

**RESOLUTION TO ADOPT
ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA
401(a) DEFINED CONTRIBUTION PLAN
FOR WALKER COUNTY EMPLOYEES**

WHEREAS, Walker County, Georgia (the “County”), has previously established the Walker County Commissioner Employees 401(a) Plan, which was originally effective January 1, 2008, and which was most recently amended and restated, effective February 1, 2016, in the plan document known as the SunGard Business Systems LLC Governmental Volume Submitter Money Purchase Plan #09-002 (the “Superseded Plan”);

WHEREAS, the County desires to join the Association County Commissioners of Georgia (“ACCG”) Defined Contribution Plan Program, and to adopt the ACCG 401(a) Defined Contribution Plan for Walker County Employees (the “Plan”) as an amendment and restatement of the Superseded Plan;

WHEREAS, ACCG has appointed a Defined Contribution Plan Program Board of Trustees (the “DC Board”) pursuant to the ACCG Defined Contribution Plan Program Master Trust Agreement (the “Master Trust”), to oversee Plan administration, Plan documentation and to select investment options for investment of the assets of the Plan;

WHEREAS, the County desires to adopt the Master Trust and the Association County Commissioners of Georgia 401(a) Defined Contribution Plan for Walker County Employees, through the attached Adoption Agreement, effective October 1, 2019;

WHEREAS, the County desires to delegate to the DC Board the power to amend the Plan on behalf of the County in the future, for the limited purpose of adopting non-discretionary Internal Revenue Service required amendments that must be adopted on a timely basis in order to maintain the qualified status of the Plan; and

WHEREAS, the Walker County Water and Sewerage Authority (the “Authority”) has previously participated in the Superseded Plan, and it is the desire of the County and the Authority that the amounts held by or on behalf of current or former Authority employees in the Superseded Plan shall be transferred to a new 401(a) plan to be adopted by the Authority.

NOW THEREFORE, at a meeting held on the **24th** day of September 2019, the Sole Commissioner of Walker County hereby resolves as follows:

RESOLVED that the Sole Commissioner of Walker County hereby approves the adoption of the ACCG Defined Contribution Plan Program Master Trust Agreement, and the ACCG 401(a) Defined Contribution Plan for Walker County Employees, through the attached Adoption Agreement which shall be effective October 1, 2019.

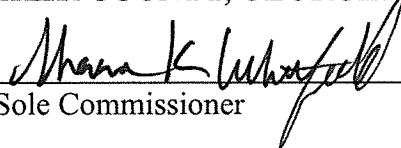
FURTHER RESOLVED that the Plan shall serve as an amendment and restatement of the Superseded Plan.

FURTHER RESOLVED that the Sole Commissioner of Walker County hereby delegates to the ACCG DC Board, the power to amend the Plan on behalf of the County in the future, for the limited purpose of adopting non-discretionary Internal Revenue Service required amendments that must be adopted on a timely basis in order to maintain the qualified status of the Plan.

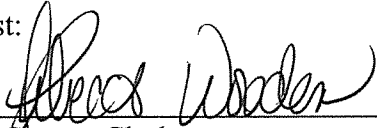
FURTHER RESOLVED that the Sole Commissioner is hereby authorized, empowered, and directed to take all further actions and to execute all documents, including the Plan Adoption Agreement, as necessary, to implement these resolutions and to provide for the orderly transfer of the accounts of current and former Authority employees to the Authority's successor 401(a) plan.

FURTHER RESOLVED that any resolution in conflict with this resolution is hereby repealed.

WALKER COUNTY, GEORGIA

By: 
Sole Commissioner

Date: 09-24-2019

Attest:
By: 
County Clerk

**ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA
401(a) DEFINED CONTRIBUTION PLAN
FOR
WALKER COUNTY EMPLOYEES**

ARTICLE I: PURPOSE

The undersigned Walker County, by executing this Adoption Agreement, elects to become a participating Employer in the Association County Commissioners of Georgia Defined Contribution Plan Program (the "Plan"), the Association County Commissioners of Georgia Defined Contribution Plan Program Master Trust (the "Trust"), and adopts the accompanying Plan and Trust documents in full as if the Employer were a signatory to those agreements. The Employer makes the following elections granted under the provisions of the Plan.

TYPE OF PLAN ADOPTION

- New Plan
- Amendment and Restatement of Previously Adopted Plan

ARTICLE II: DEFINITIONS

Any capitalized terms used in this Adoption Agreement but not defined herein shall be given the meaning set forth in the Plan and Trust.

