plans of separate service functions were identified

5.4.2 Future phases of the NCIRWMP are expected to expand upon and further integrate existing strategies, add new regional strategies (including but not limited to climate mitigation and adaptation and energy independence) continue and enhance stakeholder outreach and inclusion, and coordinate and collaborate – where applicable – beyond the boundaries of the North Coast IRWMP with other regional, statewide and

national efforts that are relevant to NCIRWMP goals and objectives.

5.4.3 Policy Review Panel. The North Coast IRWMP Policy Review Panel shall consist of two representatives from each of the seven Counties (Modoc, Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, and Sonoma) plus three tribal representatives selected by the North Coast tribes according to the "Tribal Representation Process" attached hereto as Exhibit A. Such County representatives shall be designees of the Board of Supervisors of the County. Each County shall also designate two alternates who have expertise in water, wastewater, land-use, or energy planning, and are familiar with the North Coast IRWMP process, and who may be members of the Technical Peer Review Committee. Each tribal representative may have one alternate who would be selected according to the Tribal Representation Process (Exhibit A), and who may be a member of the Technical Peer Review Committee. In the event that the elected or tribal representatives are unavailable for a particular meeting, the alternates may participate on their behalf. All meetings of the Policy Review Panel will be subject to and carried out in accordance with the provisions of the Ralph M. Brown Act. All PRP members acknowledge and agree that the PRP is subject to the Ralph M. Brown Act. Panel members may participate in panel meetings via teleconferencing, consistent with the requirements of the Brown Act.

5.5. Decision-making. Decision-making will be conducted by the North Coast IRWMP Policy Review Panel. The panel shall seek to arrive at a consensus if the need for a decision arises. If the panel cannot reach consensus, decisions shall be made as follows:

5.5.1. Quorum. Representatives or alternates constituting one-half or more of the total number of representatives on the Policy Review Panel shall constitute a quorum for purposes of transacting business or arriving at a decision.

5.2.2. One vote per representative. Each representative (or alternate, if a representative is not present) shall have one vote.

5.2.3. Majority vote. If a quorum is present, the affirmative vote of a majority of members of the Policy Review Panel present at a meeting is required to, and is sufficient to, approve any item of business or make any necessary decision.

5.6. Approval of the NCIRWMP. Review and approval of the final North Coast Integrated Regional Water Management Plan will occur by voting of the NCIRWMP Policy Review Panel, with input from the NCIRWMP Technical Peer Review Committee, North Coast region stakeholders and NCIRWMP staff. The NCIRWMP will also be brought before each North Coast County's Board of Supervisors for consideration and adoption. Tribes will approve the NCIRWMP according to the Tribal Representation Process.

5.7. Non-binding nature; termination and withdrawal. Execution of this Memorandum and participation in this IRWMP effort are legally nonbinding, and in no way impair an

agency or tribe from continuing its own planning or undertaking its own, separate efforts to secure project funding from any source. An agency or tribe may withdraw from this Memorandum and participation in the NCIRWMP at any time by notifying the NCIRWMP contracting entity in writing. Nothing in this Memorandum is intended to give the NCIRWMP or its Policy Review Panel any decision-making authority over matters within the jurisdiction of any signatory County, agency, or tribe.

5.8. Personnel and financial resources. It is expected that agencies, tribes, and organizations will contribute the personnel and financial resources necessary to develop the NCIRWMP.

5.9. Reports and communications. Staff and the Policy Review Panel and Technical Peer Review Committee will regularly report on their progress to the agencies, tribes, and stakeholders participating in the NCIRWMP process and the associations or organizations to which they belong that are involved in the NCIRWMP process.

6. Entirety of Memorandum of Mutual Understandings. This Memorandum of Mutual Understandings (MOMU) shall constitute the entire MOMU between the parties relating to the Integrated Regional Water Management Plan and shall supersede all prior MOMUs concerning the same subject matter.

#### 7. SIGNATORIES TO THE MEMORANDUM OF MUTUAL UNDERSTANDINGS

We, the undersigned representatives of our respective agencies or tribes, acknowledge the above as our understanding of how the North Coast Integrated Regional Water Management Plan will be developed and maintained over time.

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Signature

\_\_\_\_\_  
Date

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Printed Name

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Agency / Tribe

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## **Exhibit A - Tribal Representation Process**

November 2010

In response to a proposal endorsed by 20 tribes, the Policy Review Panel (PRP) of the North Coast Integrated Regional Water Management Plan (NCIRWMP) voted to establish three seats on the PRP and three seats on the Technical Peer Review Committee (TPRC) for tribal representatives.

The tribes of the North Coast region devised the following process to select representatives and approve the NCIRWMP. This process can be modified upon a unanimous vote of the three acting tribal PRP representatives. Modifications to this document will not require approval of signatories to the MOMU and will not be treated as a modification of the MOMU.

### **Nomination & Voting:**

The North Coast IRWMP funding region is divided into three districts – Northern, Central and Southern – for the purpose of selecting tribal representatives to fill the PRP and TPRC seats. Tribes within each district may select one PRP representative and one TPRC representative. Each representative may have one alternate. Tribes within each district may use one of the following two options to select their representatives.

#### **Option 1:**

When there is a vacancy for a tribal PRP or tribal TPRC seat in a given district, each tribe within the district will be given 31 days to select one nominee to fill the seat. The maximum number of vacancies for a given district would be two in the event that the tribal PRP and TPRC seats become vacant.

Each tribe may appoint one voting delegate. Each voting delegate will retain her/his status unless (s)he is removed or replaced by the tribe that appointed her/him.

At the end of the 31 day period allotted to nominate representatives, each voting delegate will be given ten days to cast one vote for each vacant seat in their district.

The PRP and TPRC nominees who receive the largest number of votes become the representative for that district. The PRP and TPRC nominees who receive the second largest number of votes may become an alternate representative for that district if they choose to do so. If not, then the representative with the third largest number of votes may choose to be the alternate representative for that district. Districts are not required to select alternate representatives.

#### **Option 2:**

When there is a vacancy for a tribal PRP or tribal TPRC seat in a given district, each tribe within the district will be given 31 days to select one nominee to fill the seat. The

maximum number of vacancies for a given district would be two in the event that the tribal PRP and TPRC seats become vacant.

Each tribe may appoint one voting delegate. Each voting delegate will retain her/his status unless (s)he is removed or replaced by the tribe that appointed her/him.

The majority of voting delegates within a region can meet in person and/or by conference call and choose their district's representative(s), and alternate representative(s) if any, by consensus. All voting delegates within the respective region must be notified at least two (2) weeks in advance of this meeting. Voting delegates who cannot participate in this meeting must be contacted and consent to the decision(s) reached at the meeting. If a consensus cannot be reached, Option 1 must be utilized.

**Approval of the NCIRWMP:**

NCIRWMP review and approval will occur by voting of the three tribal PRP members with input from tribal TPRC representatives and tribal voting delegates.



## City Council Agenda Regular Agenda

**Subject:** Adoption of a Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration of the Public Employees' Retirement System and the City Council of the City of Cotati; and Adoption of an Urgency Ordinance Authorizing the Amendment to PERS Agreement

**Date:** April 27, 2011

**Written by:** Jone Hayes, Director of Administrative Services

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### **Recommendation**

It is recommended that the City Council adopt a motion to 1) approve a Resolution of Intention to approve an amendment to the contract between the Board of Administration of the Public Employees' Retirement System (PERS) and the City Council of the City of Cotati and 2) approve an Urgency Ordinance Authorizing the Amendment to PERS Agreement.

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### **Background**

The current Memoranda of Understanding (MOU) or MOU side letter agreement for the City of Cotati bargaining units contain the following provisions for the implementation of second tier retirement benefits:

Cotati Police Management Association (CPMA):

#### **Section 9.01. Public Employees' Retirement System (PERS)**

...Sworn safety employees hired on or after the date the City adopts a resolution to establish a second pension tier will receive a CalPERS retirement benefits based on the 2% at 50 formula, as provided under California Public Employees Retirement Law, calculated on average income of the three highest years, and will pay the full CalPERS employee contribution.

Cotati Police Officer's Association (CPOA):

#### **Section 9.01. Public Employees' Retirement System (PERS)**

...Sworn safety employees hired on or after the date the City adopts a resolution to establish a second pension tier will receive a CalPERS retirement benefits based on the 2% at 50 formula, as

provided under Government Code section 21362, calculated on average income of the three highest years, and will pay the full CalPERS employee contribution.

Cotati Employee's Association (CEA):

Section 9.01B. Public Employees' Retirement System (PERS)

Second Tier Pension

Employees hired on or after the date of adoption of the amended City contract with CalPERS will be covered under the 2% at 60 formula, calculated using the average of three highest years, and will pay the full CalPERS employee contribution.

Analysis/Discussion

The City has requested, received and paid for an actuarial valuation reports from PERS which defined the costs for the following reduced benefits:

-Section 20475 – Different Level of Benefits for New Employees

The second tier benefits have been negotiated with the three bargaining units as indicated above.

Staff has received the necessary documents in order to proceed with implementation by the City Council of the amendment to the contract with PERS for the reduced benefit. That amendment is embodied in Resolution and Ordinance attached hereto for your review and approval.

The resolution and ordinance are the next steps in the process of amending the agreement with PERS. The new retirement rates will be calculated from employees' beginning hire date.

Financial Considerations

The actuarial valuation reports received from PERS show the following changes in the estimated FY 11-12 employer contribution rates:

	<u>Existing</u>	<u>2<sup>nd</sup> Tier</u>
Safety	44.792%	19.169%
Miscellaneous	23.719%	8.197%

Environmental Issues

None.

