

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

This FOURTH AMENDMENT is made as of this _____ day of _____, 2024, 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 permit participation by judges of the State Court of Fulton County as permitted by O.C.G.A. Section 47-23-50, and to implement applicable provisions of the SECURE 2.0 Act of 2022;

NOW, THEREFORE, the County does hereby amend the Plan, effective as set forth herein:

1. By deleting Section 2.13(h) of the Plan in its entirety and substituting therefor the following, effective July 1, 2024:

“(h) Prior to July 1, 2024, any person serving as a judge of the State Court of Fulton County between July 1, 2004 through June 30, 2024, or any judge of the State Court of Fulton County who elected to participate in the Georgia Judicial Retirement System on or before December 31, 2004. On and after July 1, 2024, any person serving as a judge of the State Court of Fulton County who does not file an election to participate in the Plan in accordance with Section 3.1(f).”

2. By adding a new Section 3.1(f) to the Plan as follows, effective July 1, 2024:

“(f) A judge of the State Court of Fulton County shall participate in the Plan only if such individual files an election to participate within sixty (60) days of July 1, 2024 if such individual is in office on July 1, 2024 or, with respect to a judge of the State Court of Fulton County who first takes office after July 1, 2024, within sixty (60) days of first taking office. A judge of the State Court of Fulton County’s participation in the Plan is only with respect to Compensation paid by the County beginning on and after July 1, 2024.”

3. By deleting Section 6.7(b) in its entirety and substituting therefor the following, effective as of the date of this Amendment:

“(b) Notwithstanding the foregoing, in the event that the value of the Participant’s account exceeds \$7,000 at the time of distribution, benefits shall not be distributed to such Participant at the time set forth in subsection (a) hereof without the Participant’s written election, on a form provided by the Administrative Committee (or its

designee). In order for such Participant's election to be valid, his employment must actually Terminate, his election must be filed with the Administrative Committee within the 90-day period beginning on the date of termination, and the Administrative Committee (or its designee) (no later than 30 days and no earlier than 90 days before his distribution) must have presented him with a notice informing him of his right to defer his distribution. If the Participant does not consent in writing to the distribution of his benefit at such time, his benefit shall be distributed as soon as practicable after he files an election with the Administrative Committee requesting such payment. If a Participant fails to file an election specifying the time of payment, his benefit shall be distributed as soon as administratively feasible after the end of the Plan Year in which he attains Normal Retirement Age, but in no event later than the 60th day after the end of such Plan Year. Whether a Participant's vested Account exceeds \$7,000, shall be determined by ignoring any amount held in his Rollover Contribution Account. Notwithstanding the foregoing, in the event of a mandatory distribution of greater than \$1,000, if the Participant does not elect to have such distribution paid directly to an Eligible Retirement Plan specified by the Participant in a direct rollover or to receive the distribution directly, then the Administrative Committee will pay the distribution in a direct rollover to an individual retirement plan designated by the Administrative Committee."

4. By deleting Section 6.7(c) in its entirety and substituting therefor the following, effective as of the date of this Amendment:

"(c) Notwithstanding anything in the Plan to the contrary, in no event shall payment of a Participant's benefit be made later than 60 days after the end of the Plan Year which includes the latest of (i) the date on which the Participant attained Normal Retirement Age, (ii) the date which is the 10th anniversary of the date he commenced participation in the Plan, or (iii) the date the Participant actually Terminates Employment as an Employee of the Employer and all Affiliates; provided, if the amount of the payment cannot be ascertained by the date as of which payments are scheduled hereunder, payments shall be made no later than 60 days after the earliest date on which such payment can be ascertained under the Plan; and provided further, the Participant's benefit payment shall be made no later than the later of the April 1 following the calendar year (i) in which the Participant Terminates, or (ii) in which the Participant reaches age 70½ if the Participant attained that age before January 1, 2020, age 72 if the Participant attained that age before January 1, 2023, age 73 if the Participant attained that age after December 31, 2022, or age 75 if the participant attained that age after December 31, 2032. All distributions will be made in accordance with Code §401(a)(9), the regulations promulgated under Code §401(a)(9) and any other provisions reflecting the requirements of Code §401(a)(9) and prescribed by the Internal Revenue Service; and the terms of the Plan reflecting the requirements of Code §401(a)(9) override the distribution options (if any) in the Plan which are inconsistent with the requirements."

5. By deleting Section 7.3 in its entirety and substituting therefor the following, effective as of the date of this Amendment:

“7.3 Cash-Out Payment for Survivor Benefits.

If the Participant’s vested Account balance is \$7,000 or less on the Participant's date of death, the full amount of such vested Account balance automatically shall be paid to his Beneficiary in one single-sum, cash-out distribution as soon as practicable after the Participant’s date of death.”

IN WITNESS WHEREOF, the County has caused this Fourth 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:

APPROVED AS TO FORM:

Tonya R. Grier, Clerk to the Commission

Soo Jo, County Attorney