

CLARK COUNTY STAFF REPORT

DEPARTMENT: Human Resources

DATE: July 8, 2014

REQUEST: Approval of Deferred Compensation Program Resolution, as amended.

CHECK ONE: X Consent CAO

BACKGROUND

Clark County's 457 Deferred Compensation Plan was established to allow employees to build their retirement through salary deferral into a tax-favored program. Participants also have the ability to invest their contributions among a variety of investment options offering varying degrees of risk.

The attached Resolution to the Clark County 457 Deferred Compensation plan, amending Resolution 1988-02-32, establishes a Deferred Compensation Committee Charter outlining the role and responsibility of the committee, and increases the number of committee members.

The following positions will be added to the Committee: Deputy Treasurer and a Department Director. The positions are in addition to the existing membership, which includes the Human Resources Director, Civil Deputy Prosecuting Attorney, and Benefits Manager. The committee shall serve as Fiduciaries of the program.

Under the Charter the committee will have the authority and discretion to control and manage the plan. The authority and responsibility of the committee shall include modification, amendment, or alteration of the Plan provisions to remain compliant with Internal Revenue Code Section 457 and regulations thereunder; determine investment options, determine participant eligibility, and recommend to the Board of Commissioners, subject to current contracting policy, all service providers necessary or desirable to administer the Plan.

COMMUNITY OUTREACH

Community Outreach is not a consideration for this program update; it is an internal service matter.

BUDGET AND POLICY IMPLICATIONS

There are no budget implications; the program is funded by participating employees. There are no community based policy implications.

FISCAL IMPACTS

Yes (see attached form)

No



*ngo
bk
N*

ACTION REQUESTED

Approve the amended resolution for the Clark County 457 Deferred Compensation Plan and authorize the County Administrator to sign the 457 Deferred Compensation Plan Administrative Committee Charter.

DISTRIBUTION

Kathy Meyers, Benefits Manager
Human Resources



Francine Reis
Human Resources Director

Approved:



CLARK COUNTY
BOARD OF COMMISSIONERS

July 8, 2014

SR 144-14

CLARK COUNTY, WASHINGTON

Resolution No: 2014-07-09

WHEREAS, by Resolution No. 1988-02-32, the County established a deferred compensation plan for its employees to enable them to save pre-tax monies to a retirement savings plan under the Federal Internal Revenue Code (IRC) Section 457(b); and

WHEREAS, by amending Resolution No. 1988-02-32, the County establishes a Deferred Compensation Plan Administrative Committee (Committee) to advise the Administrator of the Plan; and

WHEREAS, the County Administrator shall appoint the committee members generally consisting of the Human Resources Director, Civil Deputy Prosecuting Attorney, the Deputy Treasurer, a Department Director, and the Benefits Manager; and

WHEREAS, the role and responsibilities of the committee shall be established through the 457 Deferred Compensation Plan Administrative Committee Charter to include the authority and discretion to control and manage the plan. The responsibility and authority of the committee shall include modification, amendment or alteration of the Plan provisions to remain compliant with IRC Section 457 and regulations thereunder, determine investment options in accordance with the Investment Policy, determine eligibility, interpret the provisions of the Plan and publication of such rules and regulations that are deemed necessary and not inconsistent with the terms hereof or of the Plan, and recommend to the Board of Commissioners, subject to current contracting policy, all service providers necessary or desirable for the administration of the Plan; and

WHEREAS, the Committee shall discharge its duties with respect to the Plan in such a manner as to comply with applicable law and regulations including Internal Revenue Code Section 457 and regulations thereunder, and

WHEREAS, the Benefits Manager shall be deemed the Administrator of the plan and shall Chair the Committee and shall receive necessary reports, notices, etc. from the plan record-keeper, and shall also include other internal administrative requirements not specifically stated in the Service Agreement with the plan's record-keeper; and

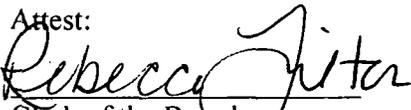
WHEREAS, this matter is being considered during an open, public meeting, and the board finds that adoption of this resolution will further the health, safety and welfare of its employees;

NOW THEREFORE, BE IT RESOLVED, the Deferred Compensation Plan is amended to establish a Deferred Compensation Administrative Committee to oversee the administration of the Plan.

DATED this 24th day of June, 2014.

BOARD OF COUNTY COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON

Attest:


Clerk of the Board

By 
Tom Mielke, Chair

Approved as to Form Only
ANTHONY F. GOLIK
Prosecuting Attorney

By _____
David Madore, Commissioner

By 
Chris Horne, Chief Civil
Deputy Prosecuting Attorney

By _____
Ed Barnes, Commissioner

CLARK COUNTY WASHINGTON

457 DEFERRED COMPENSATION PLAN ADMINISTRATIVE COMMITTEE CHARTER

I. INTRODUCTION

This document is the Charter, which sets forth the rights, powers, responsibilities, and obligations of the 457 Deferred Compensation Plan Administrative Committee (the "Committee") for the Clark County 457 Deferred Compensation Plan (the "Plan"). The Committee is charged under the Charter with carrying out its duties and advising the Administrator for the Plan (which is the employer) as originally established pursuant to authorization contained in Resolution 1988-02-32 as amended and applicable provisions of the Plan document.