Attachments:

1. Proposed resolution
2. Proposed ordinance

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF COTATI**

**WHEREAS**, the Public Employees' Retirement Law permits the participation of public Agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

**WHEREAS**, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

**WHEREAS**, the following is a statement of the proposed changes:

Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

Section 20475 (Different Level of Benefits). Section 21362 (2% @ 50 Full formula) is applicable to local safety members entering membership for the first time in the safety classification after the effective date of this amendment to contract.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cotati does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

**IT IS HEREBY CERTIFIED** that the foregoing resolution was duly introduced and legally adopted at a regular meeting of the City Council of the City of Cotati held on the 27th day of April, 2011 by the following vote, to wit:

ORCHARD \_\_\_\_\_  
HARVEY \_\_\_\_\_  
GILARDI \_\_\_\_\_  
LANDMAN \_\_\_\_\_

Approved: \_\_\_\_\_  
Janet Orchard, Mayor

Attest: \_\_\_\_\_  
Tamara Taylor, Deputy City Clerk

Approved as to form:

\_\_\_\_\_  
Rich Rudnansky, City Attorney



**EXHIBIT**

California  
Public Employees' Retirement System

---

**AMENDMENT TO CONTRACT**

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Cotati

---

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective December 1, 1969, and witnessed October 16, 1969, and as amended effective June 1, 1981, July 1, 1983, November 14, 1986, December 25, 1987, August 12, 1995, October 15, 1998, May 16, 1999, July 1, 2002 and October 1, 2007 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

A. Paragraphs 1 through 13 are hereby stricken from said contract as executed effective October 1, 2007, and hereby replaced by the following paragraphs numbered 1 through 16 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members entering membership in the miscellaneous classification on or prior to the effective date of this amendment to contract, age 60 for local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract, and age 50 for local safety members.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after December 1, 1969 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
  
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  
  - (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.
  
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
  
  - (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.
  
  - (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.

- (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.
  - (g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.
- 4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
  - a. Local Police Officers (herein referred to as local safety members);
  - b. Employees other than local safety members (herein referred to as local miscellaneous members).
- 5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
  - a. **PERSONS COMPENSATED ON AN HOURLY BASIS; AND**
  - b. **FIRE FIGHTERS.**
- 6. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment before and not on or after October 1, 2007 shall be determined in accordance with Section 21354 of said Retirement Law subject to the reduction provided therein for service prior to December 31, 1980, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
- 7. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment on or after October 1, 2007 and not entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354.5 of said Retirement Law subject to the reduction provided therein for service prior to December 31, 1980, termination of Social Security, for members whose service has been included in Federal Social Security (2.7% at age 55 Full and Modified).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

8. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member entering membership in the safety classification on or prior to the effective date of this amendment to contract shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
10. The percentage of final compensation to be provided for each year of credited current service as a local safety member entering membership for the first time in the safety classification after the effective date of this amendment to contract shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).
11. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 21572 (Increased Level of 1959 Survivor Benefits) for local safety members only.
  - b. Section 20938 (Limit Prior Service to Members Employed on Contract Date) applicable to elected officials in office on November 14, 1986.
  - c. Section 20965 (Credit for Unused Sick Leave).
  - d. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local miscellaneous members only.
  - e. Section 20042 (One-Year Final Compensation) for local miscellaneous members only.
  - f. Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

Section 21362 (2% @ 50 Full formula) is applicable to local safety members entering membership for the first time in the safety classification after the effective date of this amendment to contract.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

12. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on June 1, 1981. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
13. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
14. Public Agency shall also contribute to said Retirement System as follows:
  - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.
  - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract 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 periodic investigation and valuations required by law.
  - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
15. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

16. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF COTATI

BY \_\_\_\_\_  
LORI MCGARTLAND, CHIEF  
EMPLOYER SERVICES DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk



**ORDINANCE NO. \_\_\_\_**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI  
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY  
COUNCIL OF THE CITY OF COTATI AND THE BOARD OF ADMINISTRATION  
OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COTATI DOES  
ORDAIN AS FOLLOWS:**

**SECTION 1.**

That an amendment to the contract between the City Council of the City of Cotati and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

**SECTION 2.**

The Mayor of the City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

**SECTION 3.**

Urgency, Duration and Publication. This ordinance is adopted by the City Council pursuant to the California Constitution, article XI, section 7 and Government Code 36937 by a four-fifths or greater vote, as an urgency measure to protect the public health, safety and welfare, and shall take effect immediately. The reason for such urgency is that the City is currently understaffed and there is a need to amend the city's retirement system with CalPERS so that the City can hire new police staff to adequately protect persons and property within the City. Before the expiration of 15 days after the adoption of this ordinance, a summary hereof shall be published once, with the names of the members of this Council voting for or against the same in a newspaper of general circulation published in the City of Cotati.

**SECTION 4. Severability.**

The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter.

**SECTION 5. Effective Date.**

This ordinance shall take effect immediately.

**IT IS HEREBY CERTIFIED** that the foregoing ordinance was duly introduced and legally adopted at a regular meeting of the City Council of the City of Cotati held on the 27th day of April, 2011 by the following vote, to wit:

ORCHARD  
HARVEY  
GILARDI

LANDMAN

Approved: \_\_\_\_\_  
Janet Orchard, Mayor

Attest: \_\_\_\_\_  
Tamara Taylor, Deputy City Clerk

Approved as to form:

\_\_\_\_\_  
Rich Rudnansky, City Attorney



**EXHIBIT**

California  
Public Employees' Retirement System

---

**AMENDMENT TO CONTRACT**

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Cotati

---

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective December 1, 1969, and witnessed October 16, 1969, and as amended effective June 1, 1981, July 1, 1983, November 14, 1986, December 25, 1987, August 12, 1995, October 15, 1998, May 16, 1999, July 1, 2002 and October 1, 2007 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 13 are hereby stricken from said contract as executed effective October 1, 2007, and hereby replaced by the following paragraphs numbered 1 through 16 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members entering membership in the miscellaneous classification on or prior to the effective date of this amendment to contract, age 60 for local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract, and age 50 for local safety members.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after December 1, 1969 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
  
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  
  - (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.
  
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
  
  - (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.
  
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- (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.
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  - b. Employees other than local safety members (herein referred to as local miscellaneous members).
- 5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
  - a. **PERSONS COMPENSATED ON AN HOURLY BASIS; AND**
  - b. **FIRE FIGHTERS.**
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8. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member entering membership in the safety classification on or prior to the effective date of this amendment to contract shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
10. The percentage of final compensation to be provided for each year of credited current service as a local safety member entering membership for the first time in the safety classification after the effective date of this amendment to contract shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).
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  - b. Section 20938 (Limit Prior Service to Members Employed on Contract Date) applicable to elected officials in office on November 14, 1986.
  - c. Section 20965 (Credit for Unused Sick Leave).
  - d. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local miscellaneous members only.
  - e. Section 20042 (One-Year Final Compensation) for local miscellaneous members only.
  - f. Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

Section 21362 (2% @ 50 Full formula) is applicable to local safety members entering membership for the first time in the safety classification after the effective date of this amendment to contract.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

12. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on June 1, 1981. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
13. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
14. Public Agency shall also contribute to said Retirement System as follows:
  - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.
  - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract 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 periodic investigation and valuations required by law.
  - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
15. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

16. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF COTATI

BY \_\_\_\_\_  
LORI MCGARTLAND, CHIEF  
EMPLOYER SERVICES DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI  
COMMEMORATING COUNCIL MEMBER ROBERT COLEMAN-SENGHOR**

**WHEREAS**, the passing on April 9, 2011 of the Honorable Robert Coleman-Senghor, member of the Council of the City of Cotati, has been met with great sadness tempered by profound gratitude for a life well-lived as exemplified by his commitment to his family, his profession, his community and his friends; and

**WHEREAS**, Bob Coleman-Senghor was born in Amite City, Louisiana in 1940 and moved shortly thereafter with his family to Alameda, California, and graduated from Berkeley High School and served his country with honor as a member of the United States Marine Corps; and

**WHEREAS**, upon is return to civilian life, Bob Coleman-Senghor attended the University of California, Berkeley from where he received his Bachelor's Degree, and in 1972 he joined the faculty at Sonoma State University, and he continued his professional growth by earning a Master's degree from the University of San Francisco; and

**WHEREAS**, as a longtime resident of Cotati, bob Coleman-Senghor's devotion to his community led him to serve on the City's Design Review Committee and Planning Commission, and following his election to the City Council in 2008 he served as Vice Mayor and Acting Mayor in 2009 and as Mayor in 2010; and

**WHEREAS**, he is survived by his wife, Gabi Schmitz, and his sons Kenya, Akai, Michael and Drew, Bob Coleman-Senghor's legacy will stand as a testament for others who strive for the best in every aspect of their lives, and his memory will live forever in the hearts and minds of those people who knew him.

**NOW, THEREFORE, BE IT RESOLVED** on this 27<sup>th</sup> day of April, 2011 by the City Council of the City of Cotati that its members express their deepest sympathy at the passing of the Honorable Robert Coleman-Senghor, and by this resolution, memorialize him for his illustrious record of personal, professional and civic achievements, as well as the love and devotion he gave his family and friends.

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Honorable Pat Gilardi

---

Honorable Susan Harvey

---

Honorable Mark Landman

---

Honorably Mayor Orchard



## City Council Agenda Regular Agenda

**Subject:** City Council Vacancy

**Date:** April 27, 2011

**Written by:** Dianne Thompson, City Manager

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### Recommendation

It is recommended that the Council adopt a motion to select an option for filling a Council Member seat vacancy, either by appointment or by special election.

---

### Background

Due to the passing on April 9, 2011 of Councilmember Coleman-Senghor, a vacancy has been created for the remainder of his term expiring in November 2012. Pursuant to Government Code Section 36512 (b), the Council may appoint or call a special election to fill the vacancy for the remainder of the term. The action must be taken within 60 days of the effective date of the vacancy (by June 8) to appoint or call a special election.

