



## AGENDA REPORT

**Meeting Date:** April 15, 2008  
**Item Number:** F-10  
**To:** Honorable Mayor & City Council  
**From:** City Attorney  
**Subject:** A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS FOR PAYING AND REPORTING TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM THE VALUE OF EMPLOYER-PAID MEMBER CONTRIBUTIONS FOR CITY MANAGER AND CITY CLERK.  
**Attachments:** 1. CalPERS Resolution

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### INTRODUCTION

The City currently pays to CalPERS, on behalf of the City Manager and City Clerk, the employees' retirement contributions. CalPERS law permits the City to choose to report the value of these employer-paid retirement contributions as compensation earnable.

### DISCUSSION

This resolution would implement Government Code Section 20636(c)(4) and would approve reporting to CalPERS the value of employer-paid retirement contributions as compensation earnable – better known as PERS-on-PERS. This benefit has previously been extended to members of the executive employee group. However, because the City Clerk and City Manager are employed directly by the City Council and have separate employment contracts, they were not included in the City Council's previous action to extend this benefit to the executive employee group.

### FISCAL IMPACT

No additional cost is anticipated in connection with reporting to CalPERS as compensation earnable the value of employer-paid retirement contributions. A separate item on the April 15 agenda reduces the base salaries of the City Manager and the City Clerk by an amount equivalent to the small anticipated cost associated with this change in reporting.

  
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Laurence S. Wiener, City Attorney

RESOLUTION NO. 08-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF  
BEVERLY HILLS FOR PAYING AND REPORTING TO  
THE CALIFORNIA PUBLIC EMPLOYEES'  
RETIREMENT SYSTEM THE VALUE OF EMPLOYER  
PAID MEMBER CONTRIBUTIONS FOR CITY  
MANAGER AND CITY CLERK.

WHEREAS the Council of the City of Beverly Hills (the "Council") has the authority to implement Government Code Section 20636(c)(4) pursuant to Government Code Section 20691;

WHEREAS, the Council has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer and reported as additional compensation;

WHEREAS, one of the steps in the procedures to implement Government Code Section 20691 is the adoption by the Council of a resolution to commence paying and reporting the value of said Employer Paid Member Contributions (EPMC);

WHEREAS, the Council has identified the following conditions for the purpose of its election to pay EPMC :

- This benefit shall apply to the City Manager and the City Clerk.
- This benefit shall consist of paying one hundred percent (100%) of the normal contributions as EPMC, and reporting the same percent (value) of compensation earnable (excluding Government Code Section 20636(c)(4)) as additional compensation.

NOW THEREFORE, the Council of the City of Beverly Hills does hereby resolve as follows:

Section 1. The City Council hereby elects to pay and report the value of EPMC, as set forth above, effective May 1, 2008.

Section 2. The Chief Financial Officer or his/her designate shall oversee the City's compliance with this resolution.

Section 3. The Assistant City Clerk shall certify to the adoption of this Resolution and shall cause this Resolution and her certification to be entered in the Book of Resolutions of the Council of this City.

Adopted:

CITY OF BEVERLY HILLS  
A Municipal Corporation

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BARRY BRUCKER  
Mayor of the City of Beverly Hills,  
California

ATTEST:

\_\_\_\_\_(SEAL)  
PATTY OGDEN  
Assistant City Clerk

APPROVED AS TO FORM:

  
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LAURENCE S. WIENER  
City Attorney