

SOUTHEAST METRO STORMWATER AUTHORITY
acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

RESOLUTION NO 09-18

(Adoption of the Amended and Restated Southeast Metro Stormwater
Authority Flexible Benefit Plan)

WHEREAS, SEMSWA adopted the Southeast Metro Stormwater Authority Flexible Benefit Plan (the "Plan") under Section 125 of the Internal Revenue Code in order to enable its employees to choose between qualified benefits under the Plan on a tax-excludable basis and/or taxable cash compensation; and

WHEREAS, SEMSWA adopted the Southeast Metro Stormwater Authority Health Flexible Spending Account under Code Section 105 ("Health FSA") and the Dependent Care Flexible Spending Account under Code Section 129 ("Dependent Care FSA") in order to enable employees to pay for certain eligible expenses with pre-tax salary reductions made under the Plan. Both the Health and Dependent Care FSA are benefits offered under the Plan; and

WHEREAS, SEMSWA desires to amend and restate the Plan, including the Health and Dependent Care FSAs, as set forth in the attached amended and restated Southeast Metro Stormwater Authority Flexible Benefit Plan; and

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Directors hereby approves the amendment and restatement of the Southeast Metro Stormwater Authority Flexible Benefit Plan (consisting of the Plan Document, and component Benefit Package Options) effective as of 04/01/2009 and

2. The Executive Director of SEMSWA is authorized and directed to take any and all action as may be necessary to effectuate this Resolution.

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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:

Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor