

RESOLUTION 11-05

**RESOLUTION OF THE CHINO BASIN WATERMASTER,
SAN BERNARDINO COUNTY, CALIFORNIA,
RESOLUTION TO TAX DEFER MEMBER PAID CONTRIBUTIONS**

RESOLUTION FOR EMPLOYER PICK-UP

WHEREAS, the Chino Basin Watermaster 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 Chino Basin Watermaster 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 its employees who are members of the Public Employees' Retirement System:

NOW, THEREFORE, BE IT RESOLVED:

- I. That the Chino Basin Watermaster 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 Chino Basin Watermaster to the Public Employees' Retirement System, although designated as employee contributions, are being paid by the Chino Basin Watermaster 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 Chino Basin Watermaster to the Public Employees' Retirement System.
- IV. That the Chino Basin Watermaster 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 Chino Basin Watermaster 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.).
- VI. That the contributions designated as employee contributions made by Chino Basin Watermaster 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.

By:

Desi Alvarez
Chairman, Watermaster Board

APPROVED:

[Signature]
Chairman, Advisory Committee

ATTEST:

[Signature]
Board Secretary
Chino Basin Watermaster

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN BERNARDINO)

I, Desi Alvarez, Secretary of the Chino Basin Watermaster, DO HEREBY CERTIFY that the foregoing Resolution being No. 11-05, was adopted at a regular meeting of the Chino Basin Watermaster Board on August 25, 2011 by the following vote:

AYES: Unanimous Vote

NOES: N/A

ABSTAIN: N/A

CHINO BASIN WATERMASTER

[Signature]
Secretary

Date: 8-25-11