

Termination Amendment

Governmental 457(b) Plan Amendment (2025 Termination) Town of Lake Park General Employees Retirement Compensation Plan (“Plan”)

ARTICLE I TERMINATION AMENDMENT

- 1.01 **Termination of Plan.** Effective June 30, 2025, the Plan is amended to freeze and terminate. No further contributions will be permitted or made under the Plan with respect to Plan Compensation earned on or after the above Effective Date.
- 1.02 **Compliance with Governmental Code §457(b) Requirements.** This amendment is intended to terminate the Plan in compliance with the Code §457(b) requirements applicable to governmental 457(b) plans effective as of the date of Plan termination. The Employer has adopted all relevant interim amendments needed to reflect the plan qualification requirements effective as of the date of Plan termination. This amendment supersedes any contrary provisions under the Plan.
- 1.03 **Adoption of Governmental 457(b) Plan CARES/SECURE Acts Interim Amendment.** If the Employer has not yet adopted the ASCi Governmental 457(b) Plan CARES/SECURE Acts Interim Amendment, the Employer adopts such Amendment as part of this termination amendment. If applicable, the ASCi Governmental 457(b) Plan CARES/SECURE Acts Interim Amendment, including applicable Employer elections, is attached to this termination amendment. (See Appendix A).
- 1.04 **Last Day Employment Condition for Plan Year in Which Plan is Terminated.** Under BPD Section 3.06(b), a last day employment condition automatically applies to Employer Contributions and Matching Contributions (if provided under the Plan) for any Plan Year in which the Plan is terminated, regardless of whether the Employer has elected to apply a last day employment condition under the Adoption Agreement, as applicable. To override this provision, check the appropriate box(es) below.
- ☐ (a) A last day employment condition does not apply with respect to Employer Contributions for the Plan Year in which the Plan is terminated.
- ☐ (b) A last day employment condition does not apply with respect to Matching Contributions for the Plan Year in which the Plan is terminated.
- ☐ (c) Describe any special rules relating to allocations for the Plan Year in which the Plan is terminated:
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ARTICLE II AMENDMENT RELATING TO THE SECURE 2.0 ACT OF 2022

- 2.01 **In General.** On December 29, 2022, the SECURE 2.0 Act of 2022 (SECURE 2.0) became law. Provisions of SECURE 2.0 may affect certain Plan provisions. The provisions of SECURE 2.0 are effective at various times, as reflected in the provisions under this Article II. The Plan Administrator shall administer the provisions of this Article II consistent with a “good-faith” interpretation of SECURE 2.0. To the extent this Article II applies to the Plan, the provisions of this Article II supersede any inconsistent provisions of the Plan.
- 2.02 **Modifications of the required minimum distribution rules.** The provisions of this Section 2.02 reflect changes made to the required minimum distribution rules under Code §401(a)(9) by SECURE 2.0. The Plan Administrator may develop administrative procedures consistent with the provisions and intent of SECURE 2.0 in administering these provisions.
- (a) **Increase in age for Required Beginning Date for required minimum distributions.** As provided under §107 of SECURE 2.0, effective for distributions required to be made after December 31, 2022, with respect to Participants who attain age 72 after such date, the age for determining a Participant’s Required Beginning Date is age 73. If the life expectancy method applies for purposes of the required minimum distribution rules and the surviving spouse is the sole Designated Beneficiary, distributions to the surviving Spouse are not required to begin until December 31 of the calendar year immediately following the calendar year in which the Participant died, or until December 31 of the calendar year in which the Participant would have attained age 73, if later.
- (b) **Increases in payments under a commercial annuity.** Effective for calendar years beginning after December 29, 2022, the Plan may apply the rules under Code §401(a)(9)(J), as added by §201 of SECURE 2.0, relating to certain increases in payments under a commercial annuity. As provided under Code §401(a)(9)(J), the required minimum distribution rules applicable to the Plan shall not prohibit a commercial annuity (within the meaning of Code

§3405(e)(6)) from providing one or more of the following types of payments on or after the Annuity Starting Date:

- (1) annuity payments that increase by a constant percentage, applied not less frequently than annually, at a rate that is less than 5 percent per year;
 - (2) a lump sum payment that: (I) results in a shortening of the payment period with respect to an annuity or a full or partial commutation of the future annuity payments, provided that such lump sum is determined using reasonable actuarial methods and assumptions, as determined in good faith by the issuer of the contract, or (II) accelerates the receipt of annuity payments that are scheduled to be received within the ensuing 12 months, regardless of whether such acceleration shortens the payment period with respect to the annuity, reduces the dollar amount of benefits to be paid under the contract, or results in a suspension of annuity payments during the period being accelerated;
 - (3) an amount which is in the nature of a dividend or similar distribution, provided that the issuer of the contract determines such amount using reasonable actuarial methods and assumptions, as determined in good faith by the issuer of the contract, when calculating the initial annuity payments and the issuer's experience with respect to those factors; or
 - (4) a final payment upon death that does not exceed the excess of the total amount of the consideration paid for the annuity payments, less the aggregate amount of prior distributions or payments from or under the contract.
- (c) **Qualifying Longevity Annuity Contracts.** Effective for contracts purchased or received in an exchange on or after December 29, 2022 and subject to a reasonable good faith interpretation until the IRS issues applicable regulations, the Plan Administrator may apply the provisions of §202 of SECURE 2.0, including:
- (1) the elimination of the requirement that premiums for Qualifying Longevity Annuity Contracts be limited to 25 percent of an individual's account balance; and
 - (2) the increase in the dollar limitation on premiums for Qualifying Longevity Annuity Contracts from \$125,000 to \$200,000.
- (d) **Partial annuitization.** As provided under §204 of SECURE 2.0, effective as December 29, 2022 and subject to a reasonable good faith interpretation until IRS issues applicable regulations, an Employee may elect to receive the required minimum distribution amount for a Distribution Calendar Year to be calculated as the excess of the Total Required Amount (as defined below) for such Distribution Calendar Year over the Annuity Amount (as defined below) for such year.
- (1) **Total Required Amount.** The term Total Required Amount, with respect to a Distribution Calendar Year means the amount which would be required to be distributed under Treas. Reg. §1.401(a)(9)-5 (or any successor regulation) for such year, determined by treating the Account Balance as of the last valuation date in the immediately preceding calendar year as including the value on that date of all annuity contracts which were purchased with a portion of the Account and from which payments are made in accordance with Treas. Reg. §1.401(a)(9)-6.
 - (2) **Annuity Amount.** The term Annuity Amount, with respect to a Distribution Calendar Year, is the total amount distributed in such year from all annuity contracts described in paragraph (1).
- (e) **Modification of required minimum distribution rules for special needs trusts.** Effective for calendar years beginning after December 29, 2022, for purposes of complying with the required minimum distribution rules under Code §401(a)(9), the Plan may apply the provisions of §337 of SECURE 2.0 relating to special needs trusts.
- (f) **Pre-death required minimum distribution rules do not apply to Roth Deferral Accounts.** Generally, effective for taxable years beginning after December 31, 2023, as provided in §325 of SECURE 2.0, the pre-death required minimum distribution rules under Code §401(a)(9)(A) and the incidental death benefit requirements under Code §401(a) do not apply to Roth Deferral Accounts. This subsection (f) does not apply to distributions which are required with respect to years beginning before January 1, 2024, but are permitted to be paid on or after that date.
- (g) **Surviving spouse election to be treated as Employee.** As provided under §327 of SECURE 2.0, effective for calendar years beginning after December 31, 2023, in the case of an Employee who dies before a required minimum distribution has begun under the Plan, and who has designated a spouse as the sole Designated Beneficiary, such spouse may elect to be treated as the Employee for purposes of determining the required minimum distribution period and the required minimum distribution period is determined using the Uniform Life Table under Treas. Reg. §1.401(a)(9)-5, Q&A 5(a), or any successor regulation. The spouse also may elect to be treated as the Employee for

purposes of determining the required minimum distribution period if the spouse dies before required minimum distributions have begun. The Plan Administrator may require the spouse to make the elections in a timely manner.

2.03 Recognition of Indian tribal government domestic relations orders. As provided under §339 of SECURE 2.0, effective for domestic relations orders received by the Plan Administrator after December 31, 2022, including any such order which is submitted for reconsideration after such date, a Qualified Domestic Relations Order under BPD Section 11.06 includes a domestic relations order issued by or under the laws of an Indian tribal government, a subdivision of such an Indian tribal government, or an agency or instrumentality of either.

2.04 Qualified Disaster Recovery Distributions and loans from the Plan. This Section 2.04 incorporates §331 of SECURE 2.0 relating to special disaster-related rules for retirement plans. The provisions of this Section 2.04 will apply only to the extent a distribution or loan has been made to a qualified individual as provided under SECURE 2.0. If the Plan does not operationally apply the rules under this Section 2.04, such provisions do not apply to the Plan. The Plan Administrator must document under administrative procedures the operational application of this Section 2.04. To the extent this Section 2.04 applies to the Plan, these provisions supersede any inconsistent provisions of the Plan or loan program.

(a) **Eligibility for Qualified Disaster Recovery Distribution.** A qualified individual (as determined under Section 2.04(a)(1)(i) below) may, if permitted by the Plan Administrator, take a Qualified Disaster Recovery Distribution without regard to certain distribution restrictions otherwise applicable under the Plan.

