

# LAFCO

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**Santa Barbara Local Agency Formation Commission**  
105 East Anapamu Street ♦ Santa Barbara CA 93101  
805/568-3391 ♦ FAX 805/568-2249  
www.sblafco.org ♦ lafco@sblafco.org

April 1, 2021 (Agenda)

Local Agency Formation Commission  
105 East Anapamu Street  
Santa Barbara CA 93101

## **Section 218 Agreement with Social Security Administrators' Office**

Dear Members of the Commission

### RECOMMENDATION

It is recommended that the Commission considers adoption of the attached Section 218 Agreement Resolution with Social Security Administrator's Office to express its intent to provide a retirement plan and social security coverage for Santa Barbara Local Agency Formation Commission (SB LAFCO) employees.

### DISCUSSION

LAFCO withholds social security and became active members in Santa Barbara County Employees Retirement system in November 2020. An administrative step, that is required to be completed includes the approval of a 218 agreement by LAFCO through the California Public Employees' Retirement Systems (CalPERS).

In 2021, SB LAFCO received an Annual Information Request from CalPERS. CalPERS administers Section 218 agreements for the State Social Security office. Through the submission of the questionnaire, it was determined that SB LAFCO needs to complete a Section 218 Agreement.

All governmental employers who wish to offer social security in addition to their retirement plan must have a section 218 Agreement. There is a \$650 fee to complete the Agreement. This action does not result in any additional employee related taxes. An annual maintenance fee of \$200 is charged by CalPERS. Today's action confirms SB LAFCO's intent to provide both a retirement plan and social security to all its

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**Commissioners:** Roger Aceves ♦ Cynthia Allen ♦ Jay Freeman ♦ Craig Geyer ♦ Joan Hartmann ♦ Steve Lavagnino  
Holly Sierra ♦ Shane Stark ♦ Etta Waterfield, Chair ♦ Roger Welt, Vice-Chair ♦ Das Williams **Executive Officer:** Mike Prater

employees. **Attachment A** provides a tentative schedule for the six-step process. Completing the steps found in **Attachment B** would resolve the matter. In order to proceed to step 2, the adoption of a resolution authorizing the administrative correction **Attachment C** is required.

Attachments

Attachment A - Section 218 process Tentative Schedule

Attachment B - Section 218 Agreement Overview

Attachment C – Resolution to begin Section 218 Agreement process

Please contact the LAFCO office if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Prater", with a horizontal line extending to the right.

Mike Prater  
Executive Officer



Official State Social Security Administrator  
California Public Employees' Retirement System

P.O. Box 720720  
Sacramento, CA 94229-0720

Phone: (916) 795-0810 | Fax: (916) 795-3005  
888 CalPERS (or 888-225-7377) | TTY: (877) 249-7442  
[www.calpers.ca.gov/ssa](http://www.calpers.ca.gov/ssa)

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**SOCIAL SECURITY AND MEDICARE**  
**ANTICIPATED SCHEDULE OF ACTIONS**

The **Santa Barbara Local Agency Formation Commission** hereby requests the documents necessary to provide **Social Security** under the Section 218 agreement with California Public Employees' Retirement System. (Enter the dates each action will be taken, sign and return the schedule.)

Yes \_\_\_\_\_ Control Date

No \_\_\_\_\_ Control Date

**Enter dates:**

1. ADOPTION OF RESOLUTION  
Step 1
2. DATE "NOTICE OF ELECTION" WILL BE MADE PUBLIC
3. DATE OF EMPLOYEE INFORMATION SESSION (with SSSA if available) Step 3
4. DATE EMPLOYEE ELECTION WILL BE HELD  
(DATE MUST BE 90 DAYS AFTER NOTICE DATE LINE 3) step 3
5. N/A DATE ELECTION FORMS WILL BE CANVASSED  
(for division vote only, date must be 10 days after employee election #4)
6. DATE ADOPTION OF RESOLUTION AND APPLICATION AGREEMENT Step 4
7. 10/1/2021 EFFECTIVE DATE OF 218 AGREEMENT  
(Effective date can be retroactive up to 5 years, or date when error first occurred)



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## Section 218 Agreement Overview

### Process:

The process is a six-step process and could take anywhere from 18 to 24 months. Our office provides the agency with an information packet and a questionnaire.

The agency completes the questionnaire, then the agency decides what type of vote the agency will be providing to the eligible employees.

The two options for the election are:

Majority: if the majority of the employees vote YES then the agency can proceed with the contract and ALL of the eligible employees would be covered including new hires. If the majority of the employees vote NO then the process stops – a new election could be held 12 months later.

Division: Employees who vote YES will receive Social Security coverage, those who vote NO will not receive the coverage, future hires would get the coverage.

Step 1: The agency adopts a resolution with their governing board to express their intent to provide Social Security coverage for its employees.

Step 2: The agency creates a plan of procedure: Choose the date when the notice of election will be given to the employees, no less than 90 days later our office supervises the election.

In between the notice date and the election date our office, along with the Social Security Administration offers an informational session about Social Security benefits and the election process.

Step 3: Election – We supervise the election.

Step 4: The agency adopts a final resolution and signs the Agreement that we will provide.

