

Tuesday, September 19, 2023

**AMADOR FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS**

CONSENT AGENDA

NOTE: Items listed on the consent agenda are considered routine and may be enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a Board member(s).

- 1. **REPORTS OF APPOINTMENTS** None

- 2. **AGREEMENT** Yes
 - A) Empower Retirement Plan Document Amendment – SECURE
 - B) Empower Retirement Plan Document Amendment – CARES

- 3. **RESOLUTIONS** Yes
 - A) Cal OES 130 Designation of Applicants Agent Resolution for Non State Agencies

- 4. **BUDGET MATTERS** Yes
 - A) Payee Data Record update with current Fire Chief
 - B) FFATA Financial Disclosure with current Fire Chief

- 5. **MISCELLANEOUS** None

- 6. **GENERAL CORRESPONDENCE** None

AGENDA TRANSMITTAL FORM

To: Amador Fire Protection Board of Directors

Date: 09/19/2023

From: Robert Withrow
(Department Head - please type)

Phone Ext. x391

<input type="checkbox"/>	Regular Agenda
<input checked="" type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>09/19/2023</u>	

Department Head Signature _____

Agenda Title: EMPOWER RETIREMENT PLAN DOCUMENT AMENDMENTS

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Discussion and possible action to approve amendments to both Plan Documents SECURE and CARES for the active retirement plans through Empower by authorizing the Fire Chief to be the signer.

Recommendation/Requested Action:
Approve recommendation of Fire Chief signing

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

None

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A

Resolution Attached: Yes No N/A

Ordinance Attached: Yes No N/A

Committee Review? N/A

Name _____

Comments: _____

Committee Recommendation: _____

Request Reviewed by:

Chairman _____ Counsel _____

Auditor _____ GSA Director _____

CAO _____ Risk Management _____

Distribution Instructions:

FOR CLERK USE ONLY

Meeting Date _____ Time _____ Item # _____

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____ Completed by _____	A new ATF is required from Department For meeting of _____
--	---

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador Fire Protection District.

ATTEST: _____
AFPD Board Clerk

BEFORE THE BOARD OF DIRECTORS OF THE
AMADOR FIRE PROTECTION DISTRICT
COUNTY OF AMADOR, STATE OF CALIFORNIA

IN THE MATTER OF:

RESOLUTION APPROVING
AMENDMENT TO IMPLEMENT SECURE AND
CARES INTERIM AMENDMENT ACT
AND OTHER LAW CHANGES TO EXISTING
401(a) AND OR 457(b) PLANS

RESOLUTION: 23-13

BE IT RESOLVED, by the Board of Directors of the Amador Fire Protection District, County of Amador, State of California, that said Board has previously approved and adopted the Amador Fire Protection District 401(a) and 457(b) Plan ("Plan") to provide employees of the Amador Fire Protection District with retirement benefits.

BE IT FURTHER RESOLVED, the Amador Fire Protection District Board of Directors hereby declare the intention of the Amador Fire Protection District to continue the Plan and to keep current with key provisions, but reserves the right to terminate or amend the Plan at any time.

BE IT FURTHER RESOLVED, that the Plan Sponsor for the Amador Fire Protection District is hereby authorized to sign and execute the amended SECURE and CARE amendments of the Amador Fire Protection District current plans.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Fire Protection District at a regular meeting thereof, held on the 19th day of September, 2023 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Board of Directors

ATTEST

Nicole Cook, Clerk of the
Amador Fire Protection District,
Amador County, California

FAQ: Plan Document Amendment – SECURE

Q: What is SECURE and how does it impact my retirement plan?

A: SECURE along with associated regulations made several changes to the rules governing retirement plans.

SECURE (Setting Every Community Up for Retirement Enhancement Act) passed into law in December 2019. Some changes under SECURE include:

- Increased RMD to age 72
- Allowed for distributions for qualified birth or adoptions
- Increased QACA maximum cap to 15% (401(k) and 403(b) plans only)
- Expanded coverage of long-term part-time employees (401(k) plans only)

Attached is a chart for additional information on SECURE. Prior communications also covered SECURE in more detail and some key provisions that would apply to your plan, including defaults and optional provisions.

Q: Do we need to amend our plan document for SECURE?

A: Yes. The amendment we provide to you for SECURE will depend on your type of plan and optional provisions that apply to your plan.

Some SECURE amendments have been adopted by us as sponsor of the plan document and do not require a plan sponsor signature. Other SECURE amendments will require customization and plan sponsor signature. The cover letter provided along with your amendment will inform you if your signature is required. A plan amendment fee applied if your amendment required customization and plan sponsor signature. Prior guidance from the Department of Labor has indicated that expenses for required compliance amendments can be paid from plan assets.

The amendment being provided for SECURE incorporates the Bipartisan American Miners Act of 2019 that allowed for age 59-1/2 in-service withdrawals (Money Purchase Plans, Other plan types with Money Purchase Plan accounts and Governmental 457(b) plans only).

Q: What is the deadline for the SECURE amendment?

A: The deadline to have a signed SECURE amendment in place is the end of the 2025 plan year (2027 plan year for Government and collectively bargained plans). However, adopting an interim SECURE amendment now will assist you in documenting your administration of SECURE provisions many of which went into effect in 2020. For example, your plan document will reflect the required beginning date change for RMDs to age 72.

Q: Is a Summary of Material Modifications (SMM) required to update the Summary Plan Description (SPD)? When does it need to be provided to participants?

A: Yes, an SMM is required to communicate changes made by SECURE to participants.

- The SMM we provide to you updates your existing SPD to reflect new provisions under SECURE.
- For plans subject to ERISA, the SMM must be provided to participants by 210 days after the end of the plan year in which the changes are adopted.

If you use a custom SPD, it is your obligation to determine whether the provided SMM is sufficient for your needs and revise as necessary prior to distribution. You will need to append the SMM to the SPD you maintain or update the SPD you maintain.

Q: Can we provide an updated SPD instead of the SMM?

A: Yes, you can provide an updated SPD, rather than an SMM, to participants. If your plan is later amended and you receive an updated SPD that reflects the changes in these amendments, it is sufficient to provide that updated SPD.

Q: I have a governmental plan. Do I have to distribute the SMM?

