

MESILLA VALLEY METROPOLITAN PLANNING ORGANIZATION

RESOLUTION NO. 25-12

A RESOLUTION AUTHORIZING THE MESILLA VALLEY MPO PICK UP OF MEMBER CONTRIBUTIONS FOR DETERMINING TAX TREATMENT UNDER THE INTERNAL REVENUE CODE

The Mesilla Valley Metropolitan Planning Organization (“MPO”) Governing Board is informed that:

WHEREAS, per Mesilla Valley Metropolitan Planning Organization Resolution 25-11 the employees of the MPO are members of the Public Employees Retirement Association (“PERA”) of New Mexico; and

WHEREAS, members have mandatory PERA contributions deducted from their compensation and paid to PERA; and

WHEREAS, members must pay federal income tax on the mandatory PERA contributions deducted from their compensation; and

WHEREAS, Section 414(h) of the Internal Revenue Code provides for the exclusion of such contributions from current income if the contributions are picked-up by the members’ employer; and

WHEREAS, the Governing Board of the Mesilla Valley Metropolitan Planning Organization has the authority to establish the compensation plan(s) for MPO employees; and

WHEREAS, the Governing Board of the Mesilla Valley Metropolitan Planning Organization via Resolution 25-11 has determined to pick-up contributions of MPO employees; and

WHEREAS, the Governing Board of the Mesilla Valley Metropolitan Planning Organization wishes for the picked-up contributions to be treated as employer contributions for the purpose of determining tax treatment under the Internal Revenue Code; and

WHEREAS, the Governing Board of the Mesilla Valley Metropolitan Planning Organization wishes that MPO employee contributions so picked-up shall not be included in the employees' gross income for tax purposes until such time as the picked-up contributions are distributed by refund or annuity payments; and

WHEREAS, the MPO shall pick-up the member contributions from funds established and available in the payroll account, which funds would otherwise have been designated as member contributions, deducted from the member's salary and paid to PERA; and

WHEREAS, member contributions picked-up pursuant to this resolution shall be treated for all other purposes the same as member contributions made prior to the effective date of this resolutions; and

WHEREAS, per the Memorandum of Agreement ("MOA") between the Mesilla Valley Metropolitan Planning Organization and the City of Las Cruces, the City of Las Cruces serves as the fiscal agent for the MPO; and

WHEREAS, as part of the MOA the City of Las Cruces performs the Payroll function on behalf of the MPO; and

WHEREAS, the City of Las Cruces will implement the change in payroll records and preparation of W-2 forms at the end of each calendar year; and

WHEREAS, the Governing Board has determined that it is in the best interest of the MPO that this resolution be APPROVED.

NOW, THEREFORE, be it resolved by the Governing Board of the Mesilla Valley Metropolitan Planning Organization:

(I)

THAT the picked-up funds of MPO employees shall not be included in the employees' gross income for tax purposes until such time as the picked-up contributions are distributed by refund or annuity payments.

(II)

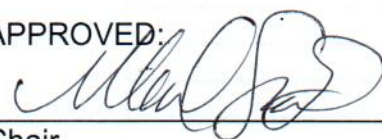
THAT the City of Las Cruces as fiscal agent shall take appropriate and legal actions to implement this Resolution.

(III)

THAT MPO Staff is directed to take appropriate and legal actions to implement this Resolution.

DONE and **APPROVED** this 14th day of May, 2025.

APPROVED:



Chair

ATTEST:



Executive Secretary

Motion By:	Councilor Corran
Second By:	Trustee Johnson-Burick
VOTE:	
Chair Sanchez	Yes
Vice-Chair Hernandez	Yes
Commissioner Chaparro	Absent
Harold Love (Proxy)	Yes
Councilor Corran	Yes
Mayor Enriquez	Yes
Commissioner Gameros	Absent
Trustee Johnson-Burick	Yes
Councilor McClure	Yes
Trustee Merrick	Yes