

ORDINANCE NO. 384

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS AMENDING THE HAWAIIAN GARDENS MUNICIPAL CODE CHAPTER 2.44, AMENDING SECTIONS 2.44.030 AND 2.44.040, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF HAWAIIAN GARDENS AND THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, AND RESCINDING AND REPEALING ORDINANCE NO. 383 IN ITS ENTIRETY.

The City Council of City of Hawaiian Gardens does ordain as follows:

SECTION 1. Section 2.44.030 is hereby amended to read as follows:

Section 2.44.030-Contract Amendment: An amendment to the Contract between the City Council of the City of Hawaiian Gardens and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked "Exhibit A", and by such reference made a part hereof as though herein set out in full, a copy of which is available at the office of the City Clerk.

SECTION 2. Ordinance No. 383 adopted the 24th day of September, 1991, is hereby repealed and rescinded in its entirety.

SECTION 3. Section 2.44.040 is hereby amended to read as follows:

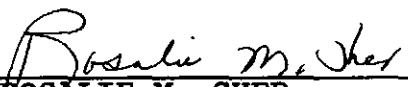
Section 2.44.040 - Contract Execution: The Mayor of the City of Hawaiian Gardens is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

OK'D.  
384

**SECTION 4.** This ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of fifteen (15) days from the passage thereof shall be published at least once in a newspaper of general circulation, published and circulated in the City of Hawaiian Gardens, and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED, AND ADOPTED THIS 10th DAY OF December, 1991, BY THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS.


ATTEST:

  
ROSALIE M. SHER  
MAYOR  
CITY OF HAWAIIAN GARDENS

  
CAROL J. DORFMEYER  
CITY CLERK  
CITY OF HAWAIIAN GARDENS

I, Carol J. Dorfmeier, City Clerk of the City of Hawaiian Gardens do hereby certify that Ordinance No. 384 was duly and regularly passed, and adopted by the City Council of the City of Hawaiian Gardens on the 10th day of December 1991, by the following roll call vote, as the same appears on file and of record in the office of the City Clerk.

AYES: Wagner, Ruggeri, Navejas, Sher  
NOES: None  
ABSENT: Flores  
ABSTAIN: None

  
CAROL J. DORFMEYER  
CITY CLERK  
CITY OF HAWAIIAN GARDENS

**EXHIBIT "A"**

**AMENDMENT TO CONTRACT  
BETWEEN THE  
BOARD OF ADMINISTRATION  
OF THE  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
AND THE  
CITY COUNCIL  
OF THE  
CITY OF HAWAIIAN GARDENS**

The Board of Administration, Public Employee's Retirement System, hereinafter referred to as Board, and the governing body of above public agency, hereinafter referred to as Public Agency, having entered into a contract effective October 15, 1970, and witnessed September 17, 1970, and as amended effective August 25, 1980, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 9 are hereby stricken from said contract as executed effective August 25, 1980, and hereby replaced by the following paragraphs number 1 through 11 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 60 for local miscellaneous members.
  2. Public Agency shall participate in the Public Employee's Retirement System from and after October 15, 1970, 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. 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. Employees other than local safety members (herein referred to as local miscellaneous members).

PERS AMENDMENT AGREEMENT  
EXHIBIT "A" OF ORDINANCE NO. 383

4. 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. SAFETY EMPLOYEES.**

5. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member shall be determined in accordance with Section 21251.13 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 60 Modified and Full).

6. Public Agency elected to be subject to the following optional provisions:

a. Sections 21263 and 21263.1 (Post-Retirement Survivor Allowance)

b. Section 20930.3 (Military Service Credit as Public Service), Statutes of 1976.

7. Public Agency, in accordance with Government Code Section 20740, ceased to be an "employer" for purposes of Section 20759 effective on August 25, 1980. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20759, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20759.

8. 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 of said Retirement System.

9. Public Agency shall also contribute to said Retirement System as follows:

a. 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.

b. 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.

10. 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 periodic investigation and valuation required by said Retirement Law.

