

RESOLUTION NO. 43-2026 OF THE CITY OF LAKE WORTH BEACH, FLORIDA,
AMENDING THE GOVERNING PLAN DOCUMENT FOR THE CITY OF LAKE
WORTH BEACH (FPDP) 401(A) PLAN CONCERNING RETROACTIVE
ELIGIBILITY PROVISIONS; REPEAL OF CONFLICTS; PROVIDING A
SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES

WHEREAS, the City, as the sponsoring employer, established a tax-qualified retirement plan in 2010 for the benefit of eligible employees, which plan has been amended from time to time and is currently referred to as the City of Lake Worth Beach (FPDP) 401(a) Plan ("Plan"); and

WHEREAS, for the period February 1, 2017 through June 8, 2024, the governing Plan document inadvertently did not include intended provisions concerning eligibility to participate in the Plan, which eligibility provisions were in fact administratively implemented during such period; and

WHEREAS, the U.S. Internal Revenue Service issued a Compliance Statement dated August 31, 2026 permitting the governing Plan document to be amended retroactively to include the missing eligibility provisions for the period February 1, 2017 through June 8, 2024, to conform the governing Plan document to the actual past operation of the Plan; and

WHEREAS, it has been proposed that the City adopt, effective retroactively for the period of February 1, 2017 through June 8, 2024, an amendment to the Plan document in the form attached hereto as **Exhibit "A"**; and

WHEREAS, the City wishes to adopt the aforementioned Plan document amendment.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution.

Section 2. The document attached hereto as **Exhibit "A"** consisting of an amendment to the governing document for the City of Lake Worth Beach (FPDP) 401(a) Plan is hereby approved, effective retroactively for the period February 1, 2017 through June 8, 2024.

Section 3. The Mayor, or her designee, is hereby authorized and directed to execute the approved Plan document amendment attached hereto as **Exhibit "A"**.

Section 4. The interim City Manager, or his designee, is hereby authorized and directed to execute any and all other instruments, documents, and certifications necessary to effectuate this resolution.

Section 5. The City's Human Resources and Finance departments are hereby directed to take all other actions and steps necessary to implement this resolution.

Section 6. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 7. If any provision of this resolution or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to this end the provisions of this resolution are declared severable.

Section 8. This resolution shall become effective upon adoption.

The passage of this resolution was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch
Vice Mayor Mimi May
Commissioner Sarah Malega
Commissioner Christopher McVoy
Commissioner Anthony Segrich

The Mayor thereupon declared this resolution duly passed and adopted on this ____ day of _____, 2026.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk