



## Legislation Details (With Board Report)

**File #:** RES 21-192      **Name:** Amended Bylaws of MC Deferred Compensation Administration Committee

**Type:** BoS Resolution      **Status:** Passed - Human Resources Department

**File created:** 10/22/2021      **In control:** Board of Supervisors

**On agenda:** 11/2/2021      **Final action:** 11/2/2021

**Title:** Adopt a resolution to:  
a. Approve and adopt the proposed amended bylaws of the Monterey County Deferred Compensation Administrative Committee.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Attachment A - Current Bylaws of the Deferred Compensation Administrative Committee, 3. Attachment B - Proposed Amended Bylaws of the Deferred Compensation Administrative Committee – Clean Version, 4. Attachment C - Proposed Amended Bylaws of the Deferred Compensation Administrative Committee – Redline Version, 5. Attachment D - Resolution, 6. Completed Board Order Item No. 26, 7. Completed Resolution Item No. 26

Date	Ver.	Action By	Action	Result
11/2/2021	1	Board of Supervisors	adopted - human resources department	

Adopt a resolution to:  
a. Approve and adopt the proposed amended bylaws of the Monterey County Deferred Compensation Administrative Committee.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors take the following actions:

Adopt a resolution to:  
a. Approve and adopt the proposed amended bylaws of the Monterey County Deferred Compensation Administrative Committee.

**SUMMARY/DISCUSSION:**

The Monterey County Deferred Compensation Administrative Committee oversees the operations and administration of the Monterey County 457(b) Deferred Compensation Plan and is governed by the Bylaws of the Monterey County Deferred Compensation Administrative Committee (Attachment A). During the May 19, 2021 regular quarterly committee meeting, the Monterey County Deferred Compensation Administrative Committee approved the draft amendments to the Bylaws of the Monterey County Deferred Compensation Administrative Committee (Attachment B) and recommends that the County of Monterey Board of Supervisors approve and adopt the amended bylaws.

In November 2018, the Monterey County Deferred Compensation Administrative Committee voted to form an *ad-hoc* committee to review and make update recommendations to the committee’s bylaws. The ad-hoc committee in conjunction with County Counsel and the Plan Consultant met on May 10, 2021 to review and update the committee bylaws in accordance with current Internal Revenue Code section 457(b) deferred

compensation plan laws and regulation as well as correct typos and outdated language.

The ad-hoc committee recommended the addition of Section 7(f) which establishes the Officers of the committee and the procedure to elect said Officers as well as provisions in the event that all Officers are absent. Additionally, Section 7(g) establishes a two-year term limit for the Chair at which point the Vice Chair would become the Chair of the committee. The committee bylaws establishes that the committee shall be made up of nine voting members to include one retiree representative. Section 6(i) was added to establish the recruitment and selection of the retiree representative member.

In an effort to eliminate duplication, overlapping, or contradicting provisions, the majority of the updates recommend the removal of language which is already contained within the service agreement with the plan recordkeeper, consultant, and/or third-party plan auditor or within the Plan Document. The following section have been removed as they are contained within the Plan Document or no longer applicable:

- Section 13 Minimum Normal Retirement Ages
- Section 16 Beneficiary Elections
- Section 17 Election to Become a Participant
- Section 19 Unforeseen Emergency Distribution
- Section 20 Claims Procedures
- Section 21 Proxies
- Section 22 Non-Alienation
- Section 23 No Enlargement of Employment Rights
- Section 25 Construction

OTHER AGENCY INVOLVEMENT:

The revisions of the bylaws were reviewed and approved by the Monterey County Deferred Compensation Administrative Committee and the Office of the County Counsel as to form.

FINANCING:

Members of the Monterey County Deferred Compensation Administrative Committee serve without compensation. Changes to the bylaws, including any relative staff support, will have no impact on the County's General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action addresses the Board of Supervisors' Administration Strategic Initiative and demonstrates the County's commitment to meeting the Board's initiatives by attracting, recruiting, and retaining a diverse, talented work force that supports the mission of Monterey County.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Approved by: Dean Carothers, Deferred Compensation Administrative Committee Chair

Attachments:

Attachment A - Current Bylaws of the Deferred Compensation Administrative Committee

Attachment B - Proposed Amended Bylaws of the Deferred Compensation Administrative Committee - Clean Version

Attachment C - Proposed Amended Bylaws of the Deferred Compensation Administrative Committee - Redline Version

Attachment D - Resolution