

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, TO AUTHORIZE AND DIRECT
THE FINANCE DEPARTMENT NOT TO PARTICIPATE IN
THE FEDERAL PAYROLL DEFERRAL PROGRAM

WHEREAS, President Donald Trump signed an Executive Order (85 FR 49587) permitting employers to defer certain payroll tax obligations from September 1, 2020, through December 31, 2020; and

WHEREAS, the Payroll Tax Deferral Program requires employees to repay any deferred payroll tax by May 1, 2021, or incur penalties and interest on the unpaid portion of the deferred payroll taxes; and

WHEREAS, the Payroll Tax Deferral Program requires employers to track any deferred tax and collect the deferred tax in addition to the usual payroll tax; and

WHEREAS, participation in the Payroll Tax Deferral Program is optional; and

WHEREAS, the Finance Department has concluded that City participation in the Payroll Tax Deferral Program would require manual tracking deferred taxes of about 400 City employees, likely resulting in additional staff time to monitor the deferred taxes, a greater chance of a tax liability due to errors in the manual tracking and non-repayment by employees, and additional legal liability to the City; and

WHEREAS, it is the recommendation of the Finance Department the City not participate in the Payroll Tax Deferral Program; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Finance Department is authorized and directed not to participate in the Payroll Tax Deferral Program as created by Executive Order (85 FR 49587).

1 of 2

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Resolution No. _____

Upon final legislative approval, this Resolution shall become effective immediately.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2020
Mayor Approval/No Return: _____, 2020
Mayor Veto: _____, 2020
Council Override Vote: _____, 2020

YVONNE SPENCE, MMC CRM
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____ [Date]
Jenni DeRuosi
Deputy City Attorney