

RESOLUTION 2025-###

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS TO TRANSFER ADMINISTRATION OF THE CITY'S OTHER POST EMPLOYMENT BENEFITS (OPEB) INTERNAL REVENUE CODE SECTION 115 TRUST TO SHUSTER ADVISORY GROUP, LLC, TO TRANSFER THE TRUST'S ASSETS TO CHARLES SCHWAB TRUST BANK, AND TO NAME ALTA TRUST COMPANY AS DIRECTED TRUSTEE

WHEREAS, Shuster Advisory Group, LLC ("Shuster") has made available the Multiple Employer OPEB/Pension 115 Trust ("Trust") for the purpose of pre-funding pension obligations and/or OPEB obligations;

WHEREAS, the City of San Pablo ("City") is eligible to participate in a tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Internal Revenue Code, as amended, and the Regulations issued thereunder, and the Trust is a tax-exempt trust under the relevant statutory provisions of the State of California;

WHEREAS, Alta Trust Company satisfies the Trustee requirements under IRC Section 115;

WHEREAS, all qualified assets currently held in the City's Mission Square Employer Investment Program ("EIP") Trust are irrevocably dedicated to prefunding the City's OPEB obligations;

WHEREAS, the City's adoption and operation of the Trust has no effect on any current or former employee's entitlement to post-employment benefits;

WHEREAS, the terms and conditions of post-employment benefit entitlement, if any, are governed by contracts separate from and independent of the Trust;

WHEREAS, the City Council has prudently set aside funds for pre-funding OPEB obligations;

WHEREAS, the City's funding of the Trust does not, and is not intended to, create any new vested right to any benefit nor strengthen any existing vested right; and

WHEREAS, the City reserves the right to make contributions, if any, to the Trust.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Pablo hereby authorizes the following:

1. The City Council hereby adopts the Shuster Multiple Employer OPEB/Pension 115 Trust, effective June 02, 2025;
2. The City Council hereby authorizes the termination of the City of San Pablo's participation in the Mission Square EIP Trust, including all services, administration, and investment contracts with Mission Square pertaining to the Mission Square EIP Trust;
3. The City Council hereby authorizes the appointment of Alta Trust Company as successor Trustee and Charles Schwab Trust Bank as custodian of the Trust assets. The transfer of Trust assets is contingent upon the acceptance of the successor Trustee and custodian;

4. The City Council certifies that the successor Shuster Multiple Employer OPEB/Pension 115 Trust satisfies the requirements of Section 115 of the Internal Revenue Code and that all assets held by that Trust shall qualify as “plan assets” that are irrevocably dedicated to the prefunding of OPEB obligations;
5. The City Council hereby authorizes the liquidation and transfer of all Trust assets to Charles Schwab Trust Bank, as soon as administratively practicable;
6. Upon the complete transfer of Trust assets on or around June 2, 2025, Mission Square is removed as trust administrator and as Trustee;
7. The City Council hereby appoints the City Manager, or his/her successor or his/her designee, as the City’s Administrator for the Shuster Multiple Employer OPEB/Pension 115 Trust;
8. The City’s Administrator is hereby authorized to execute the legal and administrative documents on behalf of the City, in a form to be approved by the City Attorney, and to take whatever additional actions are necessary to maintain the City’s participation in the Trust and to maintain compliance with any relevant regulation issued or as may be issued; therefore, authorizing him/her to take whatever additional actions are required to administer the City’s Trust;
9. The actions set forth above were taken during a regular meeting of the City Council of the City of San Pablo; and
10. The Mayor shall sign and the City Clerk shall certify the passage and adoption of this Resolution and thereupon the same shall take effect and be in force.

BE IT FURTHER RESOLVED that the foregoing recitations are true and correct and are included herein by reference as findings.

ADOPTED this 2nd day of June 2025, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

ATTEST:

APPROVED:

Dorothy Gantt, City Clerk

Arturo Cruz, Mayor