

RESOLUTION NO. 2017-08

**RESOLUTION OF THE CALIFORNIA ABLE ACT BOARD RELATING TO
THE APPROVAL TO COLLECT A STATE ADMINISTRATIVE FEE
FOR THE CALIFORNIA ABLE PROGRAM**

WHEREAS, the California ABLE Act Board (the “Board”), pursuant to section 4877(c)(7) of the Welfare and Institutions Code, has the power and authority to make provisions for the payment of costs of administration and operation of the California ABLE Program (the “Program”); and

WHEREAS, section 4877(c)(11) of the Welfare and Institutions Code provides that the Board may promulgate, impose, and collect administrative fees and charges in connection with transactions of the Program, and provide for reasonable service charges, including penalties for cancellations; and

WHEREAS, section 4878(a)(3) of the Welfare and Institutions Code states that funding for startup and administrative costs for the Board shall be provided in the form of a loan from the General Fund sufficient to cover the Board’s projected administrative costs for its first two years of implementing the Program, and once the loan has been expended and revenues from the Program are sufficient to cover the Board’s ongoing costs, the Board shall repay, within five years, the amount loaned, plus interest calculated at the rate earned by the Pooled Money Investment Account; and

WHEREAS, the Board, pursuant to section 4877(c)(2) of the Welfare and Institutions Code, approved Resolution No. 2017-02 authorizing the Executive Director to issue a Request for Proposals (the “RFP”) for Program Management Services for the Program; and

WHEREAS, the responses to the RFP were evaluated by an evaluation committee which determined that The Nottingham Company, Inc. (the “Program Manager”) was the highest scoring bidder for the Program; and

WHEREAS, the Board approved Resolution No. 2017-06 authorizing the Executive Director to enter into Agreement No. ABLE 04-17 with the Program Manager; and

WHEREAS, following a review of the proposed State Administrative Fee (the “Fee”) structures for the Program and projections, staff and the Board’s 529A program consultant propose a ten basis points, or 0.10%, Fee to be collected from Program participants to begin efforts towards sustainability and repayment of the loan received from the General Fund;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the proposed collection of the Fee for the Program at 0.10%. Collection of the Fee shall take effect following Program launch.

Attest: _____
Vincent P. Brown for Chairperson, State
Treasurer John Chiang

Date of Adoption: _____