



RESOLUTION R-037-25

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WALKER COUNTY AUTHORIZING AND APPROVING THE FIFTH AMENDMENT TO THE PENSION PLAN FOR EMPLOYEES OF WALKER COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Walker County ("Board") is the governing authority of Walker County, Georgia; and

WHEREAS, the Pension Plan for Employees of Walker County, also called the Pension Plan for Employees of the Walker County Commissioner, was first established effective January 1, 1973, by the Sole Commissioner of Walker County, for the benefit of eligible employees and as amended and restated effective January 1, 2013 (the "Plan"); and

WHEREAS, pursuant to Section 7.01 of the Plan, the Board has the right at any time to modify, alter or amend the Plan, in whole or in part, by instrument in writing duly executed by the Board and delivered to and acknowledged by the Trustees; and

WHEREAS, the Board now desires to amend the Plan by authorizing and approving the FIFTH AMENDMENT TO THE PENSION PLAN FOR EMPLOYEES OF WALKER COUNTY, GEORGIA, as amended and restated effective January 1, 2013 (**Hereunto attached as Exhibit A**);

THEREFORE BE IT RESOLVED that the Board does hereby authorize the Chairwoman of the Board or her designee to sign and execute the amendment and to take all actions necessary to implement the amendment and to execute and deliver all agreements, instruments, indentures, and documents as they shall deem necessary to carry out the intent of the foregoing resolution.

SO RESOLVED AND ADOPTED this 1st day of May, 2025.

ATTEST:

WALKER COUNTY, GEORGIA

Lisa Richardson

LISA RICHARDSON, County Clerk

Angela Teems

ANGELA TEEMS, Chairwoman



The foregoing Resolution received a motion for Approval from Commissioner Teems, second by Commissioner Hart, and upon the question the vote is 4 ayes, 0 nays to Approve the Resolution.

Exhibit A
FIFTH AMENDMENT TO THE
PENSION PLAN FOR EMPLOYEES OF
WALKER COUNTY, GEORGIA
As Amended and Restated Effective January 1, 2013

WHEREAS, on November 7, 2013, Walker County, a political subdivision of the State of Georgia (the "Sponsor"), acting by and through its then governing authority, the Walker County Commissioner, adopted the Pension Plan for Employees of Walker County, also called the Pension Plan for Employees of the Walker County Commissioner, as amended and restated effective January 1, 2013 (the "Plan"); and

WHEREAS, pursuant to Section 7.01 of the Plan, the Sponsor has the right at any time to modify, alter or amend the Plan in whole or in part by instrument in writing duly executed by the Sponsor and delivered to and acknowledged by the Trustees; and

WHEREAS, pursuant to an Act of the General Assembly of the State of Georgia, Act No. 165, House Bill 615, approved by the Governor on May 4, 2017, the Board of Commissioners of Walker County was created and became successor to the office of the Commissioner of Walker County effective January 1, 2021; and

WHEREAS, the Sponsor has determined that it is desirable to modify the Plan to (i) unfreeze Average Compensation used for purposes of calculating future benefit payments; (ii) clarify that early retirees are entitled to the same forms of benefit as persons who begin receiving benefits on or after normal retirement age; (iii) clarify that the plan is sponsored by Walker County, a political subdivision of the State of Georgia, for Walker County employees, and that the Board of Commissioners of Walker County, the current governing authority of Walker County, serves as the Plan Administrator; and (iv) to remove any provisions under the Plan that were included solely to comply with Titles I and IV of the Employee Retirement Income Security Act of 1974 ("ERISA") but only insofar as these provisions do not already provide for benefits or features afforded to participants (e.g., the Plan's vesting schedule).

NOW, THEREFORE, effective January 1, 2025, the Plan is amended in the following respects:

1. To unfreeze the definition of Average Compensation, Section 1.08 is amended in its entirety to read as follows:

Section 1.08 "Average" shall mean, with respect to a Participant's Compensation the average thereof over the five (5) Plan Years (whether or not consecutive) out of the Participant's last ten (10) Plan Years preceding termination of employment during which his Compensation was the greatest or over the lesser number of such Plan Years that he actually shall have completed, provided, however that if the amount of

Compensation in the Plan Year in which the Participant terminates Employment is greater than the amount of Compensation for the first Plan Year which would be used in determining the average hereunder, then the former amount instead of the amount in said first year shall be used in determining such Participant's Average Compensation.