A: Governmental employers are not required to provide an SPD or SMMs under federal requirements. However, you may have previously been provided with an optional Summary of Plan Provisions or Summary Plan Description with your plan document.

- If you previously provided a summary to plan participants, you should provide the SMM to current participants and distribute both the summary and the SMM to new participants.
- If you have never received or provided a summary, you are not required to provide an SMM to participants.

Q: Does my plan need a SECURE amendment if I recently restated or amended my plan?

A: Yes, the amendment needed for SECURE was not included in those documents.

Q: What other required regulatory amendments were provided for my Plan Document?

A: An amendment for the Coronavirus Aid, Relief, and Economic Security Act (CARES) is also required and was provided in another communication.

Q: What if I already adopted an amendment for an optional SECURE provision?

A: If you already adopted an amendment for an optional SECURE provision, you are not required to reflect that in the SECURE regulatory amendment.

Q: I am interested in adding some of the optional SECURE provisions going forward. How should I proceed?

A: You should contact your client services representative about the potential for adding options allowed under SECURE.

SECURE ACT KEY PROVISIONS

Following is a summary of key provisions in the SECURE Act plan amendment. **N/A**

Provision	Typical plan types impacted	Description	Effective date
Extend the right to defer salary to certain long-term part-time employees	401(k) plans Does not apply to collectively bargained plans or to a portion of a plan that benefits collectively bargained employees.	401(k) plans must allow an employee to defer salary no later than once they work at least 500 hours in each of three consecutive 12-month periods. Those employees do not need to receive employer contributions and are excluded from certain testing (ex. ADP, ACP, top heavy).	Start counting hours for these employees for eligibility purposes on the first day of the first plan year beginning on or after 1/1/2021. Hours worked prior to that date do not need to be considered for eligibility purposes or for vesting purposes.
Allow automatic contribution increases to a maximum of 15% of pay under QACA safe harbor plans	401(k) and 403(b) plans	SECURE allows plans using a QACA safe harbor to automatically increase a participant's salary deferrals over time to a maximum of 15% of pay, up from 10% under prior law. Note that the initial default deferral rate cannot exceed 10% from the time the participant is automatically enrolled until the close of the following plan year. All other rules relating to QACA plans are unchanged.	Provision can be added to a plan effective on or after 1/1/2020.
Eliminate notice requirement for nonelective safe harbor plans	401(k) and 403(b) plans	SECURE eliminates the participant notice requirement for plans using a nonelective contribution to meet the safe harbor.	Plan years beginning on or after 1/1/2020.
Delayed adoption for nonelective safe harbor plans	401(k) and 403(b) plans	A plan sponsor may adopt safe harbor status as late as 30 days before plan year-end if the plan uses a 3% nonelective contribution to meet the safe harbor. Alternately, the plan may adopt safe harbor status fewer than 30 days before plan-year end if it does so by the close of the subsequent plan year and provides at least a 4% nonelective contribution to meet the safe harbor.	Plan years beginning on or after 1/1/2020.

Provision	Typical plan types impacted	Description	Effective date
Qualified birth or adoption distributions	401(a), 401(k), 403(b) and governmental 457(b) plans	A participant can withdraw up to \$5,000 per newborn child or eligible adoptee within 12 months of the birth or finalization of the adoption. The dollar limit applies per participant per child and applies across all plans maintained by the same employer or related employers. A plan sponsor may rely on the participant's reasonable representation that they qualify for such a distribution unless the sponsor has actual knowledge to the contrary. The distribution is exempt from the 10% additional income tax for early distributions. The participant may repay all or a portion of the distribution to the distributing plan or another plan (if those plans would accept a rollover from the participant) or an IRA. Distributions cannot be made from money purchase assets unless the participant has attained age 59 ½.	Provision can be added to a plan effective on or after 1/1/2020.
Age 59 ½ distributions for money purchase assets and governmental 457(b) plans	Money purchase 401(a) plans, other plans that contain money purchase assets, and governmental 457(b) plans	Prior law allowed in-service withdrawals from money purchase assets only once the participant attained age 62 and from a governmental 457(b) plan only once the participant attained age 70 ½. SECURE allows the sponsor to choose to amend plans to allow such in-service distributions once the participant attains age 59 ½.	Provision can be added to a plan effective for plan years beginning on or after 1/1/2020.
Increase RMD age to age 72	401(a), 401(k), 403(b), and governmental 457(b) plans	The provision delays the required beginning date for minimum distributions from age 70 ½ to age 72 for participants who attain age 70 ½ on or after 1/1/2020 (i.e., born after 6/30/1949). Participants who attained age 70 ½ prior to 1/1/2020 remain subject to the prior rule.	Plan years beginning on or after 1/1/2020.
Require accounts to be fully paid out to the beneficiary within 10 years of the participant's death with limited exceptions	Defined contribution 401(a), 401(k), 403(b) and governmental 457(b) plans	This new rule generally requires a deceased participant's account to be distributed by the end of the 10 th calendar year after the participant's death. This rule does not apply to any portion of the distribution payable to an "eligible designated beneficiary" which generally includes: the participant's surviving spouse, the participant's child under the age of majority, disabled or chronically ill individuals and any other person who is not more than 10 years younger than the participant.	Applies to distributions with respect to employees who die after 12/31/2019. (12/31/2021 for governmental plans, 12/31/2020 or 12/31/2021 for collectively bargained plans depending on the expiration of applicable collective bargaining agreements).

This summary does not include all changes in the plan amendment. Please carefully review the documents to ensure all plan terms accurately reflect the administration of your plan. These materials do not constitute tax or legal advice upon which any party can rely. Plan sponsors are encouraged to consult their own legal or tax advisors for questions on their specific situation.

