

CITY OF YUBA CITY  
STAFF REPORT

**Date:** December 21, 2021  
**To:** Honorable Mayor & Members of the City Council  
**From:** Human Resources Department  
**Presentation By:** Natalie Springer, Human Resources Director

---

**Summary**

**Subject:** CalPERS Employer Paid Member Contribution Resolutions  
**Recommendation:** Adopt Resolutions for CalPERS to pay and report the value of Employer Paid Member Contributions for the Police Sworn Mid-Managers, Mid-Managers and Unrepresented Executive Team  
**Fiscal Impact:** None.

---

**Purpose:**

To ensure City resolutions with CalPERS accurately reflect Memorandum of Understandings and contracts with unrepresented employees.

**Background:**

The City was selected by the CalPERS Office of Audit Services for its Value of Employer-Paid Member Contributions Review. During the review, CalPERS observed that the City did not have a resolution on file for the First Level Managers and Mid-Managers groups to pay and report the value of Employer Paid Member Contributions ("value EPMC"). In response to the observation, the City provided CalPERS copies of the applicable resolutions to support the City's practice of paying and reporting of the value of EPMC as an item of special compensation for the above groups.

Staff also determined during the review that CalPERS records do not accurately identify that the City also pays and reports the value of EPMC on behalf of Police Sworn Mid-Managers employees. This internal finding was brought to the attention of the CalPERS auditors during the value EPMC review.

**Analysis:**

Because of the CalPERS review and the Police Sworn Mid-Managers discovery, Staff initiated a research project to determine if all value EPMC resolutions were consistent with the MOUs and employee contracts, and properly uploaded to myCalPERS. It was determined that two value EPMC resolutions on file need to be updated to match the current language required by CalPERS. Further, safety members need to be identified specifically in the resolutions for the Unrepresented Executive Team and Mid-Managers. Finally, a value EPMC resolution needs to be adopted for the Police Sworn Mid-Managers group.

These resolutions do not change the current EPMC arrangement nor do they change any methods of how the City is paying and reporting CalPERS contributions.

Note: Employees hired under Public Employees' Pension Reform Act of 2013 are not eligible to receive EPMC or value EPMC.

**Fiscal Impact:**

None.

**Alternatives:**

None – proposed changes would require discussions with the bargaining units.

**Recommendation:**

Adopt Resolutions for paying and reporting the value of Employer Paid Member Contributions for the Police Sworn Mid-Managers, Mid-Managers and Unrepresented Executive Team.

**Attachments:**

1. Attachment 1 PSMM Resolution DRAFT (BB&K Revised)-c1
2. Attachment 2 Yuba City\_Mid-Managers Resolution for Paying and Reporting EPMC-c1
3. Attachment 3 Yuba City\_Executive Team Resolution for Paying and Reporting EPMC-c1
4. CalPERS EPMC Resolution

**Prepared By:**

Sheleen Loza  
Administrative Analyst

**Submitted By:**

Diana Langley  
City Manager

## ATTACHMENT 1

**RESOLUTION FOR PAYING AND REPORTING THE VALUE OF  
EMPLOYER PAID MEMBER CONTRIBUTION**

WHEREAS, the governing body of the City of Yuba City has the authority to implement Government Code Section 20636(c) (4) pursuant to Section 20691; and

WHEREAS, the governing body of the City of Yuba City 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; and

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

WHEREAS, the governing body of the City of Yuba City has identified the following conditions for the purpose of its election to pay and report the value of the EPMC:

- **This benefit shall apply to all employees of Police Sworn Mid-Managers, except any employees deemed “new members” as that term is defined in the California Public Employees’ Pension Reform Act of 2013.**
- **This benefit shall consist of paying 9% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation.**
- **The effective date of this Resolution shall be March 20, 2018.**

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the City of Yuba City elects to pay and report the value of EPMC, as set forth above.

**BE IT FURTHER RESOLVED** that this Resolution shall ratify the City of Yuba City’s historical practice of paying and reporting the value of EPMC on behalf of Police Sworn Mid-Managers as of the date stated above.

**PASSED AND ADOPTED** by the governing body of the City of Yuba City this 21<sup>st</sup> day of December, 2021.

BY \_\_\_\_\_  
(Signature of Official)

\_\_\_\_\_  
(Title of Official)

## ATTACHMENT 2

**RESOLUTION FOR PAYING AND REPORTING THE VALUE OF  
EMPLOYER PAID MEMBER CONTRIBUTION**

WHEREAS, the governing body of the City of Yuba City has the authority to implement Government Code Section 20636(c) (4) pursuant to Section 20691; and

WHEREAS, the governing body of the City of Yuba City 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; and

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

WHEREAS, the governing body of the City of Yuba City has identified the following conditions for the purpose of its election to pay and report the value of the EPMC:

- **This benefit shall apply to all employees of the Mid-Managers group, except any employees deemed “new members” as that term is defined in the California Public Employees’ Pension Reform Act of 2013.**
- **This benefit shall consist of paying 9% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of safety members.**
- **This benefit shall consist of paying 8% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of first tier miscellaneous members.**
- **This benefit shall consist of paying 7% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of second tier miscellaneous members.**
- **The effective date of this Resolution shall be July 1, 2012.**

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the City of Yuba City elects to pay and report the value of EPMC, as set forth above.

