

## **PARTICIPATING EMPLOYER AGREEMENT**

This Participating Employer Agreement ("Agreement") is entered into by and between Santa Barbara County Air Pollution Control District ("Participating Employer") and the Santa Barbara County Employees' Retirement System ("SBCERS" or the "Retirement System") and shall become effective on the Effective Date as defined below.

### **RECITALS**

A. Prior to the Effective Date of this Agreement, as defined herein, SBCERS has been providing for the funding of certain supplemental benefits to retired members of SBCERS, commonly referred to as the \$15 per month per credited year of service benefit ("\$15 Benefit") and the \$4 per month per credited year of service benefit ("\$4 Benefit.") As a participating employer in SBCERS, eligible retirees of Participating Employer have received such benefits, paid from assets of the Retirement System, which have been funded through the contributions of the Participating Employer to the Retirement System, and investment earnings thereon.

B. Effective September, 19, 2008, SBCERS and the County of Santa Barbara entered into an agreement providing for the adoption of a 401(h) account in SBCERS for the payment of the \$ 15 Benefit and the \$ 4 Benefit through such account.

C. In connection with the creation of the 401(h) account, SBCERS and the County have adopted Regulations Governing Payment of Retiree Health Benefits from a 401(h) Account (the "Regulations"). The Regulations provide a means for special districts and the courts who are participating employers in SBCERS to participate in the 401(h) Account, along with the County.

D. The Participating Employer wishes to participate in the 401(h) Account, for the benefit of its eligible employees and retirees, and enters into this Agreement with SBCERS in order to effectuate such participation.

### **AGREEMENT**

The Participating Employer and SBCERS agree as follows:

1. **Authorizing Actions.** By action taken by its Board on September 19, 2008, SBCERS has authorized its Administrator to enter into this Agreement on its behalf. The Participating Employer represents that it has all requisite power and authority to enter into, execute and perform its obligations under this Agreement. The "Effective Date" of this Agreement shall be October 16, 2008.

2. **Agreement to Be Bound by Regulations.** Participating Employer agrees to be bound by the terms of the Regulations, subject to the terms set forth below, and shall have the authority of a Participating Employer pursuant to paragraph 3.02 of the Regulations.
3. **Terms of Regulations Applicable to Participating Employer.** References to "the County" and/or the "Board of Supervisors" within the following paragraphs of the Regulations shall be deemed to additionally refer to the Participating Employer and/or its governing body, respectively: 6.04, 6.07, 7.01, 11.01(a), 12.01 and 12.04.

Santa Barbara County  
Air Pollution Control District

SANTA BARBARA COUNTY  
EMPLOYEES RETIREMENT  
SYSTEM

Dated: October 16, 2008

Dated: October 16, 2008

By: \_\_\_\_\_  
Lupe Alvarez, Chair

By: \_\_\_\_\_  
Oscar Peters, Administrator

ATTEST:

TERRY DRESSLER  
Clerk of the Board

By \_\_\_\_\_  
Deputy