AMENDMENT TO IMPLEMENT SECURE ACT AND OTHER LAW CHANGES

ARTICLE 1 PREAMBLE

- 1.1 **Adoption and effective date of Amendment.** The Document Provider, on behalf of the Employer, hereby adopts this Amendment to the Employer's Plan. Each Article specifies the effective date of its provisions. Also see Section 1.5.
- 1.2 **Superseding of inconsistent provisions.** This Amendment supersedes the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this Amendment. Except as otherwise provided in this Amendment, terms defined in the Plan will have the same meaning in this Amendment. Most Articles include definitions which are specific to that Article. Also see Section 1.6
- 1.3 **Numbering.** Except as otherwise provided in this Amendment, any "Section" reference in this Amendment refers only to this Amendment and is not a reference to the Plan. The Article and Section numbering in this Amendment is solely for purposes of this Amendment, and does not relate to the Plan article, section, or other numbering designations.
- 1.4 **Intention; Construction.** The purpose of this amendment is to amend the Plan in accordance with pension-related provisions of the Further Consolidated Appropriations Act of 2019 ("FCAA") in general, and Division O of that Act, the Setting Every Community Up for Retirement Enhancement Act of 2019 ("SECURE"), in specific. It also addresses a provision of the Bipartisan American Miners Act ("BAMA"), which is also part of FCAA, as well as a section of the Coronavirus Aid, Relief, and Economic Security Act ("CARES"). The provisions of this Amendment shall be interpreted and applied to be consistent with FCAA and CARES and IRS guidance issued in connection therewith, whether such guidance is issued before or after the date of this amendment.
- 1.5 **Effect of subsequent restatement or amendment of Plan.** If the Employer restates the Plan, then this Amendment shall remain in effect after such restatement unless the provisions in this Amendment are restated or otherwise become obsolete (e.g., if the Plan is restated onto a plan document which incorporates these provisions). Some Articles in this amendment may not apply to a particular plan at the time the Amendment is executed but they will apply in the future based on subsequent amendments. For example, Article 8 is limited to 401(k) plans; its provisions do not apply to a profit-sharing plan that does not have a 401(k) feature. But if that plan is subsequently amended to add a 401(k) feature, then the provisions of Article 8 (and corresponding Section 2.8) will automatically become effective at that time.
- 1.6 **Preservation of prior amendments.** If the Employer previously amended the Plan after December 20, 2019 to implement a provision contained in one or more Articles of this Amendment, that prior amendment shall remain in effect and will not be superseded by this Amendment, unless Section 1.6(a) is selected. For example, if the Employer previously adopted an amendment to implement the BAMA provisions of Article 10, that amendment remains in effect, notwithstanding the provisions of this Amendment, unless Section 1.6(a) is selected.
- (a) [] This amendment supersedes all prior inconsistent amendments of the Plan.
- 1.7 **Adoption by Document Provider.** The Document Provider hereby adopts this Amendment on behalf of all of the Document Provider's Plans adopted by its adopting employers. The "Document Provider" means the Sponsor of a Prototype Plan or Volume Submitter Practitioner of a Volume Submitter Plan as defined in Rev. Proc. 2013-22 or 2015-36, or the Provider of a Pre-approved Plan, as defined in Rev. Proc. 2017-41. References to the "Document Provider's Plans" or to "pre-approved plans" refer to the Prototype Plans, Volume Submitter Plans, and/or Pre-approved Plans sponsored by the Document Provider for use by adopting employers, as the case may be, except as limited in Section 1.7(a).
- (a) [] This Amendment will apply to all of the Document Provider's Plans except the following:
(Optional. List plan types, such as Defined Benefit Plans or 403(b) Plans, which the Document

Provider does not wish to amend):

**ARTICLE 2
IDENTIFICATION; ELECTIONS**

Instructions: The Document Provider should complete any applicable elections it wishes at Sections 1.6 and 1.7 and 2.3 through 2.10. If the Employer is satisfied with those choices, the Employer does not need to execute this Amendment. Otherwise, the Employer must complete the information at Section 2.1 and may complete one or more additional elections to indicate the Employer's preferences.

2.1 Identifying information.

A. Name of Employer: Amador Fire Protection District

B. Name of Plan: AMADOR FIRE PROTECTION DISTRICT 401(A) PLAN

C. Type of Plan (*select one; optional*)

- (1) 401(k) Plan
- (2) Profit-Sharing Plan (other than a 401(k) plan)
- (3) Money Purchase Pension Plan
- (4) Defined Benefit Plan (including a cash balance plan)
- (5) 403(b) Plan

2.2 Plan Type Definitions. "Qualified Plan" means a 401(k) Plan, Profit-Sharing Plan, Money Purchase Pension Plan or Defined Benefit Plan. "Defined Contribution Plan" means a Qualified Plan other than a Defined Benefit Plan.

2.3 Operating Elections. Many subsequent Articles of this Amendment refer to elections appearing in this Article 2. Each of Sections 2.4 through 2.10 refers to a corresponding Article. For example, Section 2.4 has the elections related to Article 4. The definitions in those Articles apply to the elections in the corresponding Section of this Article 2, and those elections have the same effective date as the corresponding Article. Each Section of this Article lists the default provisions which will apply if no election is made. If you accept the default(s), there is no need to complete the Section. There are no elective provisions which apply to Article 3 or Articles 11 through 16. The following are the defaults and a summary of the Articles for which there are no elections.

- Article 3. Permits retroactive safe harbor 401(k) amendments (to appear in separate document). Eliminates requirement of safe harbor notice for safe harbor nonelective.
- Article 4. QBADs are not permitted.
- Article 5. Distributions of RMDs will not begin before a Participant turns 72.
- Article 6. The Plan will apply its RMD provisions with respect to the 5-year rule in administering the 10-year rule.
- Article 7. RMDs subject to 5-Year Rule for participants who died from 2015 through 2019 are extended one year unless the beneficiary objects.
- Article 8. None of the optional elections with regard to LTPT Employees apply.
- Article 9. The QACA maximum automatic deferral is 10% of compensation.
- Article 10. The amendment does not modify the minimum age for in-service distributions.
- Article 11. Administrative policy can permit distributions of Discontinued Lifetime Income Investments.
- Article 12. Updated RMD tables and 2022 transition.
- Article 13. Permits retroactive plan adoption.
- Article 14. Difficulty of care payments are compensation for purposes of Code §415 only.
- Article 15. 403(b) plans can distribute custodial accounts on termination.
- Article 16. Deemed IRA accounts are not subject to maximum age.

Check (a) or (b).

