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AB-2004 Big Bear Fire Agencies Pension Consolidation Act of 2018. (2017-2018)

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Assembly Bill No. 2004

CHAPTER 72

An act to add Article 4.5 (commencing with Section 31570) to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, relating to public employee retirement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 09, 2018. Filed with Secretary of State July 09, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2004, Obernolte. Big Bear Fire Agencies Pension Consolidation Act of 2018.

The County Employees Retirement Law of 1937 authorizes a county to establish a retirement system, as specified, in order to provide pension benefits to county, city, and district employees. Under that law, all officers and employees of a district become members of the county's retirement association on the first day of the calendar month after adoption, by specified vote thresholds, of a resolution by the governing body of the district providing for inclusion of the district in the retirement association and, if the county board of supervisors is not the governing body of the district, the board of retirement consents by majority vote.

This bill would enact the Big Bear Fire Agencies Pension Consolidation Act of 2018, which, on and after the effective date of a resolution of the Board of Retirement of the San Bernardino County Employees' Retirement Association consenting to membership by employees of the Big Bear Fire Authority as described above, would provide that all safety employees currently employed by the Big Bear Lake Fire Protection District as of that date would be deemed to be employees of the authority and that all duties and obligations of the fire protection district in the employment relationship would be assumed by the authority. The bill would specify that the authority is a "district" for purposes of the County Employees Retirement Law of 1937. The bill would provide that the authority would assume the rights, obligations, and status previously occupied by the City of Big Bear Lake with regard to the portion of the city safety plan, which is that portion of the city's retirement plan that covers safety employees of the fire protection district, and to the replacement benefits program. The bill would also provide that termination of the city safety plan would not trigger withdrawal liability. The bill would state that its provisions are severable.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of San Bernardino.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 4.5 (commencing with Section 31570) is added to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, to read:

Article 4.5. Big Bear Fire Agencies Pension Consolidation Act of 2018

31570. It is the intent of the Legislature that this article authorize the Big Bear Fire Authority to assume all of the revenues, debts, obligations, and liabilities of the City of Big Bear Lake's safety plan, which covers the employees of the Big Bear Lake Fire Protection District.

31571. This article shall be known, and may be cited, as the Big Bear Fire Agencies Pension Consolidation Act of 2018.

31572. For purposes of this article, the following definitions apply:

(a) "Authority" means the Big Bear Fire Authority, which is a joint powers authority established by the Big Bear City Community Services District and the Big Bear Lake Fire Protection District pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1) in 2012.

(b) "City" means the City of Big Bear Lake.

(c) "City safety plan" means that portion of the city's retirement plan through the San Bernardino County Employees' Retirement Association that covers the safety employees of the fire protection district.

(d) "Fire protection district" means the Big Bear Lake Fire Protection District.

31573. (a) On and after the effective date of a resolution of the Board of Retirement of the San Bernardino County Employees' Retirement Association consenting to membership of the authority's employees pursuant to subdivision (b) of Section 31557, all safety employees currently employed by the fire protection district as of that date shall be deemed to be employees of the authority, and all duties and obligations of the fire protection district in the employment relationship shall be assumed by the authority. The status of each employee deemed to be an employee of the authority pursuant to this section, with respect to membership in the retirement system, shall, in all respects, be as if the employee had remained a member of the retirement system without any break in service or change of employer. The authority shall be deemed to be a "district," as defined in this chapter, and shall, in all respects, assume all of the rights, obligations, and status previously occupied by the city, with regard to the city safety plan, as a participating district in the retirement system, including, but not limited to, all of the following: the payment of employer contributions, the payment of unfunded actuarial liability, the withholding of employee contributions, the reporting of compensation earnable and pensionable compensation, record retention and audit compliance, the enrollment of eligible employees as members of the retirement system, compliance with restrictions on the employment of retired persons, and the pickup of employee contributions pursuant to Section 414(h)(2) of the Internal Revenue Code and any agreement or resolution implementing that section.

(b) The termination of the city safety plan shall not trigger withdrawal liability pursuant to Section 31564.2. The authority shall assume the prior obligations of the city safety plan for the payment of unfunded actuarial liability, which shall continue to be included in contribution rates calculated and approved pursuant to this chapter, including, but not limited to, Sections 31453, 31453.5, 31454, 31581, and 31585, as if no change in the participating employer had occurred.

(c) The authority shall succeed to the rights, duties, and obligations of the city safety plan with respect to its replacement benefits program pursuant to Chapter 3.9 (commencing with Section 31899). The rights of each member of the retirement system to participate in the replacement benefits program, as those rights exist at the time of the transfer of rights, duties, and obligations to the authority pursuant to this section, whether the member is actively employed, deferred, or retired, shall continue as if there had been no change in the status of the employer. The transfer of rights, duties, and responsibilities shall not be deemed to be the creation of a new replacement benefit program and the continuation of employees' rights pursuant to this section shall not be deemed the offering of a new plan to any employee for purposes of Section 7522.43 or subdivision (c) of Section 31899.

SEC. 2. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 3. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances regarding pension and employment obligations relating to fire protection services for the City of Big Bear Lake in the County of San Bernardino.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to facilitate the transfer of employment from the Big Bear Lake Fire Protection District to the Big Bear Fire Authority in a timely and expeditious manner, it is necessary that this act take effect immediately.