II. MEMBERSHIP OF THE COMMITTEE

The Committee shall be comprised of not less than Five (5) voting members that shall be appointed by the County Administrator generally consisting of the following positions: Benefits Manager, Human Resources Director, Civil Prosecuting Attorney, Deputy Treasurer, and a Department Director. A vacancy due to resignation, death, removal, or other cause shall be filled by the County Administrator as soon as reasonably possible. Members shall serve without compensation. All reasonable out-of-pocket expenses of the Committee shall be paid by Clark County in accordance with its standard reimbursement policies unless paid from Plan assets. Any member of the Committee may be removed by the County Administrator at any time with or without cause.

III. COMMITTEE ACTION

The Committee shall meet at least semi-annually to review Plan performance and to review the Plan investment options offered in accordance with the Plan's Investment Policy Statement. The Committee will also make changes to the investment offerings as provided under the Investment Policy Statement and as warranted. The Plan Administrator shall function as the Committee Chairperson and the Committee may appoint a Secretary who need not be a voting member of the Committee. The Secretary shall keep minutes of the Committee's proceedings and be responsible for the data, records, and documents pertaining to the Committee's duties associated with the Plan. With respect to any matter brought to the Committee for a vote, each voting member shall be entitled to one vote. Any voting member shall be entitled to appoint any other member his/her proxy in his/her absence. The Committee shall act by a majority of its members and such action may be taken either by a vote at a meeting with at least three members present physically or through digital technology or in writing without a meeting. The Chairperson is authorized to execute any document or documents on behalf of the Committee.

IV. RIGHTS AND DUTIES

The Committee shall act with the authority and discretion to control and manage the operation and administration of the Plan, and shall have all powers necessary to accomplish these purposes. The responsibility and authority of the Committee shall include, but shall not be limited to, the following:

- A. To modify, amend or alter the provisions of the Plan in whole or in part to remain compliant with Internal Revenue Code Section 457 and regulations thereunder.
- B. To determine the investment options offered to participants of the Plan pursuant to Section VII Investments.
- C. To make determinations relating to the eligibility of employees to participate.
- D. To calculate and certify to the amount and kind of benefits payable to any participant, spouse or beneficiary.
- E. Authorizing disbursements from the Plan.
- F. Maintaining or having maintained all necessary records for the administration of the Plan.
- G. Interpretation of the provisions of the Plan and publication of such rules and regulations that are deemed necessary and not inconsistent with the terms hereof or of the Plan.
- H. Recommending to the Board of Commissioners, subject to current County contracting authority, all service providers necessary or desirable for the administration of the Plan including a consultant, a third-party administrator, a trustee or trustees, a custodian, insurance companies, regulated investment companies and other such service providers as shall be necessary or appropriate for the administration and operation of the Plan. The Committee shall establish procedures, requests for proposals, criteria for acceptance, and shall select such service providers as the Committee in its sole discretion shall determine. The Committee may enter into reasonable arrangements for the provision of services, including the payment of fees and expenses incurred including payment from Plan assets.

V. ALLOCATION AND DELEGATION OF RESPONSIBILITY

The Committee may, by written rule or by its minutes, allocate responsibilities among Committee members and may delegate to persons other than Committee members the authority to carry out responsibilities under the Plan. In the event that a responsibility is allocated to a Committee member, no other Committee member shall be liable for any act or omission of that person except as may otherwise be required by law. If a responsibility is delegated to a person other than a Committee member, the Committee shall not be responsible or liable for any act or omission of such person in carrying out such responsibility except as may otherwise be required by law.

VI. INDEMNIFICATION

Clark County shall indemnify individual Committee members pursuant to Clark County Code 2.97.025(1).

VII. PLAN INVESTMENTS

The Committee shall have the following responsibilities related to Plan investments:

- A. Selecting the investment design features of the Plan; this includes establishing:
 - 1. The investment policy and objectives,
 - 2. The number and types of investment alternatives available to Plan participants, and
 - 3. Participant investment procedures;
- B. Appointing, monitoring and evaluating all investment fund options in accordance with guidelines and benchmarks established within this document and consistent with applicable laws;
- C. Monitoring Plan costs which are charged to Plan assets and/or paid by Plan participants, including, but not limited to, investment management fees, trustee fees and fees paid to other Plan service providers;
- D. Providing general investment information to Plan participants regarding the procedures for making investment choices under the Plan and general investment information regarding each of the investment options offered under the Plan;
- E. Ensuring the service providers to the Plan are providing education to plan participants

Additional information regarding Plan investments may be found in the Clark County 457 Deferred Compensation Plan Investment Policy Statement.

VIII. STANDARD OF CARE

The Committee shall discharge its duties with respect to the Plan in such a manner as to comply with applicable law and regulations including Internal Revenue Code Section 457 and regulations thereunder. All assets and income of the Plan shall be held in trust for the exclusive benefit of participants and their beneficiaries.

IX. PLAN DOCUMENTS

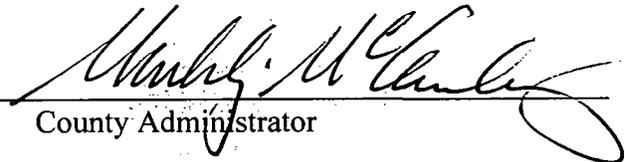
The Plan shall be governed by and administered under one or more plan documents and trust agreements. These Plan documents and trust agreements, together with any other formal documents maintained for the operation and administration of the Plan, shall be on file in the permanent records of the Committee and shall be available for inspection by Plan participants during business hours.

X. AMENDMENT

This Charter may be amended by a four-fifths majority vote of the Committee at a meeting called for that purpose or by unanimous written consent of all members of the Committee.

DATED this 8TH day of JULY, 2014.

CLARK COUNTY WASHINGTON

By 
County Administrator