

**RESOLUTIONS OF THE FULTON COUNTY**  
**BOARD OF COMMISSIONERS**

RESOLUTIONS OF THE FULTON COUNTY BOARD OF COMMISSIONERS APPROVING AN AMENDMENT TO THE FULTON COUNTY DEFINED CONTRIBUTION PLAN TO AMEND THE PLAN TO ADD A PARTICIPANT AFTER-TAX CONTRIBUTION FEATURE TO THE PLAN, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COMMISSIONERS OR HIS DESIGNEE TO EXECUTE THE AMENDMENT.

**WHEREAS**, Fulton County (the "County") has adopted and maintains the Fulton County Defined Contribution Plan (the "Plan"); and

**WHEREAS**, the County now wishes to amend the Plan to add a participant voluntary after-tax contribution feature to the Plan;

**NOW, THEREFORE, BE IT RESOLVED**, that the Fulton County Board of Commissioners (the "Board of Commissioners") hereby authorizes and approves the adoption of the Third Amendment to the Fulton County Defined Contribution Plan, substantially in the form attached hereto (the "Amendment").

**BE IT FURTHER RESOLVED**, that the Chairman of the Board of Commissioners or his designee is hereby authorized, empowered and directed to take all actions and to execute and deliver all agreements, instruments, indentures, and documents as he shall deem necessary to carry out the intent of the foregoing resolutions, including, without limitation, the execution and delivery of the Amendment.

**BE IT FURTHER RESOLVED**, that the signature of the Chairman of the Board of Commissioners or any designee on any agreement, instrument, indenture, or document shall be conclusive evidence of his authority.

**BE IT FINALLY RESOLVED**, that this Resolution and Amendment shall become effective when adopted, and that all resolutions and parts of resolutions in conflict with this Resolution are hereby repealed to the extent of the conflict.

SO PASSED AND ADOPTED by the Board of Commissioners of Fulton County, Georgia, this 16th day of March, 2022.

FULTON COUNTY BOARD OF COMMISSIONERS



By: [Signature]  
Robb Pitts, Chairman

ATTEST:

APPROVED AS TO FORM:

[Signature]  
Tonya R. Grier, Clerk to the Commission

[Signature]  
Soo Jo, County Attorney

ITEM # 22-0185 RCS 3/16/22  
RECESS MEETING

**THIRD AMENDMENT TO THE  
FULTON COUNTY DEFINED CONTRIBUTION PLAN**

This THIRD AMENDMENT is made as of this 16<sup>th</sup> day of March, 2022, by the Fulton County Board of Commissioners (the "Board of Commissioners").

**WITNESSETH:**

WHEREAS, Fulton County (the "County") maintains the Fulton County Defined Contribution Plan (the "Plan"), which was last amended and restated effective as of January 1, 2013; and

WHEREAS, the County now wishes to amend the Plan to add a participant voluntary after-tax contribution feature to the Plan;

NOW, THEREFORE, the County does hereby amend the Plan, effective as of the date of this Amendment,

1. By renumbering Section 2.56 as Section 2.58 and adding new Sections 2.56 and 2.57 to the Plan as follows:

"2.57 'Voluntary Employee Contributions' means the non-deductible after-tax contributions to the Trust Fund made by the Participant pursuant to Section 4.12.

2.58 'Voluntary Employee Contribution Account' means the separate subaccount established and maintained on behalf of a Participant or his Beneficiary to reflect his interest in the Trust Fund attributable to Voluntary Employee Contributions."

2. By adding a new Section 4.12 to the Plan as follows:

"4.12 Voluntary Employee Contributions. Subject to such rules and procedures, as the Administrative Committee may from time to time prescribe, each Participant who is an Eligible Employee may elect to have the Employer withhold from his Compensation (on an after-tax basis) Voluntary Employee Contributions in a whole percentage of that Participant's Compensation for any payroll period, subject to the limitations of Section 5.3. Voluntary Employee Contributions shall be made to the Trust Fund through regular payroll deductions or in such other manner as shall be agreed upon by each Participant and the Administrative Committee. The Administrative Committee may, at any time, suspend the making of any further Voluntary Employee Contributions. Voluntary Employee Contributions made by a Participant shall be allocated to the Voluntary Employee Contribution Account of such Participant as soon as reasonably practicable following receipt by the Trustee."

3. By deleting the first sentence of Section 6.2(b) of the Plan in its entirety and substituting therefor the following:

“All Participants shall at all times be fully vested in their Mandatory Employee Contributions, Voluntary Employee Contributions, and Rollover Accounts.”

4. By adding a new Section 6.7(f) to the Plan as follows:

“(f) In-Service Distribution of Voluntary Employee Contribution Account. Notwithstanding anything in the Plan to the contrary, a Participant may request a distribution of all or part of his Voluntary Employee Contribution Account under the Plan at any time. Any such request must be made in accordance with such rules and conditions as the Administrative Committee may from time to time adopt. Such distribution shall be made as soon as administratively feasible after the request is made.”

Except as specifically amended hereby, the Plan shall remain in full force and effect.


IN WITNESS WHEREOF, the County has caused this Third Amendment to be executed as of the day and year first above written, in its name, by and through the Board of Commissioners.



FULTON COUNTY BOARD OF COMMISSIONERS

By:   
Robb Pitts, Chairman

ATTEST:

  
Tonya R. Grier, Clerk to the Commission

APPROVED AS TO FORM:

  
Soo Jo, County Attorney