The term of the Planning Commissioner (Neil Hancock) appointed by Councilmember Coleman-Senghor would be extended until his vacancy is filled, at which time the newly seated Councilmember would make his/her own appointment.

### Analysis/Discussion

The most recent city clerk survey on vacancies showed that the majority of vacancies are filled by appointment.

**Appointment:** If Council chooses to fill the vacancy by appointment, the appointment must be made by Wednesday June 8, 2011. A possible appointment timeline would be as follows:

*Thursday April 28<sup>th</sup> through Wednesday May 12<sup>th</sup>:* Announce the vacancy and receive applications with letters of interest for appointment.

*Wednesday May 25<sup>th</sup>, 2011:* Council discussion and possible action to make an appointment from the pool of applicants to fill the current vacant seat on the City Council to fulfill a term ending in 2012 and swearing in of newly appointed Councilmember.

## **Special Election**

If Council chooses to fill the vacancy by election, the election must be called no later than Wednesday June 8, 2011.

Whether elected or appointed, the successful candidate would serve out the remainder of the term expiring in November 2012.

## **Financial Considerations**

A special election would cost the City approximately \$22,000.

## **Environmental Issues**

None.

Attachment:

Proposed application for appointment to the City Council.

DT:tl

# City of Cotati

Sonoma County, California



**CITY OF COTATI  
APPLICATION FOR APPOINTMENT  
TO THE OFFICE OF MEMBER, CITY COUNCIL  
(to complete the unexpired term of Robert Coleman-Senghor ending in November 2012)**

Name: \_\_\_\_\_  
*Please print*

E-mail: \_\_\_\_\_  
(optional)

Address: \_\_\_\_\_  
\_\_\_\_\_

Contact phone: (\_\_\_\_) \_\_\_\_\_

**IMPORTANT**

This application is considered a public record pursuant to The California Public Records Act (Government Code 6520 et seq.) and may be made available to any member of the public upon request.

**EDUCATION**

- High School Graduate; or
- GED

Location: \_\_\_\_\_

College/University

Major

Degree/Date

<u>College/University</u>	<u>Major</u>	<u>Degree/Date</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other formal education \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EMPLOYMENT HISTORY**

List all employment during the last five years. If retired, list last employer.

<u>Period</u>	<u>Employer (include location)</u>	<u>Position/Title</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

**PERSONAL DATA**

Are you related to any member of the City Council, any City Board/ Commission/Committee Member or City Employee? \_\_\_\_\_. If yes, please list name and relationship:

\_\_\_\_\_

Year you became a Cotati Resident: \_\_\_\_\_ Are you a City of Cotati registered voter? \_\_\_\_\_

Have you ever been convicted of a felony? \_\_\_\_\_ If yes, explain:

\_\_\_\_\_

List civic activities, clubs, associations, etc.:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Please use the attached form letter to state your reasons for interest in the appointment.**

Emergency contact:

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Relationship*

(\_\_\_\_)\_\_\_\_\_  
*Phone number*

I certify that the foregoing is true and correct to the best of my knowledge:

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*





## City Council Report Regular Agenda

**Subject:** Council Assignments as Representatives and Liaisons to Various Committees and Commissions

**Date:** April 27, 2011

**Written By:** Dianne Thompson, City Manager

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### **RECOMMENDATIONS:**

It is recommended that the Council consider council assignments and adopt a motion to assign representatives and liaisons to various committees and commissions for 2011 if there are changes needed.

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### **BACKGROUND:**

Due to a vacant seat on the City Council it is timely and appropriate to review assignments to the committees and commissions upon which the Council members serve, and to make changes as needed for the remainder calendar year 2011. The passing of Councilmember Coleman-Senghor has created the following vacancies:

City Council Protocol Policy ad hoc subcommittee

Solar Sonoma County

Legislative Liaison to the Sonoma County Mayors' and Councilmembers' Association

City Council liaison to the Library Advisory Board

### **Analysis/Discussion**

The current *Cotati City Council Appointments and Assignments – 2011* listing the active committees is attached for review, as is a worksheet listing active committees and time commitments.

### **Financial Considerations**

None.

### **Environmental Issues**

None.

### Attachments:

Cotati City Council Appointments and Assignments – 2010 (revised March 2, 2011)

2011 Cotati City Council Appointments and Assignments worksheet.



**Cotati City Council**  
**Appointments and Assignments – 2011**  
*REVISED 3/2/2011*

**Janet Orchard..... Mayor**  
**Susan Harvey ..... Vice Mayor**  
**Robert Coleman-Senghor ..... Councilmember**  
**Pat Gilardi..... Councilmember**  
**Mark Landman ..... Councilmember**

**Temporary Advisory (Ad Hoc) Committees**

City Council Protocol Policy (*est. 8/11/2010*)  
 Economic Development

**Member(s)**

Janet Orchard/Robert Coleman-Senghor  
 Robert Coleman-Senghor/Janet Orchard

**Regional Standing Committees/Boards**

AB 939 Local Task Force  
 Assoc. of Bay Area Governments (ABAG)  
*Note: ABAG Alternates have voting rights*  
 County-Wide Bicycle Advisory Committee  
 Marin/Sonoma Mosquito Abatement Dist.  
 REMIF Board of Directors  
 Russian River Watershed Association  
 Solar Sonoma County  
 Solid Waste Advisory Group (SWAG)/  
 Sonoma County Landfill Task Force  
 Sonoma County Health Action  
 Sonoma County Transportation Authority/  
 Regional Climate Protection Authority  
 (SCTA/RCPA)  
 Sonoma Co. Waste Mgmt. Agency (SCWMA)  
 Subregional Wastewater Policy Advisory Comm.  
 Water Advisory Committee

**Member**

Linda Christopher  
 Susan Harvey  
  
 Ben Ford  
 Yvonee Van Dyke  
 Dianne Thompson  
 Mark Landman  
 Robert Coleman-Senghor  
  
 Susan Harvey  
 Susan Harvey  
  
 Pat Gilardi  
 Marsha Sue Lustig  
 Susan Harvey  
 Mark Landman

**Alternate**

Marsha Sue Lustig  
 Mark Landman/Dianne  
 Thompson  
 Marsha Sue Lustig  
 N/A  
 Jone Hayes  
 Susan Harvey  
 Susan Harvey  
  
 Mark Landman  
 Mark Landman  
  
 Mark Landman  
 Dianne Thompson  
 Mark Landman  
 Susan Harvey

**Mayors' and Councilmembers' Association**

City Selection Committee  
 Legislative Liaison  
 League of California Cities' Voting Delegate  
 County Ag. Preservation/Open Space District  
 Advisory Committee  
 North Bay Div., League of California Cities'  
 Executive Board  
 Sonoma County Human Services Commission  
 ABAG Regional Planning Committee

Mayor  
 Robert Coleman-Senghor  
 (assigned by meeting)  
  
 Janet Orchard  
  
 Pat Gilardi  
 Susan Harvey  
 Mark Landman

Vice Mayor  
 Janet Orchard  
 (assigned by meeting)  
  
 N/A  
  
 N/A  
 N/A  
 N/A

**Liaisons**

Chamber of Commerce  
 Community and Environment Commission  
 Planning Commission  
 Design Review Committee  
 Library Advisory Board  
 (*Library Advisory Board Citizen Liaison, Lisa Moore*)

Janet Orchard  
 Janet Orchard  
 Susan Harvey  
 Mark Landman  
 Robert Coleman-Senghor

Susan Harvey  
  
  
  
 N/A

**Cotati City Council  
2011 Appointments and Assignments Worksheet**

**Ad Hoc Committees**

<b>Name of Committee</b>	<b>2011 Member(s)</b>	<b>Dept/Hours/Duties/Qualifications</b>
City Council Protocol Policy	Janet Orchard/Robert Coleman-Senghor	Meets as needed
Economic Development	Janet Orchard/Robert Coleman-Senghor	Meets as needed

**Standing Committees/Boards**

<b>Name of Committee</b>	<b>2010 Member</b>	<b>Alternate</b>	<b>Hours/Duties</b>
AB 939 Local Task Force	Linda Christopher (Cotati citizen)	Marsha Sue Lustig	Dept.: City Manager Hours: Bi-monthly - Second Thursday of the month - 1:30-3:00 p.m. - at Sonoma County Department of Transportation & Public Works  Duties: To develop goals, policies, and procedures which are consistent with guidelines and regulations adopted by the Board, to guide the development of the Siting Element of the County-wide integrated waste management plan.
Assoc. of Bay Area Governments (ABAG)	Susan Harvey	Mike Landman/ Dianne Thompson	Dept.: City Manager  <i>Note: ABAG Alternates have voting rights</i>
County-Wide Bicycle Advisory Committee	Ben Ford	Marsha Sue Lustig	Dept.: Community Development  Hours: 2-3 hours/month
Marin/Sonoma Mosquito Abatement Dist.	Yvonne Van Dyke	N/A	Represent Cotati's interest on the District Board.

