

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ESTERO MUNICIPAL IMPROVEMENT DISTRICT APPROVING THE ESTABLISHMENT OF A TAX-EXEMPT IRC SECTION 115 IRREVOCABLE TRUST; SELECTING THE PUBLIC AGENCY RETIREMENT SERVICES (PARS) AS THE TRUST ADMINISTRATOR; AUTHORIZING THE DISTRICT MANAGER (OR SUCCESSOR/DESIGNEE) TO APPROVE THE AGREEMENT WITH PARS, TO BE THE DISTRICT'S PLAN ADMINISTRATOR AND EXECUTE ALL NECESSARY DOCUMENTS TO ESTABLISH THE IRC SECTION 115 IRREVOCABLE TRUST; APPROVING "GROWTH" INVESTMENT STRATEGY; APPROVING THE INITIAL FUNDING OF \$286,294; AND APPROVING THE APPROPRIATION IN ACCOUNT 508-0460-999-4155 FOR \$286,294

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

WHEREAS, PARS has made available the PARS Public Agencies Post-Employment Benefits Trust (the "Trust") for the purpose of prefunding pension obligations and/or other post-employment benefits OPEB obligations; and

WHEREAS, the District is eligible to participate in the Trust, 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 District's adoption and operation of the Trust 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 Trust; and

WHEREAS, the District's funding of the Trust does not, and is not intended to, create any new vested right to any benefit nor strengthen any existing vested right; and

WHEREAS, the District reserves the right to make contributions, if any, to the Trust.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Estero Municipal Improvement District does hereby:

1. Authorize participation in and adopts the PARS Public Agencies Post Employment Benefits Trust effective as of October 21, 2024 and establishes a tax-exempt IRC Section 115 irrevocable Trust;
2. Select PARS as the Trust administrator and authorizes the District Manager to approve the agreement with PARS, with minor revisions that may be approved by the District Legal Counsel, to execute any other necessary documents to

effectuate the terms of the agreement and maintain the Trust on behalf of the District, in forms approved by the District Legal Counsel and to maintain compliance of any relevant regulation(s) issued or as may be issued; therefore, authorizing him/her to take whatever additional actions are required to administer the District's Trust;

3. Appoint the District Manager, or his/her successor or his/her designee as the District's Plan Administrator for the Trust;
4. Approve the "Growth" investment strategy;
5. Approve the Initial Funding of \$286,294; and
6. Approve the appropriation in Account No. 508-0460-999-4155 for \$286,294.

PASSED AND ADOPTED as a resolution of the Board of Directors of the Estero Municipal Improvement District at the regular meeting held on the 21<sup>st</sup> day of October 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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PATRICK SULLIVAN, PRESIDENT

ATTEST:

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PRISCILLA SCHAUS, DISTRICT SECRETARY