

1 **NYE COUNTY RESOLUTION NO. 2019-19**

2 **A RESOLUTION TO CREATE A FUND ENTITLED NYE COUNTY OTHER POST-EMPLOYMENT**  
3 **BENEFITS (OPEB) TRUST FUND**

4 WHEREAS, the Nye County Board of County Commissioners (BoCC) has determined the need  
5 to establish a new fund for the funding of retiree health and welfare benefits in accordance with Statement  
6 No. 75 of the Governmental Accounting Standards Board (GASB) on Other Post-Employment Benefits  
7 (OPEB); and

8 WHEREAS, Nevada Revised Statutes (NRS) 354.612 and Nevada Administrative Code (NAC)  
9 354.241 require certain information when a new fund is created; and

10 WHEREAS, NRS 287.017 and the regulations issues thereunder require additional information  
11 and approvals for trust funds created for OPEB liabilities; and

12 NOW, THEREFORE, BE IT RESOLVED that a special trust fund entitled NYE COUNTY OPEB  
13 TRUST FUND (Fund # 10704) shall be created as follows:

14 1. The BoCC hereby finds and determines that the public interest require the creation of a new  
15 fund to address the requirements of Statement No. 75 of the Governmental Accounting  
16 Standards Board (GASB) on Other Post-Employment Benefits (OPEB)

17 2. Requirements for establishment of fund:

18 a. The purpose of the fund is to accumulate monies for OPEB costs.

19 b. Reason for creating the fund: the reason for creating the fund is to accumulate monies  
20 for OPEB costs that are required to be recognized pursuant to the GASB statements,  
21 thereby providing a separately legal trust to accumulate the assets and generate  
22 investment earnings to pay future OPEB costs.

23 c. The resources to be used to establish the fund: the initial resources of the fund will be  
24 employer contributions sourced from primarily, but not limited to, the General Fund.

25 These contributions, along with estimated investment earnings on the fund's

1 investments, will enable the BoCC to fund current and future OPEB costs.

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3 d. Declarations as to earnings on the fund: the fund shall be credited with interest earnings

4 on investments of the assets of the fund.

5 e. Annual of reserve deemed reasonable and necessary: periodic actuarial studies will be

6 performed to determine the OPEB liabilities and the amount of reserves to be held in

the fund.

7 3. Requirements of NRS 287.017 and the regulations issued thereunder:

8 a. The fund is intended to provide the means to fund OPEB liabilities, is intended to

9 qualify as a non-taxable trust fund under Section 115 of the Internal Revenue Code of

10 1986, as amended, and is intended to comply with NRS 287.017.

11 b. The fund will be an entity separate from the County for the exclusive purpose of

12 providing funds to pay for the post-retirement benefits provided by the employee

13 welfare benefits plan maintained by the County (The “County Plan”) and all assets of

14 the fund are and will be irrevocable dedicated to, and shall be used for the exclusive

15 purpose of, providing for the payment of benefits and for paying reasonable expenses

16 to administer the fund, and will not be available to any creditors of the County.

17 c. All contributions to the fund, including any interest and income earned on the money

18 in the fund, are held in trust, are irrevocable in nature, and must only inure to the benefit

19 of the designated retiree beneficiaries according to the County Plans.

20 d. The sources of money expected to be deposited in the fund are those contributions

21 required by the County Plans.

22 e. In accordance with NAC 287.778(1)(a) an OPEB Board of Trustees hereby is appointed

23 to serve as trustee of the fund, and will consist of the following members:

24 Nye County Finance Director

25 Nye County Director of Human Resources

**Current Retiree (person TBD)**

- f. The term of office for the aforementioned members of the OPEB Board of Trustees shall be for a period of two years; subject to renewal, as approved by the Commission, for a period of two additional years, but not to exceed a total period of four years.
- g. The powers, duties, rights, and obligations of the OPEB Board of Trustees will conform to the requirements of Section 17(1) of Chapter 287 of the NRS and Chapter 287 of the NAC.
- h. The fund shall be maintained as a separate bank account and no other funds shall be commingled with the fund, and the fund monies shall not be used to finance debt and shall not be available for loans to other funds.

4. The County will generate a Trust Agreement reflecting the requirements set forth above prior to funding any future liability into the fund in FY20. Upon presentation and approval of the Trust Agreement to the Commission the County Manager will be authorized to execute the Trust Agreement on behalf of the County and such execution shall be attested by the County Clerk.

5. The Chief Financial Officer is authorized and directed to take all action necessary to effectuate the provisions of this resolution, including, without limitations, forwarding all necessary documents to the Executive Director, Department of Taxation, Carson City, Nevada.

6. The County Treasurer is authorized and directed to set up a separate and distinct bank account to segregate OPEB trust fund monies from pooled cash and other County investments.

7. The fund shall be subject to the following statutes: NRS Chapter 354 Local Government Budgets; and

8. The fund shall be subject to an annual independent audit at the same time all County funds are examined.

9. This resolution shall be effective upon passage and approval.

1 APPROVED this 29<sup>th</sup> day of May, 2019.

2 NYE COUNTY  
3 BOARD OF COUNTY COMMISSIONERS:

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5 John Koenig, Chairman

6 ATTEST:  
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11 Sandra D. Merlino, Nye County Clerk  
12 and Ex-Officio Clerk of the Board