



## **RESOLUTION NO.**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO**

**WHEREAS**, the County of El Dorado has the authority to implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC); and

**WHEREAS**, the Board of Administration of the Public Employees' Retirement System adopted its resolution regarding section 414(h)(2) IRC on September 18, 1985; and

**WHEREAS**, the Internal Revenue Service has stated in December 1985 that the implementation of the provisions of section 414(h)(2) IRC pursuant to the Resolution of the Board of Administration would Satisfy the legal requirements of section 414(h)(2) IRC; and

**WHEREAS**, the Board has determined that even though the implementation of the provisions of section 414(h)(2) IRC is not required by law, the tax benefits offered by section 414(h)(2) IRC should be provided to its employees who are members of the Public Employees' Retirement system in accordance with the negotiated Memoranda of Understanding and the Salary and Benefits Resolution for Unrepresented Employees as amended (BOS Resolution 323-2001); and

**THEREFORE BE IT RESOLVED**, that

- I. The County of El Dorado 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 Public Employees' Retirement System on behalf of its employees who are members of the 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 County of El Dorado to the Public Employees' Retirement System, to the extent designated as employee contributions, are being paid by the County of El Dorado in lieu of contributions by the employees who are members of the 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 County of El Dorado to the Public Employees' Retirement System.*
- IV. That the County of El Dorado shall pay to the 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 County of El Dorado to the Public Employees' Retirement System on behalf of an employee shall be the entire contribution required of the employee by the Public Employees' Retirement Law (California Government Code sections 20000, et seq.) except as otherwise provided in an applicable MOU.*

VI. That the contributions designated as employee contributions made by the County of El Dorado to the Public Employees' Retirement System shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by the Public Employees' Retirement System.

**THEREFORE BE IT RESOLVED**, that the above is hereby adopted:

**PASSED AND ADOPTED** by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the \_\_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote of said Board:

**Ayes:**

**Attest:**

Suzanne Allen de Sanchez  
Clerk of the Board of Supervisors

**Noes:**  
**Absent:**

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Chairman, Board of Supervisors

**I CERTIFY THAT:**

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

**DATE:** \_\_\_\_\_

**Attest:** SUZANNE ALLEN DE SANCHEZ, Clerk of the Board of Supervisors  
of the County of El Dorado, State of California.

By: \_\_\_\_\_  
Deputy Clerk