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March 22, 2021

Board of Directors
Triunfo Water & Sanitation District
Ventura County, California

TWSD SECTION 218 (SOCIAL SECURITY) RESOLUTION NO. TWSD 2021-002

Summary

In order for the Triunfo Water & Sanitation District (District) to participate in the Federal Social Security Plan, the District is required to establish a Section 218 agreement through the State of California's State Social Security Administrator (SSSA). The SSSA has requested that the District approve a Resolution (TWSD 2021-002) and Application and Agreement with the SSSA which establishes the required documentation for District participation. The Resolution certifies that the District conducted a vote by its employees and are in favor of coverage under the provisions of the Old-Age, Survivors, Disability and Health Insurance. This is the fourth step in the process to have the District accepted into the Federal Social Security Act program. Staff is requesting the Board authorize the Chair and the General Manager to sign the Resolution with the State Social Security Administrator of California, and the Application and Agreement documents for submission to the State.

Fiscal Impact

The cost of this process is \$650 and was included in the transitional cost analysis.

Recommendation

It is recommended that the Board review and approve the Resolution with the State of California and authorize the Chair and the General Manager to sign it and the General Manager to sign the Application and Agreement with the State of California's State Social Security Administrator.

REVIEWED AND APPROVED:


Mark Norris - General Manager

Attachment: Resolution TWSD 2021-002 with State of California



Official State Social Security Administrator
California Public Employees' Retirement System

P.O. Box 720720, Sacramento, CA 94229-0720 | Phone: (916) 795-0810 | Fax: (916) 795-3005
888 CalPERS (or 888-225-7377) | TTY: (877) 249-7442 | www.calpers.ca.gov/sssa

March 15, 2021

CalPERS ID No.: 5000000312

Vickie Dragan
Director Of Finance
Triunfo Water & Sanitation District
1001 Partridge Drive, Suite 150
Ventura, CA 93003-0704

Dear Vickie Dragan,

Thank you submitting the Social Security majority vote election ballots and certification.

The next step is the adoption of the Resolution authorizing execution of the Application and Agreement for Social Security coverage for employees of the Triunfo Water & Sanitation District who are members of the Triunfo Water & Sanitation District (TWSD) 401a Plan. We have enclosed a partially completed Resolution, and Application and Agreement. The forms contain the terms of coverage indicated in the Resolution adopted by the Triunfo Water & Sanitation District Board of the Triunfo Water & Sanitation District. Mark Norris, as Authorized Agent, should sign all copies of the enclosed Application and Agreement. The original and one copy of the adopted certified Resolution and the original and one copy of the signed Application and Agreement should be returned to this office.

Upon receipt of the above, we will request the Federal Government to include the Triunfo Water & Sanitation District in the Social Security program.

These documents should not be modified in any way, as only the content included in the documents provided by this office will be accepted.

If you have any questions regarding the enclosed information, call us at (916) 795-0810.

Sincerely,

Veronica Silva-Gil
State Social Security Administrator Program

Enclosures

RESOLUTION NO. TWSD 2021-002
(To Accompany Application and Agreement)

WHEREAS, a majority of the eligible employees of the Triunfo Water & Sanitation District, hereinafter referred to as "Public Agency", who are members of and in positions covered by the Triunfo Water & Sanitation District (TWSD) 401a Plan; at a majority vote election conducted in accordance with the provisions of Part 4, Division 5, of Title 2 of the California Government Code, Section 218 of the Federal Social Security Act, and regulations promulgated by the Board of Administration of the California Public Employees' Retirement System, hereinafter referred to as "State," voted in favor of coverage under the provisions of the Old-Age, Survivors, Disability and Health Insurance system established by the Federal Social Security Act; and

WHEREAS, the Public Agency desires to file an application with the State and to enter into an agreement with the State to extend to such retirement system members and to other eligible employees of the Public Agency in the same coverage group, as defined in Section 218(d)(4) of the Federal Social Security Act, coverage under the said insurance system on behalf of the Public Agency; and