(1) Definitions

- (i) **Qualified Disaster Recovery Distribution.** A Qualified Disaster Recovery Distribution is a distribution made (1) on or after the first day of the Incident Period of the applicable Qualified Disaster and before 180 days after the Applicable Date with respect to such disaster, and (2) to an individual whose principal place of abode at any time during the incident period of such Qualified Disaster is located in the Qualified Disaster Area with respect to such Qualified Disaster and who has sustained an economic loss by reason of such Qualified Disaster (i.e., a qualified individual).
- (ii) **Qualified Disaster.** A Qualified Disaster is any disaster with respect to which a major disaster has been declared by the President under §401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act after December 27, 2020.
- (iii) **Qualified Disaster Area.** A Qualified Disaster Area is, with respect to any Qualified Disaster, the area with respect to which the major disaster was declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.
- (iv) **Incident Period.** The Incident Period is, with respect to any Qualified Disaster, the period specified by the Federal Emergency Management Agency as the period during which such disaster occurred.
- (v) **Applicable Date.** The Applicable Date is the latest of: (1) December 29, 2022; (2) the first day of the Incident Period with respect to the Qualified Disaster, or (3) the date of the disaster declaration with respect to the Qualified Disaster.

(2) **Limit on amount of Qualified Disaster Recovery Distributions.** The aggregate amount of Qualified Disaster Recovery Distributions received by an individual (from all plans maintained by the Employer, including any Related Employer) may not exceed \$22,000 with respect to the same Qualified Disaster.

(b) **Repayment of Qualified Disaster Recovery Distribution.** A Participant who received a Qualified Disaster Recovery Distribution from the Plan may, at any time during the 3-year period beginning on the day after the receipt of such distribution, make one or more rollover contributions to an Eligible Retirement Plan (including this Plan) in an aggregate amount that does not exceed the amount of such Qualified Disaster Recovery Distribution. This subsection (b) only applies if the Eligible Retirement Plan permits rollover contributions.

(c) **Recontributions of Withdrawals for Home Purchases.** As provided under Code §402(c)(13) as added by §331 of SECURE 2.0, a Participant who received a Qualified Disaster Distribution may make one or more Rollover Contributions to the Plan during the applicable period (as defined in Code §72(t)(8)(F)) in an aggregate amount not to exceed the amount of such Qualified Disaster Distribution. For this purpose, a Qualified Disaster Distribution is any Hardship Distribution which (1) was to be used to purchase or construct a principal residence in a Qualified Disaster Area, but was not so used on account of the Qualified Disaster with respect to such area, and (2) was received during the period beginning on the date which is 180 days before the first day of the Incident Period of such Qualified Disaster and ending on the date which is 30 days after the last day of such Incident Period. This Section 2.04(c) only applies if the Plan permits Rollover Contributions.

(d) **Special Loan Rules.** As provided under Code §72(p)(6) as added by §331(c) of SECURE 2.0, the Plan Administrator is authorized (but not required) to revise the applicable loan requirements under the Plan to reflect (1) and (2) below.

(1) **Increased Participant loan limits.** Notwithstanding the Participant loan limitations under the Plan, for purposes of determining the permissible Participant loans for qualified individuals during the applicable periods (as provided for under Code §72(p)(6)(A)), the loan limit under Code §72(p)(2)(A) shall be applied by substituting “\$100,000” for “\$50,000” and the adequate security requirement under Code §72(p)(2)(A) (ii) may be applied using “the Participant’s vested Account Balance” rather than “one-half (½) of the Participant’s vested Account Balance.”

(2) **Delayed loan repayment date.** If a qualified individual has an outstanding Participant loan on or after the qualified beginning date (as provided under Code §72(p)(6)(B)), and the due date for repayment of such loan occurs during the applicable period beginning on the qualified beginning date (as described under the applicable disaster relief law):

- (i) the due date for repayment of the Participant loan shall be delayed for one year;
- (ii) any subsequent repayments with respect to such loan shall be appropriately adjusted to reflect the delay in the due date under subsection (i) and any interest accruing during such delay; and
- (iii) in determining the five-year period and the term of the loan under Code §72(p)(2)(B) and (C), the one-year delay period described in subsection (i) shall be disregarded.

2.05 Timing of Salary Reduction Agreements. As provided under §306 of SECURE 2.0, effective for taxable years beginning after December 29, 2022, the rule that a Salary Reduction Agreement must be entered into before the first day of the month in which the Plan Compensation to which it applies is paid or made available is replaced by the rule that a Salary Reduction Agreement is not effective unless the Participant enters into the Agreement before the Plan Compensation to which it applies is currently available. (See BPD §3.03(a).)

2.06 Repayment of Qualified Birth or Adoption Distributions. As clarified under §311 of SECURE 2.0, generally effective for Qualified Birth or Adoption Distributions made after December 29, 2022, a Participant who received a Qualified Birth or Adoption Distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more Rollover Contributions, if Rollover Contributions are otherwise allowed under the Plan, in an aggregate amount not to exceed the amount of such Qualified Birth or Adoption Distribution. The Plan Administrator may reflect the application of this provision in separate administrative procedures applicable to Rollover Contributions.

(a) **Special rule for pre-December 30, 2022 Qualified Birth or Adoption Distributions.** A Participant who received a Qualified Birth or Adoption Distribution on or before December 29, 2022, may, at any time after such distribution and before January 1, 2025, make one or more Rollover Contributions, if Rollover Contributions are otherwise allowed under the Plan, in an aggregate amount not to exceed the amount of such Qualified Birth or Adoption Distribution.

(b) **No Rollover Contributions after termination date.** In no event will the Plan accept any Rollover Contributions, including for Qualified Birth or Adoption Distributions, after the termination date specified in Section 1.01 of this amendment.

2.07 Participant Certification for Unforeseeable Emergencies distributions. As provided under §312(c) of SECURE 2.0, notwithstanding any other conditions for receiving an Unforeseeable Emergency distribution under the Plan, effective for Plan Years beginning after December 29, 2022, in determining whether a distribution to a Participant can be made for an Unforeseeable Emergency, the Plan Administrator may rely on a written certification by the Participant that: (i) the distribution is due to an Unforeseeable Emergency of a type described in BPD Section 8.08(b); (ii) the distribution is not in excess of the amount required to satisfy the emergency need, and (iii) the Participant has no alternative means reasonably available to satisfy such emergency need.

2.08 Optional treatment of Matching Contributions and/or Employer Contributions as Roth contributions. Effective for contributions made to the Plan after December 29, 2022, the Employer may allow a Participant, if elected below, to elect to treat a Matching Contribution and/or an Employer Contribution made to such Participant’s account as a Roth contribution. Prior to the issuance of applicable IRS guidance, the Plan Administrator may develop administrative procedures with respect to this Section 2.08 that are reasonable, in good-faith and in a manner consistent with the intent of §604 of SECURE 2.0. Such administrative procedures may set forth rules for specific types of Matching Contributions and/or Employer Contributions eligible for this election, special accounting for such amounts and other administrative rules.

- (a) **Contributions must be nonforfeitable.** At the time received, a Participant must have a nonforfeitable right to any Matching Contribution or Employer Contribution such Participant elects to treat as a Roth contribution.
- (b) **Employer elections.** Participants may not elect to treat Matching Contributions or Employer Contributions as Roth contributions unless otherwise elected below,
- ☐ (1) Effective _____ (insert date on or after December 30, 2022), Participants may elect to treat Matching Contributions as Roth contributions.
- ☐ (2) Effective _____ (insert date on or after December 30, 2022), Participants may elect to treat Employer Contributions as Roth contributions.

2.09 Treatment of Qualified Student Loan Payments as Salary Deferrals for purposes of Matching Contributions. Effective for Plan Years beginning on or after _____ [enter a date no earlier than January 1, 2024, if applicable], the Plan may treat Qualified Student Loan Payments as Salary Deferrals for purposes of Matching Contributions, as provided for under §110 of SECURE 2.0.

☒ N/A. Student Loan Payments were not treated as Salary Deferrals under the Plan.

(a) **Conditions.** The Plan may only treat Qualified Student Loan Payments as Salary Deferrals for purposes of Matching Contributions if:

- (1) the Plan provides Matching Contributions on account of Salary Deferrals at the same rate as Matching Contributions on account of Qualified Student Loan Payments;
- (2) the Plan provides Matching Contributions on account of Qualified Student Loan Payments only on behalf of Employees otherwise eligible to receive Matching Contributions on account of Salary Deferrals;
- (3) all Employees eligible to receive Matching Contributions on account of Salary Deferrals are eligible to receive Matching Contributions on account of Qualified Student Loan Payments; and
- (4) the Plan provides that Matching Contributions on account of Qualified Student Loan Payments vest in the same manner as Matching Contributions on account of Salary Deferrals.

(b) **Definitions.**

- (1) **Qualified Student Loan Payment.** A payment made by an Eligible Employee in repayment of a Qualified Education Loan (as defined in Code §221(d)(1)) incurred by such Employee to pay Qualified Higher Education Expenses, but only to the extent such payments in the aggregate for the year do not exceed an amount equal to the Basic Annual Limit under BPD Section 5.02 for the year, reduced by the Salary Deferrals made by the Employee for such year.
- (2) **Qualified Higher Education Expenses.** The cost of attendance (as defined in §472 of the Higher Education Act of 1965, as in effect on the day before the date of the enactment of the Taxpayer Relief Act of 1997) at an Eligible Educational Institution (as defined in Code §221(d)(2)).

(c) **Special rules relating to the treatment of Qualified Student Loan Payments as Salary Deferrals for purposes of Matching Contributions.**

- (1) **Employee certification.** The Employee must certify annually that such Employee has made Qualified Student Loan Payments and the amount of such payments. The Employer may rely on such Employee certification.
- (2) **Treatment as a Plan contribution.** A Qualified Student Loan Payment generally shall not be treated as a contribution to the Plan.

2.10 Emergency Personal Expense Distributions. As provided under §115 of SECURE 2.0, effective for distributions made on or after _____ [enter a date no earlier than January 1, 2024, if applicable], the Plan may permit a Participant to receive an Emergency Personal Expense Distribution from the Accounts designated in §2.10(d) below.

☒ N/A. Emergency Personal Expense Distributions were not permitted under the Plan.

- (a) **Definition of Emergency Personal Expense Distribution.** An Emergency Personal Expense Distribution is any distribution from the Plan to a Participant for purposes of meeting unforeseeable or immediate financial needs relating to necessary personal or family emergency expenses, subject to certain limitations.
- (1) **Annual limitation.** A Participant may not receive more than one distribution per calendar year as an Emergency Personal Expense Distribution.
- (2) **Dollar limitation.** The amount that a Participant may receive as Emergency Personal Expense Distribution in any calendar year may not exceed the lesser of \$1,000 or an amount equal to the excess of (I) the individual's total nonforfeitable Account Balance under the Plan, determined as of the date of each such distribution, over (II) \$1,000.
- (3) **Aggregation of Emergency Personal Expense Distributions.** Emergency Personal Expense Distributions from all plans maintained by the Employer are aggregated for annual and dollar limitation purposes.
- (4) **Limitation on subsequent Emergency Personal Expense Distributions.** If a distribution is treated as an emergency personal expense distribution, then no amount may be treated as such a distribution during the immediately following three (3) calendar years unless the previous Emergency Personal Expense Distribution is fully recontributed, or the aggregate of the Salary Deferrals to the Plan subsequent to such previous Emergency Personal Expense Distribution is at least equal to the amount of such previous distribution which has not been recontributed.
- (b) **Recontributions to applicable Eligible Retirement Plans.** Any portion of an Emergency Personal Expense Distribution may, at any time during the 3-year period beginning on the day after the date on which the Participant received such distribution, be recontributed to an applicable Eligible Retirement Plan to which an Eligible Rollover Distribution can be made. In the case of a recontribution made with respect to an Emergency Personal Expense Distribution, an individual is treated as having received the Emergency Personal Expense Distribution as an Eligible Rollover Distribution (as defined in Code §402(c)(4)) and as having transferred the amount to an applicable Eligible Retirement Plan in a direct trustee-to-trustee transfer within 60 days of the distribution.
- (c) **Other applicable rules.** The following rules apply to Emergency Personal Expense Distributions:
- (1) An Emergency Personal Expense Distribution is includible in gross income, but it is not subject to the 10% additional tax under Code §72(t)(1).
- (2) In making a determination whether an individual is eligible for an Emergency Personal Expense Distribution, the Employer or Plan Administrator is permitted to rely on reasonable representations from the individual, unless the Employer or Plan Administrator has actual knowledge to the contrary.
- (d) **Sources for Emergency Personal Expense Distributions.** Emergency Personal Expense Distributions are available from the following sources:
- ☐ (1) All available sources
- ☐ (2) Pre-Tax Deferral Account
- ☐ (3) Roth Deferral Account (including In-Plan Roth Conversion Account)
- ☐ (4) Matching Contribution Account
- ☐ (5) Employer Contribution Account
- ☐ (6) Rollover Contribution Account
- ☐ (7) Transfer Account
- ☐ (8) Describe available sources: _____
- ☐ (e) **Further limitations on Emergency Personal Expense Distributions.** Emergency Personal Expense Distributions are further limited as follows:
- ☐ (1) Emergency Personal Expense Distributions are not available to terminated Participants.
- ☐ (2) Emergency Personal Expense Distributions will only be permitted if the Participant is 100% vested in the source from which the distribution is taken.
- ☐ (3) Describe any limits on the Participants who may receive Emergency expense distributions: _____
- ☐ (f) **Describe special rules applicable to Emergency Personal Expense Distributions:**
- _____

2.11 Domestic Abuse Distributions. As provided under §314 of SECURE 2.0, effective for distributions made on or after _____ [enter a date no earlier than January 1, 2024, if applicable], the plan may permit a Participant to receive a Domestic Abuse Distribution from the Accounts designated in §2.11(d) below. Domestic Abuse Distributions may not be made from a defined benefit plan or any other plan to which Code §§401(a)(11) and 417 apply.

☒ N/A. Domestic Abuse Distributions were not permitted under the Plan.

(a) **Definition of Domestic Abuse Distribution.** A Domestic Abuse Distribution is a distribution to a Domestic Abuse victim which is made during the 1-year period beginning on any date on which the Domestic Abuse victim is a victim of Domestic Abuse by a spouse or domestic partner and that meets the following conditions and definitions.

(1) **Definition of Domestic Abuse.** Domestic Abuse is physical, psychological, sexual, emotional, or economic abuse, including efforts to control, isolate, humiliate, or intimidate the victim, or to undermine the victim's ability to reason independently, including by means of abuse of the victim's child or another family member living in the household.

(2) **Limitation.** The aggregate amount which the Plan may treat as a Domestic Abuse Distribution to a Domestic Abuse victim shall not exceed an amount equal to the lesser of (I) \$10,000 (indexed for inflation), or (II) 50 percent of the value of the nonforfeitable Account Balances of the Domestic Abuse victim under all plans of the Employer.

(3) **Aggregation of Domestic Abuse Distributions.** Domestic Abuse Distributions from all plans maintained by the Employer are aggregated for limitation purposes.

(b) **Recontributions to applicable Eligible Retirement Plans.** Any portion of a Domestic Abuse Distribution may, at any time during the 3-year period beginning on the day after the date on which the Participant received such distribution, be recontributed to an applicable Eligible Retirement Plan to which an Eligible Rollover Distribution can be made. In the case of a recontribution made with respect to a Domestic Abuse Distribution, an individual is treated as having received the Domestic Abuse Distribution as an Eligible Rollover Distribution (as defined in Code §402(c)(4)) and as having transferred the amount to an applicable Eligible Retirement Plan in a direct trustee-to-trustee transfer within 60 days of the distribution.

(c) **Other applicable rules.** The following rules apply to Domestic Abuse Distributions:

(1) A Domestic Abuse Distribution is includible in the Domestic Abuse victim's gross income, but it is not subject to the 10% additional tax under Code §72(t)(1).

(2) In making a determination whether an individual is eligible for a Domestic Abuse Distribution, the Employer or Plan Administrator is permitted to rely on reasonable representations from the individual, unless the Employer or Plan Administrator has actual knowledge to the contrary.

(d) **Sources for Domestic Abuse Distributions.** Domestic Abuse Distributions are available from the following sources:

- ☐ (1) All available sources
- ☐ (2) Pre-Tax Deferral Account
- ☐ (3) Roth Deferral Account (including In-Plan Roth Conversion Account)
- ☐ (4) Matching Contribution Account
- ☐ (5) Employer Contribution Account
- ☐ (6) Rollover Contribution Account
- ☐ (7) Transfer Account
- ☐ (8) Describe available sources: _____

☐ (e) **Further limitations on Domestic Abuse Distributions.** Domestic Abuse Distributions are further limited as follows:

- ☐ (1) Domestic Abuse Distributions are not available to terminated Participants.
- ☐ (2) Domestic Abuse Distributions will only be permitted if the Participant is 100% vested in the source from which the distribution is taken.

2.12 Automatic portability transactions. Effective for transactions occurring on or after _____ [enter a date no earlier than December 30, 2023, if applicable], the Employer will accept transfers of assets into the Plan on behalf of an active Participant pursuant to an automatic portability transaction, as described under §120 of SECURE 2.0 and Code §4975(f)(12).

☒ N/A. Plan will not accept automatic portability transfers of assets into the Plan.

2.13 Dollar limitations for distributions of smaller amounts and Involuntary Cash-Out Distributions. As provided under §304 of SECURE 2.0, effective for distributions made on or after _____ [enter a date no earlier than January 1, 2024], the threshold for the distribution of smaller amounts under BPD Section 8.06 and the threshold for Involuntary Cash-Out Distributions (if applicable) under BPD Section 8.01 (as listed below) are increased from \$5,000 to \$7,000. The Employer may designate thresholds other than \$7,000 for purposes of the distribution of smaller amounts and Involuntary Cash-Out Distributions in Section 2.13(c) and/or (d) below.

☒ N/A. The distribution of smaller amounts and Involuntary Cash-Out Distribution thresholds are not increased.

(a) **Basic Plan Document (BPD) References to \$5,000 increased to \$7,000.** For purposes of the following BPD sections, the \$5,000 threshold referenced in the section is increased to \$7,000: Sections 8.01 and 8.06.

(b) **AA References to \$5,000 increased to \$7,000.** For purposes of the following Adoption Agreement section, the \$5,000 threshold referenced in the section is increased to \$7,000: Section 9-4(a).

(c) **Lower threshold for distribution of smaller amounts.** Instead of a threshold of \$7,000 for the distribution of smaller amounts under BPD Section 8.06, the threshold is \$_____ [must be less than \$7,000].

(d) **Other Involuntary Cash-Out Distribution threshold.** Instead of an Involuntary Cash-Out Distribution threshold of \$7,000, a terminated Participant will receive an Involuntary Cash-Out Distribution only if the Participant's vested Account Balance is less than or equal to \$_____.

(e) **The following special rules apply in applying the \$7,000 threshold under the Plan:**

2.14 Higher Age 50 Catch-Up Contribution Limit. Unless otherwise elected under (1) below, if the Plan permits Age 50 Catch-Up Contributions, then, effective for taxable years beginning after December 31, 2024, the Plan's Age 50 Catch-Up Contribution Limit increases to the greater of \$10,000 or 150% of the regular Age 50 Catch-Up Contribution Limit starting in the 2025 calendar year for Participants who have attained ages 60, 61, 62 and 63, as provided under Code §414(v)(2)(B). Further, unless elected otherwise under (2) below, if the Plan matches Age 50 Catch-Up Contributions, any higher Age 50 Catch-Up Contributions are eligible for Matching Contributions.

☒ (1) The higher Age 50 Catch-Up Contributions allowed under Code §414(v)(2)(B) for taxable years beginning after 2024 for Participants who have attained ages 60, 61, 62, and 63 are not permitted under the Plan.

