

Office of Human Resources
Howard S. Tames, Chief Personnel Officer

**SUBJECT: REQUEST FOR AUTHORIZATION TO AMEND THE BOARD'S
MONEY PURCHASE PLAN AND TRUST WITH ICMA
RETIREMENT CORPORATION**

**COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND
PERSONNEL SERVICES**

At the Board meeting of May 12, 1999, the Board approved a resolution to establish the Miami-Dade County School Board Money Purchase Plan. This plan was established to allow School Board members, referred to by the Florida Retirement System (FRS) as Elected State and County Officers' Class (ESCOC), the opportunity to voluntarily withdraw from participation in the Florida Retirement System, and have their Board contribution invested in a qualified plan, pursuant to Section 401(a) of the Internal Revenue Code.

At the Board meeting of June 23, 1999, the Board authorized expansion of the Senior Management Service Class (SMSC), pursuant to Section 121.055, Florida Statutes, to permit inclusion of a limited number of local agency positions. Subsequently, at the Board meeting of December 12, 2001, the Board authorized personnel who are eligible for membership in the Florida Retirement System (FRS), Senior Management Service Class (SMSC) to have the amount which would be contributed on their behalf to FRS, directed to the Board's Money Purchase Plan and Trust with ICMA Retirement Corporation (ICMA).

Additionally, pursuant to Section 4 (Retirement and Deferred Compensation), of the Superintendent's contract, the Board has agreed to contribute specific sums to ICMA, subject to Internal Revenue Code §415 Defined Contribution Annual Maximums.

In an effort to not have to amend the Board's ICMA documents on an annual basis, when FRS changes contribution percentages, or when the Board approves specific employment contracts which include deferred compensation provisions, authorization is sought to amend the ICMA documents to allow for the following:

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1. Amend the ICMA Adoption Agreement to include Elected State and County Officer's Class (ESCOC) (Board members), Senior Management Service Class (SMSC), and employees covered by specific contract provisions, including the Superintendent of Schools;
2. Amend the ICMA Adoption Agreement to specify the contribution amounts for all authorized participants to be equal to required employer retirement contribution rates, as specified by Section 121.71, Florida Statutes, subject to annual changes as passed by the Florida Legislature, or an amount specified as part of a contractual agreement with the Board and its employee(s), subject to appropriate limitations set forth pursuant to Internal Revenue Code §415.

These recommended amendments have been reviewed and approved by Steven B. Lapidus, Esquire, Greenberg Traurig, P.A., who provides the Board legal advice on such matters through the Board's fringe benefits consulting contract with Deloitte Consulting, LLP.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida:

1. authorize appropriate amendment(s) to the Board's Governmental Money Purchase Plan and Trust with ICMA Retirement Corporation, to reflect eligibility for participation in the plan to include Elected State and County Officer's Class (ESCOC), Senior Management Service Class (SMSC), and specific employees under individual employment contracts, providing for such participation; and
2. authorize contribution amounts to the Board's Governmental Money Purchase Plan and Trust, with ICMA Retirement Corporation, for authorized participants to be equal to required employer retirement contribution rates, as specified by Section 121.71, Florida Statutes, subject to annual changes as passed by the Florida Legislature; or an amount specified as part of a contractual agreement with the Board and its employee(s), subject to appropriate limitations set forth pursuant to Internal Revenue Code §415.

HST:sc