Name of Committee	2010 Member	Alternate	Hours/Duties
REMIF Board of Directors	Dianne Thompson	Jone Hayes	<p>Dept.: Administrative Services</p> <p>Hours: Board meetings 4 times per year from 12:00-2:00 p.m. at Healdsburg City Hall; 2-day annual meeting each January (location rotates); annual PARMA conference each February</p> <p>Duties: Day to day management of risk management activities.</p> <p>Qualifications: Specialized knowledge of risk management; recommended that staff be appointed.</p>
Russian River Watershed Association	Mark Landman	Susan Harvey	<p>Dept.: Public Works</p> <p>Hours: Meetings typically held from 9-11 am on 4th Thursday of the month every other month in Windsor. 2 hours every other month for Board meeting, plus time for preparation, travel, etc.</p> <p>Duties: Attend RRWA Board meetings, as Cotati is a member. This group works on a variety of watershed issues that affect all members in the Russian River Watershed. It is an informational and advocacy group that focuses on watershed pollutants, permit issues, etc. The biggest issue currently is the pending municipal stormwater discharge permits.</p> <p>Qualifications: Should have an interest and preferably background in regional watershed issues.</p>
Solar Sonoma County	Robert Coleman-Senghor	Susan Harvey	<p>Dept.: Public Works/Engineering.</p> <p>Hours: As needed</p> <p>Duties: Identifies opportunities that might contribute to the success of SSC through sharing information about participating organizations' priorities, upcoming projects, and other relevant issues.</p>
Sonoma County Health Action	Susan Harvey	N/A	<p>Meets quarterly.</p> <p>Duties: Work with Health Action members to improve health and health care for all Sonoma County residents</p>

Name of Committee	2010 Member	Alternate	Hours/Duties
Sonoma County Landfill Task Force	Susan Harvey	Mark Landman	Meets as needed.
Sonoma Co. Transportation Authority/Regional Climate Protection Authority (SCTA/RPCA)	Pat Gilardi	Mark Landman	<p>Dept.: Public Works</p> <p>Hours: Meetings typically held from 3:00-5:00 pm on 1st Monday of the month in Santa Rosa. 2 hours every month for SCTA Board meetings, plus time for preparation, travel, etc. Agendas and related documents are lengthy and very time consuming to review. Allow 10 hours minimum per month.</p> <p>Duties: Weigh in on a myriad of transportation related issues, including all modes of transportation. Involved in local and regional (Caltrans) projects. Also evolving to coordinate county wide GHG reduction efforts, which will become important.</p> <p>Qualifications: Should have an interest in and preferably a background in transportation issues, including how they relates to GHG emissions.</p> <p>*This is a critical assignment.</p>
Sonoma Co. Waste Management Agency (SCWMA)	Marsha Sue Lustig	Dianne Thompson	<p>Dept.: City Manager</p> <p>Hours: 6 hours/month</p> <p>Duties: Joint Powers agency with oversight of landfill and county-wide recycling efforts and hazardous materials.</p>
Subregional Wastewater Policy Advisory Comm.	Susan Harvey	Mark Landman	<p>Dept.: Public Works</p> <p>Hours: Quarterly at 7 pm at the Laguna WWTP. There has not been a meeting since Oct. 2007, so time commitment is expected to be minimal.</p> <p>Duties: Weigh in on wastewater issues that affect the City.</p> <p>Qualifications: Should have an interest and background in wastewater issues.</p>

<b>Name of Committee</b>	<b>2010 Member</b>	<b>Alternate</b>	<b>Hours/Duties</b>
Water Advisory Committee	Mark Landman	Susan Harvey	<p>Dept.: Public Works</p> <p>Hours: Meetings typically held from 9-12 am on 1st Monday of the month at the Laguna WWTP. 3 hours every month for WAC Board meetings, plus time for preparation, travel, etc. Agendas and related documents are lengthy and very time consuming to review. Allow 10 hours minimum per month</p> <p>Duties: Weigh in on issues related to SCWA water supply. The upcoming SCWA budget, Draft EIR, Biological Opinion and possible contract negotiations will be very time consuming and may also require out of state travel to advocate on behalf of the City.</p> <p>Qualifications: Should have an interest in and background in regional water supply issues. It will be especially important as the City deals with these issues.</p> <p>*This is a critical assignment. If the representative does not attend the City does not get a vote. Staff are not able to vote on behalf of the City.</p>

**Mayors' and Councilmembers' Association**

<b>Name of Committee</b>	<b><u>2010 Member</u></b>	<b><u>Alternate</u></b>	<b>Hours/Duties</b>
City Selection Committee	Mayor	Vice Mayor	Member and alternate established by Gov't Code § 50270 et seq
Legislative Liaison	Robert Coleman-Senghor	Janet Orchard	<p>Dept.: City Manager.</p> <p>Hours: Meetings the first Friday of the month, at 9:30 a.m. in the Maple room at the Finley Center in Santa Rosa. Meetings are usually 1-1/2 to 2 hours long.</p> <p>Duties: Review all proposed legislation that could have an affect on cities; provide feedback to our League of Cities coordinator. As needed, agendize for our cities letters of support or opposition to a particular piece of legislation.</p>

<b>Name of Committee</b>	<b><u>2010 Member</u></b>	<b><u>Alternate</u></b>	<b>Hours/Duties</b>
League of California Cities' Voting Delegate	(assigned by meeting)	(assigned by meeting)	Annual business meeting.
County Ag. Preservation/ Open Space District Advisory Committee	Janet Orchard	N/A	Appointed by the Mayors' and Councilmembers' Association Board of Directors

**Liaisons**

<b>Name of Agency</b>	<b>2009 Member</b>	<b>Hours/Duties</b>
Chamber of Commerce	Janet Orchard	Attend monthly Chamber of Commerce Board of Director's meetings at 7:30 a.m.
Community and Environment Commission	Janet Orchard	Serve as liaison between the CEC and City Council; optionally attend monthly meetings (2nd Monday of each month) 7:00 -9:00 p.m.; report back to Council as necessary.
Planning Commission	Susan Harvey	Serve as liaison between the PC and City Council; optionally attend meetings first & 3 <sup>rd</sup> Mondays of each month at 7:00 p.m.; report back to Council as necessary. 2-4 hours/month
Design Review Committee	Mark Landman	Serve as liaison between the DRC and City Council; optionally attend meetings first & 3 <sup>rd</sup> Thursdays of each month at 4:30 p.m.; report back to Council as necessary. 2-4 hours/month
Rohnert Park-Cotati Library Advisory Board	Robert Coleman-Senghor	Optionally attend quarterly meetings, normally on the 3 <sup>rd</sup> Tuesday at 6:30 p.m. at the Rohnert Park-Cotati Regional Library. Liaisons are non-voting members.

## **Joint Meeting of City Council and Redevelopment Agency Board of Directors Agenda Consent Calendar**

**Subject:** Receive and File Warrants and Audited Claims for March 24th, 2011 – April 13th, 2011

**Date:** April 27, 2011

**Written by:** Jone Hayes, Director of Administrative Services

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### **Recommendation**

It is recommended that the City Council receive and file the warrants and audited claims (the A/P Check Registers) as submitted.

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### **Background**

Warrants (checks) are created by City Staff in compliance with the following Municipal Code Sections:

**2.12.160 Expenditure control--Purchasing.**

It shall be the duty of the city manager to see that no expenditures shall be submitted or recommended to the city council except on approval of the city manager or his authorized representative. The city manager, or his authorized representative, shall be responsible for the purchase of all supplies for all the departments or divisions of the city. (Ord. 97 §7.9, 1968).

**3.36.010 Expenditures--Compliance required.**

All expenditures of city funds in connection with purchases must be made strictly in accordance with the duly adopted budget, and in order that budgetary control may be effectively exercised, the procedures in this chapter shall be followed. (Ord. 575 §1(part), 1992).

### **Analysis/Discussion**

Warrants and Audited Claims listings (now identified as the A/P Check Registers) list all warrants issued for the period indicated. Per Council action on July 11, 2007 all warrants are released as they are created.

All expenditures of City funds in connection with purchases of services or materials are strictly in accordance with the duly adopted budget and / or Council actions amending the adopted

budget. Expenditures have been approved for payment by either the City Manager or by Department Heads.

**Financial Considerations**

The following is the totals for the Warrants and Audited Claims (the A/P Check Register) issued for the period of March 24, 2011 – April 13, 2011:

April 13, 2011	\$ 132,923.81
April 13, 2011	<u>269.32</u>
Total	\$ 133,193.13

**Environmental Issues**

None.

Attachment:

1. Check Registers (2) dated 04/13/11

PACKET: 00509 Regular Payments

VENDOR SET: 01

## VENDOR SEQUENCE

VENDOR	ITEM NO#	DESCRIPTION	BANK	CHECK	STAT	DUE DT	DT DISC DT	GROSS BALANCE	PAYMENT DISCOUNT
-----									
01-AME04	AMERICAN MESSAGING								
I	M7261760LC	3/1 - 3/31/11	AP		R	3/31/2011		26.38 26.38	26.38CR
I	M7261760LD	4/1 - 4/30/11	AP		R	5/01/2011		42.69 42.69	42.69CR
		VENDOR TOTALS		REG. CHECK				69.07 69.07	69.07CR 0.00
-----									
01-ATT10	AT&T								
I	2236522	7077938562695 2/22 - 3/21/11	AP		R	3/22/2011		15.59 15.59	15.59CR
I	2236536	C607393086777 2/22 - 3/21/11	AP		R	3/22/2011		1,786.18 1,786.18	1,786.18CR
		VENDOR TOTALS		REG. CHECK				1,801.77 1,801.77	1,801.77CR 0.00
-----									
01-BLA04	BLAIRWORKS								
I	3105	WEBSITE HOSTING - MARCH 2011	AP		R	4/01/2011		30.00 30.00	30.00CR
I	3122	WEBSITE UPDATES - MARCH 2011	AP		R	4/12/2011		740.00 740.00	740.00CR
		VENDOR TOTALS		REG. CHECK				770.00 770.00	770.00CR 0.00
-----									
01-BOB01	BOB MURRAY & ASSOCIATES								
I	4178	COMM DEV DIR RECRUITMENT SV	AP		R	3/16/2011		4,805.31 4,805.31	4,805.31CR
		VENDOR TOTALS		REG. CHECK				4,805.31 4,805.31	4,805.31CR 0.00
-----									