☐ (2) Higher Age 50 Catch-Up Contributions, even though allowed under the Plan, are not eligible for Matching Contributions.

ARTICLE III APPLICATION OF AMENDMENT

This amendment is hereby adopted on behalf of the Plan. This amendment applies to the signatory Employer and any other adopting Employers of the Plan.

Town of Lake Park
(Name of Employer)

(Name of Authorized Employer Representative)

(Title)

(Signature)

(Date)

APPENDIX A
GOVERNMENTAL 457(b) PLAN
CARES/SECURE ACTS INTERIM AMENDMENT

ARTICLE I
PURPOSE OF INTERIM AMENDMENT

- 1.01 Adoption by Employer.** The Employer is adopting this Governmental 457(b) Plan CARES/SECURE Acts Interim Amendment (“Interim Amendment” or “IA”) to document the Plan's compliance with various laws, as listed under Article II, and other guidance issued by the Internal Revenue Service. The Plan Administrator will interpret the provisions consistent with any current or future guidance related to the applicable provisions.
- 1.02 Application.** To the extent that this Interim Amendment applies to a Plan, it supersedes any contrary provisions under the Plan, except as provided under IA §1.03. This Interim Amendment applies to the signatory Employer and any other Participating Employers of the Plan.
- 1.03 Prior Amendments.** If the Employer previously amended the Plan to implement one or more of the provisions addressed by this Interim Amendment, such amendment(s) shall remain in effect and shall not be superseded, unless otherwise provided under the Elective Provisions. The Employer may use the Elective Provisions of this Interim Amendment to memorialize prior amendments

If the Employer previously adopted the CARES/Disaster Interim Amendment, the provisions of such amendment are also incorporated into this CARES/SECURE Acts Interim Amendment.

ARTICLE II
APPLICABLE LAWS AND PLANS COVERED BY INTERIM AMENDMENT

- 2.01 Applicable Laws.** This Interim Amendment includes provisions that are required or allowed under the following laws:
- (a) Bipartisan American Miners Act of 2019 (“Miners Act”)
 - (b) Coronavirus Aid, Relief, and Economic Security Act (CARES Act)
 - (c) Setting Every Community Up for Retirement Enhancement Act (“SECURE Act”)
 - (d) Taxpayer Certainty and Disaster Tax Relief Act of 2019 (“Disaster Tax Relief Act of 2019”)
 - (e) Taxpayer Certainty and Disaster Tax Relief Act of 2020 (“Disaster Tax Relief Act of 2020”)
- 2.02 Application to Governmental 457(b) Plans.** The Interim Amendment applies to governmental Code §457(b) plans maintained by employers described under Code §457(e)(1)(A).

ARTICLE III
AMENDMENT RELATING TO THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT

- 3.01 In General.** On March 27, 2020, the CARES Act became law. Provisions of the CARES Act may have affected certain Plan provisions. The provisions of the CARES Act were effective at various times, as reflected in the provisions under this Article III. The Plan Administrator administered the provisions of this Article III consistent with a “good-faith” interpretation of the CARES Act as applicable to governmental Code §457(b) plans. To the extent this Article III applies to the Plan, the provisions of this Article III supersede any inconsistent provisions of the Plan.
- 3.02 Coronavirus-Related Distributions and loans from the Plan.** This IA §3.02 incorporates CARES Act §2202 relating to special disaster-related rules applicable to governmental Code §457(b) plans. The provisions of this IA §3.02 apply only to the extent a distribution or loan was made to a qualified individual as provided under CARES Act §2202. If the Plan did not operationally apply the rules under this IA §3.02, such provisions do not apply to the Plan. The Plan Administrator documented through administrative procedures (including designating accounts from which Coronavirus-Related Distributions and loans could have been taken) or otherwise the manner in which the Plan operationally applied the rules under this IA §3.02. To the extent this IA §3.02 applies to the Plan, the provisions supersede any inconsistent provisions of

the Plan or loan program. The Plan administered this IA §3.02 consistent with the guidance provided under IRS Notice 2020-50.

- (a) **Coronavirus-Related Distributions.** As provided under CARES Act §2202(a), the Plan could (but was not required to) make Coronavirus-Related Distributions, subject to the limits under IA §3.02(a)(4), without regard to certain distribution restrictions otherwise applicable under the Plan.

- (1) **Definition of Coronavirus-Related Distribution.** The term Coronavirus-Related Distribution means a distribution from the Plan made:

- (i) on or after January 1, 2020, and before December 31, 2020,
- (ii) to an individual:
 - (A) who was diagnosed with the virus SARS-CoV-2 or with coronavirus disease 2019 (collectively referred to herein as “COVID-19”) by a test approved by the Centers for Disease Control and Prevention, including a test authorized under the Federal Food, Drug, and Cosmetic Act; or
 - (B) whose spouse or dependent (as defined in Code §152) was diagnosed with COVID-19 by such a test; and
 - (C) who experienced adverse financial consequences as a result of:
 - (I) the individual being quarantined, being furloughed or laid off or having work hours reduced due to COVID-19;
 - (II) the individual being unable to work due to lack of childcare due to COVID-19;
 - (III) closing or reducing hours of a business owned or operated by the individual due to COVID-19;
 - (IV) the individual having pay or self-employment income reduced due to COVID-19;
 - (V) the individual having a job offer rescinded or start date for a job delayed due to COVID-19;
 - (VI) the individual’s spouse or a member of the individual’s household (i.e., someone who shares the individual’s principal residence) being quarantined, being furloughed or laid off or having work hours reduced due to COVID-19, being unable to work due to lack of childcare due to COVID-19, having pay or self-employment income reduced due to COVID-19, or having a job offer rescinded or start date for a job delayed due to COVID-19; or
 - (VII) closing or reducing hours of a business owned or operated by the individual’s spouse or a member of the individual’s household due to COVID-19.

- (2) **Amounts not treated as Coronavirus-Related Distributions.** The following amounts were not treated as Coronavirus-Related Distributions:

- (i) Excess deferrals (i.e., the amounts that exceed the maximum contribution limit under Code §457);
- (ii) loans that were treated as deemed distributions pursuant to Code §72(p); and
- (iii) distributions that were permissible withdrawals from an Eligible Automatic Contribution Arrangement within the meaning of Code §414(w).

- (3) **Employee certification.** The Plan Administrator could have relied on an Employee’s certification that the Employee satisfied the conditions of IA §3.02(a)(1) in determining whether any distribution was a Coronavirus-Related Distribution unless the Plan Administrator had actual knowledge to the contrary. The Plan Administrator had no obligation to inquire into whether an individual had satisfied the conditions for a Coronavirus-Related Distribution.

- (4) **Limit on amount of Coronavirus-Related Distributions.** The aggregate amount of Coronavirus-Related Distributions received by an individual for any taxable year (from all plans maintained by the Employer and any member of a controlled group under Code §§414(b), (c), (m) or (o) which included the Employer) could not exceed \$100,000.
- (5) **Repayment of Coronavirus-Related Distribution.** A Participant who received a Coronavirus-Related Distribution from the Plan may, at any time during the three-year period beginning on the day after the receipt of such distribution, make one or more Rollover Contributions to an Eligible Retirement Plan (including this Plan, if the Participant is otherwise eligible to make Rollover Contributions) in an aggregate amount that does not exceed the amount of such Coronavirus-Related Distribution. In accepting a Rollover Contribution under this IA §3.02(a)(5), the Plan Administrator is entitled to the relief under Q&A-14 of Treas. Reg. §1.401(a)(31)-1. The Plan Administrator in accepting the Rollover Contribution must reasonably conclude that the recontribution is eligible for direct rollover treatment under CARES Act §2202(a)(3). The Plan Administrator may rely on an Employee's certification that the Employee satisfies the conditions for making such a Rollover Contribution unless the Plan Administrator has actual knowledge to the contrary.
- (6) **Exemption from certain transfer and withholding rules.** For purposes of the Direct Rollover rules of Code §401(a)(31), the notice requirements of Code §402(f) and withholding rules of Code §3405, a Coronavirus-Related Distribution was not treated as an Eligible Rollover Distribution.
- (b) **Special Loan Rules.** As provided under CARES Act §2202(b), the Plan Administrator was authorized (but not required) to revise the applicable loan requirements under the Plan to reflect (1) and/or (2) below. For purposes of this IA §3.02(b), a Qualified Individual means any individual who is described in IA §3.02(a)(1)(ii) above.
- (1) **Increased Participant loan limits.** Notwithstanding the Participant loan limitations under the Plan, for purposes of determining the permissible Participant loans for Qualified Individuals made during the 180-day period beginning on March 27, 2020, the loan limit under Code §72(p)(2)(A) could have been applied by substituting "\$100,000" for "\$50,000" and the adequate security requirement under Code §72(p)(2)(A)(ii) could have been applied using "the Participant's vested Account Balance" rather than "one-half (½) of the Participant's vested Account Balance."
- (2) **Delayed loan repayment date.** If a Qualified Individual had an outstanding Participant loan on or after March 27, 2020:
- (i) if the due date pursuant to Code §§72(p)(2)(B) or (C) for any repayment with respect to such loan occurs during the period beginning on March 27, 2020 and ending on December 31, 2020, such due date could have been delayed for one year;
 - (ii) any subsequent repayments with respect to such loan could have been appropriately adjusted to reflect the delay in the due date under IA §3.02(b)(2)(i) above and any interest accruing during such delay; and
 - (iii) in determining the five-year period and the term of the loan under Code §72(p)(2)(B) and (C), the one-year delay period described in IA §3.02(b)(2)(i) above could have been disregarded.