\*\*\*\* At any time, before and including this step the agency can choose to cancel the process. Once we deliver the documents to the Social Security Administration, the agency cannot request for the process to be cancelled.

Step 5: Our office forwards the signed Agreement and all of the documents from the steps above to the Social Security Administration. The Social Security Administration provides a response within 12-24 months

Step 6: Our office notifies the agency the Social Security Administration's decision.

The agency's retirement agreement may need to be amended to reflect that the agency is now offering Social Security benefits, after the Social Security Agreement is finalized.



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March 11, 2021

CalPERS ID No.: 9805227764

Michael Prater  
Executive Officer  
Santa Barbara Local Agency Formation Commission  
105 East Anapamu Street, Room 407  
Santa Barbara, CA 93101

Dear Michael Prater,

Thank you for contacting the State Social Security Administrator's Office (State Administrator) regarding Social Security coverage for your agency.

Based on the information provided by the agency in the Coverage Questionnaire, the Santa Barbara Local Agency Formation Commission desires to conduct a majority vote election for employee social security benefits.

In a majority vote election, each employee who is a member of the Santa Barbara County Employees' Retirement System will vote in the election. If a majority of the members vote in favor of Social Security coverage, all employees occupying positions covered under the retirement system will be covered under Social Security, including those who voted "no."

The first step is for the Santa Barbara Local Agency Formation Commission to adopt a resolution to request permission to conduct an election among eligible members of the Santa Barbara County Employees' Retirement System. To do so, please complete and return the enclosed resolution and certification.

These documents should not be modified in any way as only the content included in the documents provided by this office will be accepted.

If you have any questions regarding the enclosed information, call us at (916) 795-0810.

Sincerely,

Veronica Silva-Gil  
State Social Security Administrator Program

Enclosures

RESOLUTION LAFCO 21-xx

RESOLUTION OF THE SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND APPROVING MAJORITY VOTE ELECTION TO COVER ITS EMPLOYEES FOR SOCIAL SECURITY BENEFITS

WHEREAS, Santa Barbara Local Agency Formation Commission hereinafter designated as "Public Agency", desires to include services performed by its employees in positions covered by Santa Barbara County Employees' Retirement System in the California State Social Security Agreement of March 9, 1951, providing for the coverage of public employees under the old age, survivors, disability and health insurance system established by the Federal Social Security Act, as amended; and

WHEREAS, State and Federal laws require, as a condition of such coverage, that an election first be authorized by the Board of Administration, Public Employees' Retirement System, and conducted among the "eligible employees" (as defined in Section 218(d)(3) of the Social Security Act) of the Public Agency; and

WHEREAS, it is necessary that the "Public Agency" now designate any classes of positions covered by said retirement system which it desires to exclude from coverage under said insurance system;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Administration, Public Employees' Retirement System be, and hereby is requested to authorize the foregoing election; and

BE IT FURTHER RESOLVED, that upon receipt of authorization from the Board of Administration, an election shall be conducted in accordance with the requirements of Section 218(d) of the Social Security Act, and applicable State and Federal laws and regulations;

that such election shall be held on the question of whether service in positions covered by said retirement system should be excluded from or included under an agreement under the insurance system established under the Social Security Act, as hereinbefore provided, with such

coverage effective as to services performed on and after October 1, 2021; and

BE IT FURTHER RESOLVED, that the following classes of positions covered by said retirement system of the "Public Agency" shall be excluded from coverage under said agreement:

1. All services excluded from coverage under the agreement by Section 218 of the Social Security Act; and
2. Services excluded by option of the Public Agency (**Check a or b; fill in b if checked**):
  - a. No optional exclusions desired.
  - b. Service performed: Elected Officials

BE IT FURTHER RESOLVED, that not less than ninety days' notice of such election be given to all "eligible employees" as hereinabove provided; and that Michael Prater, Executive Officer is hereby designated and appointed to conduct such election on behalf of the "Public Agency" in accordance with law, regulations, and this resolution, including the giving of proper notice thereof to all such "eligible employees"; and

BE IT FURTHER RESOLVED, that with respect to eligible members thereof, the benefits and contributions of the said retirement system shall not be modified in any way and

BE IT FURTHER RESOLVED, that the Public Agency will pay and reimburse the State at such time and in such amounts as may be determined by the State the approximate cost of any and all work and services relating to such election.

Michael Prater  
Presiding Officer

Santa Barbara Local Agency Formation Commission  
Official Name of Public Agency

\_\_\_\_\_  
Date

Santa Barbara County Local Agency Formation Commission

By: \_\_\_\_\_  
Etta Waterfield, Chair X

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Jacquelyne Alexander, Clerk  
Santa Barbara County  
Local Agency Formation Commission

**CERTIFICATION**

I, Michael Prater, Exective Officer of the Santa Barbara Local Agency Formation Commission, State of California, do hereby certify the foregoing to be a full, true, and correct copy of Resolution No. \_\_\_ adopted by the Commission of the Santa Barbara Local Agency Formation Commission at the regular/special meeting held on the \_\_ day of \_\_\_\_\_, 2021, as the same appears of record in my office.

\_\_\_\_\_  
Signature

Exective Officer  
\_\_\_\_\_  
Title

\_\_\_\_\_  
Date