

**Corrective Amendment
to
City of Lake Worth Beach (FPDP) 401(a) Plan**

WHEREAS, the City of Lake Worth Beach ("City") sponsors the City of Lake Worth Beach (FPDP) 401(a) Plan ("Plan"); and

WHEREAS, the City inadvertently failed to correctly include intended eligibility provisions in the Plan's governing documents for the period February 1, 2017 through June 8, 2024; and

WHEREAS, the Plan was actually administered at all times in accordance with the eligibility provisions that the City intended to include, but inadvertently failed to include, in the Plan's governing documents; and

WHEREAS, the difference between the Plan's governing document terms and the Plan's actual operations during the period February 1, 2017 through June 8, 2024 resulted in an inadvertent Plan tax-qualification failure; and

WHEREAS, in a Voluntary Compliance Program submission to the U.S. Internal Revenue Service ("IRS"), made pursuant to IRS Revenue Procedure 2021-30, the City proposed to correct the inadvertent Plan tax-qualification failure by adopting a retroactive amendment to the Plan's governing document that contains the eligibility provisions that were intended and were actually administered during the period February 1, 2017 through June 8, 2024; and

WHEREAS, the IRS issued a Compliance Statement dated August 31, 2026 in which the IRS agreed with the proposed correction.

NOW, THEREFORE, the Plan is hereby amended as follows, effective retroactive for the period February 1, 2017 through June 8, 2024:

1. *February 1, 2017 through December 31, 2021.* Notwithstanding any other Plan provision to the contrary, for the period February 1, 2017 through December 31, 2021, section 1 of Article V of the Plan's Governmental Money Purchase Plan & Trust Adoption Agreement (IRS Cycle 2) is deleted in its entirety and replaced with the following:

V. ELIGIBILITY REQUIREMENTS

1. The following group or groups of Employees are eligible to participate in the Plan:

- ☐ All Employees
- ☐ All Full Time Employees
- ☐ Salaried Employees
- ☐ Non union Employees
- ☐ Management Employees

- ☐ Public Safety Employees
- ☐ General Employees
- ☒ Other Employees (Specify the group(s) of eligible employees below. Do not specify employees by name. Specific positions are acceptable.) each Employee who simultaneously meets both of the following requirements: (1) the Employee holds one of the following job positions: Mayor, Commissioner, City Manager, Assistant City Manager, Internal Auditor, Clerk, Deputy Clerk, non-interim and non-acting Director, or non-interim and non-acting Assistant Director; and (2) the Employee is not accruing benefits as an active participant in the City of Lake Worth Beach Employees' Retirement System (e.g., the Employee is not eligible to participate in such System or the Employee's benefit accrual in such System is frozen). An Employee is an eligible Employee only during the period(s) in which the Employee simultaneously meets both of the foregoing requirements.

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer. The eligibility requirements cannot be such that an Employee becomes eligible only in the Plan Year in which the Employee terminates employment. **Note:** As stated in Sections 4.07 and 4.08, the Plan may, however, provide that Final Pay Contributions or Accrued Leave Contributions are the only contributions made under the Plan.

2. *January 1, 2022 through June 8, 2024.* Notwithstanding any other Plan provision to the contrary, for the period January 1, 2022 through June 8, 2024, section 1 of Article V of the Plan's Governmental Money Purchase Plan Adoption Agreement (IRS Cycle 3) is deleted in its entirety and replaced with the following:

V. COVERED EMPLOYMENT CLASSIFICATIONS

1. The following group or groups of Employees are eligible to participate in the Plan:

- ☐ All Employees
- ☐ All Full Time Employees
- ☐ Salaried Employees
- ☐ Non union Employees
- ☐ Management Employees
- ☐ Public Safety Employees
- ☐ General Employees
- ☒ Other Employees (Specify the group(s) of eligible employees below. Do not specify employees by name. Specific positions are acceptable.) each Employee who simultaneously meets both of the

following requirements: (1) the Employee holds one of the following job positions: Mayor, Commissioner, City Manager, Assistant City Manager, Internal Auditor, Clerk, Deputy Clerk, non-interim and non-acting Director, or non-interim and non-acting Assistant Director; and (2) the Employee is not accruing benefits as an active participant in the City of Lake Worth Beach Employees' Retirement System (e.g., the Employee is not eligible to participate in such System or the Employee's benefit accrual in such System is frozen). An Employee is an eligible Employee only during the period(s) in which the Employee simultaneously meets both of the foregoing requirements.

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer. The eligibility requirements cannot be such that an Employee becomes eligible only in the Plan Year in which the Employee terminates employment. **Note:** As stated in Sections 4.08 and 4.09, the Plan may, however, provide that Final Pay Contributions or Accrued Leave Contributions are the only contributions made under the Plan.

IN WITNESS WHEREOF, the City hereby causes this Corrective Amendment to be executed on this ____ day of _____, 2026.

By: _____

Print Name: _____

Title: _____

Attest: _____