3.03 Required Minimum Distributions for 2020.

- (a) **Temporary waiver of required minimum distribution rules for 2020.** As provided under Code §401(a)(9)(I), added by CARES Act §2203 and effective as of January 1, 2020 (or such later date designated under the Elective Provisions), the required minimum distribution rules under BPD Section 9 did not apply for the 2020 calendar year. A Participant or beneficiary who would have been required to receive a required minimum distribution for the 2020 calendar year (or a Participant with a Required Beginning Date of April 1, 2021 who would have received a required minimum distribution in 2021 for the 2020 calendar year) ("2020 RMD"), but for the enactment of Code §401(a)(9)(I), and who would have satisfied that requirement by receiving a distribution that is either (1) equal to the 2020 RMD, or (2) one or more payments (that include the 2020 RMD) in a series of substantially equal periodic payments made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancies) of the Participant and the Participant's Designated Beneficiary, or for a period of at least 10 years ("2020 Extended RMD"), may have elected whether to receive the 2020 RMD or the 2020 Extended RMD. If a Participant did not specifically elect to take the 2020 RMD or 2020 Extended RMD from the Plan, such distribution was not made for the 2020 calendar year. The Employer may modify this default rule under the Elective Provisions, provided such modification satisfies the requirements under Code §401(a)(9)(I) and any applicable IRS guidance.

In addition, solely for purposes applying the Direct Rollover provisions of the Plan, certain additional distributions in 2020, as elected by the Employer under the Elective Provisions, were treated as Eligible Rollover Distributions. If no

election is made by the Employer in the Elective Provisions, the Plan offered a Direct Rollover only for distributions that were Eligible Rollover Distributions in the absence of Code §401(a)(9)(I).

If all or any portion of a distribution made during 2020 was treated as an Eligible Rollover Distribution but would not be treated as such if the required minimum distribution requirements under BPD Section 9 had applied during 2020, such distribution could not be treated as an Eligible Rollover Distribution for purposes of the Direct Rollover rules, Code §457(e)(16)(B) and Code §3405(c).

- (b) **Special rules regarding the temporary waiver of required minimum distribution rules for 2020.** In applying the provisions of BPD Section 9 for the 2020 calendar year, the following special rules apply:
- (1) The Required Beginning Date with respect to any individual shall be determined without regard to this Section 3.03 for purposes of applying BPD Section 9 for calendar years after 2020;
 - (2) If Code §401(a)(9)(B)(ii) applies, the five-year period described in such provision was determined without regard to the 2020 calendar year;
 - (3) If the Plan permitted a Participant or beneficiary to elect whether the five-year rule or the life expectancy rule applied in determining required minimum distributions and the election period ended in the 2020 calendar year, the Plan Administrator could have extended the election deadline to the end of 2021;
 - (4) The Plan Administrator and Participants could have applied the transitional relief and special rules under Code §401(a)(9)(I) and IRS Notice 2020-51 relating to the temporary waiver of required minimum distributions for 2020 in any reasonable and consistent manner; and
 - (5) The Employer may describe any special rules that were applicable to the temporary waiver of the required minimum distribution rules for 2020 under the Elective Provisions, provided such special rules are consistent with CARES Act §2203. Code §401(a)(9)(I) and IRS Notice 2020-51.

ARTICLE IV AMENDMENT RELATING TO THE DISASTER TAX RELIEF ACT OF 2020

4.01 In General. On December 27, 2020, the Disaster Tax Relief Act of 2020, which was enacted as part of the Consolidated Appropriations Act, 2021, became law. Provisions of the Disaster Tax Relief Act of 2020 may have affected certain Plan provisions. The provisions of the Disaster Tax Relief Act of 2020 are effective as reflected in the provisions under this Article IV. The Plan Administrator administered the provisions of this Article IV consistent with a “good-faith” interpretation of the Disaster Tax Relief Act of 2020. To the extent this Article IV applies to the Plan, these provisions supersede any inconsistent provisions of the Plan.

4.02 Special Disaster-Related Rules. This IA §4.02 incorporates the provisions of the Disaster Tax Relief Act of 2020 §302 relating to special disaster-related rules applicable to governmental Code §457(b) plans. The provisions of this IA §4.02 apply only to the extent a distribution or loan was made to a qualified individual as provided under Disaster Tax Relief Act of 2020 §302. If the Plan did not operationally apply the rules under this IA §4.02, such provisions do not apply to the Plan. The Plan Administrator documented through administrative procedures (including designating accounts from which special disaster-related distributions and loans could have been taken) or otherwise the manner in which the Plan operationally applied the rules under this IA §4.02. To the extent this IA §4.02 applies to the Plan, these provisions supersede any inconsistent provisions of the Plan or loan program.

- (a) **Eligibility for Qualified Disaster Distribution.** If administratively permitted by the Plan Administrator, a Participant could have taken a Qualified Disaster Distribution without regard to any distribution restrictions otherwise applicable under the Plan.

(1) **Definitions.**

- (i) **Qualified Disaster Distribution.** A Qualified Disaster Distribution (as defined under the Disaster Tax Relief Act of 2020 §302(a)(4)(A)) is a distribution from the Plan made:

- (A) on or after the first day of the Incident Period of a Qualified Disaster and before June 25, 2021, and

- (B) to an individual whose principal place of abode at any time during the Incident Period of such Qualified Disaster was located in the Qualified Disaster Area with respect to such Qualified Disaster and who had sustained an economic loss by reason of such Qualified Disaster.
 - (ii) **Qualified Disaster Area.** A Qualified Disaster Area is any area with respect to which a major disaster was declared, during the period that began on January 1, 2020, and ended on February 25, 2021, by the President under Robert T. Stafford Disaster Relief and Emergency Assistance Act §401 if the Incident Period of the disaster with respect to which such declaration was made began on or after December 28, 2019, and ended on or before December 27, 2020. Such term did not include any area with respect to which such a major disaster had been so declared only by reason of COVID-19.
 - (iii) **Qualified Disaster.** A Qualified Disaster is, with respect to any Qualified Disaster Area, the disaster by reason of which a major disaster was declared with respect to such area.
 - (iv) **Incident Period.** An Incident Period is, with respect to any Qualified Disaster, the period specified by the Federal Emergency Management Agency as the period during which such disaster occurred (except that such period shall not be treated as ending after January 26, 2021).
- (2) **Limit on amount of Qualified Disaster Distributions.** The aggregate amount of Qualified Disaster Distributions received by an individual for any taxable year (from all plans maintained by the Employer and any member of a controlled group which includes the Employer) could not have exceeded the excess (if any) of \$100,000, over the aggregate amounts treated as Qualified Disaster Distributions received by such individual for all prior taxable years.
- (3) **Qualified Disaster Distributions treated as meeting certain Plan distribution requirements.** A Qualified Disaster Distribution is treated as meeting the requirements of Code §457(d)(1)(A).
- (b) **Repayment of Qualified Disaster Distribution.** As provided under the Disaster Tax Relief Act of 2020 §302(a)(3), a Participant who received a Qualified Disaster Distribution from the Plan or another eligible retirement plan (as defined in Code §402(c)(8)(B)) may, at any time during the three-year period beginning on the day after the receipt of such distribution, make one or more Rollover Contributions to the Plan in an aggregate amount that does not exceed the amount of such Qualified Disaster Distribution. This IA §4.02(b) only applies if the Plan permits Rollover Contributions.
- (c) **Special Loan Rules.** As provided under the Disaster Tax Relief Act of 2020 §302(c), the Plan Administrator could (but was not required to) revise the applicable loan requirements under the Plan to reflect (1) and (2) below.
- (1) **Increased Participant loan limits.** Notwithstanding the Participant loan limitations under the Plan, for purposes of determining the permissible Participant loans for a Qualified Individual during the 180-day period beginning on December 27, 2020, the loan limit under Code §72(p)(2)(A) could have been applied by substituting “\$100,000” for “\$50,000” and the adequate security requirement under Code §72(p)(2)(A)(ii) could have been applied using “the Participant’s vested Account Balance” rather than “one-half (½) of the Participant’s vested Account Balance.” A Qualified Individual for this purpose was any Participant whose principal place of abode at any time during the Incident Period of any Qualified Disaster was located in the Qualified Disaster Area with respect to such Qualified Disaster, and who had sustained an economic loss by reason of such Qualified Disaster.
- (2) **Delayed loan repayment date.** If a Qualified Individual (as defined in IA §4.02(d)(1) above) had an outstanding Participant loan on or after the first day of the Incident Period of a Qualified Disaster and ending on the date which is 180 days after the last day of the Incident Period:
- (i) The due date for repayment of the Participant loan could have been delayed for one year;
 - (ii) any subsequent repayments with respect to such loan could have been appropriately adjusted to reflect the delay in the due date under IA §4.02(d)(2)(i) and any interest accruing during such delay; and
 - (iii) in determining the five-year period and the term of the loan under Code §72(p)(2)(B) and (C), the one-year delay period described in IA §4.02(d)(2)(i) could have been disregarded.

ARTICLE V
AMENDMENT RELATING TO THE SECURE ACT, MINERS ACT AND DISASTER TAX RELIEF ACT OF 2019

5.01 In General. On December 20, 2019, the Further Consolidated Appropriations Act of 2019, which includes the SECURE Act, the Miners Act and the Disaster Tax Relief Act of 2019 became law. The provisions of these three Acts are effective at various times, as reflected in the provisions under this Article V. The Plan Administrator shall administer the provisions of this Article V consistent with a “good-faith” interpretation of these laws.

5.02 Modification of required minimum distribution rules.

(a) **Increase in age for Required Beginning Date for mandatory distributions.** As provided under Code §401(a)(9)(C)(i)(I) as amended by SECURE Act §114, effective for distributions required to be made after December 31, 2019, with respect to Participants who attain age 70½ after such date, all references to “age 70½” under the applicable required minimum distribution provisions of the Plan are replaced with “age 72.” For purposes of determining required minimum distributions for calendar years beginning on or after January 1, 2022 (or such later date as specified in applicable regulations or guidance), the Plan Administrator must apply the provisions of this IA §5.02(a) consistent with proposed Treas. Reg §§1.401(a)(9)-1 through 1.401(a)(9)-9 issued on February 24, 2022 (or subsequent applicable final regulations).

