

**SAMPLE RESOLUTION
FOR ADOPTING CHANGES REQUIRED BY
THE INTERNAL REVENUE SERVICE under U.S.C.A. §401(a)(9)
TO AN EXISTING DEFERRED COMPENSATION PLAN**

DEFERRED COMPENSATION PLAN

WHEREAS, the **[LOCAL GOVERNMENT]** (hereinafter referred to as the “Employer) by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the “Plan”) effective **[DATE INITIAL PLAN ADOPTED]** for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, U.S.C.A. §401(a)(9) amended Section 457 of the Internal Revenue Code (the “Code”); and

WHEREAS, the Employer desires its Plan to conform with the changes in the Code brought about by U.S.C.A. §401(a)(9); and

IF ADOPTING AMENDMENTS TO AN EXISTING PLAN DOCUMENT

WHEREAS, such amendments shall supersede the provision of the Plan to the extent those provisions are inconsistent with the provision of this amendment.

NOW, THEREFORE BE IT RESOLVED that the Employer hereby adopts the attached Amendment to Deferred Compensation Plan Document **[PLAN IDENTIFIER]** to be part of and incorporated into its existing Deferred Compensation Plan Document.

IF ADOPTING A RESTATED PLAN DOCUMENT

WHEREAS, the Employer desires to adopt a restated Plan that conforms with the changes in the Code resulting from U.S.C.A. §401(a)(9); and

WHEREAS, such revised Plan shall supersede the previously adopted Plan;

NOW, THEREFORE BE IT RESOLVED that the Employer hereby adopts the attached revised Plan **[PLAN IDENTIFIER]**.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services.