

**ADOPTION AGREEMENT AMENDMENT #2  
ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA  
401(a) DEFINED CONTRIBUTION PLAN FOR EFFINGHAM  
COUNTY EMPLOYEES**

**WHEREAS**, Effingham County, Georgia (the "Employer") established the ACCG 401(a) Defined Contribution Plan for Effingham County Employees (the "Plan") through an Adoption Agreement that was first effective as of December 1, 2000, and was most recently amended and restated effective as of January 1, 2022.

**WHEREAS**, Section 13.01 of the Plan allows the Employer to amend the elective provisions of the Adoption Agreement;

**WHEREAS**, the Employer desires to amend the Adoption Agreement to eliminate the requirement that Participants be credited with a Year of Service before becoming eligible for Employer Matching Contributions;

**WHEREAS**, the Employer wishes to amend the Adoption Agreement to increase the Employer Matching Contribution to one hundred percent (100%) of the first five percent (5%) of Compensation that Participants contribute to the Association County Commissioners of Georgia 457(b) Deferred Compensation Plan for Effingham County Employees; and

**WHEREAS**, the Employer wishes to amend the Adoption Agreement to implement a graded vesting schedule.

**NOW, THEREFORE**, the Adoption Agreement is hereby amended effective as of January 1, 2024, as follows:

1.

**Section 3.02 of the Adoption Agreement**, Participation Eligibility, shall be restated in its entirety to provide for immediate eligibility for Employer Matching Contributions as of the first pay period that begins on or after January 1, 2024, as follows:

**3.02 PARTICIPATION ELIGIBILITY**

**Eligibility Date Determination for Employee Contributions**

- The Eligible Employee's Employment Commencement Date
- Date on which the Eligible Employee completes \_\_\_\_\_ (\_\_\_) Year(s) of Service
- Date on which the Eligible Employee attains age (\_\_\_\_\_) (\_\_\_)
- The earlier of the date on which the Eligible Employee completes \_\_\_\_\_ (\_\_\_) Years of Service or attains age \_\_\_\_\_ (\_\_\_)
- Other Eligibility Date for Employee Contributions (See Additional Provisions Addendum)

**Eligibility Date Determination for Employer Basic Contributions**

- The Eligible Employee's Employment Commencement Date

- [--] Date on which the Eligible Employee completes \_\_\_\_ (\_\_) Year(s) of Service
- [--] Date on which the Eligible Employee attains age (\_\_\_\_\_) (\_\_)
- [--] The earlier of the date on which the Eligible Employee completes \_\_\_\_\_ (\_\_) Years of Service or attains age \_\_\_\_\_ (\_\_)
- [--] Other Eligibility Date for Basic Contributions (See Additional Provisions Addendum)

**Eligibility Date Determination for Employer Discretionary Contributions**

- [--] The Eligible Employee’s Employment Commencement Date
- [--] Date on which the Eligible Employee completes \_\_\_\_\_ (\_\_) Year(s) of Service
- [--] Date on which the Eligible Employee attains age (\_\_\_\_\_) (\_\_)
- [--] The earlier of the date on which the Eligible Employee completes \_\_\_\_\_ (\_\_) Years of Service or attains age \_\_\_\_\_ (\_\_)
- [--] Other Eligibility Date for Discretionary Contributions (See Additional Provisions Addendum)

**Eligibility Date Determination for Employer Matching Contributions**

- [X] The Eligible Employee’s Employment Commencement Date
- [--] Date on which the Eligible Employee completes \_\_\_\_\_ (\_\_) Year(s) of Service
- [--] Date on which the Eligible Employee attains age (\_\_\_\_\_) (\_\_)
- [--] The earlier of the date on which the Eligible Employee completes \_\_\_\_\_ (\_\_) Years of Service or attains age \_\_\_\_\_ (\_\_)
- [--] Other Eligibility Date for Matching Contributions (See Additional Provisions Addendum)

2.

**Adoption Agreement Section 4.03**, Employer Matching Contributions, shall be restated in its entirety effective as to the first pay period that begins on or after January 1, 2024, to read as follows:

**4.03 EMPLOYER MATCHING CONTRIBUTIONS**

**(Matching Contributions may not exceed 100% of Compensation.)**

- [--] No Matching Contributions on amounts Participants contribute to the 457(b) Eligible Deferred Compensation Plan
- [X] Matching Contributions equal to **one hundred percent (100%)** of the first **five percent (5.0%)** on amounts Participants contribute to the 457(b) Eligible Deferred Compensation Plan. The maximum Matching Contribution shall be no more than **five percent (5.0%)** of Compensation or \$ (N/A).
- [--] Matching Contributions equal to \_\_\_\_\_ percent (\_\_) of the first \_\_\_\_\_ percent (\_\_) on amounts Participants contribute to the 457(b) Eligible Deferred Compensation Plan and \_\_\_\_\_ percent (\_\_) of the next \_\_\_\_\_ percent (\_\_) so contributed and \_\_\_\_\_ percent (\_\_) of the next \_\_\_\_\_ percent (\_\_) so contributed. The maximum Matching Contribution shall be no more than \_\_\_\_\_ percent (\_\_) of Compensation or \$\_\_\_\_\_.
- [--] Matching Contributions equal to \_\_\_\_\_ percent (\_\_) of amounts Participants contribute to the 457(b) Eligible Deferred Compensation Plan.