(b) **Modifications of required minimum distribution rules for Designated Beneficiaries.** As provided under Code §401(a)(9)(H) as amended by SECURE Act §401, effective for distributions with respect to Participants who die after December 31, 2021 (or such later effective date applicable to the Plan), the applicable required minimum distribution rules under the Plan must be administered consistent with the following rules as provided under SECURE Act §401. (See IA §5.02(b)(1)(v) for effective date rules applicable to plans maintained pursuant to a Collective Bargaining Agreement.) For purposes of determining required minimum distributions for calendar years beginning on or after January 1, 2022 (or such later date as specified in applicable final regulations or guidance), the Plan Administrator must apply the provisions of this IA §5.02(b) consistent with proposed Treas. Reg §§1.401(a)(9)-1 through 1.401(a)(9)-9 issued on February 24, 2022 (or subsequent applicable final regulations or guidance).

(1) **10-year rule.** As provided under Code §401(a)(9)(H)(i), if a Participant dies before the distribution of the Participant’s entire vested Account Balance (regardless of whether the Participant dies before, on or after beginning required minimum distributions under the Plan, the entire vested Account Balance of the Participant will be distributed by the end of the calendar year that includes the 10th anniversary of the date of the Participant’s death. This is referred to as the “10-year rule.”

(i) **Exception to 10-year rule for Eligible Designated Beneficiaries.** As provided under Code §401(a)(9)(H)(ii) and Code §401(a)(9)(B)(iii), if any portion of the Participant’s interest is payable to an Eligible Designated Beneficiary, such portion may be distributed (in accordance with applicable regulations) over the life of such Eligible Designated Beneficiary (or over a period not extending beyond the life expectancy of such Eligible Designated Beneficiary), provided such distribution begins not later than one year after the date of the Participant’s death (except as provided under Code §401(a)(9)(B)(iv) relating to a surviving spouse) or such later date as the Secretary of Treasury may prescribe by regulations. This is referred to as the “life expectancy rule.” If the conditions of this exception are not satisfied, the 10-year rule under subparagraph (1) applies.

(ii) **Elective provisions for Eligible Designated Beneficiaries.** Unless the Employer elects otherwise under the Elective Provisions, required minimum distributions under the Plan to an Eligible Designated Beneficiary when the Participant dies prior to the Required Beginning Date shall be made by applying the Plan’s pre-SECURE Act elections (including administrative and default elections), except that the 10-year rule under IA §3.02(b)(1) shall be substituted for the pre-SECURE Act 5-year rule as appropriate. For example, if the pre-SECURE Act Plan allowed the Participant or Designated Beneficiary to elect between the life expectancy rule and the 5-year rule prior to the SECURE Act effective date, then the Plan allows the Eligible Designated Beneficiary to elect between the life expectancy rule and the 10-year rule on or after the SECURE Act effective date.

Alternatively, the Employer may elect under the Elective Provisions to (1) apply the life expectancy rule, (2) apply the 10-year rule (including a fixed number of years less than 10), or (3) allow the Participant or the Eligible Designated Beneficiary to elect whether the 10-year rule or the life expectancy rule applies. If the Participant or Eligible Designated Beneficiary is allowed to elect whether the life expectancy rule or the 10-year rule applies and such Participant or Eligible Designated Beneficiary does not timely make such an election, then the Employer must elect under the Elective Provisions whether the life expectancy rule or the 10-year rule applies.

- (A) **Timing of election.** Any Participant or Eligible Designated Beneficiary election permitted under this IA §5.02(b)(1)(ii) must be made no later than end of the earlier of the calendar year by which distributions must be made in order to satisfy the 10-year rule and the calendar year in which distributions would be required to begin in order to satisfy the requirements of the life expectancy rule or, if applicable, by the time of the permitted delay if the surviving Spouse is the sole beneficiary as provided under Code §401(a)(9)(B)(iv).
- (B) **Irrevocable election.** If a Participant or Eligible Designated Beneficiary elects under this IA §5.02(b)(1)(ii) to apply either the 10-year rule or the life expectancy rule, then, as of the last date the election may be made, the election is irrevocable with respect to the Eligible Designated Beneficiary (and all subsequent Designated Beneficiaries and applies to all subsequent calendar years.
- (iii) **Rules upon death of an Eligible Designated Beneficiary.** Generally, if an Eligible Designated Beneficiary dies before the Participant's entire vested Account Balance is distributed, the exception under IA §5.02(b)(1)(i) above shall not apply to any beneficiary of such Eligible Designated Beneficiary and the remainder of such portion shall be distributed by the end of the 10th calendar year following the calendar year of the death of such Eligible Designated Beneficiary.
- (iv) **Special rule in case of certain trusts for disabled or chronically ill Eligible Designated Beneficiary.** The Plan may apply the special rules for certain "applicable multi-beneficiary trusts" as described under Code §§401(a)(9)(H)(iv) and (v), as added by SECURE Act §401.
- (v) **Special effective date rules.**
 - (A) **Collective bargaining agreements.** In the case of a Plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more Employers that were ratified before December 20, 2019, the amendments to Code §§401(a)(9)(E) and (H) and under this IA §5.02(b) apply to distributions with respect to Employees who die in calendar years beginning after December 31, 2021, or if earlier, the later of: (1) the date on which the last of the collective bargaining agreements terminated (without regard to any extension of the agreement to which the parties agree on or after December 20, 2019, or (2) December 31, 2019.
 - (B) **Governmental Plans.** In the case of a Governmental Plan, the amendments to Code §§401(a)(9)(E) and (H) and this IA §5.02(b) apply to distributions with respect to Employees who die after December 31, 2021.
- (2) **Definitions for purposes of this IA §5.02(b).**
 - (i) **Designated Beneficiary.** The term Designated Beneficiary means any individual designated as a beneficiary by the Participant or under the terms of the Plan.
 - (ii) **Eligible Designated Beneficiary.** The term Eligible Designated Beneficiary means, with respect to any Participant, any Designated Beneficiary who is:
 - (A) the surviving Spouse of the Participant;
 - (B) subject to subparagraph (iii) below, a child of the Participant who has not reached age 21;
 - (C) disabled (within the meaning of Code §72(m)(7));
 - (D) a chronically ill individual (within the meaning of Code §7702B(c)(2), except that the requirements of subparagraph (A)(i) thereof shall only be treated as met if there is a certification that, as of such date, the period of inability described in such subparagraph with respect to the individual is an indefinite one which is reasonably expected to be lengthy in nature);
 - (E) an individual not described in any of the preceding subclauses who is not more than 10 years younger than the Participant; or
 - (F) a Designated Beneficiary of a Participant if the Participant died before the effective date of Code §401(a)(9)(H) described in Prop. Treas. Reg. §1.401(a)(9)-1(b)(2)(i) and (ii), whichever applies to the Plan (or as provided under applicable final regulations).

The determination of whether a Designated Beneficiary is an Eligible Designated Beneficiary shall be made as of the date of death of the Participant.

- (iii) **Special rules for children.** An individual described in subparagraph (ii)(B) above shall cease to be an Eligible Designated Beneficiary as of the date the individual reaches age 21 and any remainder of the portion of the individual's interest to which Code §401(a)(9)(H)(ii) applies shall be distributed under the 10-year rule.

5.03 Prohibition from making loans through credit cards. As provided under SECURE Act §108, effective for Participant loans made after December 20, 2019, a Plan may not make any Participant loan through any credit card or any other similar arrangement.

5.04 Special disaster-related distributions and loans. This IA §5.04 incorporates the provisions of the Disaster Tax Relief Act of 2019 §202 relating to special disaster-related rules for retirement plans. The provisions of this IA §5.04 will apply only to the extent a distribution or loan was made to a qualified individual as provided under the Disaster Tax Relief Act of 2019 §202. If the Plan did not operationally apply the rules under this IA §5.04, such provisions do not apply to the Plan. The Plan Administrator documented through administrative procedures (including designating accounts from which special disaster-related distributions and loans could have been taken) or otherwise the manner in which the Plan operationally applied the rules under this IA §5.04. To the extent this IA §5.04 applies to the Plan, these provisions supersede any inconsistent provisions of the Plan or loan program.

- (a) **Eligibility for Qualified Disaster Distribution.** If administratively permitted by the Plan Administrator, a Participant could have taken a Qualified Disaster Distribution without regard to any distribution restrictions otherwise applicable under the Plan.

(1) Definitions.

- (i) **Qualified Disaster Distribution.** A Qualified Disaster Distribution (as defined under the Disaster Tax Relief Act of 2019 §202(a)(4)(A)) is a distribution from the Plan made:

- (A) on or after the first day of the Incident Period of a Qualified Disaster and before June 17, 2020, and
- (B) to an individual whose principal place of abode at any time during the Incident Period of such Qualified Disaster was located in the Qualified Disaster Area with respect to such Qualified Disaster and who had sustained an economic loss by reason of such Qualified Disaster.

- (ii) **Qualified Disaster Area.** A Qualified Disaster Area is any area with respect to which a major disaster was declared, during the period that began on January 1, 2018, and ended on February 18, 2020, by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act §401 if the Incident Period of the disaster with respect to which such declaration was made began on or before December 20, 2019. Such term did not include the California wildfire disaster (as defined in §20101 of subdivision 2 of division B of the Bipartisan Budget Act of 2018).

- (iii) **Qualified Disaster.** A Qualified Disaster is, with respect to any Qualified Disaster Area, the disaster by reason for which a major disaster was declared with respect to such area.