11. 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 \_\_\_\_\_, 1991.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES'  
RETIREMENT SYSTEM

CITY COUNCIL  
OF THE  
CITY OF HAWAIIAN GARDENS

BY \_\_\_\_\_  
CHIEF, CONTRACT SERVICES  
DIVISION, PUBLIC EMPLOYEES  
RETIREMENT SYSTEM

BY \_\_\_\_\_  
ROSALIE M. SHER  
MAYOR  
PRESIDING OFFICER

\_\_\_\_\_  
WITNESS DATE

ATTEST:

\_\_\_\_\_  
CAROL J. DORFMEYER  
CITY CLERK

PERS\AMEND

PERS AMENDMENT AGREEMENT  
EXHIBIT "A" OF ORDINANCE NO. 383

**AGENDA ITEM NO. 8**

**A REPORT TO THE HONORABLE MAYOR  
AND MEMBERS OF THE CITY COUNCIL  
FROM THE OFFICE OF THE CITY ADMINISTRATOR**

**REGULAR CITY COUNCIL MEETING OF DECEMBER 10, 1991**

**SUBJECT: ORDINANCE NO. 384/SECOND READING/AMENDING THE  
HAWAIIAN GARDENS MUNICIPAL CODE CHAPTER 2.44,  
AMENDING SECTIONS 2.44.030 AND 2.44.040  
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN  
THE CITY OF HAWAIIAN GARDENS AND THE BOARD OF  
ADMINISTRATION OF THE CALIFORNIA PUBLIC  
EMPLOYEE'S RETIREMENT SYSTEM AND RESCINDING AND  
REPEALING ORDINANCE NO. 383 IN ITS ENTIRETY.**

**DISCUSSION:**

At the regular meeting of November 26, 1991, the City Council took action to waive further reading and introduce Ordinance No. 384. It is now before the Council for final adoption.

**COUNCIL ACTION:**

Waive further reading and adopt Ordinance No. 384.

ORDINANCE NO.384

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS AMENDING THE HAWAIIAN GARDENS MUNICIPAL CODE CHAPTER 2.44, AMENDING SECTIONS 2.44.030 AND 2.44.040, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF HAWAIIAN GARDENS AND THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, AND RESCINDING AND REPEALING ORDINANCE NO. 383 IN ITS ENTIRETY.

The City Council of City of Hawaiian Gardens does ordain as follows:

SECTION 1. Section 2.44.030 is hereby amended to read as follows:

Section 2.44.030-Contract Amendment: An amendment to the Contract between the City Council of the City of Hawaiian Gardens and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked "Exhibit A", and by such reference made a part hereof as though herein set out in full, a copy of which is available at the office of the City Clerk.

SECTION 2. Ordinance No. 383 adopted the 24th day of September, 1991, is hereby repealed and rescinded in its entirety.


SECTION 3. Section 2.44.040 is hereby amended to read as follows:


Section 2.44.040 - Contract Execution: The Mayor of the City of Hawaiian Gardens is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

**SECTION 4.** This ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of fifteen (15) days from the passage thereof shall be published at least once in a newspaper of general circulation, published and circulated in the City of Hawaiian Gardens, and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED, AND ADOPTED THIS 21st DAY OF JANUARY, 1992, BY THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS.

ATTEST:

  
ROSALIE M. SHER  
MAYOR  
CITY OF HAWAIIAN GARDENS

  
CAROL J. DORFMEYER  
CITY CLERK  
CITY OF HAWAIIAN GARDENS

I, Carol J. Dorfmeier, City Clerk of the City of Hawaiian Gardens do hereby certify that Ordinance No. 384 was duly and regularly passed, and adopted by the City Council of the City of Hawaiian Gardens on the 21st day of January, 1992, by the following roll call vote, as the same appears on file and of record in the office of the City Clerk.  
AYES: Wagner, Ruggeri, Navejas, Flores, Sher  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
CAROL J. DORFMEYER  
CITY CLERK  
CITY OF HAWAIIAN GARDENS

