

TRUST AGREEMENT
FOR
SCOTTSDALE UNIFIED SCHOOL DISTRICT
OF
MARICOPA COUNTY, ARIZONA

THIS TRUST AGREEMENT is by and between the Governing Board of the Scottsdale Unified School District of Maricopa County, Arizona, a political subdivision of the State of Arizona (hereinafter referred to as the "District"), and the individuals hereinafter executing this Agreement as Trustees (hereinafter individually and collectively called the "Trustees"), and shall be effective as of the date of execution hereunder May 14, 2019.

WHEREAS, the District may, pursuant to Arizona Revised Statutes ("A.R.S.") § 15-382 and § 15-387 provide self-insured and/or insurance programs;

WHEREAS, the District deems it to be in the best interest of its employees and the District to establish self-insured and/or insurance programs pursuant to A.R.S. § 15-382 and § 15-387 and other applicable law;

WHEREAS, the District established that certain Declaration of Trust for Scottsdale Unified School District, Arizona, Self-Insurance Trust Fund dated February 20, 2001 ("2001 Trust Agreement") and reserved the right and power to amend the 2001 Trust Agreement in whole or in part.

WHEREAS, the District hereby amends and completely restates the 2001 Trust Agreement to read in its entirety as set forth herein; and the District does not intend to create a new trust, and the trust established by the District is continued as restated and provided herein, with all references to the Trust Agreement of this Agreement meaning the Trust Agreement as provided herein, as the same may be amended by the District pursuant to the provisions hereof;

WHEREAS, the District and/or employees will contribute monies to the Trustees, which will constitute a Trust Fund (as further defined below) to be held for the benefit of the employees and the District, as applicable for the type of insurance, in accordance with this Trust Agreement;

WHEREAS, the District desires the Trustees to accept, hold, preserve, protect, invest, and make payments from the Trust Fund, and the Trustees are willing to accept, hold, preserve, protect, invest and make payments from such Trust Fund pursuant to the terms of this Trust Agreement; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the District and the Trustees hereby agree as follows:

1. **ESTABLISHMENT.**

1.1 **Definitions.** The following capitalized terms shall have the meanings stated below for all purposes of this Trust Agreement unless the context clearly requires otherwise:

- a. "Administrator" means the individual appointed by the Board to oversee the day to day operations of the Trust.
- b. "District" means the Scottsdale Unified School District of Maricopa County, Arizona.
- c. "District Board" or "Board" or "Board Members of the District" means the Governing Board of the Scottsdale Unified School District of Maricopa County, Arizona.
- d. "Employees" means all employees and Board Members of the District.
- e. "External Auditor" means the independent certified public accountant then retained by the District.
- f. "State" means the State of Arizona.
- g. "Trust Agreement" means this Agreement for the Scottsdale Unified School District of Maricopa County, Arizona.
- h. "Trust Fund" means the trust fund created by this instrument, and shall mean the monies, property, contracts, or things of value received and held by the Trustees for the uses and purposes set forth herein, and those things of value which comprise the corpus and additions to the trust.
- i. "Trustee" means each individual appointed by the District, through its Board, as provided herein and holding office, and "Trustees" means all of Trustees, the individuals appointed and then in office, and any successors individually collectively as provided for in this Trust Agreement.

1.2 **Purpose.** The purpose of this Trust is to provide for the establishment of a self-insured program and/or insurance programs by the District to cover property insurance, surety insurance, professional liability insurance, personal injury liability insurance, public liability insurance, vehicle insurance, worker's compensation insurance as well as employee medical, dental, disability and/or life insurance programs, programs that allow for participation in a cafeteria plan that meets Federal Internal Revenue Code of 1986 requirements, related employee benefits programs including wellness