**BE IT FURTHER RESOLVED** that this Resolution shall ratify the City of Yuba City’s historical practice of paying and reporting the value of EPMC on behalf of safety members of the Mid-Managers group as of the date stated above.

**BE IT FURTHER RESOLVED** that this Resolution shall supersede Resolution No. 16-011 adopted on February 16, 2016.

**PASSED AND ADOPTED** by the governing body of the City of Yuba City this 21<sup>st</sup> day of December, 2021.

BY \_\_\_\_\_  
(Signature of Official)

\_\_\_\_\_  
(Title of Official)

## ATTACHMENT 3



**RESOLUTION FOR PAYING AND REPORTING THE VALUE OF  
EMPLOYER PAID MEMBER CONTRIBUTION**

WHEREAS, the governing body of the City of Yuba City has the authority to implement Government Code Section 20636(c) (4) pursuant to Section 20691; and

WHEREAS, the governing body of the City of Yuba City 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; and

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

WHEREAS, the governing body of the City of Yuba City has identified the following conditions for the purpose of its election to pay and report the value of the EPMC:

- **This benefit shall apply to all unrepresented employees of the Executive Team, except any employees deemed “new members” as that term is defined in the California Public Employees’ Pension Reform Act of 2013.**
- **Effective October 19, 2002, this benefit shall consist of paying 9% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of safety members.**
- **Effective May 4, 2009, this benefit shall consist of paying 8% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of first tier miscellaneous members.**
- **Effective July 1, 2012, this benefit shall consist of paying 7% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of second tier miscellaneous members.**

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the City of Yuba City elects to pay and report the value of EPMC, as set forth above.

**BE IT FURTHER RESOLVED** that this Resolution shall ratify the City of Yuba City’s historical practice of paying and reporting the value of EPMC on behalf of safety members of the Executive Team as of the date stated above.

**BE IT FURTHER RESOLVED** that this Resolution shall supersede Resolution No. 16-007 adopted on February 16, 2016.

**PASSED AND ADOPTED** by the governing body of the City of Yuba City this 21<sup>st</sup> day of December, 2021.

BY \_\_\_\_\_  
(Signature of Official)

\_\_\_\_\_  
(Title of Official)

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

**RESOLUTION OF THE CITY COUNCIL FO THE CITY OF YUBA CITY  
FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER  
CONTRIBUTION FOR EXECUTIVE TEAM, MID-MANAGERS,  
AND POLICE SWORN MID-MANAGERS**

**WHEREAS**, the governing body of the City of Yuba City has the authority to implement Government Code Section 20636(c) (4) pursuant to Section 20691; and

**WHEREAS**, the governing body of the City of Yuba City 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; and

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

**WHEREAS**, the governing body of the City of Yuba City has identified the following conditions for the purpose of its election to pay and report the value of the EPMC:

1. Executive Team:

- This benefit shall apply to all unrepresented employees of the Executive Team, except any employees deemed “new members” as that term is defined in the California Public Employees’ Pension Reform Act of 2013.
- Effective October 19, 2002, this benefit shall consist of paying 9% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of safety members.
- Effective May 4, 2009, this benefit shall consist of paying 8% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of first tier miscellaneous members.
- Effective July 1, 2012, this benefit shall consist of paying 7% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of second tier miscellaneous members.

2. Mid-Managers:

- This benefit shall apply to all employees of the Mid-Managers group, except any employees deemed “new members” as that term is defined in the California Public Employees’ Pension Reform Act of 2013.
- This benefit shall consist of paying 9% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of safety members.
- This benefit shall consist of paying 8% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding

Government Code Section 20636(c)(4)] as additional compensation on behalf of first tier miscellaneous members.

- This benefit shall consist of paying 7% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation on behalf of second tier miscellaneous members.
- The effective date of this Resolution shall be July 1, 2012.

3. Police Sworn Mid-Managers:

- This benefit shall apply to all employees of Police Sworn Mid-Managers, except any employees deemed “new members” as that term is defined in the California Public Employees’ Pension Reform Act of 2013.
- This benefit shall consist of paying 9% of the normal member contribution as EPMC, and reporting the same percent (value) of compensation earnable [excluding Government Code Section 20636(c)(4)] as additional compensation.
- The effective date of this Resolution shall be March 20, 2018.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the City of Yuba City elects to pay and report the value of EPMC, as set forth above.

**BE IT FURTHER RESOLVED** that this Resolution shall ratify the City of Yuba City’s historical practice of paying and reporting the value of EPMC on behalf of safety members of the Executive Team, safety members of the Mid-Managers group, and Police Sworn Mid-Managers as of the date stated above.

**BE IT FURTHER RESOLVED** that this Resolution shall supersede Resolution No. 16-007 adopted on February 16, 2016.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 21<sup>st</sup> day of December 2021.

AYES:

NOES:

ABSENT:

---

Dave Shaw, Mayor

ATTEST:

---

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM  
COUNSEL FOR YUBA CITY:

---

Stacey Sheston, Special Counsel  
Best Best & Krieger, LLP