

## **REGIONAL TRANSIT AUTHORITY**

### **RESOLUTION NO. 32**

A RESOLUTION of the Board of the Regional Transit Authority for the Pierce, King and Snohomish Counties region adopting a retirement program, including independent retirement plans in lieu of Public Employees' Retirement System (PERS) coverage and in lieu of Social Security coverage for participating employees of the Regional Transit Authority.

WHEREAS, the Regional Transit Authority ("RTA") has been established to develop and implement a high capacity transportation system for the Central Puget Sound Region pursuant to Chapters 81.104 and 81.112 RCW; and

WHEREAS, the RTA has employed and will employ a staff necessary to perform its mission, functions and purposes; and

WHEREAS, the Board of the RTA is authorized by RCW 81.112.060(3) to fix the salaries and wages of its officers and employees and to provide other compensation to such staff in the form of pension and retirement benefits; and

WHEREAS, the Board of the RTA has authorized a review of various alternatives with respect to retirement program coverage for the staff of the RTA and has discussed with management and legal counsel the information gathered in such review; and

WHEREAS, the Board of the RTA has concluded that it is in the best interests of the RTA that certain employees of the RTA be eligible for participation in a retirement plan qualified under section 401(a) of the Internal Revenue Code of 1986, as amended ("Code"), and a deferred compensation plan described in Code section 457, independent from the Public Employees' Retirement System ("PERS"), employees who are covered by such plans to be excepted from PERS coverage pursuant to RCW 41.40.023(4); and

WHEREAS, the Board believes that it is in the best interest of the RTA, to the extent permitted by law, to elect out of Social Security coverage with respect to employees covered by such independent retirement plan and deferred compensation plan established by the RTA;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Regional Transit Authority as follows:

Section 1. That a qualified retirement plan and a deferred compensation plan independent from the Public Employees' Retirement System are hereby authorized for the benefit of certain employees of the RTA, such plans to be established under prototype money purchase pension and deferred compensation plans sponsored by ICMA Retirement Corporation, an affiliate of International City Management Association ("ICMA"), the terms may be amended from time to time by the Board of the RTA as permitted or required by law.

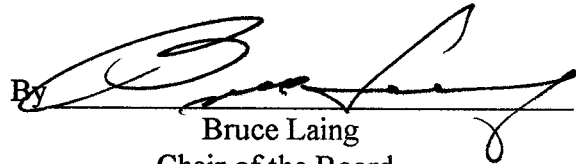
Section 2. That the RTA hereby approves and executes the ICMA Retirement Trust as to funds held under the plans invested in the ICMA Retirement Trust; agrees to serve as trustee under the money purchase pension plan; and appoints the Executive Director (who may delegate any administrative duties relating to the plans to appropriate officers or departments of the RTA) to be the coordinator for the plans, to receive reports and notices from ICMA Retirement Corporation or the ICMA Retirement Trust, to cast on behalf of the RTA any required votes under the ICMA Retirement Trust, and to execute all necessary agreements with the ICMA Retirement Corporation incidental to the administration of the plans.

Section 3. That the RTA shall not make contributions to Social Security for employees who are covered by both such independent retirement plan and deferred compensation plan, and for these purposes shall elect out of Social Security with respect to such employees to the extent permitted by law.


Section 4. That those employees of the RTA who elect such participation shall participate in the Public Employees' Retirement System, and the RTA is hereby authorized to join the Public Employees' Retirement System with respect to such employees.

Section 5. The Executive Director, or his designee, is hereby authorized to take such actions as may be necessary or advisable with advice of counsel to accomplish adoption of the independent retirement plan and deferred compensation plan and the election out of Social Security and to otherwise effectuate the intent of this resolution.

ADOPTED by the Board of the Regional Transit Authority for the Pierce, King and Snohomish Counties region at its meeting held on August 12, 1994.

By   
Bruce Laing  
Chair of the Board

ATTEST:

  
Board Administrator