

LUMPKIN COUNTY RESOLUTION NO. 2015 – 39

**A RESOLUTION TO ADOPT THE 2014 AMENDED AND RESTATED
DEFINED BENEFIT RETIREMENT PLAN FOR PARTICIPATING COUNTY EMPLOYEES**

Whereas, the Association County Commissioners of Georgia (ACCG) sponsors a defined benefit retirement plan program for its members; and,

Whereas, the Lumpkin County Board of Commissioners (the “County”) previously adopted the Association County Commissioners of Georgia Defined Benefit Plan for Lumpkin County Employees (the “Plan”) through an Adoption Agreement and subsequent amendments thereto; and,

Whereas, the Internal Revenue Service requires qualified retirement plans to be restated at least once every five (5) years; and,

Whereas, the ACCG Board of Managers has approved an amended, restated and updated Model Plan document (the “2014 Model Plan”) to reflect changes in federal and state law and regulations, which can be adopted by its members and filed with the Internal Revenue Service for a determination letter between February 1, 2015 and January 31, 2016; and,

Whereas, the County desires to adopt the amended and restated “2014 Model Plan” document through a new Adoption Agreement.

Now, therefore, be it resolved at a meeting held on the 21st day of July, 2015, the County Board of Commissioners hereby resolves as follows:

Resolved that the Lumpkin County Board of Commissioners approves the adoption of the amended and restated 2014 Model Plan document through a new Adoption Agreement, which maintains the Plan’s current benefit structure;

It is Further Resolved that the Chairman of the Lumpkin County Board of Commissioners is hereby authorized, empowered, and directed to take all further actions and to execute all documents and IRS forms necessary to implement these resolutions, including a limited power of attorney to allow ACCG outside counsel to file the Plan with the Internal Revenue Service for a determination letter

It is further resolved that any resolution in conflict with this resolution is hereby repealed.

Resolved, adopted and effective this 21st day of July, 2015.

Chris Dockery, Chairman
Lumpkin County Board of Commissioners

Attest:

Kathleen C. Walker
Clerk, Lumpkin County

From: [Stan Kelley](#)
To: [Kathleen Walker](#)
Subject: FW: Jurisdictions participating in the ACCG Benefit Plan Program (the "Plan")
Date: Monday, July 06, 2015 11:58:42 AM
Attachments: [Lumpkin - Resolution-employers adopt 2014.pdf](#)
[image001.png](#)

Kathleen,

Please include this email from ACCG in the BOC workbooks for tomorrow night's meeting under the ACCG DBP resolution.

Thanks

Stan Kelley, County Manager
Lumpkin County Board of Commissioners
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From: Williams, Brent [mailto:bwilliams@accg.org]
Sent: Thursday, February 12, 2015 2:34 PM
To: Stan Kelley
Subject: Jurisdictions participating in the ACCG Benefit Plan Program (the 'Plan')

This is to provide you with some important information relating to your Defined Benefit Plan with ACCG and to let you know of actions that must be taken in 2015 by you and by ACCG in order to keep your Plan in compliance with federal laws. The two major things that will occur in 2015 are:

1. ACCG will provide you all **new Plan documents and Adoption Agreements** that must be signed before the end of 2015. Resolutions for Jurisdiction Commissioners to approve the new documents and the Jurisdiction Chair to sign them when they are completed are enclosed.
2. ACCG will make an **IRS filing** of the Plan on your behalf for a determination letter on or before January 31, 2016. Each Jurisdiction will need to sign certain IRS forms that will be provided to each Jurisdiction several months before the filing.

New Plan Documents

Over the past several years, the federal government, the Supreme Court and the State of Georgia have made a number of changes to laws that affect governmental retirement plans. The IRS requires that all qualified retirement plans be amended and restated every five years to incorporate those new laws, as well as any employer-specific amendments. The ACCG Defined Benefit Plans must be amended and restated by the end of 2015. ACCG will be providing each jurisdiction with new Plan documents in a few months. Please be aware that the specifics of your Plan will not change. All of the changes in the restatement merely incorporate amendments previously approved by the Jurisdiction and the ACCG Board of Trustees for the Defined Benefit Plan or the ACCG Board of Managers. The required law changes are listed at the bottom of this announcement.

IRS Filing

As part of the IRS requirement that all governmental plans be amended and restated, the IRS is also accepting filings for determination letters for those restated governmental plans, from February 1, 2015, until January 31, 2016. The purpose of the filing is to have the IRS review the language in the Plan document and provide each employer with a ruling that its Plan document complies with all federal laws. Once the Plan receives a favorable determination letter, the employer may rely on the letter if its Plan is ever audited by the IRS. Under current rules, Plans are filed every five years. We previously filed the Plans in January of 2009 and received determination letters in 2011. The process should take less time now that all of the Plans have prior letters.

Action Items

ACCG will be filing each jurisdiction's Plan on your behalf. That will require ACCG to collect a good bit of information and several signatures from each jurisdiction over the next several months. In order to facilitate this process we request that the Jurisdiction Commissions or governing board pass the attached resolution, as soon as possible, which authorizes the amendment and restatement of the Plan. In addition, it permits the Chair to sign all documents and forms, including a power of attorney (Form 2848) which gives outside counsel for ACCG permission to file the Plan with the IRS and talk to the IRS on your behalf. **After the resolutions are signed, please retain the originals and scan and email a copy immediately to Brent Williams at bwilliams@accg.org.**

Once the IRS starts reviewing the Plans, it will send out correspondence directly to each jurisdiction. This correspondence generally includes questions from the IRS on the wording of the Plan document and may request some changes to Plan language. Any IRS correspondence will also be sent to outside counsel for ACCG and her office will handle any response. We will try to inform all jurisdictions in advance when correspondence is likely to arrive. Once the IRS and the attorney come to agreement on any changes, ACCG will prepare any required Plan amendments and inform you if the changes have any impact on Plan design or operation.

Changes to Model Defined Benefit Plan document:

- Tax Commissioners and their employees hired or appointed on and after July 1, 2012, are not eligible for the Jurisdiction Plan if included in ERS. The Jurisdiction Board of Commissioners must act to have them included in ERS.
- Individuals who die while on military leave are treated as having returned to work the

day before death for purposes of paying death benefits to beneficiaries.

- Rollover provisions have been expanded.
- Definition of Spouse includes same-sex couples who were legally married in another state but only for purposes of certain IRS required provisions and not for any other purpose, including death benefits and beneficiary designations. This amendment has already been approved by the ACCG DB Board of Trustees and the ACCG Board of Managers. You should have received a copy of this amendment, signed by the ACCG DB Board of Trustees.
- Updated regulations under Section 415, which provides for the annual benefit limitations on pension payments. Among other things, the updated regulations exclude severance pay from the definition of compensation for purposes of the benefit limits.

Any changes to your Adoption Agreement will be fully explained when the new one is sent to you for signature.

If you have questions about this process, please contact Brent Williams, Customer Relations Director, ACCG at bwilliams@accg.org or 404.522.5022, Extension 180.