2.09 COMPENSATION.

- Amounts as defined in Code Section 3401(a) for purposes of income tax withholding at the source (as reported to the Employee on IRS Form W-2 for such year)
- Other (specify):

2.11 DISABILITY OR DISABLED.

- Entitled to disability retirement benefits under the federal Social Security Act
- Entitled to benefits under long term disability plan or policy of Employer
- Other (specify):

2.13 EFFECTIVE DATE.

- New qualified Plan with an Effective Date of October 1, 2019** (the "Original Effective Date" of the Plan, which is an amendment and restatement of the Walker County Commissioner Employees 401(a) Plan that was first effective January 1, 2008, hereinafter referred to as the "Superseded Plan").

[--] Amendment and restatement of a previously established qualified Plan with a previous Effective Date of _____ (the "Original Effective Date"). Except as specifically provided in the Plan, the Effective Date of this amendment and restatement is _____.

2.15 ELIGIBLE EMPLOYEE.

<u>Employees, other than Elected Officials</u>		Include	Exclude
	All Employees	[--]	[--]
	Full-time Employees only	[--]	[--]
[--]	Working for the Employer at least _____ () Hours of Service per week for Compensation		
[--]	Other Definition:		
	Other Employees	[X]	[--]
	Definition of Other Employee: Employees who are not participants in the Employer's Defined Benefit Retirement Plan.		
<u>Elected or Appointed Officials of the Employer</u>			
(With no other Publicly Funded Retirement or Pension Plan)			
	County Commissioners	[X]	[--]
	Coroner	[X]	[--]
<u>Elected or Appointed Officials of the Employer</u>			
(With one or more other Publicly Funded Retirement or Pension Plan)			
	Sheriff	[X]	[--]
	Tax Commissioner (hired before 7/1/2012)	[X]	[--]
	Clerk of Superior Court	[X]	[--]
	Magistrate Judge	[X]	[--]
	Probate Court Judge	[X]	[--]
<u>Other Elected or Appointed Officials Eligible for Limited Plan Participation</u>			
(Based Solely on Allowable Compensation)			
	State Court Judge	[--]	[X]
	Superior Court Judge	[--]	[X]
	Solicitor or Solicitor General	[--]	[X]
	District Attorney	[--]	[X]
	Other Elected Officials Eligible for Limited Plan Participation (specify):	[--]	[X]
<u>Other Personnel Eligible to Participate in One or More Other Publicly-funded Retirement or Pension Plans</u>		Include	Exclude
	Employees of Tax Commissioners (hired before 7/1/2012)	[--]	[X]

Tax Commissioner and Employees of Tax Commissioner (if not participating in the Employees' Retirement System of Georgia)

Tax Commissioner (hired on or after 7/1/2012)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Employees of Tax Commissioners (hired on or after 7/1/2012)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Other Personnel Receiving Supplemental Compensation from the Employer</u>		
Extension Agents	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>

Excluded Employees

- No other excluded employees
- Excluded employees (specify): **Notwithstanding any election made in this Section 2.15 to include a position, employees and elected or appointed officials who are participants in the Employer's Defined Benefit Retirement Plan or in any other publicly-funded retirement or pension plan shall be excluded. Also notwithstanding the election to include the Sheriff, Tax Commissioner (hired before 7/1/2012), Clerk of the Superior Court, Magistrate Judge and Probate Judge, such election shall apply only to the individuals holding such offices or positions on October 1, 2019, for their then-current and any consecutive term(s) in the same office or position, but not for any non-consecutive term in the event, for example, that the individual in the position on October 1, 2019, is re-elected or reappointed after a break in his or her tenure at that position.**

2.21 EMPLOYER.

The term "Employer" means Walker County, Georgia.

2.26 ENTRY DATE.

- The first day of the first pay period beginning on or after the January 1st that the Participant first meets the eligibility requirements
- The first day of the first pay period beginning on or after the date the Participant first meets the eligibility requirements
- The first day of the first pay period of the month on or after the Participant first meets the eligibility requirements
- The first day of the first pay period of the calendar quarter on or after the Participant first meets the eligibility requirements
- Other (specify): **The Entry Date shall be the first day of the first pay period beginning on or after the date the Participant first meets the eligibility requirements, subject to the following. Eligible Employees who are in service with the Employer as of October 1, 2019 and who were participating under the Superseded Plan as of September 30, 2019 shall continue to participate under this Plan as long as they remain Eligible Employees. Individuals who are in service as Eligible Employees as of October 1, 2019 and who had not entered the Superseded Plan as of September 30, 2019, shall enter this Plan as of the first day of the first pay period beginning on or after October 1, 2019. Former employees not in service**

with the Employer as of October 1, 2019 shall enter or re-enter the Plan as of the first day of the first pay period beginning on or after the date they return to service as an Eligible Employee.