- (iv) **Incident Period.** An Incident Period is, with respect to any Qualified Disaster, the period specified by the Federal Emergency Management Agency as the period during which such disaster occurred (except that such period shall not be treated as ending after January 19, 2020).

- (2) **Limit on amount of Qualified Disaster Distributions.** The aggregate amount of Qualified Disaster Distributions received by an individual for any taxable year (from all plans maintained by the Employer and any member of a controlled group which included the Employer) could not have exceeded the excess (if any) of \$100,000, over the aggregate amounts treated as Qualified Disaster Distributions received by such individual for all prior taxable years. This limitation was applied separately with respect to distributions made with due to each Qualified Disaster.

- (3) **Qualified Disaster Distributions treated as meeting certain Plan distribution requirements.** A Qualified Disaster Distribution under the Plan is treated as meeting the requirements of Code §401(k)(2)(B)(i).

- (b) **Repayment of Qualified Disaster Distribution.** As provided under the Disaster Tax Relief Act of 2019 §202(a)(3), a Participant who received a Qualified Disaster Distribution from the Plan or another eligible retirement plan (as defined

in Code §402(c)(8)(B)) may, at any time during the three-year period beginning on the day after the receipt of such distribution, make one or more Rollover Contributions to the Plan in an aggregate amount that does not exceed the amount of such Qualified Disaster Distribution. This subsection (b) only applies if the Plan permits Rollover Contributions.

- (c) **Special Loan Rules.** As provided under the Disaster Tax Relief Act of 2019 §202(c), the Plan Administrator could (but was not required to) revise the applicable loan requirements under the Plan to reflect (1) and/or (2) below.

- (1) **Increased Participant loan limits.** Notwithstanding the Participant loan limitations under the Plan, for purposes of determining the permissible Participant loans for a Qualified Individual during the 180-day period beginning on December 20, 2019, the loan limit under Code §72(p)(2)(A) could have been applied by substituting “\$100,000” for “\$50,000” and the adequate security requirement under Code §72(p)(2)(A) (ii) could have been applied using “the Participant’s vested Account Balance” rather than “one-half (½) of the Participant’s vested Account Balance.” A Qualified Individual for this purpose was any Participant whose principal place of abode at any time during the Incident Period of any Qualified Disaster was located in the Qualified Disaster Area with respect to such Qualified Disaster, and who had sustained an economic loss by reason of such Qualified Disaster.
- (2) **Delayed loan repayment date.** If a Qualified Individual (as defined in subparagraph (1) above) had an outstanding Participant loan on or after the first day of the Incident Period of a Qualified Disaster and that ended on the date which is 180 days after the last day of the Incident Period:
 - (i) the due date for repayment of the Participant loan could have been delayed for one year;
 - (ii) any subsequent repayments with respect to such loan could have been appropriately adjusted to reflect the delay in the due date under IA §5.04(i) and any interest accruing during such delay; and
 - (iii) in determining the 5-year period and the term of the loan under Code §§72(p)(2)(B) and (C), the one-year delay period described in IA §5.04(d)(2)(i) could have been disregarded.

5.05 Portability of lifetime income options. Effective for Plan Years beginning after December 31, 2019 and as provided under Code §401(a)(38), the Plan may allow a Qualified Distribution of a Lifetime Income Investment and a distribution of a Lifetime Income Investment in the form of a Qualified Plan Distribution Annuity Contract, provided such distribution is made within the 90-day period ending on the date when the Lifetime Income Investment is no longer authorized to be held as an investment option under the Plan. The Plan Administrator may administratively apply the rules of Code §401(a)(38) to any applicable Plan investment meeting the definition of a Lifetime Income Investment. The Plan Administrator will separately document the manner of application of the rules under this IA §5.07 and apply the rules in a consistent and nondiscriminatory manner.

(a) **Definitions.**

- (1) **Qualified Distribution.** A Qualified Distribution is a direct trustee-to-trustee transfer to an Eligible Retirement Plan.
- (2) **Lifetime Income Investment.** A Lifetime Income Investment is an investment option designed to provide an Employee with election rights that (1) are not uniformly available with respect to other investment options under the Plan; and (2) are rights to a Lifetime Income Feature available through a contract or other arrangement offered under the Plan, as defined under Code §401(a)(38)(B)(ii). The Plan Administrator will determine whether an investment option under the Plan is a Lifetime Income Investment.
- (3) **Lifetime Income Feature.** A Lifetime Income Feature is (1) a feature that guarantees a minimum level of income annually (or more frequently) for at least the remainder of the life of the Employee or the joint lives of the Employee and the Employee’s Designated Beneficiary, or (2) an annuity payable on behalf of the Employee under which payments are made in substantially equal periodic payments (not less frequently than annually) over the life of the Employee or the joint lives of the Employee and the Employee’s Designated Beneficiary, as defined under Code §401(a)(38)(B)(iii).
- (4) **Qualified Plan Distribution Annuity Contract.** A Qualified Plan Distribution Annuity Contract is an annuity contract purchased for a Participant and distributed to the Participant by the Plan, as defined under Code §401(a)(38)(B)(iv).

- (b) **Restrictions on in-service distributions.** Effective no earlier than for Plan Years beginning after December 31, 2019, to the extent that the Plan Administrator applies the rules under subparagraph (a) above, the Plan does not violate the distribution restrictions under Code §457(d).

5.06 Qualified Birth or Adoption Distributions (“QBADs”). As provided for under SECURE Act §113, effective no earlier than for Plan Years beginning after December 31, 2019, if elected under the Elective Provisions, the permissible distribution events may include QBADs. The Employer may restrict in a nondiscriminatory manner the availability of QBADs to terminated Participants or certain active Participants under the Elective Provisions. If the Plan is a money purchase pension plan, a Participant may not receive a QBAD prior to the earlier of the attainment of Normal Retirement Age or age 59½. If the Plan holds assets transferred from a money purchase pension plan, a Participant may not receive a QBAD with respect to such assets prior to the earlier of the attainment of Normal Retirement Age or age 59½. The Plan Administrator may use the guidance provided under IRS Notice 2020-68 in applying the rules under this IA §5.06.

(a) **Definitions.**

- (1) **Qualified Birth or Adoption Distribution (“QBAD”).** A QBAD (as defined under Code §72(t)(2)(H)(iii)(I)) is a distribution from the Plan to a Participant if made during the one-year period beginning on the date on which a child of the Participant is born or on which the legal adoption by the individual of an Eligible Adoptee is finalized.
 - (2) **Eligible Adoptee.** An Eligible Adoptee (as defined under Code §72(t)(2)(H)(iii)(II)) is any individual (other than a child of the Participant’s spouse) who has not attained age 18 or is physically or mentally incapable of self-support. The determination of whether an individual is physically or mentally incapable of self-support is made in the same manner as the determination of whether an individual is disabled under Code §72(m)(7), which defines when an individual is disabled for purposes of the exception to the 10% additional tax under Code §72(t)(2)(A)(iii).
- (b) **\$5,000 limitation.** The Plan is not treated as violating any Code requirement merely because it treats a distribution (that would otherwise be a QBAD) to an individual as a QBAD, provided that the aggregate amount of such distributions to that Participant from all plans maintained by the Employer does not exceed \$5,000.
- (1) Each parent may receive a QBAD of up to \$5,000 with respect to the same child or Eligible Adoptee.
 - (2) An individual is permitted to receive QBAD with respect to the birth of more than one child or the adoption of more than one Eligible Adoptee if the distributions are made during the 1-year period following the date on which the children are born or the legal adoption for the Eligible Adoptees is finalized.
- (c) **Recontributions to applicable Eligible Retirement Plans.** Any portion of a QBAD may, at any time after the date on which the distribution was received, be recontributed to an applicable Eligible Retirement Plan to which an Eligible Rollover Distribution can be made. If the Employer adds the ability for Plan Participants to receive QBADs to the Plan, a Participant who has received a QBAD may recontribute, up to the amount that was distributed from the Plan to the Participant, provided the Participant otherwise is eligible to make Rollover Contributions to the Plan at the time Participant wishes to recontribute the QBAD. In the case of a recontribution made with respect to a QBAD from an applicable Eligible Retirement Plan other than an IRA, an individual is treated as having received the distribution as an Eligible Rollover Distribution (as defined in Code §402(c)(4)) and as having transferred the amount to an applicable Eligible Retirement Plan in a direct trustee-to-trustee transfer within 60 days of the distribution.
- (d) **Other applicable rules.** The following rules apply to QBADs:
- (1) A distribution to an individual will not be treated as a QBAD with respect to any child or Eligible Adoptee unless the individual includes the name, age, and the Taxpayer Identification Number (TIN) of the child or Eligible Adoptee on the individual’s tax return;
 - (2) A QBAD is includible in gross income, but it is not subject to the 10% additional tax under Code §72(t)(1).
 - (3) In making a determination whether an individual is eligible for a QBAD, the Employer or Plan Administrator is permitted to rely on reasonable representations from the individual, unless the Employer or Plan Administrator has actual knowledge to the contrary.
 - (4) A QBAD is not treated as an Eligible Rollover Distribution for purposes of the direct rollover rules of Code §401(a)(31), the notice requirement under Code §402(f), and the mandatory withholding rules under Code §3405.

5.07 Including Difficulty of Care Payments in Total Compensation. Effective for Plan Years beginning after December 31, 2015, as provided under Code §415(c)(8) the following paragraph is added to the definition of Total Compensation:

“Special rules for difficulty of care payments. In the case of a Participant who for a taxable year excludes from gross income under Code §131 a qualified foster care payment which is a difficulty of care payment, the Participant’s Total Compensation shall be increased by the amount of the excludable difficulty of care payments made by the Employer.”

5.08 In-service distributions at age 59½. Effective for Plan Years beginning after December 31, 2019, the Employer may allow in-service distributions from the Plan upon the attainment of age 59½, if elected under the Elective Provisions.

