



# COUNTY *of* VENTURA

COUNTY EXECUTIVE OFFICE  
**SEVET JOHNSON, PsyD**  
County Executive Officer

**Mike Pettit**  
Assistant County Executive Officer

**Kaye Mand**  
County Chief Financial Officer

**Shawn Atin**  
Assistant County Executive Officer/  
Human Resources Director  
Labor Relations

January 9, 2024

Board of Supervisors  
County of Ventura  
800 South Victoria Avenue  
Ventura, California 93009

**Subject: Approval of Amendments to the County of Ventura 401(k) Shared Savings Plan Document.**

## **Recommendation**

It is recommended that your Board:

1. Approve and sign the attached Proposed Amended 401(k) Shared Savings Plan Document (Exhibit 2) to incorporate changes from the Setting Every Community Up for Retirement Enhancement Act of 2022 and other updates.

## **Strategic Priority**

The 401(k) Shared Savings Plan Document outlines the terms and conditions of the County's deferred compensation benefit as a supplemental retirement savings plan. As an employee benefit, the 401(k) Shared Savings Plan supports the County's Strategic Priority to attract, hire, develop, and retain a diverse workforce empowered to meet the needs of our customers.

## **Fiscal/Mandates Impact**

There is no fiscal impact resulting from this action.

## **Discussion**

On December 29, 2022, President Biden signed into law the Consolidated Appropriations Act of 2023, which includes the package of retirement provisions referred to as the Setting Every Community Up for Retirement Enhancement Act, or "SECURE 2.0." These provisions continue the themes and reforms that began with the SECURE Act of 2019, focusing on getting more participants into the retirement system, finding ways for them to accumulate more assets, and then ensuring they get connected with those assets when retirement comes.

Some provisions within SECURE 2.0 are mandatory for Plan Administrators to implement while others are optional. Throughout 2023, the Deferred Compensation Committee (Committee) has discussed several of the provisions and has taken action to implement them. The SECURE 2.0 provisions require amendments to the 401(k) Plan Document.

To incorporate the changes required by SECURE 2.0, the Committee recommends the 401(k) Plan Document to be amended as follows:

- Addition of a Roth option to the 401(k) plan to support the future SECURE 2.0 requirement that high wage earners must make catch-up contributions on a Roth basis.
- Updated language regarding Required Minimum Distribution (RMD) Age to align with IRS code.

The Committee also recommends the following amendments to the 401(k) Plan Document:

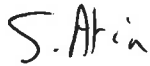
- All references to "Retirement Plan 3 Benefits" removed. Retirement Plan 3 is a two-part, hybrid retirement plan that combines a traditional pension plan with investment options that work like a typical retirement plan, such as a 401(k). Retirement Plan 3 benefits are only applicable if adopted by your Board. Because your Board never made such benefits applicable, there is no need to reference them in the Plan Document.
- Updated language on Hardship Withdrawal Eligibility to align with Facts and Circumstances request option.
- Change name of catch-up provision from "Baby Boomer" to "Age 50+."
- References of "his/her" or "he/she" have been replaced with "they/them/their."
- Signature page updated.

Redlined and clean versions of the Proposed Amended 401(k) Shared Savings Plan Document (Exhibits 1 and 2, respectively) are attached.

The Committee, composed of the County Executive Officer, Treasurer-Tax Collector, Auditor-Controller, County Counsel, and Director – Human Resources (or their designees), has reviewed the above proposed amendments and recommends approval.

This letter has been reviewed by the County Executive Office, County Counsel, and the Auditor-Controller's Office. If you have any questions regarding this item, please contact me at (805) 654-2561 or Patty Zoll, Deferred Compensation Manager, at (805) 477-7234.

Respectfully submitted,



Shawn Atin  
Assistant County Executive Officer/Human Resources Director



Sevet Johnson, PsyD  
County Executive Officer

c: Jeffery S. Burgh, Auditor-Controller  
Tiffany N. North, County Counsel  
Mike Pettit, Assistant County Executive Officer  
Kaye Mand, Assistant County Executive Officer/Chief Financial Officer

Attachments:

- Exhibit 1 – Proposed Amended 401(k) Shared Savings Plan Document (Redlined)
- Exhibit 2 – Proposed Amended 401(k) Shared Savings Plan Document (Clean)