

**NEVADA COUNTY DEFERRED COMPENSATION
PLAN COMMITTEE CHARTER**

I. INTRODUCTION

This Charter creates and sets forth the rights, powers, responsibilities, and obligations of the Nevada County Deferred Compensation Plan Committee (the "Committee") for both the Nevada County 401(a) Defined Contribution Plan and the 457 Deferred Compensation Plan (the "Plan" or "Plans"). The Committee is charged under this Charter with carrying out its duties and advising the Administrator for the Plans in accordance with California Government Code Section 53213.5, as originally established pursuant to authorization and applicable provisions of the Plan Document(s), and as previously approved by the County Executive Officer to be effective May 9, 2019 – May 8, 2020. The Board of Supervisors hereby codify the Charter with the adoption of the attached Resolution.

II. MEMBERSHIP OF THE COMMITTEE

The Committee shall be comprised of five (5) voting members consisting of the individuals filling the following positions:

- Assistant County Executive Officer
- Human Resources Director
- County Benefits Officer
- Auditor-Controller
- Deputy County Executive Officer

The County Counsel (or designee) shall be a non-voting member who will attend meetings and serve as the Committee's legal advisor. Members shall serve without additional compensation. All reasonable out-of-pocket expenses of the Committee shall be paid by Nevada County unless paid from Plan assets. All expenses shall be paid in accordance with the County's standard reimbursement and payment policies.

III. COMMITTEE ACTION

The Committee shall meet at least once each quarter to review Plan performance and if necessary, revise the Plans' investment options offered in accordance with the Plans' Statement of Investment Policies and Guidelines. The Committee will also undertake any other actions authorized by this Charter. The Assistant County Executive Officer shall function as the Committee Chairperson, the Human Resources Director will serve as the Plan Administrator and the County Benefits Officer will serve as Secretary. The Secretary shall keep minutes of the Committee's proceedings and be responsible for the data, records, and documents pertaining to the Committee's duties associated with the Plans. With respect to any matter brought to the Committee for a vote, each voting member shall be entitled to one vote. The Committee shall act by a majority of its members and such action may be taken either by a vote at a meeting with at least three members present physically or through teleconferencing in accordance with the California Open Meeting Law. The Chairperson is authorized to execute any document related to the ongoing administration of the Plans such as the Investment Policies and Guidelines. Any document between the County and outside agencies must follow adopted County policy and procedure.

IV. RIGHTS AND DUTIES

The Committee has the authority, discretion, and all powers necessary to control and manage the operation and administration of the Plans. The responsibilities and authority of the Committee include the following:

- A. To modify, amend or alter the provisions of the Plans in whole or in part to remain compliant with Internal Revenue Code Sections 401 and/or 457 and regulations thereunder.
- B. To determine the investment options offered to participants of the Plans pursuant to Section VII Plan Investments.
- C. To make determinations relating to the eligibility of employees to participate.
- D. To calculate and certify to the amount and kind of benefits payable to any participant, spouse or beneficiary.
- E. To authorize disbursements from and transfer of the Plan assets.
- F. To maintain all necessary records for the administration of the Plans.
- G. To interpret the provisions of the Plans and publication of rules and regulations that are deemed necessary, within the scope of the Committee, and not inconsistent with the terms of the Plans.
- H. To recommend to the Nevada County Board of Supervisors, subject to current County policies, all service providers necessary or desirable for the administration of the Plans including a consultant, record keeper(s), third-party administrator(s), trustee(s), custodian(s), insurance company(ies), regulated investment company(ies) and/or other such service provider(s) as shall be necessary or appropriate for the administration and operation of the Plans.
- I. To review the performance of all service providers engaged in the administration of the Plans.
- J. To prepare and monitor a Plan-related budget to identify the appropriate use of excess revenue generated by the Plans, which could include, but is not limited to, training, promotion of plan participation, consultant/legal/audit fees.
- K. To maintain financial accounts, prepare financial statements, and review the investment of the financial account.

- L. To disseminate Plan benefit information to all current and prospective Plan participants and inform all eligible County employees of the benefits provided by the Plans.

V. ALLOCATION AND DELEGATION OF RESPONSIBILITY

The Committee may allocate responsibilities among Committee members and may delegate to persons other than Committee members the authority to carry out responsibilities under the Plans. If a responsibility is allocated to a Committee member, no other Committee member will be liable for any act or omission of that person except as required by law. If a responsibility is delegated to a person other than a Committee member, the Committee will not be responsible or liable for any act or omission of such person in carrying out the delegated responsibility except as otherwise may be required by law.

VI. INDEMNIFICATION

Nevada County shall indemnify, hold harmless, and defend individual Committee members pursuant to Government Code Sections 825 and 995. The County shall provide general liability and errors and omissions insurance to cover its indemnification obligations and County's insurance shall be primary.

VII. PLAN INVESTMENTS

The Committee shall have the following responsibilities related to Plan investments:

- A. Selecting the investment design features of the Plans, including the establishment of:
 - 1. The Investment Policies and Guidelines,
 - 2. The number and types of investment alternatives available to Plan participants, and
 - 3. Participant investment procedures;
- B. Appointing, monitoring, and evaluating all investment fund options in accordance with guidelines and benchmarks established within this document and consistent with applicable laws;
- C. Monitoring Plan costs which are charged to Plan assets and/or paid by Plan participants, including, but not limited to, investment management fees, trustee fees and fees paid to other Plan service providers;
- D. Providing general investment information to Plan participants regarding the procedures for making investment choices under the Plans and general investment information regarding each of the investment options offered under the Plans; and
- E. Ensuring the service providers to the Plan are providing education to plan participants.

Additional information regarding Plan investments may be found in the Nevada County 401(a) Defined Contribution and 457 Deferred Compensation Plan Statement of Investment Policies and Guidelines.

VIII. STANDARD OF CARE

The Committee shall discharge its duties with respect to the Plans in such a manner as to comply with applicable law and regulations including both Internal Revenue Code Sections 401(a) and 457. Generally, all assets and income of the Plans shall be held in trust for the exclusive benefit of participants and their beneficiaries.

IX. PLANDOCUMENTS

The Plans shall be governed by and administered under one or more Plan Documents and trust agreements. These Plan Documents and trust agreements, together with any other formal documents maintained for the operation and administration of the Plans, shall be on file in the permanent records of the Committee and shall be available for inspection by Plan participants during business hours within the Office of the County Executive.

X. TERM

This Committee Charter shall be in effect from the date adopted by the Board of Supervisors, County of Nevada, unless changes are brought before the Board for adoption.