VENDOR SEQUENCE

VENDOR	ITEM NO#	DESCRIPTION	BANK	CHECK	STAT	DUE DT	DISC DT	GROSS BALANCE	PAYMENT DISCOUNT
-----									
01-BRE01	BRELJE & RACE, INC.								
	I 61028	WATER SAMPLES - FEB 2011	AP		R	4/28/2011		493.20 493.20	493.20CR
		VENDOR TOTALS		REG. CHECK				493.20 493.20	493.20CR 0.00
-----									
01-BRE02	PETE BREELAND								
	I 032911	AIKIDO INSTRUCTOR - MARCH 2	AP		R	4/28/2011		319.15 319.15	319.15CR
		VENDOR TOTALS		REG. CHECK				319.15 319.15	319.15CR 0.00
-----									
01-BWS01	B.W.S. DISTRIBUTORS, INC.								
	I 97337307	PW SUPPLIES	AP		R	4/27/2011		233.01 233.01	233.01CR
		VENDOR TOTALS		REG. CHECK				233.01 233.01	233.01CR 0.00
-----									
01-CAL21	CALIFORNIA REDEVELOPMENT AS								
	I 4739	LEGAL DEFENSE FUND ASSESSME	AP		R	4/06/2011		200.00 200.00	200.00CR
		VENDOR TOTALS		REG. CHECK				200.00 200.00	200.00CR 0.00
-----									
01-CAR01	CARL'S BODY SHOP								
	I 3432	HEATER CORE - BUCKET TRUCK	AP		R	4/15/2011		202.70 202.70	202.70CR
		VENDOR TOTALS		REG. CHECK				202.70 202.70	202.70CR 0.00
-----									

PACKET: 00509 Regular Payments

VENDOR SET: 01

## VENDOR SEQUENCE

VENDOR	ITEM NO#	DESCRIPTION	BANK	CHECK	STAT	DUE DT	DISC DT	GROSS BALANCE	PAYMENT DISCOUNT
-----									
01-CIN01	CINQUINI & PASSARINO, INC								
	I 22017	INTERMODAL PARCEL MAP	AP		R	4/23/2011		1,240.00 1,240.00	1,240.00CR
		VENDOR TOTALS		REG. CHECK				1,240.00 1,240.00	1,240.00CR 0.00
-----									
01-CIT02	CITY OF CLOVERDALE								
	I 041211	MAYOR/COUNCIL DINNER MTG	AP		R	5/12/2011		200.00 200.00	200.00CR
		VENDOR TOTALS		REG. CHECK				200.00 200.00	200.00CR 0.00
-----									
01-CIT05	CITY OF ROHNERT PARK								
	I 22969	ANIMAL SVCS - MARCH 2011	AP		R	4/06/2011		1,445.96 1,445.96	1,445.96CR
		VENDOR TOTALS		REG. CHECK				1,445.96 1,445.96	1,445.96CR 0.00
-----									
01-CIT12	CITY OF SEBASTOPOL								
	I 033111	BUILDING OFFICIAL SVCS - MA AP			R	4/30/2011		3,427.20 3,427.20	3,427.20CR
		VENDOR TOTALS		REG. CHECK				3,427.20 3,427.20	3,427.20CR 0.00
-----									
01-COM05	COMCAST								
	I 031111A	8155 30 041 0042469 3/16-4/	AP		R	4/10/2011		6.27 6.27	6.27CR
		VENDOR TOTALS		REG. CHECK				6.27 6.27	6.27CR 0.00
-----									

PACKET: 00509 Regular Payments

VENDOR SET: 01

## VENDOR SEQUENCE

VENDOR	ITEM NO#	DESCRIPTION	BANK	CHECK	STAT	DUE DT	DISC DT	GROSS BALANCE	PAYMENT DISCOUNT
-----									
01-COM05	COMCAST								
I	031911	815 30 041 0044085 3/24-4/2 AP			R	4/18/2011		45.36 45.36	45.36CR
		VENDOR TOTALS		REG. CHECK				45.36 45.36	45.36CR 0.00
-----									
01-COM08	THE COMMUNITY VOICE								
I	11447	GEN'L PLAN DISPLAY AD	AP		R	4/23/2011		270.00 270.00	270.00CR
		VENDOR TOTALS		REG. CHECK				270.00 270.00	270.00CR 0.00
-----									
01-COT01	COTATI CHAMBER OF COMMERCE								
I	040111	ECONOMIC DEV SVCS - APR 201 AP			R	5/01/2011		3,000.00 3,000.00	3,000.00CR
		VENDOR TOTALS		REG. CHECK				3,000.00 3,000.00	3,000.00CR 0.00
-----									
01-COT02	COTATI OAKS TRUE VALUE HARD								
I	022511A	725-10018 - PW SUPPLIES	AP		R	3/27/2011		143.41 143.41	143.41CR
		VENDOR TOTALS		REG. CHECK				143.41 143.41	143.41CR 0.00
-----									
01-COU03	COUNTY OF SONOMA FIRE & EME								
I	24900	EMERGENCY SVCS 7/1/10-6/30/ AP			R	4/21/2011		2,000.00 2,000.00	2,000.00CR
		VENDOR TOTALS		REG. CHECK				2,000.00 2,000.00	2,000.00CR 0.00
-----									

PACKET: 00509 Regular Payments

VENDOR SET: 01

## VENDOR SEQUENCE

VENDOR	ITEM NO#	DESCRIPTION	BANK	CHECK	STAT	DUE DT	DISC DT	GROSS BALANCE	PAYMENT DISCOUNT
-----									
01-CUL01	CULLIGAN								
I	031811	#98186 WELL 2 HI-CAP RENTAL AP			R	4/17/2011		37.36 37.36	37.36CR
		VENDOR TOTALS		REG. CHECK				37.36 37.36	37.36CR 0.00
-----									
01-DAP01	JO-ANN DAPIRAN								
I	032811	TOILET RETROFIT REBATE	AP		R	3/28/2011		150.00 150.00	150.00CR
		VENDOR TOTALS		REG. CHECK				150.00 150.00	150.00CR 0.00
-----									
01-DEN06	DE NOVO PLANNING GROUP								
I	1182	GENERAL PLAN UPDATE - FEB 2 AP			R	3/08/2011		13,130.00 13,130.00	13,130.00CR
		VENDOR TOTALS		REG. CHECK				13,130.00 13,130.00	13,130.00CR 0.00
-----									
01-DEP10	DEPARTMENT OF JUSTICE								
I	842713	FINGERPRINT APPS - MARCH 20 AP			R	5/05/2011		32.00 32.00	32.00CR
		VENDOR TOTALS		REG. CHECK				32.00 32.00	32.00CR 0.00
-----									
01-DEP11	DEPARTMENT OF PUBLIC HEALTH								
I	1150659	4910016 SYSTEM FEES 7/10-12 AP			R	4/24/2011		99.20 99.20	99.20CR
		VENDOR TOTALS		REG. CHECK				99.20 99.20	99.20CR 0.00
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PACKET: 00509 Regular Payments

VENDOR SET: 01

## VENDOR SEQUENCE

VENDOR	ITEM NO#	DESCRIPTION	BANK	CHECK	STAT	DUE DT	DISC DT	GROSS BALANCE	PAYMENT DISCOUNT
-----									
01-DIR01	DIRECT MAILING SYSTEMS, INC								
I 69896		K9 DONATION MAILING (879)	AP		R	4/12/2011		325.02 325.02	325.02CR
		VENDOR TOTALS		REG. CHECK				325.02 325.02	325.02CR 0.00
-----									
01-DRA03	DRAF TECH								
I 360476		COPIES	AP		R	5/07/2011		5.48 5.48	5.48CR
I 376921		COPIES	AP		R	5/06/2011		162.08 162.08	162.08CR
		VENDOR TOTALS		REG. CHECK				167.56 167.56	167.56CR 0.00
-----									
01-EMP03	EMPLOYMENT DEVELOPMENT DEPA								
I L2040182784		#932-0425-3	AP		R	4/15/2011		3,803.83 3,803.83	3,803.83CR
		VENDOR TOTALS		REG. CHECK				3,803.83 3,803.83	3,803.83CR 0.00
-----									
01-ESP01	ESP & ALARMS, INC.								
I 17700		CORP YD/WATER TOWER APR-JUN	AP		R	4/19/2011		180.00 180.00	180.00CR
		VENDOR TOTALS		REG. CHECK				180.00 180.00	180.00CR 0.00
-----									
01-EVE02	EVERGREEN OIL INC.								
I 467412		OIL FILTER DISPOSAL - PW	AP		R	4/17/2011		75.00 75.00	75.00CR
		VENDOR TOTALS		REG. CHECK				75.00 75.00	75.00CR 0.00
-----									

PACKET: 00509 Regular Payments

VENDOR SET: 01

## VENDOR SEQUENCE

VENDOR	ITEM NO#	DESCRIPTION	BANK	CHECK	STAT	DUE DT	DISC DT	GROSS BALANCE	PAYMENT DISCOUNT
-----									
01-FIS01	FISHMAN SUPPLY CO.								
I	830288	JANITORIAL SUPPLIES - ALL	AP		R	4/06/2011		399.15 399.15	399.15CR
I	832519	JANITORIAL SUPPLIES - LA PL AP			R	4/29/2011		92.85 92.85	92.85CR
		VENDOR TOTALS		REG. CHECK				492.00 492.00	492.00CR 0.00
-----									
01-FRA06	FRASER & ASSOCIATES								
I	040711	ANN'L DISCLOSURE REPORT	AP		R	5/07/2011		1,430.00 1,430.00	1,430.00CR
		VENDOR TOTALS		REG. CHECK				1,430.00 1,430.00	1,430.00CR 0.00
-----									
01-GRA01	GRAINGER, INC.								
I	9495057078	CORP YARD SUPPLIES	AP		R	4/23/2011		114.93 114.93	114.93CR
		VENDOR TOTALS		REG. CHECK				114.93 114.93	114.93CR 0.00
-----									
01-HAN01	HANSEL FORD								
I	F77319	#19 - CHECK ALTERNATOR	AP		R	4/01/2011		256.96 256.96	256.96CR
		VENDOR TOTALS		REG. CHECK				256.96 256.96	256.96CR 0.00
-----									
01-HAR05	MISTI HARRIS								
I	040611	REIMB FOOD - GP UPDATE MTG	AP		R	5/06/2011		23.68 23.68	23.68CR
		VENDOR TOTALS		REG. CHECK				23.68 23.68	23.68CR 0.00
-----									

