



FINAL

RESOLUTION NO. 2013-27

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT REGARDING
RESOLUTION TO TAX DEFER MEMBER PAID CONTRIBUTIONS – IRC 414(H)(2)
EMPLOYER PICK-UP**

The Board of Directors of the Monterey Peninsula Water Management District, hereby adopt the following Resolution:

WHEREAS, the governing body of the Monterey Peninsula Water Management District has the authority to implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC); and

WHEREAS, the Monterey Peninsula Water Management District has determined that even though the implementation of the provisions of section 414(h)(2) IRC is not required by law, the tax benefit offered by section 414(h)(2) IRC should be provided to all Miscellaneous Employees who are members of the California Public Employees' Retirement System:

NOW, THEREFORE, BE IT RESOLVED:

- I. That the Monterey Peninsula Water Management District will implement the provisions of section 414(h)(2) Internal Revenue Code by making employee contributions pursuant to California Government Code Section 20691 to the California Public Employees' Retirement System on behalf of all its employees or all its employees in a recognized group or class of employment who are members of the California Public Employees Retirement System. "Employee contributions" shall mean those contributions to the Public Employees' Retirement System which are deducted from the salary of employees and are credited to individual employee's accounts pursuant to California Government Code section 20691.
- II. That the contributions made by the Monterey Peninsula Water Management District to the California Public Employees' Retirement System, although designated as employee contributions, are being paid by the Monterey Peninsula Water Management District in lieu of contributions by the employees who are members of the California Public Employees' Retirement System.
- III. That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the Monterey Peninsula Water Management District to the California Public Employees' Retirement System.

- IV. That the Monterey Peninsula Water Management District shall pay to the California Public Employees' Retirement System the contributions designated as employee contributions from the same source of funds as used in paying salary.
- V. That the amount of the contributions designated as employee contributions and paid by the Monterey Peninsula Water Management District to the California Public Employees' Retirement System on behalf of an employee shall be the entire contribution required of the employee by the California Public Employees' Retirement Law (California Government Code Sections 20000, et seq.).
- VI. That the contributions designated as employee contributions made by the Monterey Peninsula Water Management District to the California Public Employees' Retirement System shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by the California Public Employees' Retirement System.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Monterey Peninsula Water Management District elects to pay and report the value of the Employer Paid Member Contribution (EPMC), as set forth above.

On motion of Director Lehman, and second by Director Byrne, the foregoing resolution is duly adopted this 21st day of October, 2013, by the following votes:


AYES: Directors Byrne, Lehman, Markey, Pendergrass and Potter

NAYES: None

ABSENT: Directors Brower and Lewis

I, David J. Stoldt, Secretary of the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted on the 21st day of October, 2013.

Witness my hand and seal of the Board of Directors, this 24th day of October, 2013.


David J. Stoldt, Secretary to the Board

COPY CERTIFICATION

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of Resolution No. 2013-27 duly adopted on the 21st day of October 2013.



David J. Stoldt,
Secretary to the Board of Directors

10.28.13
Date