- (a) All defaults apply. *Skip the rest of Article 2 and sign the amendment.*
- (b) One or more defaults do not apply. *Complete those sections in Article 2 for which you do not accept the default; then sign the amendment.*

2.4 Article 4 – Birth/Adoption Distributions. In the absence of an election below, Article 4 does NOT apply. To permit QBADs (Qualified Birth and Adoption Distributions), check (a). If QBADs are available, they apply to all accounts except as provided in Article 4 or in elections (b), (c), (d), or (e). *(Select all that apply.)*

- (a) Article 4 applies effective January 1, 2020, unless a different date is selected in (1) below.
 - (1) _____ . *(Enter date after December 31, 2019.)*
- (b) QBADs may only be made from accounts in which the Participant is fully vested.
- (c) QBADs are only available from the following Accounts *(select one or more)*:
 - (1) Pre-Tax Elective Deferrals
 - (2) Roth Elective Deferrals
 - (3) Employer matching contributions (including safe harbor contributions and QMACs)
 - (4) Employer nonelective contributions (including safe harbor contributions and QNECs)
 - (5) Rollover contributions
 - (6) After-tax employee contributions
 - (7) Transferred accounts
 - (8) Describe: _____ *(must be definitely determinable and not subject to discretion)*
- (d) QBADs are not available if the Participant has severed employment.
- (e) Describe additional limitations: _____ *(must be definitely determinable and not subject to discretion)*

2.5 Article 5 – RMD Timing. Unless Section 2.5(a) is selected, distribution of RMDs will begin for Affected Participants no sooner than April 1 of the calendar year following the year the Participant attains age 72.

- (a) Distribution of RMDs to Affected Participants will NOT be delayed on account of this Amendment (i.e., distributions will generally commence no later than April 1 of the calendar year following the year the Affected Participant attains age 70½), in accordance with Section 5.5. This election is effective for distributions after December 31, 2019, except as specified below *(Optional: select either or both of (1) or (2))*:
 - (1) Section 5.5 is effective for distributions after _____ and prior to the earlier of January 1, 2022 or the date entered in 2.5(a)(2). *(Enter date on or after December 31, 2019.)*
 - (2) Section 5.5 is repealed for distributions after _____ *(enter date on or after the date entered in 2.5(a)(1) and before January 1, 2022)*, subject to the anti-cutback rule of Code §411(d)(6) to the extent applicable.

2.6 Article 6 – 10-Year Rule for Beneficiary RMDs. RMDs to an Eligible Designated Beneficiary of a Participant who dies prior to the Participant’s RBD will be made as elected below. In the absence of an election in Section 2.6, the Plan’s provisions about Beneficiary elections with regard to the 5-Year Rule will apply, substituting the 10-Year Rule for the 5-Year Rule.

- (a) **Beneficiary election.** The Eligible Designated Beneficiary may elect application of the 10-Year Rule or the Life Expectancy rule. If the Beneficiary does not make a timely election *(Select one of (1) or (2))*:
 - (1) **10-year rule.** The 10-year rule applies to the Eligible Designated Beneficiary.
 - (2) **Life Expectancy Rule.** The Life Expectancy rule applies to the Eligible Designated Beneficiary.
- (b) **10-year rule.** The 10-year rule applies to the Eligible Designated Beneficiary.
- (c) **Life Expectancy rule.** The Life Expectancy rule applies to the Eligible Designated Beneficiary.

- (d) **Shorter Period.** The entire interest of the Eligible Designated Beneficiary will be distributed no later than December 31 of the _____ (enter a number of years, not exceeding "tenth") year following the year of the Participant's death.
- (e) **Other:** (Describe, e.g., the 10-Year Rule applies to all Beneficiaries other than a surviving spouse Beneficiary.) _____

2.7 **Article 7 - CARES RMD Waivers; 5-Year Rule.** Unless the Employer elects otherwise below, beneficiaries of Applicable Participant Accounts will have the option to extend distribution under the 5-Year Rule by one year, and in the absence of a beneficiary election the extension will apply.

- (a) **No extension without request.** The provisions of Section 7.2 apply but in the absence of a beneficiary election the extension will NOT apply.
- (b) **Not Apply.** Article 7 will NOT apply to this Plan.

2.8 **Article 8 – LTPT Employees.** The Employer makes the following optional elections with regard to LTPT Employees. (Select all that apply.)

- (a) An LTPT Employee, in addition to being eligible to defer will also be treated as a Regular Participant for purposes of (check any or all that apply):
- (1) Receiving an allocation of the safe harbor contributions (including QACA).
 - (2) Receiving an allocation of Employer matching contributions
 - (3) Receiving an allocation of Employer nonelective contributions.
 - (4) Making after-tax Employee voluntary contributions.
 - (5) Making rollover contributions.
 - (6) Making deemed IRA contributions described in Code §408(q).
- (b) The following provisions which apply to Regular Participants do not apply to LTPT Employees (check any or all that do not apply to LTPT Employees):
- (1) The ability to make Roth elective deferrals.
 - (2) Automatic deferral provisions.
 - (3) Automatic escalation provisions.
- (c) Instead of being the first day of the first month and the seventh month of the Plan Year, the LTPT Entry Date is (select one):
- (1) The same as the entry date which applies to Elective Deferrals of Regular Participants.
 - (2) Describe: _____
- (d) In addition to Union Employees and Nonresident Aliens, the following Employees are LTPT Excluded Employees (check all that apply; see the instructions):
- (1) Employees described in a category of employees that would be excluded from the Plan even if they satisfied the minimum age and service requirements which apply to Employees generally.
 - (2) Describe: _____
- (e) Instead of age 21, the LTPT Minimum Age is (select one):
- (1) Waived.
 - (2) The same minimum age that applies to Regular Participants.
 - (3) Age _____ (Cannot exceed age 21).

2.9 **Article 9 – QACA Maximum Automatic Deferrals.** In the absence of an election below, Article 9 does NOT apply and automatic deferrals under a QACA shall not exceed 10% of a Participant's Compensation. To permit automatic deferrals of up to 15% of compensation, complete (a) below and (b) if applicable..

