

**SANTA CLARITA VALLEY WATER AGENCY**

**RESOLUTION AUTHORIZING A CONTRACT**

No. SCV-72

WHEREAS, the Public Employees' Retirement Law provides for the participation of a Public Agency in the California Public Employees' Retirement System, making its employees members of said System; and

WHEREAS, the Board of Directors of the Santa Clarita Valley Water Agency on December 4, 2018, adopted a Resolution giving notice of intention to approve a contract providing for such participation; and

NOW, THEREFORE, BE IT RESOLVED, that a contract between the Board of Directors of the Santa Clarita Valley Water Agency and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said contract being attached hereto and by such reference made a part hereof as though herein set out in full; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the presiding officer of said governing body is hereby authorized, empowered and directed to execute said contract for and on behalf of said public agency.

Adopted this 4th day of December, 2018.

  
Presiding Officer

Attest:

  
Clerk or Secretary



I, the undersigned, hereby certify: That I am the duly appointed and acting Secretary of the Santa Clarita Valley Water Agency, and that at a regular meeting of the Board of Directors of said Agency held on December 4, 2018, the foregoing Resolution No. SCV-72 was duly and regularly adopted by said Board, and that said resolution has not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

Dated: December 4, 2018

  
Secretary





California  
Public Employees' Retirement System

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# CONTRACT

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
Board of Directors  
Santa Clarita Valley Water Agency

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In consideration of the covenants and agreement hereafter contained and on the part of both parties to be kept and performed, the governing body of above public agency, hereafter referred to as "Public Agency", and the Board of Administration, California Public Employees' Retirement System, hereafter referred to as "Board", hereby agree as follows:

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 classic local miscellaneous members and age 62 for new local miscellaneous members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after January 5, 2019 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's participation in the Public Employees' Retirement System is based on the Board's reasonable, good faith interpretation of current Internal Revenue Service Guidance that Public Agency as constituted at the time of this Agreement is eligible to participate in a governmental plan within the meaning of Internal Revenue Code Section 414(d). Public Agency's continued participation shall be subject to the Board's determination of the Public Agency's status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d), upon publication of final Treasury Regulations pursuant to such Section (the "Final Regulations"). If upon publication of the Final Regulations, the Board determines that Public Agency would not qualify as an agency or instrumentality of the state or political subdivision of a State, Public Agency shall take all necessary and applicable steps to comply with the Final Regulations, including making any necessary amendments to the Public Agency's governing documents. If Public Agency fails to timely comply with the Final Regulations, the Board shall take any remedial corrections required under the Final Regulations, which may include the termination of Public Agency's participation in the Public Employees' Retirement System, and the cancellation of all benefits and any service credit accrued for employees and retirees of the Public Agency.
  
4. Public Agency agrees to indemnify, defend and hold harmless the Public Employees' Retirement System and its trustees, agents and employees, the Board, and the Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney 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-Public Employees' Retirement System retirement program.
  - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
  - (c) Public Agency's agreement with a third party other than Public Employees' Retirement System 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 Public Employees' Retirement Law.

5. 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).
6. Any exclusion(s) shall remain in effect until such time as the Public Employees' Retirement System determines that continuing said exclusion(s) would risk a finding of non-compliance with any federal tax laws or regulations. If such a determination is contemplated, the Public Employees' Retirement System will meet with the Public Agency to discuss the matter and coordinate any required changes or amendments to the contract.

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**

7. This contract shall be a continuation of the contract of the Castaic Lake Water Agency's contract. The Castaic Lake Water Agency and the Newhall County Water District, hereinafter referred to as "Former Agencies", merged on January 1, 2018, to form Public Agency. The accumulated contributions, assets, and liability for prior and current service under the Former Agencies shall be merged pursuant to Section 20508 of the Government Code.
8. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
10. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 20042 (One-Year Final Compensation) for classic local miscellaneous employees.
  - b. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance).
  - c. Section 21635 (Post-Retirement Survivor Allowance to Continue After Remarriage).

11. 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.
12. 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.
13. Contributions required of Public Agency and its employees shall be subject to adjustment by the 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.
14. 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.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BOARD OF DIRECTORS  
SANTA CLARITA VALLEY WATER  
AGENCY

BY \_\_\_\_\_  
ARNITA PAIGE, CHIEF  
PENSION CONTRACTS AND PREFUNDING  
PROGRAMS DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY *William L. Hooper*  
PRESIDING OFFICER

12-4-18  
Witness Date

Attest:

*April Jacobs*  
Clerk

NEW AGENCY CalPERS ID #8793992528  
PERS-CON-702N