

RESOLUTION NO. 55
FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA

IN THE MATTER OF

LAFCo DETERMINATION

INCLUSION OF THE FRESNO)	APPROVED RESOLUTION TO
LOCAL AGENCY FORMATION)	INITIATE LAFCo'S MEMBERSHIP
COMMISSION IN THE FRESNO)	IN FCERA AT TIER 1 FOR CURRENT
COUNTY EMPLOYEES RETIREMENT)	EMPLOYEES
ASSOCIATION AND DETERMINATION)	
OF BENEFITS FOR TRANSITIONED)	
EMPLOYEES)	

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 contains provisions providing for Local Agency Formation Commissions to seek independence when possible and practicable; and

WHEREAS, the Fresno Local Agency Formation Commission (this "Commission") has taken action to initiate an amendment of that Certain Professional Services Agreement with the County of Fresno (the "Agreement"), the Second Amendment of which is dated September 18, 2007, in which LAFCo would no longer use County personnel for LAFCo business and would employ its own staff; and

WHEREAS, Government Code section 56385 states that a Commission may contract for retirement benefits for the executive officer and other Commission personnel pursuant to the County Employees Retirement Law of 1937; and

WHEREAS, the County of Fresno has established a retirement association under the County Employees Retirement Law of 1937 known as the Fresno County Employees Retirement Association ("FCERA"); and

WHEREAS, this Commission desires to become a member of FCERA, and that current County personnel assigned to this Commission shall be eligible to receive benefits from FCERA as Commission employees effective on January 11, 2010, or as soon thereafter as practicable; and

WHEREAS, the Commission desires that all employees as of such transition date shall receive retirement benefits at the Tier 1 level, the same level of benefit that they currently receive as County employees.

NOW, BE IT FURTHER RESOLVED that the Fresno Local Agency Formation Commission does **HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER** as follows:

Section #1. The Commission hereby requests that the Commission be included as a member of FCERA, and that FCERA initiate all actions necessary to make the Commission a member of FCERA effective on January 11, 2010, or as soon thereafter as practicable.

Section #2. The Commission hereby requests that all staff presently receiving TIER 1 benefits as County employees receive the same level of retirement benefits from FCERA as Commission employees.

ADOPTED THIS 16th DAY OF SEPTEMBER, 2009, BY THE FOLLOWING VOTE:

AYES: Commissioners Perea, Rodriguez, Lujan, Fortune, Anderson

NOES: None

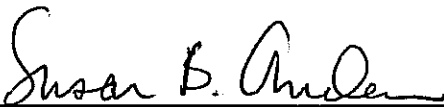
ABSTAIN: None

ABSENT: Commissioner Lopez

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

CERTIFICATION

I, Susan Anderson, Vice Chair of the Fresno Local Agency Formation Commission, Fresno County, State of California, hereby certify that the foregoing resolution was adopted by the Commission on the 16th day of September, 2009.



**Susan Anderson, Vice Chair
Fresno Local Agency Formation Commission**