- (a) Article 9 applies effective on or after the first day of the first plan year beginning after December 31, 2019, unless a different date is selected in (1) below.
- (1) _____. (Enter date on or after the first day of the first plan year beginning after December 31, 2019.)
- (b) The following modified QACA statutory schedule will apply (the limitations in the parentheses below only applies to QACAs): (Select and complete one of (1), (2), or (3) below. The resulting schedule must satisfy Code §401(k)(13)(C)(iii):

(1) **Detailed Schedule.** The following modified QACA statutory schedule will apply. *NOTE: Plan Years 1 & 2 must be between 3% and 10%. 3-14 may not exceed 15%*

<u>Plan Year of application to a Participant</u>	<u>Automatic Deferral Percentage</u>
1	_% (not less than 3 and not more than 10)
2	_% (not less than 3 and not more than 10)
3	_% (not less than 4 and not more than 15)
4	_% (not less than 5 and not more than 15)
5	_% (not less than 6 and not more than 15)
6	_% (not less than 6 and not more than 15)
7	_% (not less than 6 and not more than 15)
8	_% (not less than 6 and not more than 15)
9	_% (not less than 6 and not more than 15)
10	_% (not less than 6 and not more than 15)
11	_% (not less than 6 and not more than 15)
12	_% (not less than 6 and not more than 15)
13	_% (not less than 6 and not more than 15)
14 and thereafter	_% (not less than 6 and not more than 15)

(2) **Fixed Increase.**

- a. First plan year of application to a participant: ____ (not less than 3 and not more than 10)
- b. Second plan year of application to a participant: ____ (not less than 3 and not more than 10)
- c. In subsequent plan years the automatic deferral percentage will increase by ____% per year up to a maximum of ____% (not more than 15) of Compensation

(3) **Describe:** _____

2.10 **Article 10 – In-Service Distributions.** In the absence of an election below, Article 10 does NOT apply. To permit in-service distributions at age 59½ for pension plans, check (a) Check (b) to specify an age greater than 59 ½. If Article 10 applies, it applies to all Accounts except as limited in Article 10.

(a) Article 10 applies effective on or after the first day of the first plan year beginning after December 31, 2019, unless a different date is selected in (1) below.

(1) _____. (Enter date on or after the first day of the first plan year beginning after December 31, 2019.)

(b) Age at which in-service distributions are permitted _____ (Enter age greater than 59½.)

ARTICLE 3

ADP SAFE HARBOR NONELECTIVE PLANS – SECURE §103

3.1 **Application.** This Article 3 will apply only if the Plan is a 401(k) or a 403(b) Plan. It is effective for Plan Years beginning after December 31, 2019.

3.2 **No need for safe harbor notice.** If the Employer makes a Safe Harbor Nonelective Contribution, then the Plan can use the ADP Safe Harbor, whether or not Participants receive a Safe Harbor Notice, and the Plan Administrator is not required to provide a Safe Harbor Notice. However, the Plan is required to provide a Safe Harbor Notice if the plan utilizes the ACP safe harbor described in Code §401(m)(11) or (12), unless the plan is a QACA.

3.3 **Retroactive adoption.** Unless the Plan at any time during the Plan Year is a Safe Harbor Match Plan, then the Employer may amend the Plan at any time within twelve months after the end of the Plan Year to provide (A) that the Employer will make a Safe Harbor Nonelective Contribution for the entire Plan Year, (B) that the Plan qualifies for the ADP Safe Harbor for the Plan Year, and (C) that the Plan will not be required to perform the ADP Test for the Plan Year. However, if the Employer adopts the amendment on or after the 30th

day before the close of the Plan Year, the Safe Harbor Nonelective Contribution must be at least 4% of the Participant's Compensation.

3.4 **Definitions.** The following terms have the meaning set forth in this paragraph as more fully provided in the plan terms pertaining to the related subject matter.

(a) A "**Safe Harbor Nonelective Contribution**" means a contribution described in Code §401(k)(12)(C) or Code §401(k)(13)(D)(i)(II) of at least 3% of Compensation.

(b) The "**ADP Test**" means the test provided in Code §401(k)(3)(ii).

(c) The "**ADP Safe Harbor**" means the safe harbor provided by Code §401(k)(12)(A) or Code §401(k)(13).

(d) A "**Safe Harbor Match Plan**" is a Plan which provided during the Plan Year that Participants would receive a matching contribution described in Treas. Reg. §1.401(k)-3(c) or Treas. Reg. §1.401(k)-3(k)(2).

(e) A "**Safe Harbor Notice**" is a notice described in Code §401(k)(12)(D) or Code §401(k)(13)(E).

(f) A "**QACA**" is a Qualified Automatic Contribution Arrangement described in Code §401(k)(13).

ARTICLE 4 BIRTH/ADOPTION DISTRIBUTIONS – SECURE Act §113

4.1 **Application.** This Article 4 will apply only if (1) the Plan is a Defined Contribution Plan, or a 403(b) Plan, and (2) the Employer elects in Section 2.4(a) for this Article 4 to apply, effective on the date specified in Section 2.4(a).

4.2 **Distribution Authorized.** Except as limited by Section 2.4 (b), (c), (e), a Participant may request a distribution of up to \$5,000 (per child or Eligible Adoptee) as a QBAD. The Participant may request the distribution whether or not the Participant has severed employment unless Section 2.4(d) is selected. This \$5,000 limit shall be reduced by QBADs to the Participant made with respect to the same child or Eligible Adoptee by other plans maintained by the Employer or a related employer described in Code §414(b), (c), (m), or (o). However, if the Plan is a Money Purchase Pension Plan (or the account from which the distribution is withdrawn was transferred from a Money Purchase Pension Plan), and the Participant has not separated from service, the Participant may not take a QBAD prior to attaining the earlier of Normal Retirement Age or age 59½. The Plan Administrator may adopt a policy imposing frequency limitations or other reasonable administrative conditions for QBADs.

4.3 **Definitions.** The following definitions apply for this Article 4 and Section 2.4:

(a) A "**QBAD**" is a Qualified Birth or Adoption Distribution described in Code §72(t)(2)(H)(iii). A QBAD must be made during the 1-year period beginning on the date on which a child of the Participant is born or on which the legal adoption of an Eligible Adoptee by the Participant is finalized.

(b) An "**Eligible Adoptee**" is an individual, other than a child of the Participant's spouse, who has not attained age 18 or is physically or mentally incapable of self-support. An individual is considered physically or mentally incapable of self-support if that individual is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or to be of long-continued and indefinite duration. This provision shall be applied in a manner consistent with Part D of IRS Notice 2020-68.