- Other Matching Contribution Formula (See Additional Provisions Addendum)
- Discretionary Matching Contributions as determined each year by the Employer  
Matching Contributions shall be made on the following types of deferrals:
  - Deferral Contributions the 457(b) Eligible Deferred Compensation Plan
  - Catch-up Contributions the 457(b) Eligible Deferred Compensation Plan
  - Roth Contributions under the 457(b) Eligible Deferred Compensation Plan
- Matching Contributions shall be calculated based on the lowest whole percentage of Compensation deferred by the Participant (no fractions)  
Matching Contributions shall be made:
  - On a payroll basis
  - On a monthly basis
  - On a quarterly basis
  - On an annual basis
- Other remittance period for Matching Contributions: \_\_\_\_\_ (must be at least annual)
- Matching Contributions made more frequently than on an annual basis will be recalculated (“trued-up”) at the end of the year. If this box is not checked, Matching Contributions will not be recalculated at the end of the year.

**Employer Matching Contribution Eligibility Requirements**

- No requirements [**Must elect if made more frequently than annually**]
- Participant must be employed by the Employer on the last day of the Plan Year
- Participant must earn at least 501 Hours of Service during the Plan Year
- Participant must earn at least 1000 Hours of Service during the Plan Year
- Participants who become disabled, or die while employed with the Employer and Participants who die while performing qualified military service, are excepted from any last day or Hours of Service requirements.
- Other Matching Contribution Eligibility Requirements (See Additional Provisions Addendum)

3.

**Adoption Agreement Section 6.02**, Vesting Schedule, shall be restated as follows effective as of January 1, 2024, as to any Participant who is an Employee on or after such date, provided that the Participant’s Account has not yet been forfeited on account of a previous Severance from Employment:

**6.02 VESTING SCHEDULE**

Additional rows may be added to any option to the extent permissible under the Plan document. An Additional Provisions Addendum may be completed for purposes of providing different Vesting Schedules for different classes of Participants. Any cliff vesting schedule must be at least as favorable as 15-year cliff (20-year cliff for a class in which substantially all of the participants are qualified public

safety employees as defined in Internal Revenue Code Section 72(t)(10)(B)). Any graded vesting schedule must be at least as favorable as 5-20 year graded.

**Vesting for Employer Basic Contribution**

100% Vesting immediately upon Entry Date

<input type="checkbox"/>	<u>Full Years of Service With the Employer</u>	<u>Percent Vested in Account</u>
	Less than ____ ( ) years	0 %
	____ ( ) years or more	100 %

<input checked="" type="checkbox"/>	<u>Full Years of Service With the Employer</u>	<u>Percent Vested in Account</u>
	<b>Less than two (2) years</b>	<b>0%</b>
	<b>Two (2) years</b>	<b>50%</b>
	<b>Three (3) years</b>	<b>75%</b>
	<b>Four (4) years or more</b>	<b>100%</b>

Other Vesting Schedule for Basic Contributions (See Additional Provisions Addendum)

**Vesting for Employer Discretionary Contribution**

100% Vesting immediately upon Entry Date

<input type="checkbox"/>	<u>Full Years of Service With the Employer</u>	<u>Percent Vested in Account</u>
	____ years	____%
	____ years	____%
	____ years	____%
	____ years	____%
	____ years	____%
	____ years or more	____%
	Less than ____ ( ) years	0 %
	____ ( ) years or more	100 %

Other Vesting Schedule for Discretionary Contributions (See Additional Provisions Addendum)

**Vesting for Employer Matching Contribution**

100% Vesting immediately upon Entry Date

<input checked="" type="checkbox"/>	<u>Full Years of Service With the Employer</u>	<u>Percent Vested in Account</u>
	<b>Less than two (2) years</b>	<b>0%</b>
	<b>Two (2) years</b>	<b>50%</b>
	<b>Three (3) years</b>	<b>75%</b>
	<b>Four (4) years or more</b>	<b>100%</b>

	Less than ____ ( ) years	0 %
	____ ( ) years or more	100 %

Other Vesting Schedule for Employer Matching Contributions (See Additional Provisions Addendum)

**IN WITNESS WHEREOF**, the Employer has caused its duly authorized officer to execute this Amendment on the date noted below.

**EFFINGHAM COUNTY, GEORGIA**

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

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

Date: \_\_\_\_\_