PACKET: 00509 Regular Payments

VENDOR SET: 01

## VENDOR SEQUENCE

VENDOR	ITEM NO#	DESCRIPTION	BANK	CHECK	STAT	DUE DT	DISC DT	GROSS BALANCE	PAYMENT DISCOUNT
-----									
01-HAW01	HAWKINS-HAWKINS CO.								
I 11803		STREET SIGNS / SUPPLIES	AP		R	4/17/2011		265.85 265.85	265.85CR
		VENDOR TOTALS		REG. CHECK				265.85 265.85	265.85CR 0.00
-----									
01-HOU02	HOUSING LAND TRUST OF SONOM								
I 1583-06		RYAN LN WORKFORCE HOUSING	AP		R	4/01/2011		1,910.00 1,910.00	1,910.00CR
		VENDOR TOTALS		REG. CHECK				1,910.00 1,910.00	1,910.00CR 0.00
-----									
01-IKO01	IKON OFFICE SOLUTIONS								
I 84536870		COPIER RENT/ADDL COPIES-MAY AP			R	5/05/2011		2,089.20 2,089.20	2,089.20CR
		VENDOR TOTALS		REG. CHECK				2,089.20 2,089.20	2,089.20CR 0.00
-----									
01-INF01	INFOSTOR, INC.								
I 111379		RECORD STORAGE - APRIL 2011 AP			R	5/01/2011		381.09 381.09	381.09CR
I 111380		RECORD STORAGE - APRIL 2011 AP			R	5/01/2011		20.06 20.06	20.06CR
		VENDOR TOTALS		REG. CHECK				401.15 401.15	401.15CR 0.00
-----									
01-INF02	INFOSEND, INC.								
I 49509		STMT PRNTG/GPU INSERT-MARCH AP			R	4/30/2011		2,192.14 2,192.14	2,192.14CR
		VENDOR TOTALS		REG. CHECK				2,192.14 2,192.14	2,192.14CR 0.00
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PACKET: 00509 Regular Payments

VENDOR SET: 01

## VENDOR SEQUENCE

VENDOR	ITEM NO#	DESCRIPTION	BANK	CHECK	STAT	DUE DT	DISC DT	GROSS BALANCE	PAYMENT DISCOUNT
-----									
01-INT11	INTERSTATE SALES								
I 157		PW SUPPLIES - STREET PAINT	AP		R	4/16/2011		754.83 754.83	754.83CR
		VENDOR TOTALS		REG. CHECK				754.83 754.83	754.83CR 0.00
-----									
01-INT14	INTERACTIVE COMPUTER DESIGN								
I 11591		INSITE TRANS FEES 1/1-3/31/	AP		R	4/30/2011		367.50 367.50	367.50CR
		VENDOR TOTALS		REG. CHECK				367.50 367.50	367.50CR 0.00
-----									
01-JOH03	JOHNSON CONTROLS INC.								
I 1-2536665380		HVAC SVC - PD	AP		R	4/13/2011		333.80 333.80	333.80CR
I 1-2606947938		HVAC SVC - PD	AP		R	4/25/2011		799.67 799.67	799.67CR
		VENDOR TOTALS		REG. CHECK				1,133.47 1,133.47	1,133.47CR 0.00
-----									
01-JUD01	JUDICIAL DATA SYSTEM CORP								
I 1930		PARKING CITATIONS - FEB 201	AP		R	4/13/2011		100.00 100.00	100.00CR
		VENDOR TOTALS		REG. CHECK				100.00 100.00	100.00CR 0.00
-----									
01-KAI01	KAISER FOUNDATION HEALTH PL								
I 041211		15832-0000 - MAY 2011	AP		R	5/12/2011		15,274.00 15,274.00	15,274.00CR
		VENDOR TOTALS		REG. CHECK				15,274.00 15,274.00	15,274.00CR 0.00
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PACKET: 00509 Regular Payments

VENDOR SET: 01

## VENDOR SEQUENCE

VENDOR	ITEM NO#	DESCRIPTION	BANK	CHECK	STAT	DUE DT	DISC DT	GROSS BALANCE	PAYMENT DISCOUNT
-----									
01-LEX04	LEXISNEXIS RISK DATA MANAGE								
I	1022911-20110228	MISC INFO SEARCHES - FEB 20 AP			R	2/28/2011		30.00 30.00	30.00CR
		VENDOR TOTALS						30.00 30.00	30.00CR 0.00
-----									
01-LIE01	LIEBERT CASSIDY WHITMORE								
I	126941	CO200 00012 RCB - NEGOTIATI AP			R	3/02/2011		2,432.00 2,432.00	2,432.00CR
I	128284	CO200 00012 RCB - NEGOTIATI AP			R	3/30/2011		817.00 817.00	817.00CR
		VENDOR TOTALS						3,249.00 3,249.00	3,249.00CR 0.00
-----									
01-MAD03	MADDAUS WATER MANAGEMENT								
I	858	TECH ANALYSIS-WATERSMART PI AP			R	3/07/2011		3,615.00 3,615.00	3,615.00CR
		VENDOR TOTALS						3,615.00 3,615.00	3,615.00CR 0.00
-----									
01-MCL01	MCLEA'S TIRE & AUTOMOTIVE								
I	6035336B	1997 GMC REPAIRS - TAX	AP		R	3/30/2011		56.54 56.54	56.54CR
I	6036196	#16 - LUBE/OIL/FILTERS/SVC	AP		R	4/29/2011		240.36 240.36	240.36CR
I	6036331	#14 - VEHICLE SVC	AP		R	5/04/2011		407.86 407.86	407.86CR
		VENDOR TOTALS						704.76 704.76	704.76CR 0.00
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PACKET: 00509 Regular Payments

VENDOR SET: 01

## VENDOR SEQUENCE

VENDOR	ITEM NO#	DESCRIPTION	BANK	CHECK	STAT	DUE DT	DISC DT	GROSS BALANCE	PAYMENT DISCOUNT
-----									
01-MCM03	MCMaster-CARR SUPPLY CO.								
I	80211881	PW SUPPLIES - WELL 3	AP		R	3/15/2011		151.20 151.20	151.20CR
		VENDOR TOTALS		REG. CHECK				151.20 151.20	151.20CR 0.00
-----									
01-MED02	MEDIA GRAPHICS, INC.								
I	14331	BUSINESS CARDS-PEREZ/MURPHY AP			R	4/07/2011		83.22 83.22	83.22CR
		VENDOR TOTALS		REG. CHECK				83.22 83.22	83.22CR 0.00
-----									
01-MIK04	MIKE MCRARY & ASSOCIATES								
I	121310	CHIEF/CM TEAM DEV SEMINAR	AP		R	12/13/2010		648.00 648.00	648.00CR
		VENDOR TOTALS		REG. CHECK				648.00 648.00	648.00CR 0.00
-----									
01-MYE01	MYERS-STEVENS & TOOHEY CO								
I	940200	PD DISABILITY - MAY 2011	AP		R	5/04/2011		253.50 253.50	253.50CR
		VENDOR TOTALS		REG. CHECK				253.50 253.50	253.50CR 0.00
-----									
01-NOR08	NORTH BAY DIVISION, LOCC								
I	041211	QUARTERLY DINNER MTG-HARVEY AP			R	5/12/2011		35.00 35.00	35.00CR
		VENDOR TOTALS		REG. CHECK				35.00 35.00	35.00CR 0.00
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PACKET: 00509 Regular Payments

VENDOR SET: 01

## VENDOR SEQUENCE

VENDOR	ITEM NO#	DESCRIPTION	BANK	CHECK	STAT	DUE DT	DT DISC DT	GROSS BALANCE	PAYMENT DISCOUNT
-----									
01-OFF09	OFFICE DEPOT								
I	556782991001	OFFICE SUPPLIES - PD	AP		R	4/23/2011		62.51 62.51	62.51CR
I	557599500001	OFFICE SUPPLIES	AP		R	4/30/2011		112.40 112.40	112.40CR
		VENDOR TOTALS		REG. CHECK				174.91 174.91	174.91CR 0.00
-----									
01-PAC08	PACE SUPPLY								
I	11152144	PW SUPPLIES - WELL 3	AP		R	4/23/2011		65.55 65.55	65.55CR
I	11155308	PW SUPPLIES	AP		R	4/21/2011		162.78 162.78	162.78CR
I	11156115	PW SUPPLIES	AP		R	4/23/2011		139.27 139.27	139.27CR
I	11157742	PW SUPPLIES - WATER/WELL 3	AP		R	4/23/2011		390.85 390.85	390.85CR
		VENDOR TOTALS		REG. CHECK				758.45 758.45	758.45CR 0.00
-----									
01-PER02	PERSONNEL CONCEPTS								
I	9314484066	COMPLIANCE SVC SUBSCRIPTION	AP		R	3/15/2011		361.19 361.19	361.19CR
		VENDOR TOTALS		REG. CHECK				361.19 361.19	361.19CR 0.00
-----									
01-PIT01	PITNEY BOWES GLOBAL FINANCI								
I	1402322-MR11	#1402322 4/10/11 - 7/10/11	AP		R	4/22/2011		863.96 863.96	863.96CR
		VENDOR TOTALS		REG. CHECK				863.96 863.96	863.96CR 0.00
-----									