4.4 **Rollover.** A Participant who received one or more QBADs from this Plan may, if the Plan then permits the Participant to make rollover contributions, make one or more contributions in an aggregate amount not to exceed the amount of such QBADs. The Plan will treat such a contribution as a rollover contribution made by direct trustee-to-trustee transfer within 60 days of distribution.

- 4.5 **Reliance.** The Plan Administrator may rely on an individual's reasonable representation that the individual is eligible to receive a QBAD unless the Plan Administrator has actual knowledge to the contrary.
- 4.6 **Status.** A QBAD is not an eligible rollover distribution for purpose of the obligation to permit a direct rollover under Code §401(a)(31), the notice requirement of Code §402(f), or the mandatory withholding rules of Code §3405(c)(1).

**ARTICLE 5
REQUIRED BEGINNING DATE – SECURE Act §114**

- 5.1 **Application.** This Article 5 will apply to all plans, regardless of type. It is effective with regard to RMDs required to be made after December 31, 2019.
- 5.2 **Delay of Required Beginning Date.** An Affected Participant's RBD shall not be earlier than April 1 of the calendar year following the year the Affected Participant attains age 72. For purposes of determining an Affected Participant's RBD, an Affected Participant will be treated as a more than 5% owner if the Participant was a 5-percent owner (as defined in Code §416(i)(1)(B)) as to the Plan Year ending in the calendar year the Participant attains age 72.
- 5.3 **Spousal Distributions.** If an Affected Participant dies prior to the Participant's RBD, and the Participant's sole Designated Beneficiary is the Participant's surviving spouse, then the RMDs to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died, or by December 31 of the calendar year in which the Participant would have attained age 72, if later. However, this Section will apply only if the Plan, prior to this Amendment, permitted a surviving spouse to delay RMD distributions to December 31 of the calendar year in which the Participant would have attained age 70½.
- 5.4 **Definitions.** The following definitions apply for this Article 5 and Section 2.5:
 - (a) A Participant is an "Affected Participant" if the Participant was born after June 30, 1949.
 - (b) An "RMD" is a Required Minimum Distribution as described in Code §401(a)(9).
 - (c) A Participant's "RBD" is the Participant's Required Beginning Date as described in Code §401(a)(9)(C), as amplified by Section 5.2.
- 5.5 **Optional Distribution Timing.** If the Employer elects in Section 2.5(a) for this Section 5.5 to apply, the timing and form of distributions to an Affected Participant will be determined as though this Article 5 had not been adopted. Distributions pursuant to this paragraph, which are not RMDs, will be treated as eligible rollover distributions for purposes of the direct rollover provisions of Code §401(a)(31). This Section 5.5 will no longer be effective for distributions after December 31, 2021, or, if earlier, the date specified in Section 2.5(a)(2).

**ARTICLE 6
BENEFICIARY RMDs – SECURE Act §401**

- 6.1 **Application.** This Article 6 will apply to all plans other than Defined Benefit Plans. This Article will not apply to qualified annuities described in SECURE Act §401(b)(4)(B).
- 6.2 **Effective Date.** Except as provided in Section 6.4, Article 6 will apply to Participants who die on or after the Effective Date of this Article. Generally, the Effective Date of this Article is January 1, 2020. In the case of a governmental plan (as defined in Code §414(d)), the Effective Date of this Article is January 1, 2022. The Effective Date of this Article 6 in the case of a collectively-bargained plan will be the date determined in SECURE Act §401(b)(2). See Section 6.5 regarding the limited application of this Article to certain accounts of Participants who died before the Effective Date of this Article.

6.3 **Death before RBD.** If the Participant dies before the Participant's RBD, the Plan will distribute or commence distribution of the Participant's Vested Accrued Benefit not later than as follows:

(a) **No Designated Beneficiary** If there is no Designated Beneficiary as of September 30 of the year following the calendar year of the Participant's death, the Beneficiary's entire interest will be distributed under the 5-Year Rule.

(b) **Eligible Designated Beneficiary.** If the distributee of a Participant's account is an Eligible Designated Beneficiary, the Beneficiary's entire interest will be distributed under the Life Expectancy Rule unless the 10-Year Rule applies. The Employer may elect application of the Life Expectancy rule or the 10-Year Rule in Section 2.6. In the absence of an election in Section 2.6, the Plan's provisions with regard to election of the 5-Year Rule will apply, substituting the 10-Year Rule for the 5-Year Rule. A permitted Beneficiary election must be made no later than the earlier of December 31 of the calendar year in which distribution would be required to begin under the Life Expectancy Rule, or by December 31 of the calendar year which contains the tenth anniversary of the Participant's (or, if applicable, surviving spouse's) death.

(c) **Other Designated Beneficiaries.** If the distributee of the Participant's account is a Designated Beneficiary who is not an Eligible Designated Beneficiary, then the Beneficiary's entire interest will be distributed under the 10-Year Rule.

(d) **10-Year Rule.** If distribution of a deceased Participant's account thereof is subject to the "10-Year Rule," then the Plan will distribute the account in full no later than December 31 of the tenth year following the year of the Participant's death. No RMDs are required to be distributed from the account prior to that date.

6.4 **Death after RBD.** If the Participant dies on or after the Participant's RBD, the Participant's remaining interest will be distributed at least as rapidly as under the method of distribution being used as of the date of the participant's death, using the Life Expectancy Rule, as, and to the extent, provided by applicable guidance. If the Beneficiary is a Designated Beneficiary that is not an Eligible Designated Beneficiary, the Plan will distribute the remaining account in full no later than December 31 of the tenth year following the year of the Participant's death.

6.5 **Beneficiary Death.** If an Eligible Designated Beneficiary receiving distributions under the Life Expectancy Rule dies before receiving distribution of the Beneficiary's entire interest in the Participant's account, the Plan will distribute that interest in full no later than December 31 of the 10th year following the year of the Eligible Designated Beneficiary's death. Similarly, if a Participant died before the Effective Date of this Article 6, and the beneficiary died after such Effective Date, but prior to receiving full distribution of the beneficiary's interest, the Plan will distribute that interest in full no later than December 31 of the tenth year following the year of the beneficiary's death.