2.37 NORMAL RETIREMENT AGE.

The term "Normal Retirement Age" means:

- 65 years of age
 Other (specify):

2.42 PLAN.

The name of the Plan as adopted by the Employer is the "ACCG 401(a) Defined Contribution Plan for Walker County Employees."

2.58 YEAR OF SERVICE.

Method of Measurement

- Hours of Service Method:
 A twelve (12) consecutive month period during which the Eligible Employee completes one thousand (1000) Hours of Service
- Elapsed Time Method:
 A period of twelve (12) consecutive months during which the Employee performs at least one (1) Hour of Service during the measuring period, following the Employee's first day of employment by the Employer and prior to the Employee's Severance from Employment Date
- Other (specify):

Adjustments to Years of Service

- Service Before the Original Effective Date of the Plan included
 Unused Sick Leave included
 Unused Annual Leave included

ARTICLE III: PARTICIPATION AND SERVICE

3.01 PARTICIPATION ELIGIBILITY.

Eligibility Date Determination

- Date on which the Eligible Employee completes ____ () Year(s) of Service
 The Eligible Employee's Employment Commencement Date
 The later of the date on which the Eligible Employee completes _____ () Years of Service or attains age _____ ()
 Other date (specify):

ARTICLE IV: PARTICIPATION/EMPLOYEE AND EMPLOYER CONTRIBUTIONS

4.01 EMPLOYEE CONTRIBUTIONS.

Mandatory Employee Contributions

- Not Required
- Required in the amount of _____ percent (____%) per year effective as of _____
- Eligible Employees may make a one-time irrevocable election to make Mandatory Employee Contributions in the amounts designated by the Employer

Employee After Tax Contributions

- Not Permitted.
- Permitted up to _____ percent (____%) of Compensation

4.02 EMPLOYER BASIC AND DISCRETIONARY CONTRIBUTIONS.

Employer Basic Contributions

- No Basic Contributions
- Basic Contributions equal to **five percent (5%)** of each Participant's Compensation
- Basic Contributions in a flat dollar amount equal to _____ dollars (\$____) for each Participant
- Other formula (specify):

Basic Contributions shall be made:

- On a payroll basis
- On an annual basis
- Other (specify): **Basic Contributions shall be made on a payroll basis, starting with the first payroll period beginning on or after October 1, 2019. Any non-elective employer contribution that (1) was required to be made under the terms of the Walker County Commissioner Employees 401(a) Plan that was originally effective January 1, 2008 (the "Superseded Plan") for the period January 1, 2019 up until the first day of the first payroll period beginning on or after October 1, 2019, and (2) has not previously been contributed to the Superseded Plan, shall be contributed to this Plan in accordance with any applicable time limits under the law.**

Employer Discretionary Contributions

- No Discretionary Contributions
- Discretionary Contributions as determined each year by the Employer using the following Allocation Formula:
- Pro-Rata Based on Compensation

Each Participant is credited with a portion of the Employer Contribution for the Plan Year equal to the ratio that the Participant's Compensation for the Plan Year bears to all Participants' Compensation for the Plan Year

Fixed Dollar Formula
 Each Participant shall be credited with an equal dollar amount

Other Formula (specify):

Discretionary Contributions shall be made:

On a payroll basis

On an annual basis

Other (specify):

4.03 EMPLOYER MATCHING CONTRIBUTIONS.

No Matching Contributions on amounts Participants contribute to the 457(b) Eligible Deferred Compensation Plan

Matching Contributions equal to **one hundred percent (100%)** of the first **three percent (3%)** on amounts Participants contribute to the 457(b) Eligible Deferred Compensation Plan. The maximum Matching Contribution shall be no more than **three percent (3%)** of Compensation.

Matching Contributions equal to _____ percent (____ %) of the first _____ percent (____ %) on amounts Participants contribute to the 457(b) Eligible Deferred Compensation Plan and _____ percent (____ %) of the next _____ percent (____ %) so contributed. The maximum Matching Contribution shall be no more than _____ percent (____ %) of Compensation

Other formula:

Discretionary Matching Contributions as determined each year by the Employer

Matching Contributions shall be calculated based on whole percentages of Compensation deferred by the Participant

Matching Contributions shall be made:

On a payroll basis

On an annual basis

Other (specify):

(Note: Matching contributions made on a payroll basis will not be recalculated at the end of the year)

4.05 ROLLOVER CONTRIBUTIONS.

No rollovers permitted

<input checked="" type="checkbox"/> Eligible rollover contributions permitted to be made by:	Yes	No
Eligible Employees, whether or not a Plan Participant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Plan Participants Only	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.07 QUALIFIED MILITARY SERVICE.

