

# **BOARD RESOLUTION**

## **Establishing Retirement Incentive/Supplemental Employee Retirement Plan for Eligible Full-Time Faculty, Classified, Confidential, Administration, and Management Employees**

### **MEETING MINUTES OF THE MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT**

**December 14, 2016**

On December 14, 2016 the Board of Education (the "Board") of the Monterey Peninsula Community College District ("District") held a noticed public meeting. All members of the Board were present except the following: \_\_\_\_\_

On motion of Board Member \_\_\_\_\_, duly seconded and carried, the following Resolution was adopted:

WHEREAS, California Government Code Section 53224 authorizes school districts to make contributions to retirement plans; and

WHEREAS, the District desires to provide retirement benefits to its eligible full-time faculty, classified, confidential, administration, and management employees ("Eligible Employees") under such a plan; and

THEREFORE, IT IS RESOLVED that the Board hereby establishes a retirement plan for Eligible Employees of the District effective July 01, 2017.

RESOLVED FURTHER that the eligibility requirements for faculty employees to participate in such plan shall be as follows:

- Employee must be a full-time faculty employee of the District
- Employee must be 55 years or older by June 30, 2017
- Employee must have 5 years of full-time service or more with the District by June 30, 2017
- Employee must retire from the District by June 30, 2017
- Employee must file a signed irrevocable letter of resignation for the purpose of retirement with Susan Kitagawa by 12:00 p.m. on February 21, 2017 ~~January 10, 2017~~
- Employee must timely submit the SERP Enrollment Package documentation

RESOLVED FURTHER that the eligibility requirements for classified, confidential, administration, and management employees to participate in such plan shall be as follows:

- Employee must be a full-time classified, confidential, administration, or management employee of the District
- Employee must be 58 years or older by June 30, 2017
- Employee must have 15 years of continuous full-time service or more with the District by June 30, 2017
- Employee must retire from the District by June 30, 2017
- Employee must file a signed irrevocable letter of resignation for the purpose of retirement with Susan Kitagawa by 12:00 p.m. on February 21, 2017 ~~January 10, 2017~~
- Employee must timely submit the SERP Enrollment Package documentation
- For Employees within the classified bargaining unit, the bargaining unit representative(s) must have provided either: (1) a written statement from the unit leadership on behalf of the

unit representative(s) declining to bargain over the decision and effects of the District's offer of this incentive plan to classified bargaining unit members; or (2) a written memorandum of understanding between the representative(s) and the District affirming that the incentive plan may be offered to unit members on the terms set forth in this Resolution.

RESOLVED FURTHER that ~~at least five (5)~~ a sufficient number of eligible faculty employees must timely enroll in the retirement plan so that it is cost-neutral to the District and, if this threshold is not met, the retirement plan will not be offered to any District employees as described in this Resolution. In the event that this condition precedent does not occur, any Eligible Employee that has tendered his/her letter of resignation for the purpose of retirement on or before ~~January 10, 2017~~ February 21, 2017 may rescind his/her resignation by filing written notice to Susan Kitagawa via email at [skitagawa@mpc.edu](mailto:skitagawa@mpc.edu) on or before ~~January 17, 2017~~ February 28, 2017 at 5:00 p.m.

RESOLVED FURTHER that effective July 01, 2017, the Board hereby adopts that certain plan known as the MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT Supplemental Employee Retirement Plan, which plan is intended to qualify for favorable tax treatment under section 403(b) of the Internal Revenue Code of 1986, as amended ("Code") and to be exempt from the Employee Retirement Income Security Act of 1974, as amended ("ERISA").

RESOLVED FURTHER that, to fund each participant's benefit, the District shall contribute to the Plan an amount equal to 65% of the participant's base salary for the participant's last school year of employment, subject to the contribution limits under section 415(c) of the Code and any other applicable limits under the Code or other governing laws.

RESOLVED FURTHER that, for purposes of the limitations on contributions under the Plan imposed by section 415(c) of the Code, the "limitation year" shall be the Plan Year, as defined under the terms and provisions of the Plan.

RESOLVED FURTHER that, for purposes of clarification of administration of the Plan but not for purposes of making said Plan subject to Title I of ERISA, the Board hereby designates the District as the plan administrator.

RESOLVED FURTHER that the Board hereby appoints the following individual(s) to comprise the Plan Committee:

Vice President of Administrative Services  
Associate Dean, Human Resources  
Monterey Peninsula Community College District  
980 Fremont Street  
Monterey, CA 93940

RESOLVED FURTHER that the Board hereby appoints Keenan Financial Services as the contract administrator to assist the District in the implementation and administration of the Plan.

RESOLVED FURTHER that the Board hereby authorizes and directs the Superintendent/President and/or his designee to take the following actions:

- A. Execute the Plan and any and all other documents necessary or proper to implement the Plan.

- B. Contract with Keenan Financial Services as contract administrator to provide all services described in the contract.
- C. Execute any and all documents, including any amendment to the Plan, necessary or proper to obtain and maintain IRS approval of the form of the Plan if the IRS makes available a procedure for approval.
- D. Enter into any other contract or agreement which he or she deems necessary or proper to administer and/or fund the Plan and to attain and maintain the income tax qualification of the Plan under the Code.
- E. Extend any employee response deadlines set forth herein for a legitimate non-discriminatory business reason, by written notice posted on the District's website and at the Superintendent/President's office, and provided to the Board.

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

DATED: December 14, 2016

Signature Governing Board Chair \_\_\_\_\_

Print Name \_\_\_\_\_

I \_\_\_\_\_, Secretary of the Board for the MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT, hereby certify that the above and the foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof on the 14th day of December, 2016 and passed by a majority vote of said Board.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14th day of December 2016.

\_\_\_\_\_  
 Secretary of the Governing Board for the  
 MONTEREY PENINSULA COMMUNITY  
 COLLEGE DISTRICT