6.6 **Age of Majority.** If a child of the Participant was receiving distributions under the Life Expectancy rule, when the child reaches the age of Majority, the Plan will distribute the child's account in full no later than 10 years after that date, provided the child is not otherwise an Eligible Designated Beneficiary, such as a disabled or chronically ill individual.

6.7 **Definitions; operating rules.** The following definitions and operating rules apply for this Article 6 and Section 2.6:

(a) An "RMD" is a Required Minimum Distribution as described in Code §401(a)(9).

(b) A Participant's "RBD" is the Participant's Required Beginning Date as described in Code §401(a)(9)(C) and the Plan. Also see Section 5.2.

(c) A distributee of a Participant's account is a "Designated Beneficiary" if the distributee is an individual or trust who is a beneficiary of the account (whether pursuant to a designation by the Participant or application of the Plan terms) and who is a designated beneficiary under Code §401(a)(9) and Treas. Reg. §1.401(a)(9)-4, Q&As-4 and -5.

(d) An individual is an “**Eligible Designated Beneficiary**” of a Participant if the individual qualifies as a Designated Beneficiary and is (1) the Participant’s spouse, (2) the Participant’s child who has not reached the age of Majority, (3) an individual not more than 10 years younger than the Participant, (4) a disabled individual, as defined in Code §72(m)(7), or (5) an individual who has been certified to be chronically ill (as defined in Code §7702B(c)(2)) for a reasonably lengthy period, or indefinitely. Certain trusts may be treated as Eligible Designated Beneficiaries pursuant to Code §401(a)(9)(H)(iv) and (v).

(e) Whether a child has reached the age of “**Majority**” is determined under Code §401(a)(9)(F) and applicable regulations and guidance issued thereunder.

(f) The “**Life Expectancy Rule**” for distributing RMDs is described in Code §401(a)(9)(B)(iii) and is further described in the Plan.

(g) The “**5-Year Rule**” for distributing RMDs is described in Code §401(a)(9)(B)(ii) and is further described in the Plan.

(h) The “**10-Year Rule**” is described in Section 6.3(d).

(i) **Shorter period.** Section 2.6 may specify a shorter period to be used in place of the tenth year after the death of a Participant or Beneficiary.

(j) **Separate share rule.** All references in this Article to a Participant’s Account and a Beneficiary’s interest in that account will be applied separately to each separate account determined under Treas. Reg. §1.401(a)(9)-8, Q&A 2 and 3, and Code §401(a)(9)(H)(iv).

ARTICLE 7 EXTENSION OF 5-YEAR RULE FOR RMDs – CARES §2203

7.1 **Application.** This Article 7 will apply only to Defined Contribution plans, including 401(k) Plans, Profit-Sharing Plans, Money Purchase Pension Plans, and 403(b) Plans. It does not apply to Defined Benefit Plans. It does not apply if the Employer has selected Section 2.7(b); otherwise, it is effective January 1, 2020.

7.2 **Waiver; default provision.** The beneficiary of an Applicable Participant Account will have the option to extend the deadline to distribute the account for one year. The default in the absence of a beneficiary election will be to extend the distribution, unless the Employer elects in Section 2.7(a) for the default to be not to extend unless the beneficiary requests it.

7.3 **Definitions.** The following definitions apply for this Article 7 and Section 2.7:

(a) “**RMDs**” means required minimum distributions described in Code §401(a)(9).

(b) The “**5-Year Rule**” for distributing RMDs is described in Code §401(a)(9)(B)(ii) and is further described in the Plan.

(c) “**Applicable Participant Account**” means the remaining account of a Participant who died during the years 2015-2019, to the extent the account is subject to the 5-Year Rule.

ARTICLE 8 LONG-TERM PART-TIME EMPLOYEES – SECURE §112

8.1 **Application.** This Article 8 will apply only if the Plan is a 401(k) Plan that permits elective deferrals. It is effective for Plan Years beginning after December 31, 2020.

8.2 **LTPT Employee Deferrals.** An LTPT Employee will be eligible to make Elective Deferrals to the Plan. An LTPT Employee enters the Elective Deferral portion of the Plan on the Employee’s LTPT Entry Date if the

Employee is still an LTPT Employee on that Entry Date. The provisions of the Plan relating to rehired employees, breaks in service, and change in status will apply to LTPT Employees.

- 8.3 **Limited Participation.** An LTPT Employee who is eligible to make Elective Deferrals under Section 8.2 will be a Participant solely with regard to Elective Deferrals and related Account Balances. Except as otherwise provided in Section 2.8(a), an LTPT Employee will not be eligible (1) to receive any employer contributions, including top-heavy minimum allocations and safe harbor contributions, (2) to make after-tax Employee voluntary contributions, (3) to make rollover contributions (unless otherwise permitted under the Plan's administrative policies related to rollover contributions), or (4) to make deemed IRA contributions described in Code §408(q).
- 8.4 **Satisfaction of Eligibility Conditions.** If and when an LTPT Employee becomes a Regular Participant, the individual will no longer be an LTPT Employee, but will instead participate in the Plan in the same manner as other Regular Participants, except as provided in Section 8.5.
- 8.5 **Vesting.** For purposes of applying any vesting schedule in the Plan applicable to Employer contributions other than elective deferrals, an LTPT Employee or a Regular Participant who was previously an LTPT Employee (1) will be credited with a Year of Service for each vesting computation period during which the Employee was credited with more than 500 Hours of Service (or such lower requirement as may apply to Regular Participants) in such period, and (2) will not be credited with a break in service for any vesting computation period unless the Employee has no more than 500 Hours of Service in such period. The Plan Administrator may optionally apply any simplified method of determining years of service under this Section announced by the IRS.
- 8.6 **Testing.** Pursuant to Code §401(k)(15)(i)(II), the Plan Administrator may elect to exclude LTPT Employees from coverage testing under Code §410(b), the ADP test of Code §401(k)(3), the ACP test of Code §401(m)(2), and other nondiscrimination testing under Code §401(a)(4).
- 8.7 **Application of Elective Deferral Provisions.** Except as otherwise provided in Section 2.8(b), all provisions of the Plan related to Elective Deferrals which apply to Regular Participants also apply to LTPT Employees who are eligible to defer, including as applicable (1) eligibility to make Roth deferrals, (2) automatic enrollment provisions, (3) automatic escalation provisions.
- 8.8 **Definitions.** The following definitions apply for this Article 8 and Section 2.8:
- (a) An “**LTPT Employee**” means a long-term part-time employee described in Code §§401(k)(2)(D) and 401(k)(15). Specifically, an LTPT Employee is an Employee, other than an LTPT Excluded Employee, who has not entered the Plan as a Regular Participant, but who is credited with at least three (3) consecutive Eligibility Computation Periods beginning after December 31, 2020 with at least 500 Hours of Service in each and who has attained the LTPT Minimum Age.
- (b) With regard to an LTPT Employee, the “**LTPT Entry Date**,” unless otherwise specified in Section 2.8(c), is the earlier of the first day of the first month or the seventh month of the Plan Year immediately following or coincident with the date an Employee becomes an LTPT Employee. In no event will the LTPT Entry Date exceed the maximum delay in participation specified in Code §410(a)(4).
- (c) An “**LTPT Excluded Employee**” refers to a Union Employee or a Nonresident Alien and those individuals described in Section 2.8(d). However, in no event will an Employee be an LTPT Excluded Employee merely because the Employee failed to satisfy a service condition, or is a part-time, seasonal, or temporary employee. In no event will an Employee be an LTPT Excluded Employee to the extent such an exclusion is not permitted under applicable IRS guidance.
- (d) The “**LTPT Minimum Age**” is 21 unless Section 2.8(e) specifies a different age (or waives the LTPT Minimum Age). The LTPT Minimum Age shall not exceed 21.

