RESOLUTION NO. 2012-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL APPOINTING NEW MEMBERS TO THE ADMINISTRATIVE COMMITTEE OF THE SUPPLEMENTAL RETIREMENT PLAN AND TRUST

WHEREAS, on June 30, 2003, by minute action, the then City Council of the City purported to establish the City of Bell Supplemental Retirement Plan for non-safety miscellaneous unrepresented employees ("SRP"); and

WHEREAS, the then City Council of the City purported to amend and take other actions with respect to the SRP by the purported adoption of Resolution No. 2003-55 (November 3, 2003), Resolution No. 2004-48 (December 20, 2004), Resolution No. 2006-01 (January 3, 2006), Resolution No. 2007-63 (December 3, 2007) and Resolution No. 2009-12 (March 23, 2009); and

WHEREAS, by the adoption of Resolution No. 2003-55 (November 3, 2003), the then City Council appointed Wells Fargo Bank as the trustee and investment manager for the SRP and appointed an administrative committee for the SRP comprised of Robert A. Rizzo, Pier' Angela Spaccia and Lourdes P. Garcia, none of whom are now employed by the City; and

WHEREAS, on December 20, 2004, the then City Council adopted Resolution No. 2004-48, providing employees who commenced employment with the City after June 30, 2005 are not eligible for benefits pursuant to the SRP; and

WHEREAS, the City Council believes the approval of the SRP, which is funded entirely by the City, was ill-advised and beyond the City's financial capacity and was not created by the then City Council in 2003 in the manner required by law and is therefore invalid; and

WHEREAS, on April 20, 2011, the City Council adopted Resolution No. 2011-11, stating, to the fullest extent permissible by law, all post-employment benefit plans funded by the City shall be terminated effective as of August 1, 2010, except for the City's basic contract for retirement benefits with CalPERS and post-employment benefits that are contained in a memorandum of understanding and subject to negotiation pursuant to the Meyers-Milias-Brown Act; and

WHEREAS, the SRP was one of the post-employment benefits to be terminated pursuant to Resolution No. 2011-11 and the City is engaged in litigation related to the City's determination to terminate the SRP; and

WHEREAS, notwithstanding all of the foregoing, the City needs to be able to communicate with and give direction to Wells Fargo Bank as trustee and investment manager of the SRP and obtain information regarding the SRP from Wells Fargo Bank, but Wells Fargo Bank will not communicate regarding the SRP with persons who are not members of the Administrative Committee of the SRP; and

WHEREAS, notwithstanding the City Council's belief the SRP was ill-advised, beyond the City's financial capacity and not created in the manner required by law, it is necessary for the City Council to appoint new members to the Administrative Committee in order to be able to communicate with and obtain information from Wells Fargo Bank regarding the SRP;

NOW THEREFORE, the City Council of the City of Bell, California, does hereby resolve that Robert A. Rizzo, Pier' Angela Spaccia and Lourdes P. Garcia are hereby removed as the members of the Administrative Committee and, without intending to undermine or call into question the City's position regarding the invalidity of the SRP or the City's desire to terminate the SRP, the following persons are hereby appointed as the members of the Administrative Committee of the SRP and the related trust.

NAME	SIGNATURE
Doug Willmore	
Pamela Easter	Pamela Easter
Hector Vasquez	

Furthermore, the Committee, in accordance with the provisions of the SRP and trust, hereby authorize Wells Fargo Bank as the Trustee to act on any directive signed by any three (3) members of the Committee.

This Resolution shall take effect immediately from and after the date of its passage and adoption.

PASSED, APPROVED, AND ADOPTED this 18th day of July, 2012.

Ali Saleh, Mayor

APPROVED AS TO FORM:

David J. Aleshire, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Rebecca Valdez, City Clerk of the City of Bell, hereby attest to and certify that the foregoing resolution is the original resolution adopted by the Bell City Council at its regular meeting held on the 18th day of July, 2012, by the following vote:

AYES:	Councilmember Harber, Quintana, Valencia and Mayor Saleh
NOES:	None
ABSENT:	Vice Mayor Alvarez
ABSTAIN:	None

Rebecca Valdez, CMC, City Clerk