

RESOLUTION NO. 103-22(A)

RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND APPROVING THE ADOPTION OF THE PUBLIC AGENCIES POST-EMPLOYMENT BENEFITS TRUST ADMINISTERED BY PUBLIC AGENCY RETIREMENT SERVICES (PARS)

WHEREAS, the City of Richmond (the “City”) 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 City desires to set aside funds for the purpose of pre-funding its CalPERS pension obligation that will be held in trust for the exclusive purpose of making future contributions of the City’s required pension contributions and any employer contributions in excess of such required contributions at the discretion of the City; 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 City’s plans, policies and/or applicable collective bargaining agreements; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Richmond

1. The City Council hereby adopts the Public Agencies Post-Employment Benefits Trust, effective July 19, 2022; and
2. The City Council hereby appoints the Director of Finance, or his/her successor or his/her designee as the City’s Plan Administrator for the Program; and
3. The City’s Plan Administrator is hereby authorized to execute the PARS legal and administrative documents on behalf of the City and to take whatever additional actions are necessary to maintain the City’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 City’s Program; and
4. The City Council, in accordance with Section 3.3 of the Public Agencies Post-Retirement Health Care Plan Trust adopted effective April 1, 2008, hereby authorizes the withdrawal from said trust and directs the transfer of assets held in said trust to the OPEB Account established in the name of the City under the Public Agencies Post-Employment Benefits Trust, adopted herewith.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held July 19, 2022, by the following vote:

AYES: Councilmembers Bates, Jimenez, Johnson III, McLaughlin,
Willis, Vice Mayor Martinez, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
 (SEAL)

Approved:

THOMAS K. BUTT
 Mayor



Approved as to form:

DAVE ALESHIRE
 Interim City Attorney

State of California }
 County of Contra Costa }
 City of Richmond } : ss.

I certify that the foregoing is a true copy of **Resolution No. 103-22(A)**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on July 19, 2022.

Certified as a True Copy

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND, CALIFORNIA

BY *Sabrina Gandy*
ASSISTANT