**ARTICLE VI
GOVERNMENTAL 457(b) PLAN
CARES/SECURE ACTS INTERIM AMENDMENT
ELECTIVE PROVISIONS**

These Elective Provisions provide for elections related to the Interim Amendment. The adopting Employer should make the appropriate election(s) in the Elective Provisions below.

CS-1. TEMPORARY WAIVER OF REQUIRED MINIMUM DISTRIBUTIONS FOR 2020 (See IA §3.03)

[Note: Do not complete these Elective Provisions if the Plan was not in existence during 2020 or if the temporary waiver otherwise did not apply to the Plan.]

- (a) **Default if Participant fails to elect.** For purposes of applying the required minimum distribution rules for the 2020 calendar year, effective January 1, 2020 (or such later date as designated below), a Participant (including an Alternate Payee or beneficiary of a deceased Participant) who was eligible to receive a required minimum distribution for the 2020 calendar year could elect whether to receive the 2020 RMD or 2020 Extended RMD (as defined in IA §3.03). If a Participant did not specifically elect to take the 2020 RMD or 2020 Extended RMD from the Plan, such distribution was not made for the 2020 calendar year. The Employer may modify this default rule below, provided such modification satisfies the requirements under Code §401(a)(9)(I) and any applicable IRS guidance.

☐ (1) **2020 RMDs and 2020 Extended RMDs were made.** 2020 RMDs and 2020 Extended RMDs were made to Participants who were otherwise required to receive a required minimum distribution for the 2020 calendar year, unless the Participant elected to not receive such distribution.

☒ (2) **2020 RMDs were not made, but 2020 Extended RMDs were made.** 2020 RMDs were not made for the 2020 calendar year, but 2020 Extended RMDs were made for the 2020 calendar year, unless the Participant elected otherwise.

☐ (3) **2020 RMDs were made, but 2020 Extended RMDs were not made.** 2020 RMDs were made for the 2020 calendar year, but 2020 Extended RMDs were not made for the 2020 calendar year, unless the Participant elected otherwise.

- (4) **Direct Rollovers.** Unless elected otherwise below, the Plan offered a Direct Rollover only for distributions that were Eligible Rollover Distributions in the absence of Code §401(a)(9)(I).

Instead of the default above, the following were treated as Eligible Rollover Distributions in 2020:

☐ (i) 2020 RMDs

☐ (ii) 2020 RMDs and 2020 Extended RMDs

☐ (iii) 2020 RMDs, but only if paid with an additional amount that is an Eligible Rollover Distribution without regard to Code §401(a)(9)(I)

☐ (iv) Describe: _____

☐ (5) **Describe other modifications of the default participant election rules:** _____

☐ (6) **Effective date.** Instead of January 1, 2020, the effective date of the amendment providing for a choice of whether a Participant or beneficiary could receive 2020 RMDs was effective: _____

- ☐ (b) **Describe any special rules, including any special effective dates, the Plan applied to required minimum distributions for 2020:** _____

CS-2. REQUIRED MINIMUM DISTRIBUTION ELECTIONS (IA §3.02(b)(1)(ii)). Effective for distributions with respect to Participants who die after December 31, 2019 (or such later effective date applicable to the Plan. See IA §3.02(b)(1)(v)) and before the applicable Required Beginning Date, the Plan's pre-SECURE Act elections (including administrative and default elections) applicable to required minimum distributions continue to apply to **Eligible Designated Beneficiaries**, except that the 10-year rule will be substituted for the 5-year rule, as appropriate. **To override this default provision, complete (a) and/or (b) below.**

- ☐ (a) **Application of life expectancy and 10-year rules to Eligible Designated Beneficiaries.** Instead of the default, the Plan will apply the following rule:

☐ (1) Effective _____, the life expectancy rule applies to all Eligible Designated Beneficiaries.

- ☐ (2) Effective _____, the 10-year rule applies to all Eligible Designated Beneficiaries.
- ☐ (3) Effective _____, the entire interest of an Eligible Designated Beneficiary will be distributed by the end of the _____ calendar year [may not be greater than 9th] following the year the Participant dies.
- ☐ (4) Effective _____, the Participant or Eligible Designated Beneficiary may elect to apply either the 10-year rule or the life expectancy rule to determine the required minimum distributions when the Participant dies before his/her Required Beginning Date. If no election is timely made:
- ☐ (i) the life expectancy rule applies.
- ☐ (ii) the 10-year rule applies.
- ☐ (iii) the 10-year rule, reduced to _____ years applies.
- ☐ (5) Describe the manner (including effective date) in which the 10-year rule and life expectancy rule apply to Eligible Designated Beneficiaries: _____
- ☐ (b) **Special rules.** Describe any special rules that apply for purposes of the required minimum distribution rules under Code §401(a)(9): _____
- [Note: Any special rules for determining required minimum distributions for calendar years beginning on or after January 1, 2022 (or such later date as specified in applicable regulations or guidance) must comply with proposed Treas. Reg §§1.401(a)(9)-1 through 1.401(a)(9)-9 issued on February 24, 2022 (or subsequent applicable final regulations).]*

CS-3. QUALIFIED BIRTH OR ADOPTION DISTRIBUTIONS (“QBADs”). (See IA §5.06)

Unless an election is made below, the Plan does not allow for QBADs.

- ☐ (a) QBADs are available from the following sources to Plan Participants as of _____ [insert date no earlier than the first day of the Plan Year beginning after December 31, 2019]: *[Note: May be checked even if no in-service distributions are otherwise permitted under the Plan.]*
- ☐ (1) All available sources
- ☐ (2) Pre-Tax Deferral Account
- ☐ (3) Roth Deferral Account (including In-Plan Roth Conversion Account)
- ☐ (4) Matching Contribution Account
- ☐ (5) Employer Contribution Account
- ☐ (6) Rollover Contribution Account
- ☐ (7) Roth Rollover Contribution Account
- ☐ (8) Transfer Account
- ☐ (9) Describe available sources: _____
- ☐ (b) If CS-3(a) is elected, QBADs are available to all Participants who have the applicable Account(s), unless otherwise indicated below.
- ☐ (1) QBADs are not available to terminated Participants.
- ☐ (2) QBADs will only be permitted if the Participant is 100% vested in the source from which the withdrawal is taken.
- ☐ (3) Describe the Participants who may receive QBADs: _____
- ☐ (c) Describe any special rules related to QBADs: _____

CS-4. IN-SERVICE DISTRIBUTIONS AT AGE 59 ½. (See IA §5.08)

Age 59 ½ in-service distributions. Unless otherwise elected below, the Employer does not elect to change the Plan's in-service distribution options under the Plan.

- ☐ (a) Effective _____ [insert date no earlier than the first day of the Plan Year beginning after December 31, 2019], a Participant may withdraw all or any portion of his/her vested Account Balance, upon the attainment of age _____ [may not be earlier than age 59 ½].
- ☐ (b) Describe any special rules related to the in-service distributions: _____

CS-5. SPECIAL PROVISIONS.

If the Employer wishes to provide additional or clarifying provisions to this Interim Amendment, the Employer may include such provisions below.

- ☐ Describe any special rules related to this Interim Amendment: _____

PARTICIPANT COMMUNICATION
Town of Lake Park General Employees Retirement Compensation Plan (“PLAN”)

Date of Notification

This communication describes the recent amendment made to the above-named Plan and how that amendment may affect you.

TERMINATION OF PLAN

The Plan has been amended to terminate effective June 30, 2025. As of the termination effective date, the following changes to the Plan will apply:

- No additional contributions and/or allocations will be made to the Plan based on compensation earned after the termination date.
- Effective for required minimum distributions that are made after December 31, 2022, with respect to Participants who attain age 72 after such date, the age for determining a Participant’s Required Beginning Date is age 73. If the life expectancy method applies for purposes of the required minimum distribution rules and the surviving spouse is the sole Designated Beneficiary, distributions to the surviving Spouse are not required to begin until December 31 of the calendar year immediately following the calendar year in which the Participant died, or until December 31 of the calendar year in which the Participant would have attained age 73, if later.

ADDITIONAL INFORMATION

You will receive additional information regarding your rights to take a distribution from the Plan. If you have any questions about the Plan termination or how such termination affects your benefits under the Plan, you may contact:

Name:

Address:

Telephone number:

**ACTION BY UNANIMOUS CONSENT OF THE GOVERNING BODY
TERMINATION OF GOVERNMENTAL 457(b) RETIREMENT PLAN**

The undersigned hereby certifies that they are a member of the governing Board of Town of Lake Park ("Employer").
The undersigned consents to the following resolutions:

WHEREAS, the Employer has maintained the Town of Lake Park General Employees Retirement Compensation Plan ("Plan") since October 1, 1998, for the benefit of eligible Employees.

WHEREAS, after review and evaluation by the governing body, the Employer has decided to terminate the Plan, effective June 30, 2025.

WHEREAS, the Employer desires to adopt amendments required to bring the Plan into compliance with the qualification requirements applicable to the Plan as of the effective date of the Plan termination.

NOW, THEREFORE, BE IT RESOLVED that the Employer hereby terminates the Plan effective June 30, 2025.

RESOLVED FURTHER that the Employer hereby authorizes the adoption of the attached Governmental 457(b) Plan Amendment (2025 Termination Amendment) to freeze contributions under the Plan and to bring the Plan into compliance with the Code §457(b) requirements applicable as of the effective date of the Plan termination. No further contributions will be permitted or made under the Plan with respect to Plan Compensation earned on or after the Effective Date of the termination.

RESOLVED FURTHER that the Employer hereby authorizes the member (or any other authorized person) to perform the actions necessary to execute the termination amendment. A copy of the termination amendment shall be retained in the business office of the Employer.

AUTHORIZED SIGNER:

Roger Michaud

[Name]

[Signature]

[Date]