PACKET: 00509 Regular Payments

VENDOR SET: 01

## VENDOR SEQUENCE

VENDOR	ITEM NO#	DESCRIPTION	BANK	CHECK	STAT	DUE DT	DT	GROSS BALANCE	PAYMENT DISCOUNT
-----									
01-PIT02	PITNEY BOWES - RESERVE ACCO								
I 040511		#29234655 - REPLENISH POSTA AP			R	5/05/2011		5,000.00 5,000.00	5,000.00CR
		VENDOR TOTALS		REG. CHECK				5,000.00 5,000.00	5,000.00CR 0.00
-----									
01-PRE03	PRESS DEMOCRAT								
I 10700162		PHN - BUILDING FEES	AP		R	4/26/2011		157.57 157.57	157.57CR
		VENDOR TOTALS		REG. CHECK				157.57 157.57	157.57CR 0.00
-----									
01-RED05	REDWOOD COAST PETROLEUM								
I 150759		LUBE OIL - WELL 1	AP		R	4/23/2011		240.20 240.20	240.20CR
		VENDOR TOTALS		REG. CHECK				240.20 240.20	240.20CR 0.00
-----									
01-RED09	REDWOOD LOCK & KEY								
I 100084		SAFE LOCKSET - CR#11-0233	AP		R	4/30/2011		35.00 35.00	35.00CR
I 100155		BLDG OFFICIAL KEY	AP		R	5/06/2011		3.29 3.29	3.29CR
		VENDOR TOTALS		REG. CHECK				38.29 38.29	38.29CR 0.00
-----									
01-REL01	RELIABLE HARDWARE AND STEEL								
I 522555		STREET SIGN POSTS	AP		R	4/13/2011		15.79 15.79	15.79CR
		VENDOR TOTALS		REG. CHECK				15.79 15.79	15.79CR 0.00
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PACKET: 00509 Regular Payments

VENDOR SET: 01

## VENDOR SEQUENCE

VENDOR	ITEM NO#	DESCRIPTION	BANK	CHECK	STAT	DUE DT	DISC DT	GROSS BALANCE	PAYMENT DISCOUNT
-----									
01-REM01	R.E.M.I.F								
I	033111	LTD/LIFE/DENTAL/VISION/EAP	AP		R	4/30/2011		5,639.45 5,639.45	5,639.45CR
I	040411	10/11 WC QUARTERLY PREMIUM	AP		R	5/04/2011		20,659.50 20,659.50	20,659.50CR
		VENDOR TOTALS		REG. CHECK				26,298.95 26,298.95	26,298.95CR 0.00
-----									
01-ROY02	ROYAL COACH CAR WASH								
I	040411	PD/CM CARWASH - MARCH 2011	AP		R	5/04/2011		30.50 30.50	30.50CR
		VENDOR TOTALS		REG. CHECK				30.50 30.50	30.50CR 0.00
-----									
01-SAN10	SANTA ROSA FIRE EQUIPMENT S								
I	132498	EXTINGUISHER SVC - PD	AP		R	4/21/2011		346.66 346.66	346.66CR
I	132702	EXTINGUISHER SVC - PD	AP		R	4/24/2011		27.00 27.00	27.00CR
		VENDOR TOTALS		REG. CHECK				373.66 373.66	373.66CR 0.00
-----									
01-SHA01	SHAMROCK MATERIALS INC.								
I	777613	PW SUPPLIES - PROPANE	AP		R	4/16/2011		14.74 14.74	14.74CR
		VENDOR TOTALS		REG. CHECK				14.74 14.74	14.74CR 0.00
-----									
01-SIM05	SARAH SIMMONS								
I	041211	HIGH-EFFICIENCY WASHER REBA	AP		R	4/12/2011		75.00 75.00	75.00CR
		VENDOR TOTALS		REG. CHECK				75.00 75.00	75.00CR 0.00
-----									

PACKET: 00509 Regular Payments

VENDOR SET: 01

## VENDOR SEQUENCE

VENDOR	ITEM NO#	DESCRIPTION	BANK	CHECK	STAT	DUE DT	DISC DT	GROSS BALANCE	PAYMENT DISCOUNT
-----									
01-SON19	SONOMA COUNTY AUDITOR-CONTR								
I	032411	PARKING CITATIONS - FEB 201 AP			R	4/23/2011		225.50 225.50	225.50CR
		VENDOR TOTALS		REG. CHECK				225.50 225.50	225.50CR 0.00
-----									
01-SON31	SONOMA COUNTY PUBLIC SAFETY								
I	11-28	CAD/RMS O&S 20% (90% YTD)	AP		R	3/31/2011		9,366.21 9,366.21	9,366.21CR
		VENDOR TOTALS		REG. CHECK				9,366.21 9,366.21	9,366.21CR 0.00
-----									
01-SYA01	SYAR INDUSTRIES, INC.								
I	428678	POTHOLING SUPPLIES	AP		R	4/16/2011		87.92 87.92	87.92CR
		VENDOR TOTALS		REG. CHECK				87.92 87.92	87.92CR 0.00
-----									
01-TEL02	TELSTAR INSTRUMENTS INC.								
I	65798	WELL 1A SERVICE	AP		R	4/17/2011		1,913.10 1,913.10	1,913.10CR
		VENDOR TOTALS		REG. CHECK				1,913.10 1,913.10	1,913.10CR 0.00
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01-THE01	THE 24 HOUR HEALTH CLUB								
I	032911	HEALTH CLUB DUES - MARCH 20 AP			R	4/28/2011		170.00 170.00	170.00CR
		VENDOR TOTALS		REG. CHECK				170.00 170.00	170.00CR 0.00
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PACKET: 00509 Regular Payments

VENDOR SET: 01

## VENDOR SEQUENCE

VENDOR	ITEM NO#	DESCRIPTION	BANK	CHECK	STAT	DUE DT	DISC DT	GROSS BALANCE	PAYMENT DISCOUNT
-----									
01-USB01	U.S. BANK CORPORATE PAYMENT								
I	032211	4246 0445 5564 9833 - MAR 2 AP			R	4/21/2011		5,686.89 5,686.89	5,686.89CR
		VENDOR TOTALS		REG. CHECK				5,686.89 5,686.89	5,686.89CR 0.00
-----									
01-VER02	VERIZON WIRELESS								
I	0961759575	270579820-00001 2/22-3/21/1 AP			R	4/20/2011		1,374.46 1,374.46	1,374.46CR
		VENDOR TOTALS		REG. CHECK				1,374.46 1,374.46	1,374.46CR 0.00
-----									
01-WAT06	WATERSMART SOFTWARE, INC.								
I	1	WATERSMART PROJ SETUP FEE AP			R	2/14/2011		2,500.00 2,500.00	2,500.00CR
		VENDOR TOTALS		REG. CHECK				2,500.00 2,500.00	2,500.00CR 0.00
-----									
01-YAM01	ALLEN YAMAOKA								
I	041211	HIGH-EFFICIENCY WASHER REBA AP			R	4/12/2011		75.00 75.00	75.00CR
		VENDOR TOTALS		REG. CHECK				75.00 75.00	75.00CR 0.00
-----									
01-YOU03	YOUR COMPUTER HEROES, LLC								
I	2010190	NETWORK SVCS - MARCH 2011 AP			R	4/05/2011		2,873.75 2,873.75	2,873.75CR
		VENDOR TOTALS		REG. CHECK				2,873.75 2,873.75	2,873.75CR 0.00
-----									

PACKET: 00508 US - Refund

VENDOR SET: 01 City of Cotati

SEQUENCE : ALPHABETIC

DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----	ITM DATE BANK CODE	-----DESCRIPTION-----	GROSS DISCOUNT	P.O. # G/L ACCOUNT	--ACCOUNT NAME--
01-1	Misc Vendor				
I-000201104130312	4/13/2011 AP	LINGRON, FERN DUE: DISC: 05-0840-00	50.01	1099: 012 0100-20049.0100	INTERIM ACCOUNT
I-000201104130313	4/13/2011 AP	KIRKBRIDE, JEFFREY & SARAH DUE: DISC: 07-1570-02	1.03	1099: 012 0100-20049.0100	INTERIM ACCOUNT
I-000201104130314	4/13/2011 AP	WALKER, LOGAN DUE: DISC: 07-1800-05	108.62	1099: 012 0100-20049.0100	INTERIM ACCOUNT
I-000201104130315	4/13/2011 AP	PARTIN, MICHAEL DUE: DISC: 07-2880-02	109.66	1099: 012 0100-20049.0100	INTERIM ACCOUNT
		=== VENDOR TOTALS ===	269.32		
		=== PACKET TOTALS ===	269.32		

PACKET: 00508 US - Refund  
VENDOR SET: 01 City of Cotati  
SEQUENCE : ALPHABETIC  
DUE TO/FROM ACCOUNTS SUPPRESSED

\*\* T O T A L S \*\*

INVOICE TOTALS 269.32  
DEBIT MEMO TOTALS 0.00  
CREDIT MEMO TOTALS 0.00

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BATCH TOTALS 269.32

\*\* G/L ACCOUNT TOTALS \*\*

BANK	YEAR	ACCOUNT	NAME	AMOUNT	=====LINE ITEM=====			=====GR
					ANNUAL BUDGET	BUDGET AVAILABLE	OVER BUDG	ANNUAL BUDGET
	2010-2011	012-0100-20049.0100	INTERIM ACCOUNT FOR REFU	269.32				
		012-0100-20050.0000	ACCTS. PAYABLE	269.32-*				
		999-0100-10010.0000	CASH CLEARING	269.32 *				
			** 2010-2011 YEAR TOTALS	269.32				

0000 ERRORS 0000 WARNINGS

\*\* END OF REPORT \*\*

TOTAL ERRORS: 0 TOTAL WARNINGS: 0

# City of Cotati

Sonoma County, California



## NOTICE

### **SPECIAL JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF COTATI AND THE BOARD OF DIRECTORS OF THE COTATI COMMUNITY REDEVELOPMENT AGENCY WEDNESDAY APRIL 27, 2011, 8:00 PM**

NOTICE IS HEREBY GIVEN that a special meeting of the City of Cotati and the Board of Directors of the Cotati Community Redevelopment Agency will be held on Wednesday April 27, 2011 at 8:00 p.m. or shortly thereafter in the City Council Chamber in Cotati City Hall, which is located at 201 West Sierra Avenue, Cotati, California. The purpose of the meeting is:

#### **ADOPTION OF A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) AND THE CITY COUNCIL OF THE CITY OF COTATI; AND INTRODUCTION OF AN ORDINANCE AUTHORIZING THE AMENDMENT TO PERS AGREEMENT (Administrative Services) (Action)**

It is recommended that the City Council adopt a motion to 1) approve a Resolution of Intention to approve an amendment to the contract between the Board of Administration of the Public Employees' Retirement System (PERS) and the City Council of the City of Cotati and 2) introduce an Ordinance Authorizing the Amendment to PERS Agreement

Pursuant to California Government Code section 54954.3(a), members of the public wishing to address the Council may do so at the beginning of the special meeting, and such comments shall be limited to the closed session meeting topic.