Notwithstanding the foregoing, for purposes of all benefit payments made from January 1, 2013 through December 31, 2024, each Participant's Average Compensation was frozen as of December 31, 2012. Compensation earned after December 31, 2012 is disregarded in determining Average Compensation for all benefit payments made from January 1, 2013 through December 31, 2024. Compensation earned after December 31, 2012 shall not be frozen and is included for purposes of determining Average Compensation for all benefit payments made on or after January 1, 2025. No adjustments will be made with regard to any benefit payments made prior to January 1, 2025. The following examples are offered for purposes of clarifying the impact of unfreezing the definition of Average Compensation (they are provided for illustration only):

- (a) Participant A retired and began receiving monthly benefit payments on July 1, 2018. Participant A's monthly benefit, calculated without regard to the freeze on Average Compensation from January 1, 2013 through December 31, 2024 is \$200. Participant A's monthly benefit, calculated with regard to the freeze on Average Compensation is \$100 per month. Participant A received monthly benefit payments of \$100 from July 2018 through December 2024. Beginning January 1, 2025, Participant A's monthly benefit increases to \$200. Participant A shall be entitled to an additional payment to compensate Participant A for any \$100 monthly benefit payments made under the Plan to Participant A after December 2024 (for example, if Participant A received \$100 for the months January through April 2025 with \$200 monthly benefit payments beginning in May 2025, then Participant A would be entitled to a single \$400 adjustment payment).

- (b) Participant B retired and received a lump sum payment of his entire vested benefit on July 1, 2018. The lump sum payment made on July 1, 2018 was \$25,000. But for the freeze on Compensation from January 1, 2012 through December 31, 2024 used to calculate benefits, Participant B's lump sum payment would have been \$30,000. Participant B is not entitled to any additional payments under the Plan and shall not receive any additional payments due to unfreezing the Compensation used to calculate benefit payments under the Plan on or after January 1, 2025.

2. To unfreeze the definition of Average Compensation, Section 1.14(b) is amended in its entirety to read as follows:

- (b) Compensation Used to Determine Benefits. For purposes of determining benefits under the Plan, Compensation shall mean Section 414(s) Compensation paid by the Employer to the Employee for the Plan Year, but excluding bonuses, overtime pay and other compensation not a part of the set scale for an established normal working period. Notwithstanding the foregoing, Compensation paid by the Employer after December 31, 2012 was frozen and disregarded in determining benefit payments under the Plan made from January 1, 2013 through December 31, 2024. Compensation paid by the Employer after December 31, 2012 is included for purposes of determining benefit payments under the Plan made on or after January 1, 2025. See the definition of Average for examples demonstrating the effect of the freeze and lifting of the freeze with respect to Compensation used to calculate benefits under the Plan.

3. To clarify that the same optional forms of benefit payment are available to Participants who elect the Early Retirement Benefit, Section 4.05(b) is amended in its entirety to read as follows (note that the flush language following paragraph (b) remains unchanged).

- (b) Early Retirement Benefit. The Early Retirement Benefit is a single lump sum benefit payable as of the Participant's Early Retirement Date that is the Actuarial Equivalent of the Participant's Accrued Benefit expressed as a single life annuity commencing on the Participant's Early Retirement Date, without reduction for

early commencement. This Section shall be subject to the provisions of Section 5.07. For the avoidance of doubt, a Participant electing the Early Retirement Benefit may elect any form of optional benefit available under Section 5.03 and pursuant to Article V generally.

4. In order to clarify that the Plan is sponsored by Walker County for employees of Walker County, the name of the Plan is changed to the Pension Plan for Employees of Walker County, Georgia, and the following sections are amended in their entirety as follows:

Section 1.05 "Administrator" or "Plan Administrator" shall mean, with respect to the Plan, the Board of Commissioners of Walker County.

Section 1.31 "Employer" shall mean Walker County, a political subdivision of the State of Georgia, and the Walker County Sheriff's Department.

Section 1.40 "Plan" shall mean the Pension Plan for Employees of Walker County, Georgia as contained herein and as amended from time to time and shall include the Trust Agreement, as it may be amended from time to time, and the Trust established under said Agreement. Prior to January 1, 2025, the Plan was also called the Pension Plan for Employees of the Walker County Commissioner.

Section 1.49 "Sponsor" shall mean Walker County, a political subdivision of the State of Georgia. Notwithstanding any prior use of the name "Walker County Commissioner", the governing authority of Walker County prior to January 1, 2021, the Sponsor of the Plan is and has been Walker County.

5. To remove ERISA requirements that do not apply to governmental plans, the final paragraph of the Plan's Introduction is replaced in its entirety with the following:

It is intended that the Plan, together with the Trust Agreement, qualify under Sections 401(a) and 501(a) of the Code. Except as otherwise provided, the Plan and all matters relating thereto shall be governed, construed and administered in accordance with the applicable laws of the United States and the State of Georgia.

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Except for the amendments provided above, the Plan's terms remain unchanged in all other respects.

IN WITNESS WHEREOF, Walker County has caused this instrument to be executed this 1st day of May, 2025, and effective as of the effective date provided above.

WALKER COUNTY, GEORGIA

By: Angela Teems
Angie Teems
Chairwoman
Board of Commissioners of Walker County

Attest: Spa Richardson
County Clerk

[COUNTY SEAL]

