

RESOLUTION NO. 17-05

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MORAGA-ORINDA FIRE PROTECTION DISTRICT
APPROVING THE ADOPTION OF THE
PUBLIC AGENCIES POST-EMPLOYMENT BENEFITS TRUST
ADMINISTERED BY PUBLIC AGENCY RETIREMENT SERVICES (PARS)**

WHEREAS the Moraga-Orinda Fire Protection District (the "District") is currently participating in the Public Agencies Post-Retirement Health Care Plan Trust for the pre-funding of its retiree health benefits and other post-employment benefits other than pension benefits ("OPEB"); and

WHEREAS the District desires to set aside funds for the purpose of pre-funding its Contra Costa County Employees' Retirement Association pension obligation that will be held in trust for the exclusive purpose of making future contributions of the District's required pension contributions and any employer contributions in excess of such required contributions at the discretion of the District; and

WHEREAS PARS has made available the Public Agencies Post-Employment Benefits Trust (the "Program") for the purpose of pre-funding both pension obligations and/or OPEB obligations as specified in the District's plans, policies and/or applicable collective bargaining agreements; and

WHEREAS the District is eligible to participate in the Program, a tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Internal Revenue Code, as amended, and the Regulations issued there under, and is a tax-exempt trust under the relevant statutory provisions of the State of California; and

WHEREAS the District can manage the pre-funding of its pension and OPEB obligations in a single trust under this Program, thereby gaining administrative and cost efficiencies; and

WHEREAS the District's adoption and operation of the Program has no effect on any current or former employee's entitlement to post-employment benefits; and

WHEREAS the terms and conditions of post-employment benefit entitlement, if any, are governed by contracts separate from and independent of the Program; and

WHEREAS the District's funding of the Program does not, and is not intended to, create any new vested right to any benefit nor strengthen any existing vested right; and

WHEREAS the District reserves the right to make contributions, if any, to the Program.

NOW THEREFORE, BE IT RESOLVED, by the Board of Directors of the Moraga-Orinda Fire District that:

1. The Board of Directors of the District hereby adopts the Public Agencies Post-Employment Benefits Trust, effective January 19, 2017; and
2. The Board of Directors hereby appoints the Administrative Services Director, or his/her successor or his/her designee as the District's Plan Administrator for the Program; and

3. The District's Plan Administrator is hereby authorized to execute the PARS legal and administrative documents on behalf of the District and to take whatever additional actions are necessary to maintain the District's participation in the Program and to maintain compliance of any relevant regulation issued or as may be issued; therefore, authorizing him/her to take whatever additional actions are required to administer the District's Program; and
4. The Board of Directors hereby authorizes the Plan Administrator, in accordance with Section 3.3 of the Public Agencies Post-Retirement Health Care Plan Trust adopted effective April 1, 2015, to withdraw from said trust and direct the transfer of assets held in said trust to the OPEB Account established in the name of the District under the Public Agencies Post-Employment Benefits Trust, adopted herewith.

PASSED, APPROVED and ADOPTED this 18th day of January 2017 at the regular meeting of the District Board of Directors held at 2100 Donald Drive, Moraga, California 94556, on motion made by Director Famulener and seconded by Director Barber, and duly carried with the following roll call vote.


AYES: Directors Anderson, Barber, Famulener, Jex and Jorgens

NOES: None

ABSENT: None


ABSTAIN: None

Dated: January 18, 2017



Kathleen Famulener, President
Board of Directors

ATTEST:



Grace Santos
District Secretary/District Clerk