



ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s) _____	<input checked="" type="checkbox"/> Report
<input type="checkbox"/> Res. No(s) _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other: Council Business

Prepared By: Alan Holmberg

Agenda Item No. 0-1Reviewed By: City Manager [Signature] City Attorney AH Finance [Signature] Other N/A**DATE:** April 26, 2012**TO:** City Council**FROM:** Alan Holmberg, City Attorney AH**SUBJECT:** \$300 per month Supplemental Post-Retirement Benefit**RECOMMENDATION**

That City Council terminate the \$300 per month Supplemental Post-Retirement Benefit ("SPRB") established pursuant to and contained in the City of Oxnard Administrative Manual, Policy No. E. 28.

DISCUSSION

On April 17, 2012, the City Attorney provided a report to the City Council to the effect that an opinion by special counsel had concluded that the SPRB established by the City Manager in 2003, was likely unauthorized under Government Code section 36508. The City Attorney asked that the matter be placed on agenda for specific action on May 8, 2012, and that those persons receiving the SPRB be provided a notice that action would be taken by the City Council on that date. There is no legal requirement for such notice, however, the City Attorney did, on April 23, 2012 send letters to the recipients of the SPRB informing them that the matter would likely be on the agenda for May 8, 2012.

On April 18, 2012, the District Attorney issued its Report on the Public Integrity Investigation of Oxnard City Officials, dated April 18, 2012 ("Report"). In the Report, the District Attorney concludes that the SPRB was "without the authority of law" (Report, p. 49).

Given the opinion of special counsel and the conclusion of the District Attorney in the Report, the City Attorney recommends that the SPRB be terminated.

FINANCIAL IMPACT

The total amount of payments made pursuant to the policy is approximately \$21,600 per year. Termination would result in these payments not being made.