WHEREAS, official form "Application and Agreement" containing the terms and conditions under which the State will affect such inclusion has been examined by this body;

NOW, THEREFORE, BE IT RESOLVED, that said Application and Agreement on said official form be executed on behalf of the Public Agency and submitted to the State to provide coverage under the California State Social Security Agreement of March 9, 1951, of all services performed by individuals as employees of the Public Agency as members of a coverage group (as defined in Section 218(d)(4) of the Social Security Act) of the Triunfo Water & Sanitation District (TWSD) 401a Plan, except the following:

1. All services excluded from coverage under the agreement by Section 218 of the Social Security Act; and
2. Services excluded by option of the Applicant as indicated in Resolution No. PERS-001 adopted at a meeting of the Triunfo Water & Sanitation District on October 26, 2020: Elected Officials.

Effective date of coverage of services under said agreement to be October 4, 2020; and

BE IT FURTHER RESOLVED, that Mark Norris, General Manager, 1001 Partridge Drive, Suite 150, Ventura, CA, 93003-0704, is hereby authorized and directed to execute said Application and Agreement on behalf of and as Authorized Agent of the Public Agency and to forward same to the State for acceptance and further action; and

BE IT FURTHER RESOLVED, that authority hereafter to act as Authorized Agent, and so to conduct all negotiations, conclude all arrangements, submit all reports, and sign all agreements and instruments which may be necessary to carry out the letter and intent of the aforesaid application and agreement, in conformity with all applicable Federal and State laws, rules and regulations, is vested in the position of General Manager.

Triunfo Water & Sanitation District

Presiding Officer

General Manager

Date

CERTIFICATION

I, Mark Norris, General Manager of the Triunfo Water & Sanitation District, State of California, do hereby certify the foregoing to be a full, true, and correct copy of Resolution No. _____^{TWSD 2021-02} adopted by the Triunfo Water & Sanitation District Board of the Triunfo Water & Sanitation District at the regular/special meeting held on the 22nd day of March, 2021, as the same appears of record in my office.

Signature

GENERAL MANAGER

Title

Date

APPLICATION AND AGREEMENT

For the purposes of this application and agreement, any reference made herein to any State or Federal statute or statutes, or regulations, or part thereof, applies to all amendments thereto now or hereafter made.

For the purposes of this application and agreement, "Federal System" means Old-Age, Survivors, and Disability and Health Insurance system established by the Federal Social Security Act, "Federal agency" means the Commissioner of Social Security, or successor in function to such officer, "Board" means the Board of Administration of the Public Employees' Retirement System, acting on behalf of the State of California.

The Triunfo Water & Sanitation District, a public agency as defined in Section 22009 of the Government Code* hereinafter called Applicant, hereby makes application to the Board to execute a modification to the California State Social Security Agreement extending thereunder the Federal System to all services performed by individuals as employees of the Applicant in a coverage group as defined in Section 218(d)(4) of the Social Security Act* of the Triunfo Water & Sanitation District (TWSD) 401a Plan, a deemed retirement system except the following:

1. Those services mandatorily excluded from said agreement by Section 218 of the Social Security Act. *
2. The following services excluded by option of the Applicant pursuant to Resolution No. PERS-001, adopted on October 26, 2020:

Elected Officials

*See Attachment

In order to carry into effect, the common governmental duties under such statutes and in consideration of the mutual promises hereinafter made, the Applicant and the Board agree as follows:

1. The Board will execute a modification to the California State Social Security Agreement to extend thereunder the Federal System to the services of employees of Applicant as hereinbefore applied for.
2. Applicant will comply promptly and completely, throughout the term of this application and agreement, with the letter and intent of all statutes of the State of California, and Section 218 of the Federal Social Security Act, and applicable Federal and State regulations adopted pursuant thereto.
3. Applicant shall pay to the Federal Government amounts equivalent to the sum of taxes (employer-employee contributions) imposed under the Federal Insurance Contributions Act if the services of employees covered by the application and agreement constituted employment as defined in such Act. Applicant shall keep or cause to be kept accurate records of all remuneration for such services, said records to be maintained as required by Federal or State regulations, and said records shall be available for inspection or audit by the Board or its designated representative.
4. Applicant will prepare and submit such wage reports as may be required.

5. Applicant shall pay and reimburse the State at such times as may be determined by the State:
 - (a) Any sums of money that the State may be obligated to pay or forfeit to the Federal Government by reason of any failure of the Applicant, for any cause or reason, to pay the contributions, penalties, or interest required by the agreement between the Federal agency and the State at such time or in such amounts as required by the said agreement and any State or Federal regulations adopted pursuant thereto.
 - (b) In such amounts, as may be determined by the State, its proportionate share of any and all costs incurred by the State in the administration of the Federal System as it affects the Applicant and its employees.
 - (c) In such amounts, as may be determined by the State, the cost of any and all work and services relating to the election for the purposes of coverage under the Federal System held with respect to the coverage group for which coverage under the Federal System is requested herein.
 - (d) In such amounts, as may be determined by the State, the costs of any audits of the books and records of the Applicant made by the State or its designated representatives pursuant to Section 22559 of the Government Code.
6. The coverage herein provided for shall be effective October 4, 2020.
7. That, subject to the aforesaid provisions and applicable law, this application and agreement may be amended by the mutual consent of the parties in writing.

8. After the filing of this application and agreement, its acceptance and execution by the State shall constitute it a binding agreement between the Applicant and the State of California with respect to the matters herein set forth.

Triunfo Water & Sanitation District

Signed by:

Authorized Agent

And by:

Witness

Title

Date

ACCEPTED: _____

STATE OF CALIFORNIA
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____

Veronica Silva-Gil
State Social Security Administrator
State Social Security Administrator Program

ATTACHMENT

Section 22009, Government Code:

"Public Agency" means the State, any city, county, city and county, district, municipal or public corporation or any instrumentality thereof, or boards and committees established under Chapter 10 of Division 6 of the Agricultural Code, Chapter 754 of Statutes of 1933, as amended, or Chapter 307 of the Statutes of 1935, as amended, the employees of which constitute one or more coverage groups or retirement system coverage groups.

Section 218(d)(4):

For the purposes of subsection (c) of this section, the following employees shall be deemed to be a separate coverage group:

- (A) all employees in positions which were covered by the same retirement system on the date the agreement was made applicable to such system (other than employees to whose services the agreement already applied on such date);
- (B) all employees in positions which became covered by such system at any time after such date; and
- (C) all employees in positions which were covered by such system at any time before such date and to whose services the insurance system established by this title has not been extended before such date because the positions were covered by such retirement system - including employees to whose services the agreement was not applicable on such date because such services were excluded pursuant to subsection (c)(3)(B).

The following services are mandatorily excluded:

- (a) service performed in a policeman's or fireman's position, covered by a retirement system at the time coverage is extended to the Public Agency;
- (b) service performed by an individual who is employed to relieve him from unemployment;
- (c) service performed in a hospital, home, or other institution by a patient or inmate thereof;
- (d) covered transportation service (as defined in Section 210(k) of the Social Security Act, as amended);

- (e) service (other than agricultural labor or service performed by a student) which is excluded from employment by any provision of Section 210(a) of the Social Security Act, other than paragraph 7 of such section, or service the remuneration for which is excluded from wages by paragraph (2) of Section 209(h);
- (f) service performed by an individual as an employee on a temporary basis in case of fire, storm, snow, earthquake, or similar emergency;
- (g) services performed by election officials or election workers for each calendar year in which the remuneration paid for such service is less than the threshold amount mandated by law.