

RESOLUTION 2024-072
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE MAYOR TO EXECUTE CITY-SPONSORED
401(a) RESTATED ADOPTION AGREEMENTS

A. In Resolution 2020-077, the City previously established qualified 401(a) money purchase plans for eligible City employees, including City service area and unit directors and employees appointed by the City Council, Police employees in the collective bargaining unit and classified and unclassified management employees.

B. Effective June 1, 2020, the City entered into an administrative services agreement with nationwide Retirement Solutions, Inc., along with its affiliates and subsidiaries (collectively, "Nationwide"), to provide administrative, recordkeeping and custodial services for its City-sponsored retirement plans.

C. With Resolution 2020-077 and Nationwide's assistance, the City established the following 401(a) retirement plans (collectively, the "Plans"):

- The City of Fort Collins 401(a) Unclassified Management and Classified Employees' Plan
- The City of Fort Collins 401(a) Service Directors' and Council Employees' Plan
- The City of Fort Collins 401(a) Police Plan

D. Internal Revenue Service regulations require designation of a Special Trustee for these Plans. The Special Trustee is the individual responsible for collecting and remitting contributions to these Plans in a timely manner. Failure to designate a Special Trustee would otherwise establish a default designation as the individual at the City who has "ultimate responsibility" for the City as an employer.

E. The departure of the former Special Trustee from the City of Fort Collins requires designation of a new Special Trustee for the Plans.

F. Adoption of restated plans to designate a new Special Trustee for these Plans is an administrative action that will have no financial impact on the City or on benefits provided to participating employees.

G. City staff has recommended approval and authorization to execute the amended adoption agreements prepared by Nationwide, which accurately comply with IRS rules and regulations applicable to 401(a) retirement plans.

H. The City's deadline to restate its plan documents for these Plans is December 31, 2024.

I. The City Council has determined that execution of the restated adoption agreements to designate a Special Trustee for these Plans is in the best interests of the

City, and that the Mayor should be authorized to execute the restated adoption agreements in support thereof.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Council authorizes the Mayor to execute on behalf of the City the restated Adoption Agreements for the City of Fort Collins Unclassified Management and Classified Employees' Plan, the City of Fort Collins Service Directors' and Council Employees' Plan, and the City of Fort Collins Police Plan, attached hereto as collective Exhibit "A."

Passed and adopted on June 4, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: June 4, 2024
Approving Attorney: Aaron Guin