

RESOLUTION 615

A RESOLUTION OF THE CITY OF WHITE SULPHUR SPRINGS, MONTANA, TO PARTICIPATE IN THE STATE OF MONTANA 457(b) DEFERRED COMPENSATION PLAN ADMINISTERED BY THE MONTANA PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION (MPERA).

WHEREAS, the City of White Sulphur Springs, has employees who may desire to participate in a deferred compensation plan under the auspices of the Montana Public Employee Retirement Administration; and

WHEREAS, the City of White Sulphur Springs desires to offer this option to its employees; and

WHEREAS, the Public Employees' Retirement Board requests voluntary participation through agreement.

NOW THEREFORE, BE IT ORDAINED AND RESOLVED BY THE CITY OF WHITE SULPHUR SPRINGS ("White Sulphur"): White Sulphur become a contracting employer for the purposes of §19-50-201 MCA, and that White Sulphur participate in the State of Montana Deferred Compensation (457(b)) Plan ("Montana Deferred Compensation Plan") administered by the Montana Public Employees' Retirement Board ("Board"). White Sulphur shall abide by the terms of the Montana Deferred Compensation Plan, and all applicable provisions of the Montana Code Annotated. Any eligible employee of White Sulphur may voluntarily choose to participate in the Deferred Compensation Plan.

BE IT FURTHER RESOLVED: the Montana Deferred Compensation Plan is subject to amendment as permitted by the Plan Document, Title 19, Ch. 50 of the Montana Code Annotated, and is eligible under section 457 of the Internal Revenue Code of 1954 (26 U.S.C. 457), as amended or superseded, and complies with regulations of the U.S. Department of the Treasury.

BE IT FURTHER RESOLVED: a participating employee may defer receipt of a part of their compensation and the deferred amount shall be invested in one or more of the investment options provided for in §19-50-102 MCA. The total amount of compensation deferred may not exceed the amount permitted by the Internal Revenue Code. Compensation deferred pursuant to this Resolution is included as compensation for the purpose of computing retirement or pension benefits, but is not subject to state and federal income tax until properly distributed.

BE IT FURTHER RESOLVED: White Sulphur's employees may make contributions to only this Deferred Compensation Plan, not to additional 457 plans sponsored by White Sulphur. White Sulphur understands it must choose one of the following with respect to additional 457 plans sponsored by White Sulphur:

- a) Leave existing account balances in the prior 457 plan with all new contributions being made to this Plan;

- b) Do a direct transfer of all funds from the prior plan to this Plan; or
- c) Allow employees to elect to retain existing account balances in the prior 457 plan or to do direct transfers to this Plan. All new contributions will be made to this Plan, regardless of whether employees choose to maintain their prior account balances in the prior 457 plan or transfer such balances to this Plan.

BE IT FURTHER RESOLVED: the Board will hold the deferred compensation funds invested pursuant to this Resolution and contract in trust for the exclusive benefit of the Montana Deferred Compensation Plan participants and their beneficiaries. The Montana Deferred Compensation Plan's administrator may allocate any necessary costs against the assets and interest earnings of each participant.

BE IT FURTHER RESOLVED: neither the Board nor White Sulphur shall be financially liable for any investment losses incurred.

BE IT FURTHER RESOLVED: the legislative body of White Sulphur is authorized and directed to enter into an Adoption Agreement with the Board which carries out the intent of this Resolution. The contract shall be effective on the 4th day of November, 2019.

AND BE IT FINALLY RESOLVED: in the event subsequent legislative assemblies of the state of Montana amend Title 19, Ch. 50 as to benefits, rights or deferrals, or the Board amends the Montana Deferred Compensation Plan Document, the contract established pursuant to this Resolution shall be deemed amended to correspond thereto and the legislative amendments and Plan Document amendments shall be made a part of this Resolution and the ensuing contract.

PASSED by the City Council and the City of White Sulphur Springs, Montana, on first reading at a regular session thereof held on the 4th day of November, 2019.



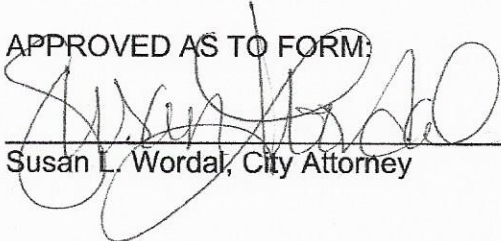
Rick Nelson, Mayor

ATTEST:



Michelle Stidham, City Clerk

APPROVED AS TO FORM:



Susan L. Wordal, City Attorney