**AGENDA ITEM NO. 11**

**A REPORT TO THE HONORABLE MAYOR AND  
MEMBERS OF THE CITY COUNCIL FROM  
THE OFFICE OF THE CITY ADMINISTRATOR**

**REGULAR CITY COUNCIL MEETING OF JANUARY 14, 1992**

**SUBJECT:           ORDINANCE NO. 384/SECOND READING/AMENDING  
THE HAWAIIAN GARDENS MUNICIPAL CODE CHAPTER  
2.44, SECTIONS 2.44.030 AND 2.44.040,  
AUTHORIZING AN AMENDMENT TO THE CONTRACT  
BETWEEN THE CITY OF HAWAIIAN GARDENS AND  
THE BOARD OF ADMINISTRATION OF THE PUBLIC  
EMPLOYEES RETIREMENT SYSTEM AND REPEALING  
AND RESCINDING ORDINANCE NO. 383 IN ITS  
ENTIRETY.**

**DISCUSSION**

The City Council at their regular meeting of December 10, 1991, took action to adopt Resolution No. 137-91. At that meeting the City Council also adopted Ordinance No. 384. However, it appears that the Ordinance was adopted prematurely, as the Government Code Section 20460 requires that there be 20 day between the adoption of the Resolution of intent and the final adoption of the ordinance.

Staff has contacted PERS, and they have indicated that the Ordinance can be adopted again, which would mitigate the error. Therefore, Ordinance No. 384 is being placed on the agenda for adoption.

**COUNCIL ACTION**

That the City Council waive further reading and adopt Ordinance No. 384.

File to  
ORD

**PROOF OF PUBLICATION**  
(2015.5 C.C.P.)

This space is for the County Clerk's Filing Stamp

STATE OF CALIFORNIA,  
COUNTY OF LOS ANGELES,

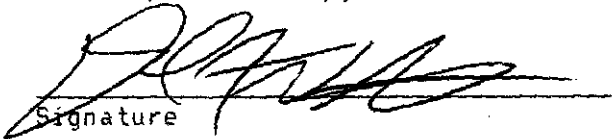
I am a citizen of the United States States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Long Beach Press-Telegram, a newspaper of general circulation, printed and published 7 times each week in the City of Long Beach, County of Los Angeles, and which newspaper has been adjudged a legal newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of March 21, 1934.

Case Number 370512; that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

Jan. 31,  
All in the year 1992.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Long Beach, California, this 31st day of January, 1992.

  
Signature

Press-Telegram Legal  
Advertising Department

604 Pine Ave., Long Beach, Ca., 90844  
(310) 499-1236

**PROOF OF PUBLICATION OF**  
City of Hawaiian Gardens  
ORDINANCE NO. 384

**CITY OF HAWAIIAN GARDENS  
ORDINANCE NO. 384**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS AMENDING THE HAWAIIAN GARDENS MUNICIPAL CODE CHAPTER 244, AMENDING SECTIONS 244.030 AND 244.040, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF HAWAIIAN GARDENS AND THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM, AND RESCINDING AND REPEALING ORDINANCE NO. 363 IN ITS ENTIRETY.**

**THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES OBTAIN AS FOLLOWS:**

**SECTION 1.** Section 244.080 is hereby amended to read as follows:  
**SECTION 244.080-CONTRACT AMENDMENT:**  
An amendment to the contract between the City Council of the City of Hawaiian Gardens and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked "Exhibit A", and by such reference made a part hereof as though herein set out in full, a copy of which is available at the office of the City Clerk.

**SECTION 2.** Ordinance No. 363 adopted the 24th day of September, 1991, is hereby repealed and rescinded in its entirety.

**SECTION 3.** Section 244.040 is hereby amended to read as follows:  
**SECTION 244.040 - Contract Execution:** The Mayor of the City of Hawaiian Gardens is hereby authorized, empowered, and directed to execute said amendment for an on behalf of said Agency.

**SECTION 4.** This ordinance shall take effect 90 days after the date of its adoption, and prior to the expiration of fifteen (15) days from the passage thereof shall be published at least once in a newspaper of general circulation, published and circulated in the City of Hawaiian Gardens, and thenceforth and thereafter the same shall be in full force and effect.