Certification of Posting of the Notice: I declare under penalty of perjury that I am employed by the City of Cotati and that I posted this notice on the bulletin boards of City Hall, Veterans' Memorial Building and the U.S. Post Office on or before April 26, 2011

/s/ Tamara Taylor, Deputy City Clerk

# Special Joint Meeting of City Council and Redevelopment Agency Board of Directors Agenda

**Subject:** Adoption of a Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration of the Public Employees' Retirement System and the City Council of the City of Cotati

Introduction of an Ordinance Authorizing an Amendment to the Contract Between the Board of Administration of the Public Employees' Retirement System and the City Council of the City of Cotati

**Date:** April 27, 2011

**Written by:** Jone Hayes, Director of Administrative Services

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## **Recommendation**

It is recommended that the City Council adopt a resolution of intention and introduce an ordinance to approve an amendment to the contract between the Board of Administration of the Public Employees' Retirement System and the City Council of the City of Cotati.

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## **Background**

The current Memoranda of Understanding (MOU) or MOU side letter agreement for the City of Cotati bargaining units contain the following provisions for the implementation of second tier retirement benefits:

### **Cotati Police Management Association (CPMA):**

#### Section 9.01. Public Employees' Retirement System (PERS)

...Sworn safety employees hired on or after the date the City adopts a resolution to establish a second pension tier will receive a CalPERS retirement benefits based on the 2% at 50 formula, as provided under California Public Employees Retirement Law, calculated on average income of the three highest years, and will pay the full CalPERS employee contribution.

### **Cotati Police Officer's Association (CPOA):**

#### Section 9.01. Public Employees' Retirement System (PERS)

...Sworn safety employees hired on or after the date the City adopts a resolution to establish a second pension tier will receive a CalPERS retirement benefits based on the 2% at 50 formula, as

provided under Government Code section 21362, calculated on average income of the three highest years, and will pay the full CalPERS employee contribution.

Cotati Employee's Association (CEA):

Section 9.01B. Public Employees' Retirement System (PERS)

Second Tier Pension

Employees hired on or after the date of adoption of the amended City contract with CalPERS will be covered under the 2% at 60 formula, calculated using the average of three highest years, and will pay the full CalPERS employee contribution.

**Analysis/Discussion**

The City has requested, received and paid for an actuarial valuation reports from PERS which defined the costs for the following reduced benefits:

-Section 20475 – Different Level of Benefits for New Employees

The second tier benefits have been negotiated with the three bargaining units as indicated above.

Staff has received the necessary documents in order to proceed with implementation by the City Council of the amendment to the contract with PERS for the reduced benefit. That amendment is embodied in Resolution and Ordinance attached hereto for your review and approval.

The resolution and ordinance are the next steps in the process of amending the agreement with PERS. The new retirement rates will be calculated from employees' beginning hire date.

**Financial Considerations**

The actuarial valuation reports received from PERS show the following changes in the estimated FY 11-12 employer contribution rates:

	<u>Existing</u>	<u>2<sup>nd</sup> Tier</u>
Safety	44.792%	19.169%
Miscellaneous	23.719%	8.197%

**Environmental Issues**

None.

Attachments:

1. Resolution
2. Ordinance

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF COTATI**

**WHEREAS**, the Public Employees' Retirement Law permits the participation of public Agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

**WHEREAS**, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

**WHEREAS**, the following is a statement of the proposed changes:

Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

Section 20475 (Different Level of Benefits). Section 21362 (2% @ 50 Full formula) is applicable to local safety members entering membership for the first time in the safety classification after the effective date of this amendment to contract.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cotati does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

**IT IS HEREBY CERTIFIED** that the foregoing resolution was duly introduced and legally adopted at a special meeting of the City Council of the City of Cotati held on the 27th day of April, 2011 by the following vote, to wit:

ORCHARD \_\_\_\_\_  
HARVEY \_\_\_\_\_  
GILARDI \_\_\_\_\_  
LANDMAN \_\_\_\_\_

Approved: \_\_\_\_\_  
Janet Orchard, Mayor

Attest: \_\_\_\_\_  
Tamara Taylor, Deputy City Clerk

Approved as to form:

\_\_\_\_\_  
Rich Rudnansky, City Attorney



**EXHIBIT**

California  
Public Employees' Retirement System

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**AMENDMENT TO CONTRACT**

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Cotati

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The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective December 1, 1969, and witnessed October 16, 1969, and as amended effective June 1, 1981, July 1, 1983, November 14, 1986, December 25, 1987, August 12, 1995, October 15, 1998, May 16, 1999, July 1, 2002 and October 1, 2007 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

A. Paragraphs 1 through 13 are hereby stricken from said contract as executed effective October 1, 2007, and hereby replaced by the following paragraphs numbered 1 through 16 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members entering membership in the miscellaneous classification on or prior to the effective date of this amendment to contract, age 60 for local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract, and age 50 for local safety members.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after December 1, 1969 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
  
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  
  - (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.
  
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
  
  - (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.
  
  - (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.

- (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.
  - (g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.
- 4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
  - a. Local Police Officers (herein referred to as local safety members);
  - b. Employees other than local safety members (herein referred to as local miscellaneous members).
- 5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
  - a. **PERSONS COMPENSATED ON AN HOURLY BASIS; AND**
  - b. **FIRE FIGHTERS.**
- 6. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment before and not on or after October 1, 2007 shall be determined in accordance with Section 21354 of said Retirement Law subject to the reduction provided therein for service prior to December 31, 1980, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
- 7. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment on or after October 1, 2007 and not entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354.5 of said Retirement Law subject to the reduction provided therein for service prior to December 31, 1980, termination of Social Security, for members whose service has been included in Federal Social Security (2.7% at age 55 Full and Modified).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

8. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member entering membership in the safety classification on or prior to the effective date of this amendment to contract shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
10. The percentage of final compensation to be provided for each year of credited current service as a local safety member entering membership for the first time in the safety classification after the effective date of this amendment to contract shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).
11. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 21572 (Increased Level of 1959 Survivor Benefits) for local safety members only.
  - b. Section 20938 (Limit Prior Service to Members Employed on Contract Date) applicable to elected officials in office on November 14, 1986.
  - c. Section 20965 (Credit for Unused Sick Leave).
  - d. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local miscellaneous members only.
  - e. Section 20042 (One-Year Final Compensation) for local miscellaneous members only.
  - f. Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

Section 21362 (2% @ 50 Full formula) is applicable to local safety members entering membership for the first time in the safety classification after the effective date of this amendment to contract.

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12. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on June 1, 1981. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
13. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
14. Public Agency shall also contribute to said Retirement System as follows:
  - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.
  - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract 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 periodic investigation and valuations required by law.
  - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
15. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

16. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF COTATI

BY \_\_\_\_\_  
LORI MCGARTLAND, CHIEF  
EMPLOYER SERVICES DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF COTATI AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COTATI DOES ORDAIN AS FOLLOWS:**

**SECTION 1.**

That an amendment to the contract between the City Council of the City of Cotati and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

**SECTION 2.**

The Mayor of the City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

**SECTION 3. Severability.**

The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter.

**SECTION 4. Effective Date.**

This ordinance shall become effective 30 days after the date of its adoption. Before the expiration of 15 days after the adoption of this ordinance, a summary hereof shall be published once, with the names of the members of this Council voting for or against the same in a newspaper of general circulation published in the City of Cotati.

**IT IS HEREBY CERTIFIED** that the foregoing ordinance was duly introduced at a special meeting of the City Council of the City of Cotati held on the 27th day of April, 2011 by the following vote, to wit:

ORCHARD  
HARVEY  
GILARDI  
LANDMAN

Approved: \_\_\_\_\_  
Janet Orchard, Mayor

Attest: \_\_\_\_\_  
Tamara Taylor, Deputy City Clerk

Approved as to form:

\_\_\_\_\_  
Rich Rudnansky, City Attorney



**EXHIBIT**

California  
Public Employees' Retirement System

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**AMENDMENT TO CONTRACT**

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Cotati

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The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective December 1, 1969, and witnessed October 16, 1969, and as amended effective June 1, 1981, July 1, 1983, November 14, 1986, December 25, 1987, August 12, 1995, October 15, 1998, May 16, 1999, July 1, 2002 and October 1, 2007 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 13 are hereby stricken from said contract as executed effective October 1, 2007, and hereby replaced by the following paragraphs numbered 1 through 16 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members entering membership in the miscellaneous classification on or prior to the effective date of this amendment to contract, age 60 for local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract, and age 50 for local safety members.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after December 1, 1969 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
  
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  
  - (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.
  
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
  
  - (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.
  
  - (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.

- (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.
  - (g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.
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  - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract 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 periodic investigation and valuations required by law.
  - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
15. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

16. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF COTATI

BY \_\_\_\_\_  
LORI MCGARTLAND, CHIEF  
EMPLOYER SERVICES DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk