

**SECOND AMENDMENT TO
COLUMBUS CONSOLIDATED GOVERNMENT
457 DEFERRED COMPENSATION PLAN
(As Restated May 13, 2016)**

Under the authority in Section 7.01 of the Columbus Consolidated Government 457 Deferred Compensation Plan (as restated May 13, 2016) (the "Plan"), the Council of Columbus, Georgia hereby amends the Plan, effective immediately upon signing:

This amendment is intended to adopt the change to the required minimum distribution provisions under Section 401(a)(9) of the Code enacted as part of the Setting Every Community Up for Retirement Enhancement Act of 2019 (the "SECURE Act") and the COVID relief provisions enacted as part of the "Coronavirus Aid, Relief, and Economic Security Act" (the "CARES Act").

1. Section 5.02 of the Plan is hereby stricken and replaced by a new Section 5.02 to read as follows:

5.02 Time of Payment.

5.02(a) Except as provided in clause (ii) below, the Participant's Account shall become payable to the Participant, if then alive, or otherwise to his Beneficiary, at the time elected by the Participant. Such time may be:

- (i) No earlier than his severance from employment with the Employer (including a severance from employment by reason of disability); and
- (ii) No later than the April 1 (sometimes referred to as the "Required Beginning Date") following the calendar year in which occurs the later of the date the Participant attains age seventy and one-half (70-1/2) and, in the case of distributions otherwise required to be made after December 31, 2019 with respect to individuals who attain age 70-1/2 after such date, age seventy-two (72), or the date the Participant retires from the service of the Employer or otherwise ceases to be employed by the Employer. If the Participant has not begun payments by the Required Beginning Date, payments will automatically commence at that time.

As an alternative to the foregoing, a Participant who is employed by the Employer may elect to begin to receive his Account at any time on or after the January 1 of the calendar year in which he will attain age seventy and one-half (70-1/2) and, in the case of distributions otherwise required to be made after December 31, 2019 with respect to individuals who attain age 70-1/2 after such date, age seventy-two (72).

5.02(b) The Account of a Participant who is deceased before such Account commences to be paid to him shall become payable to his Beneficiary at the time elected by such Beneficiary. Such payments may commence as soon as possible after the date of the Participant's death but no later than the time described in clauses (ii) or (iii) of Subsection 5.02(c). If the Beneficiary has not begun receiving payments by the

date described in clauses (ii) or (iii) of Subsection 5.02(c), payments will automatically commence at the applicable latest time.

5.02(c) Notwithstanding the foregoing provisions of this section, a Participant, or the Beneficiary of a Participant who dies before his Account becomes payable, may elect a later date on which such Account shall become payable. Such later date shall not be later than:

- (i) In the case of an election by a Participant, the latest time for payment under clause (ii) of Subsection 5.02(a);
- (ii) In the case of an election by a Beneficiary who is the Participant's spouse, the later of:
 - (A) The end of the fifth (5th) calendar year (disregarding 2020) following the calendar year in which the Participant's death occurs, or
 - (B) The end of the calendar year in which the Participant would have attained seventy and one-half (70-1/2) and, in the case of distributions otherwise required to be made after December 31, 2019 with respect to individuals who attain age 70-1/2 after such date, age seventy-two (72); and
- (iii) In the case of an election by a Beneficiary who is not the Participant's spouse, the end of the fifth (5th) calendar year (disregarding 2020) following the calendar year in which the Participant's death occurs.

Such election shall be in writing, executed and filed with the Service Provider at least thirty (30) days (or such shorter period as the Service Provider may permit on a uniform and non-discriminatory basis) before the date such Account otherwise becomes payable, and it shall set forth and shall be conditioned upon the payment of such Account in a form provided herein. Any such election may be revoked or modified at any time.

5.02(d) Notwithstanding the foregoing provisions of this section, payment may be delayed for a reasonable period in the event the recipient cannot be located or is not competent to receive the benefit payment, there is a dispute as to the proper recipient of such benefit payment, additional time is needed to complete the Plan valuation adjustments and allocations, or additional time is necessary to properly explain the recipient's options.

5.02(e) Notwithstanding the foregoing, if the total market value of the Participant's Account(s) under the Plan is not greater than one thousand dollars (\$1,000), the Plan Administrator shall direct that a single lump sum be made to the Participant or, if applicable, the Beneficiary, in the last month of the Plan Year during which the Participant's termination of employment, death or retirement occurs. Such lump sum payment shall be subject to applicable rollover provisions.

2. Section 5.04(b) is hereby stricken and replaced by a new Section 5.04(b) to read as follows:

5.04(b) The Beneficiary shall elect in writing the form in which such Account is to be paid to him from the forms of distribution available under the applicable Plan investments or that is otherwise provided by the Service Provider. If the Beneficiary elects a periodic installment, such installments shall not extend over a term certain not extending beyond the end of the fifth (5th) calendar year (disregarding 2020) following the calendar year in which the Participant's death occurs unless:

- (i) Such term certain does not extend beyond the life expectancy of the Beneficiary and the Beneficiary is an individual, and
- (ii) Such installments commence not later than (A) the end of the first (1st) calendar year following the calendar year in which the Participant's death occurs in the case such individual Beneficiary is not the Participant's spouse or (B) the later of the end of the calendar year in which the Participant would have attained the age of seventy and one-half (70-1/2) and, in the case of distributions otherwise required to be made after December 31, 2019 with respect to individuals who attain age 70-1/2 after such date, age seventy-two (72); or the end of the first (1st) calendar year following the calendar year in which the Participant's death occurs in the case such individual Beneficiary is the Participant's spouse.

3. New flush language is added at the end of Section 5.05(a) to read as follows:

Notwithstanding anything to the contrary in this paragraph or elsewhere in the Plan, the Plan shall be operated on the basis that required minimum distributions are waived, and there are no required minimum distributions, for calendar year 2020 as provided in Section 401(a)(9)(I) of the Code.

4. Section 5.05(b)(ii)(A) is hereby stricken and replaced by a new Section 5.05(b)(ii)(A) to read as follows:

- (A) If the Participant's surviving spouse is the Participant's sole Beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died, or by December 31 of the calendar year in which the Participant would have attained seventy and one-half (70-1/2) and, in the case of distributions otherwise required to be made after December 31, 2019 with respect to individuals who attain age 70-1/2 after such date, age seventy-two (72), if later.

5. Section 5.05(b)(ii)(C) is hereby stricken and replaced by a new Section 5.05(b)(ii)(C) to read as follows:

(C) If there is no Beneficiary as of September 30 of the year following the year of the Participant's death, the Participant's entire interest will be distributed by December 31 of the calendar year containing the fifth (5th) anniversary (disregarding 2020) of the Participant's death.

6. Section 5.07(b)(ii)(B) is hereby stricken and replaced by a new Section 5.07(b)(ii)(B) to read as follows:

(B) A distribution to the extent it is required under the minimum distribution requirement of Section 401(a)(9) of the Code; provided, however, that if an amount would have been a required minimum distribution for calendar year 2020 but for the waiver of required minimum distributions for calendar year 2020, then the Administrator may offer the recipient of such distribution a direct rollover to an eligible retirement plan, but the distribution is not subject to federal mandatory income tax withholding if the recipient declines the direct rollover,

7. A new Section 6.07 is added to the Plan to the Plan to read as follows:

6.07 COVID-Related Distributions. Effective for the calendar year 2020, COVID-Related Distributions shall be available under the Plan in accordance with Section 2202(a) of the CARES Act.

Pursuant to Resolution No. _____, the Columbus Council authorizes this instrument to be signed by the Mayor and attested and sealed by its Clerk of Council this _____ day of _____, 2020, to be effective immediately upon signing.

B.H. "Skip" Henderson, III
Mayor