

## **AMENDMENT TO AGREEMENT ESTABLISHING OTHER POST-EMPLOYMENT BENEFITS TRUST**

This **Amendment** to Trust Agreement is entered into as of the 16th day of June, 2020, by and between the Town of Apex, North Carolina (hereinafter the “Employer”) and the Town Manager, Human Resources Director, and Finance Officer (the “Trustees”);

### **RECITALS:**

**WHEREAS**, the governing body of the Employer adopted a resolution dated May 21, 2019 adopting an Agreement Establishing “Local Government Other Post-Employment Benefits Trust” (“**OPEB Trust Agreement**”); and

**WHEREAS**, subsequent to the adoption of the OPEB Trust Agreement, the Employer Identification Number assigned by the Internal Revenue Service was issued in the name of “Town of Apex Local Government OPEB Trust”; and

**WHEREAS**, the governing body of the Employer adopted a resolution dated November 19, 2019 adopting a replacement of the OPEB Trust Agreement for the purposes of accurately designating the name of the trust as “Town of Apex Local Government OPEB Trust” as reflected in the Internal Revenue Service Employer Identification Number assignment; and

**WHEREAS**, on June 2, 2020 the governing body of the Employer amended its personnel policy to state that Employees hired on or after July 1, 2020 are not eligible for retiree health insurance; and

**WHEREAS**, the governing body of the Employee desires to amend the OPEB Trust Agreement to reflect this change in policy through adoption of this Amendment.

**NOW THEREFORE**, for good and valuable consideration, the parties hereto agree as follows:

1. Exhibit A of the OPEB Trust Agreement is hereby amended to read as follows:

### **EXHIBIT A**

The benefits earned by Town of Apex employees are set out in the Town of Apex Personnel Policy, January 1, 2019, Article VI, Employee Benefits, Section 3, Retiree Health Insurance as may be amended from time to time by action of the Town Council.

2. This Amendment to the OPEB Trust Agreement may be executed in an original and any number of counterparts by the Employer and Trustees, each of which shall be deemed to be an original of the one and the same instrument.

**AGREED TO AND ACCEPTED** this 16th day of June, 2020.

**TRUSTEES**

\_\_\_\_\_  
Drew Havens, Town Manager

\_\_\_\_\_  
Mary Beth Manville, Human Resources  
Director

\_\_\_\_\_  
Vance Holloman, Finance Officer

**EMPLOYER**

**TOWN OF APEX, NORTH CAROLINA**

By: \_\_\_\_\_

Title: \_\_\_\_\_

