

RESOLUTION NO. 2012-33

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE TO TAX
DEFER MEMBER PAID CONTRIBUTIONS – IRC 414(H)(2)
EMPLOYER PICK-UP**

WHEREAS, the governing body of the The City of Elk Grove has the authority to implement the provisions of section 414(h) (2) of the Internal Revenue Code (IRC); and

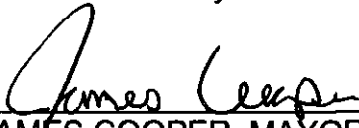
WHEREAS, the The City of Elk Grove has determined that even though the implementation of the provisions of section 414(h)(2) IRC is not required by law, the tax benefit offered by section 414(h)(2) IRC should be provided to All Employees who are members of the California Public Employees' Retirement System.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove:

- I. That the The City of Elk Grove will implement the provisions of section 414(h)(2) Internal Revenue Code by making employee contributions pursuant to California Government Code Section 20691 to the California Public Employees' Retirement System on behalf of all its employees or all its employees in a recognized group or class of employment who are members of the California Public Employees Retirement System. "Employee contributions" shall mean those contributions to the Public Employees' Retirement System which are deducted from the salary of employees and are credited to individual employee's accounts pursuant to California Government Code section 20691.
- II. That the contributions made by the The City of Elk Grove to the California Public Employees' Retirement System, although designated as employee contributions, are being paid by the The City of Elk Grove in lieu of contributions by the employees who are members of the California Public Employees' Retirement System.
- III. That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the The City of Elk Grove to the California Public Employees' Retirement System.
- IV. That the The City of Elk Grove shall pay to the California Public Employees' Retirement System the contributions designated as employee contributions from the same source of funds as used in paying salary.
- V. That the amount of the contributions designated as employee contributions and paid by the The City of Elk Grove to the California Public Employees' Retirement System on behalf of an employee shall be the entire contribution required of the employee by the California Public Employees' Retirement Law (California Government Code Sections 20000, et seq.).
- VI. That the contributions designated as employee contributions made by The City of Elk Grove to the California Public Employees' Retirement System shall be

treated for all purposes, other than taxation, in the same way that member contributions are treated by the California Public Employees' Retirement System.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 22nd day of February 2012.



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN HOBBS,
INTERIM CITY ATTORNEY

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RESOLUTION TO TAX DEFER MEMBER PAID CONTRIBUTIONS - IRC 414(h)(2)

Approved by: _____

Title: _____

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2012-33**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 22, 2012 by the following vote:

AYES : COUNCILMEMBERS: Cooper, Hume, Detrick, Scherman

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Davis


**Jason Lindgren, City Clerk
City of Elk Grove, California**