**PASSED, APPROVED, AND ADOPTED  
THIS 21st of JANUARY, 1992  
BY THE CITY COUNCIL OF THE  
CITY OF HAWAIIAN GARDENS**

ATTEST: ROSALIE M. SHER  
MAYOR  
CITY OF HAWAIIAN GARDENS

CAROL J. DORFMEYER  
CITY CLERK  
CITY OF HAWAIIAN GARDENS

I, Carol J. Dorfmeier, City Clerk of the City of Hawaiian Gardens do hereby certify that Ordinance NO. 384 was duly and regularly passed and adopted by the City Council of the City of Hawaiian Gardens on the 21st day of January, 1992, by the following roll call vote, as the same appears on file and of record in the office of the City Clerk.

AYES: Wagner, Ruggieri, Navejas, Flores, Sher  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

CAROL J. DORFMEYER  
CITY CLERK  
CITY OF HAWAIIAN GARDENS

Pub. Jan 31, 1992 (16PT) (759246-Govt)

**PROOF OF PUBLICATION**  
(2015.5 C.C.P.)

STATE OF CALIFORNIA,  
COUNTY OF LOS ANGELES,


I am a citizen of the United States States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Long Beach Press-Telegram, a newspaper of general circulation, printed and published 7 times each week in the City of Long Beach, County of Los Angeles, and which newspaper has been adjudged a legal newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of March 21, 1934.

Case Number 370512; that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

Dec. 20,  
All in the year 1991.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Long Beach, California, this 20th day of December, 1991.

  
\_\_\_\_\_  
Signature

Press-Telegram Legal  
Advertising Department

604 Pine Ave., Long Beach, Ca., 90844  
(310) 499-1236

This space is for the County Clerk's Filing Stamp

**PROOF OF PUBLICATION OF**  
City of Hawaiian Gardens  
Ordinance No. 384

**ORDINANCE NO. 384**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS AMENDING THE HAWAIIAN GARDENS MUNICIPAL CODE CHAPTER 3.44, AMENDING SECTIONS 2.44.030 AND 2.44.040, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF HAWAIIAN GARDENS AND THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, AND RESCINDING AND REPEALING ORDINANCE NO. 383 IN ITS ENTIRETY.**

The City Council of the City of Hawaiian Gardens does ordain as follows:

**SECTION 1.** Section 2.44.030 is hereby amended to read as follows:

Section 2.44.030- Contract Amendment: An amendment to the Contract between the City Council of the City of Hawaiian Gardens and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked "Exhibit A", and by such reference made a part hereof as though herein set out in full, a copy of which is available at the office of the City clerk.

**SECTION 2.** Ordinance No. 383 adopted the 24th day of September, 1991, is hereby repealed and rescinded in its entirety.

**SECTION 3.** Section 2.44.040 is hereby amended to read as follows:

Section 2.44.040- Contract Execution: The Mayor of the City of Hawaiian Gardens is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

**SECTION 4.** This ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of fifteen (15) days from the passage thereof shall be published at least once in a newspaper of general circulation, published and circulated in the City of Hawaiian Gardens, and thenceforth and thereafter the same shall be in full force and effect.

**PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF DECEMBER, 1991, BY THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS.**

R. ROSALIE M. SHER  
Mayor, City of Hawaiian Gardens

**ATTEST:**  
CAROL J. DORFMEYER  
City Clerk, City of Hawaiian Gardens

I, Carol J. Dorfmeier, City Clerk of the City of Hawaiian Gardens do hereby certify that Ordinance No. 384 was duly and regularly passed, and adopted by the City Council of the City of Hawaiian Gardens on the 10th day of December, 1991, by the following roll call vote, as the same appears on file and of record in the office of the City Clerk.

**AYES:** COUNCILMEMBERS: Wagner, Ruggieri, Navejas, Sher  
**NOES:** COUNCILMEMBERS: None  
**ABSENT:** COUNCILMEMBERS: Flores  
**ABSTAIN:** COUNCILMEMBERS: None

CAROL J. DORFMEYER  
City Clerk, City of Hawaiian Gardens

**EXHIBIT "A" IS ON FILE IN THE CITY CLERK'S DEPARTMENT FOR REVIEW.**  
(Pub. Dec. 20, 1991(14) PT(736668-Govt.)