

**RESOLUTION NO. 2013-1993**

**A RESOLUTION RESCINDING RESOLUTIONS 2013-1968 AND 2013-1989**

**THE LAS GALLINAS VALLEY SANITARY DISTRICT**

**WHEREAS**, the Las Gallinas Valley Sanitary District provides retirement benefits to eligible employees under the California Public Employee' Retirement Systems (PERS);

**WHEREAS**, the Board of Directors adopted Resolution No. 2013-1968 on January 10, 2013 which authorized the District to pay and report the value of employer paid member contributions to PERS, a copy of which is attached as Exhibit A and by reference incorporated herein;

**WHEREAS**, the Board of Directors adopted Resolution No. 2013-1989 on September 26, 2013 which provided for the pre-tax treatment of cost-sharing contributions to PERS under section 414(h)(2) of the Internal Revenue Code; a copy of which is attached as Exhibit B and by reference incorporated herein;

**WHEREAS**, upon consultation with PERS it has been determined that Resolution No. 2013-1968 should be revised and will be replaced by Resolution No. 2013-1992; and that Resolution 2013-1989 is not required.

**NOW, THEREFOR, BE IT RESOLVED** that the Board of Directors of the Las Gallinas Valley Sanitary District by this resolution, rescinds Resolution No. 2013-1968 and Resolution 2013-1989.

\* \* \* \* \*

I hereby certify that the forgoing is a full, true, and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of the Las Gallinas Valley Sanitary District, Marin County, California, at a meeting thereof held on the 5<sup>th</sup> day of December, 2013, by the following vote of the members thereof:

AYES, and in favor thereof Members: *Clark, Elias, Greenfield, Murray, Schreiber*  
NOES, Members: *None*  
ABSENT, Members: *None*  
ABSTAIN, Members: *None*

*Carol A. Memmott*  
\_\_\_\_\_  
Carolyn A. Memmott, District Secretary

APPROVED:

(seal)

*Megan Clark*  
\_\_\_\_\_  
Megan Clark, President of Board of Directors



RESOLUTION NO. 2013-1968

A RESOLUTION FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS

THE LAS GALLINAS VALLEY SANITARY DISTRICT

WHEREAS, the governing body of the Las Gallinas Valley Sanitary District has the authority to implement Government Code Section 20636(c)(4) pursuant to Section 20691;

WHEREAS, the governing body of the Las Gallinas Valley Sanitary District has a written labor policy or agreement which specifically provides for the normal member contribution to be paid by the employer; and reported as additional compensation;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the Las Gallinas Valley Sanitary District of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions (EPMC);

WHEREAS, the governing body of the Las Gallinas Valley Sanitary District has identified the following condition for the purpose of it election to pay EPMC:

- This benefit shall apply to all employees of the management group.
• This benefit shall consist of paying one-hundred percent (100%) of the normal contributions as EPMC and reporting 7% of the compensation earnable (excluding Government Code Section 20636(c)(4)) as additional compensation.
• The effective date of this Resolution shall be July 2, 2006.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Las Gallinas Valley Sanitary District elects to pay EPMC, as set forth above.

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I hereby certify that the forgoing is a full, true, and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of the Las Gallinas Valley Sanitary District, Marin County, California, at a meeting thereof held on the 10th day of January 2013, by the following vote of the members thereof:

AYES, and in favor thereof Members: Clark, Greenfield, Murray, Schrieckman
NOES, Members: none
ABSENT, Members: none
ABSTAIN, Members: none

Carolyn A. Memmott
Carolyn A. Memmott, District Secretary

APPROVED:

Megan Clark
Megan Clark, Board President
Las Gallinas Valley Sanitary District



(seal)

EXHIBIT A

RESOLUTION NO. 2013-1989

A RESOLUTION PROVIDING FOR THE PRE-TAX TREATMENT  
OF COST-SHARING CONTRIBUTIONS TO PERS UNDER  
SECTION 414(H)(2) OF THE INTERNAL REVENUE CODE

LAS GALLINAS VALLEY SANITARY DISTRICT

**WHEREAS**, the Las Gallinas Valley Sanitary District of Marin County provides retirement benefits to eligible employees under the California Public Employees' Retirement System (PERS);

**WHEREAS**, benefits under PERS are funded by "member contributions" and "employer contributions," at rates determined by PERS in accordance with the laws governing PERS and with the agreement governing the District's participation in PERS;

**WHEREAS**, the District may, to the extent permitted by the PERS laws and the District's memorandums of understanding or similar agreements with employees, deduct employees' compensation to pay member contributions or employer contributions, or both, to PERS;

**WHEREAS**, the District previously adopted a resolution providing, in accordance with section 414(h)(2) of the Internal Revenue Code (Code), for the "pick up" of amounts deducted from employees' compensation to pay *member contributions* to PERS, in order to qualify the contributions as pre-tax for income-tax purposes; and

**WHEREAS**, the District wishes to adopt this resolution in order to (1) designate amounts deducted from employees' compensation to pay *employer contributions* to PERS ("cost-sharing contributions") as employee contributions, and (2) provide for the "pick up" of cost-sharing contributions in accordance with section 414(h)(2) of the Code, in order to qualify the contributions as pre-tax for income-tax purposes.

**NOW, THEREFORE, THE LAS GALLINAS VALLEY SANITARY DISTRICT OF MARIN COUNTY, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** All cost-sharing contributions made by District employees are hereby designated as employee contributions.

**SECTION 2.** The District hereby picks up all cost-sharing contributions in accordance with section 414(h)(2) of the Code, so that the contributions, even though designated as employee contributions and deducted from employees' compensation, will be treated as employer contributions for tax purposes.

**SECTION 3.** Employees will not have the option of choosing, directly or indirectly, to receive the contributions instead of having them paid by the District to PERS.

**SECTION 4.** The District will pay to PERS the contributions designated as employee contributions from the same source of funds as used in paying salary.

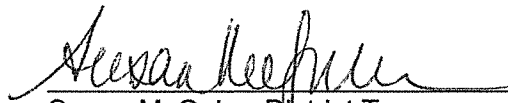
**SECTION 5.** Contributions picked up under this resolution will be tax deferred to the extent provided under the Code, Treasury Regulations, and other guidance issued thereunder.

**SECTION 6.** This resolution applies to all contributions made on or after the date below.


**SECTION 7.** Nothing in this resolution affects or governs PERS's methods for characterizing or accounting for amounts deducted from employees' compensation for contribution to PERS. Those methods are governed solely by California law and PERS's policies.

**PASSED, APPROVED AND ADOPTED** on this 26th day of September, 2013, by the following vote:

**AYES:** *Clark, Elias, Greenfield, Murray, Schriebrun*  
**NOES:** *None*  
**ABSENT:** *None*  
**ABSTAIN:** *None*

  
Susan McGuire, District Treasurer

**APPROVED:**

  
Megan Clark, Board President  
Las Gallinas Valley Sanitary District