<u>Employer Contributions (Other Than Matching) Upon Return to Employment</u>	Yes	No
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Mandatory Employee Contributions required to receive Employer Contributions	[--]	[--]
<u>Employer Matching Contributions Upon Return to Employment</u>		
Elective deferrals under the Employer’s 457(b) Plan required to receive Employer Matching Contributions	[X]	[--]
<u>Employer Contributions Upon Death</u>		
Employer Contributions made for a Participant who dies during Qualified Military Service:		
Employer Basic Contributions	[--]	[X]
Employer Discretionary Contributions	[--]	[X]
Employer Matching Contributions	[--]	[X]
All Employer Contributions	[--]	[X]
<u>Employer Contributions Upon Disability</u>		
Employer Contributions made for a Disabled Participant during Qualified Military Service:		
Employer Basic Contributions	[--]	[X]
Employer Discretionary Contributions	[--]	[X]
Employer Matching Contributions	[--]	[X]
All Employer Contributions	[--]	[X]
<u>Vesting Upon Disability</u>		
Service for vesting purposes granted to a Disabled Participant during Qualified Military Service. (Must select if making Employer Contributions for Disabled Participants)	[--]	[X]
<u>Differential Wage Payments</u>		
Differential Wage Payments treated as Compensation during Qualified Military Service	[X]	[--]

ARTICLE V: ALLOCATIONS TO PARTICIPANTS’ ACCOUNTS

No optional provisions

ARTICLE VI: RETIREMENT/SEVERANCE BENEFITS

6.02 VESTING SCHEDULE.

The Employer elects the following vesting schedule for Employer Contributions:

[--]	100% Vesting immediately upon Entry Date	
[--]	<u>Full Years of Service With the Employer</u>	<u>Percent Vested in Account</u>
	Less than ____ () years	0 %
	____ () years or more	100 %

[X]	<u>Full Years of Service With the Employer</u>	<u>Percent Vested in Account</u>
	Less than 3 years	0%
	3 years	20%
	4 years	40%
	5 years	60%
	6 years	80%
	7 years or more	100%

[X] Other Vesting Schedule (specify): Notwithstanding the above vesting schedule, a Participant's vested percentage in Employer Contributions attributable to service with the Employer before October 1, 2019, shall not be less than the vested percentage attained by the Participant as of September 30, 2019 under the applicable terms of the Superseded Plan in effect as of September 30, 2019.

ARTICLE VII: DEATH BENEFITS

No optional provisions

ARTICLE VIII: PAYMENT OF BENEFITS

8.08 FORFEITURE OF BENEFITS.

- [X] Forfeiture of benefits provisions for Participants convicted of certain crimes
- [-] No forfeiture of benefits provisions for Participants convicted of certain crimes

ARTICLE IX: TRUST FUND

9.03 PARTICIPANT DIRECTION OF INVESTMENTS.

Accounts Invested by Participants

[X]	Participants direct investment of all Accounts		
[-]	Direct investment of following Accounts only:	<u>Participant</u>	<u>Employee</u>
		t	r
	Employee Mandatory Contribution Account	[-]	[-]
	Employee After-Tax Contribution Account	[-]	[-]
	Employer Basic Contribution Account	[-]	[-]
	Employer Discretionary Contribution Account	[-]	[-]
	Employer Matching Contribution Account	[-]	[-]
	<u>Self-directed Brokerage</u>		
[X]	Self-directed Brokerage not permitted		
[-]	Self-directed Brokerage permitted for all Participants' Accounts		
[-]	Self-directed Brokerage permitted for following Accounts only:	<u>Yes</u>	<u>No</u>

Employee Mandatory Contribution Account	[--]	[--]
Employee After-Tax Contribution Account	[--]	[--]
Employer Basic Contribution Account	[--]	[--]
Employer Discretionary Contribution Account	[--]	[--]
Employer Matching Contribution Account	[--]	[--]

The Employer hereby agrees to the provisions of this Adoption Agreement, the Plan and the Trust, and the Employer by its duly authorized officers has executed this Adoption Agreement, and the Trustee has signified its acceptance as Trustee under the Plan and Trust.

WALKER COUNTY, GEORGIA

By: *Shawn H. Hutto*
 Title: *Sole Commissioner*
 Date: *09-24-2014*

ACCEPTANCE (on behalf of the DC Board):

By: _____
 Title: _____
 Date: _____