

**Resolution No.
Sonoma County Administration Building
Santa Rosa, CA 95403**

Date:

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA APPROVING THE SONOMA COUNTY REPLACEMENT PLAN EFFECTIVE JUNE 16, 2009

WHEREAS ,The Sonoma County Employees' Retirement Association ("SCERA") operates under both California law (The County Employees Retirement Law of 1937 or "CERL") and the rules governing federal tax qualification (Section 401(a) et seq of the Internal Revenue Code ("Code")).and;

WHEREAS ,Federal tax law limits the annual amount of benefits that can be paid to a retiree by SCERA (the "output" limit) and for some County employees additionally limits the compensation that SCERA can take into account in calculating benefits (the "input" limit). The CERL requires that any "output" limit that would reduce an employee's SCERA benefits be replaced by the County with a replacement benefits plan as permitted by the Code, and the County has adopted such a plan, and;

WHEREAS, The CERL provides a method for replacement of benefits lost due to the "input limit" through A.B. 1963 (2008) enacting Government Code sec. 31482.5 with a supplemental pension plan. One of the specific reasons for enactment of A.B. 1963 was to provide a method for establishing a replacement plan for the input limit., and ;

WHEREAS, Sonoma County wishes to, under provisions of the government code Section 31482.5 adopt a replacement plan and trust that provides for eligible employees with supplemental retirement income benefits to a limited number of employees to replace certain benefits that would otherwise be lost under the County Retirement Law and;

WHEREAS, Sonoma County has created a "Replacement Plan" which is attached and incorporated by reference to this resolution including it's appendixes.

NOW, THEREFORE, BE IT RESOLVED THAT the provisions of the Replacement Plan are hereby approved and adopted.

BE IT FURTHER RESOLVED THAT Board of Supervisors may from time to time amend this Plan Document to add additional eligible employees as they see fit ;and

BE IT FURTHER RESOLVED THAT all provisions of the Plan may be amended (or terminated) as provided in the Plan including amendments (or termination) that reduce or eliminate benefits for service earned by then existing Plan participants after the date of such amendment; and

BE IT FURTHER RESOLVED THAT County staff is authorized and directed to apply to the Internal Revenue Service for a favorable determination letter on the tax qualified status of the Plan and that the Chairman of the Board is authorized to amend the Plan as required by the Internal Revenue Service to obtain such a letter, as long as this does not result in a material increase in the cost of providing benefits under the Plan.

BE IT FURTHER RESOLVED that is not the intent of this Board approving this Plan Document to change, modify or repeal in any way any of the existing rules of the Sonoma County Retirement Board nor to diminish or remove from that Board any of its jurisdictions under the 1937 County Employee's Retirement Act.

Supervisors:

Brown:	Smith:	Kelley:	Reilly:	Kerns:
Ayes:	Noes:	Absent:	Abstain:	

SO ORDERED