

**A RESOLUTION OF THE CITY OF LEON VALLEY CITY COUNCIL AMENDING THE  
EMPLOYEE'S MISSION SQUARE 457(B) DEFERRED COMPENSATION  
RETIREMENT PLAN TO PERMIT LOANS**

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457(b) Deferred Compensation Plan # 301977  
Name of Employer: City of Leon Valley, Texas  
Resolution of the above-named Employer ("Employer")

**WHEREAS**, the Employer has employees rendering valuable services; and

**WHEREAS**, the Employer has established a retirement plan (the "Plan") for such employees which serves the interest of the Employer by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

**WHEREAS**, the Employer has determined that permitting participants in the retirement plan to take loans from the Plan will serve these objectives;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF  
THE CITY OF LEON VALLEY, TEXAS:** That the Plan will permit loans.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley  
this the 18th day of April 2023.

**APPROVED**

\_\_\_\_\_  
**CHRIS RILEY**  
MAYOR

**I, Saundra Passailaigue, City Secretary of the City of Leon Valley, Texas, do  
certify that the foregoing resolution, proposed by Crystal Caldera, City Manager,  
was duly passed and adopted by the City Council of the City of Leon Valley,  
Texas at a regular meeting thereof assembled this the 18<sup>th</sup> day of April, 2023, by  
the following vote:**

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Attest: \_\_\_\_\_

**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form: \_\_\_\_\_

**NICOLE WARREN**  
City Attorney

Use this form to adopt any of the provisions made available by The Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019 and related legislation.

**A. In-Service Distributions at Age 59.5**

The Plan will permit in-service withdrawals at age 59.5 (NOTE: Not applicable to 401(a) Profit Sharing Plans, as this provision is already available in your plan. You can change the in-service distribution age by submitting a revised Adoption Agreement.)

☐ Yes ☒ No ("No" is the default provision under the Plan if no selection is made.)

**B. Qualified Birth and Adoption Distribution**

The plan will permit participants to receive, upon written request, a distribution of up to \$5,000 per qualifying birth or adoption (not to exceed \$5,000 across all retirement accounts of the participant. (Note to 401(a) Money Purchase Plan Sponsors: such a withdrawal can only be undertaken if the participant meets the plan's existing in-service withdrawal criteria.)

*Such a distribution is exempt from the 10% early distribution tax penalty and is exempt from the mandatory 20% withholding; and can be repaid into the account without regard to the usual 60-day time limit for rollovers if elected. A qualified adoption distribution would be limited to the adoption of children who are under age 18 or who are physically or mentally incapable of self-support.*

☐ Yes ☒ No ("No" is the default provision under the Plan if no selection is made.)

**401(a) Money Purchase Plan and 401(a) Profit Sharing Plan Sponsors Only:** Please indicate whether you wish to waive the limit of two in-service withdrawals per year to allow for one or more Qualified Birth and Adoption distribution.

☐ Yes ☐ No ("No" is the default provision under the Plan if no selection is made.)

If you elect to offer a Qualified Birth and Adoption distribution, please indicate whether plan participants will be able to roll a Qualified Birth and Adoption distribution back into the plan regardless of whether the plan allows for other incoming rollovers.

☐ Yes ☐ No ("Yes" is the default provision under the Plan if no selection is made.)

**C. MissionSquare Retirement Income Advantage In-Service Distribution (NOTE: only applicable to plans that have the MissionSquare Retirement Income Advantage as an available investment option).**


In the event the MissionSquare Retirement Income Advantage Fund is no longer an investment option under the plan, a Participant shall, upon written request, be permitted to roll these assets to another plan. Such a distribution can be undertaken regardless of the participants eligibility pertaining to in-service distributions.

☐ Yes ☒ No ("No" is the default provision under the Plan if no selection is made.)

By signing below, we intend to amend the plan to allow these procedures as of the date below or as soon as administratively feasible. Please submit one form per plan number.

Employer Plan Number: 301977

Employer Plan Name: Leon Valley

Signature of Authorized Plan Representative: 

Print Name: Crystal Caldera

Title: City Manager

Date: 04 / 11 / 2023 (MM/DD/YYYY)

This form can be returned by email, fax, or mail using the information below.

Email to: PlanAdoptionServices@msqplanservices.org

Fax to: (202) 682-6439

ATTN: Workflow Management Team

Mail to: MissionSquare Retirement

ATTN: Workflow Management Team

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AC: 48364-0720-W2624