## Resolution of the Air Pollution Control District Board of Directors of 1 the County of Santa Barbara, State of California 2 3 In the Matter of: ) APCD Resolution No. \_\_\_\_\_ Making District Contributions to the 4 ) 5 District's 401 (h) Retiree Medical Account 6 for FY 2009-10 in Accordance with Internal) 7 Revenue Code Section 401(h) 8 Whereas, it is in the best interest of employees and retirees of the County of Santa 9 Barbara Air Pollution Control District ("District") and the beneficiaries of those employees and 10 retirees that the Santa Barbara County Employees' Retirement System ("System") be maintained as a qualified pension plan under Internal Revenue Code ("Code") Section 401 (a); 11 Whereas, the District has determined that certain Eligible Retired Participants will 12 13 receive a health plan subsidy from the System, which subsidy constitutes an "other post employment benefit;" 14 15 Whereas, the System, as a qualified plan, may pay medical benefits on a tax preferred basis to retirees, and their spouses and dependents, through the establishment of a 401(h) account 16 17 within the Trust Fund for the System; 18 Whereas, the District Board of Directors ("Board") has established a health plan for 19 retirees, and their spouses and dependents; 20 Whereas, the Board has established a 401 (h) Post Employment Benefits Trust Account 21 in the System as governed by the provisions of Code Section 401 (h) and Treasury Regulation 22 Section 1.401-14 ("Applicable Treasury Regulations"); and Whereas, the 401 (h) Account can only be funded by District contributions, designated 23 24 for this purpose. 25 Now, Therefore, It Is Hereby Resolved, as follows:

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- 1. In accordance with Code Section 401 (h) and Applicable Treasury Regulations, provided that the Board of Retirement agrees to the Section 401 (h) Regulations, the District shall contribute to the 401 (h) Account for the fiscal year FY 2009-10 in an amount that will:
  - not be less than the annual required contribution for the health benefits for a. Eligible Retired Participants (as defined in the Section 401 (h) Regulations); and

1		b. not be more than 25 per	rcent of the total contributions to the System, excluding	
2	past service costs as defined in the Section 401 (h) Regulations.			
The Board authorizes the Control Officer to determine the exact amount of Distr			rol Officer to determine the exact amount of District	
4		contributions within the previo	ously established ranges.	
5	3.	3. At the time any contribution is made to the 401 (h) Account, the Control Officer shall		
6	designate in writing to the Board of Retirement of the System that such contribution is			
7	being made only to the 401 (h) Account.			
8	4.	4. This resolution is only applicable to contributions made during Fiscal Year 2010-11.		
Future contributions shall be determined by the Board on a fiscal year by fiscal			etermined by the Board on a fiscal year by fiscal year basis.	
10		Passed and Adopted by the A	ir Pollution Control District Board of the County of Santa	
11	Barbara, State of California, this 17th day of June, 2010, by the following vote:			
12	Ayes:			
13	Noes:			
14		Abstain:		
15		Absent:		
		Ausent.		
l6 l7	ATTE	ST:	Chair, Santa Barbara County	
18	Clerk	of the Board	Air Pollution Control District Board	
19	BY:			
20			APPROVED AS TO	
21		OVED AS TO FORM:	ACCOUNTING FORM	
22		Marshall	Robert W. Geis, CPA	
23	Count	y Counsel	Auditor-Controller	
24	BY:		BY:	
25	_	Deputy County Counsel	Auditor-Controller	
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