

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE PLANO INDEPENDENT SCHOOL DISTRICT UNILATERALLY DESIGNATING THE DISTRICT AS A NON-ELECTIVE ANNUALIZED PAYMENT EMPLOYER**

**WHEREAS**, the Plano Independent School District, (hereinafter "Plano ISD" or "District") Board of Trustees ("Board") is a service recipient under the Internal Revenue Code; and

**WHEREAS**, Internal Revenue Service Regulation 1.409A(a)(2) states: "Service recipient elections. A plan that provides for a deferral of compensation for services performed during a service provider's taxable year that does not provide the service provider with an opportunity to elect the time or form of payment of such compensation must designate the time and form of payment by no later than the later of the time the service provider first has a legally binding right to the compensation or, if later, the time the service provider would be required under this section to make such an election if the service provider were provided such an election."

**WHEREAS**, the Plano ISD has paid District employees on an annualized (12-month) basis, unless otherwise specified in writing between the District and the employee; and

**WHEREAS**, the Plano ISD Board reaffirms its practice of unilateral designation of payment of District employees on an annualized (12-month) basis, unless otherwise specified in writing between the District and the employee; and

**WHEREAS**, the Plano ISD's Compensation Plan reflects the time and form of payment as identified in Exhibit "A" attached hereto and incorporated herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE PLANO INDEPENDENT SCHOOL DISTRICT:**

SECTION 1: The execution of this Resolution shall evidence the approval of the Plano ISD of the facts set forth of the preamble hereof as true and correct.

SECTION 2: The execution of this Resolution shall evidence the Plano ISD Board of Trustee's reaffirmation of its practice of unilateral designation of payment of District employees on an annualized (12-month) basis, unless otherwise specified in writing between the District and the employee. Payments will be made as reflected in the Plano ISD's Compensation Plan which outlines the time and form of payment as identified in Exhibit "A" attached hereto and incorporated herein.

SECTION 3: This Resolution shall take effect immediately upon its passage in accordance with law.

RESOLVED THIS THE 7th day of August, 2007.

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Duncan Webb  
Plano Independent School District  
Board of Trustees, President

ATTEST TO:

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Becky Taylor  
Plano Independent School District  
Board of Trustees, Secretary