

**RESOLUTION NO. 09-01**

**RESOLUTION RELATING TO THE EMPLOYER CONTRIBUTION TO THE  
FEDERAL INSURANCE CONTRIBUTION ACT (FICA)**

BE IT RESOLVED by the Board of Directors (the "Board") of Big Sky County Water and Sewer District No. 363, Montana (the "District"), as follows:

1. Recitals.

- (a) The District will no longer participate in the Federal Insurance Contribution Act (FICA) effective immediately.
- (b) The District will request a refund from the Internal Revenue Service for the statutorily allowed period for both employer and employee contributions.
- (c) The District will amend their agreement with the Montana Public Employees Retirement Administration Deferred Compensation Plan to match the Federal Insurance Contribution Act (FICA) percentages. The District will match the employee's contribution up to that amount into the Montana Public Employees Retirement Administration Deferred Compensation Plan, or other acceptable retirement plan at the employee's discretion.

2. Official Intent Declaration.

- (a) The District will return all employee contributions to the employee and will pay the employer contributions to the employees to use for retirement purposes. The District will continue to make the FICA percentage contribution to the employee's retirement plan.

3. Budgetary Matters. The District currently contributes the FICA contributions to the Internal Revenue Service for the benefit of the employee and will continue to make the same contributions to the State of Montana Deferred Comp Plan, or other acceptable retirement plan at the employee's discretion. No additional budgetary allocation is necessary to facilitate this change.

4. Refunded Contributions. The District's financial officer shall be responsible for making the refund of contributions described in 1. (b). Each employee's and employer's contributions refunded shall be evidenced by an entry on the official books and records of the District maintained at the District office.

Adopted this 17th day of February, 2009.



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President, Board of Directors

ATTEST:



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Secretary

(Seal)