(e) An Employee is a “**Regular Participant**” if the Employee has satisfied all conditions to enter the Plan (or any portion thereof) determined without regard to this Article 8, including those relating to the Employee’s entry date. An LTPT Employee becomes a Regular Participant on such entry date.

(f) A “**Union Employee**” is an employee described in Code §410(b)(3)(A).

(g) A “**Nonresident Alien**” is an employee described in Code §410(b)(3)(C).

ARTICLE 9 QACA MAXIMUM AUTOMATIC DEFERRAL – SECURE §102

- 9.1 **Application.** This Article 9 will apply only if (1) the Plan is a 401(k) Plan or a 403(b) Plan, and (2) the Employer elects in Section 2.9 for this Article 9 to apply, effective on the date specified in Section 2.9(a).
- 9.2 **Higher Maximum Contribution.** If the Plan includes a QACA, then the automatic deferral percentage which applies to a Participant (referred to as the “qualified percentage” in Treas. Reg. §1.401(k)-12(j)(2)) shall not exceed 10% of the Participant’s Compensation during the Initial Period and shall not exceed 15% of the Participant’s Compensation after the Initial Period.
- 9.3 **Validation; Policy.** If the Employer amends or has amended the plan (effective for a Plan Year beginning on or after the effective date specified in Section 2.9) to provide for an automatic deferral percentage which does not exceed the limitations of Section 9.2, the amendment is valid notwithstanding any limitations contained in any provision of the Plan which would limit the automatic deferral percentage to 10%. The Plan Administrator may adopt a reasonable, uniform policy in applying the increased limit provided by this Article 9 to QACA automatic escalation provisions in effect prior to the effective date of the Article.
- 9.4 **Definitions.** The following definitions apply for this Article 9 and Section 2.9:
- (a) “**QACA**” means a Qualified Automatic Contribution Arrangement described in Code §401(k)(13).
- (b) The “**Initial Period**” for a Participant begins when the Participant first has contributions made pursuant to a default election under the QACA for a Plan Year and ends on the last day of the following Plan Year.

ARTICLE 10 IN-SERVICE PENSION DISTRIBUTIONS – BAMA §104

- 10.1 **Application.** This Article 10 will apply only if (1) the Plan is a Money Purchase Pension Plan, a Defined Benefit Plan, or, as described in Section 10.3, a 401(k) or Profit-Sharing Plan, and (2) the Employer elects in Section 2.10 for this Article 10 to apply, effective on the date specified in Section 2.10(a).
- 10.2 **Distribution at 59½.** A Participant can take an in-service distribution at age 59½, or, if later, the age (if any) specified in Section 2.10(b). Such a distribution will be limited to the vested portion of the Participant’s accrued benefit or account and will be subject to all Plan provisions related to in-service distributions.
- 10.3 **Limited application to Profit-Sharing Plans.** If the Employer elects in Section 2.10 for this Article 10 to apply, this Article 10 will apply to an account in a 401(k) Plan or a Profit-Sharing Plan which holds assets transferred from a Money Purchase Pension Plan or a Defined Benefit Plan.

ARTICLE 11 DISTRIBUTIONS OF DISCONTINUED LIFETIME INCOME INVESTMENTS – SECURE §109

- 11.1 **Application.** This Article 11 will apply only if (1) the Plan is a Defined Contribution Plan, or a 403(b) Plan. It is effective for Plan Years beginning after December 31, 2019.
- 11.2 **Distributions authorized.** The Plan Administrator may authorize Participants to request, and as soon as practical after a Participant makes the request, the Plan will make a distribution of a Discontinued Lifetime

Income Investment. Distribution under this Article is limited to the 90-day period prior to the date on which the Lifetime Income Investment is no longer authorized to be held as an investment option under the Plan. Such distribution will be in the form of a Qualified Distribution, or in the form of a Qualified Plan Distribution Annuity Contract, as determined by the Plan Administrator. The Plan Administrator will administer this section in a reasonable, nondiscriminatory manner, and may authorize distributions of some Discontinued Lifetime Income Investments and not others.

- 11.3 **Definitions.** The terms “Lifetime Income Investment,” “Qualified Distribution” and “Qualified Plan Distribution Annuity Contract” have the meanings set forth in Code §401(a)(38)(B). A “Discontinued Lifetime Income Investment” is a Lifetime Income Investment which will no longer be authorized to be held as an investment option under the Plan.

ARTICLE 12 UPDATED LIFE EXPECTANCY TABLES – TREAS. REG. §1.401(a)(9)-9

- 12.1 **Application.** This Article 12 will apply to all plans and is effective for distribution calendar years beginning on or after January 1, 2022.
- 12.2 **New RMD Tables.** Any Plan reference to the life expectancy tables detailed in Treas. Reg. §1.401(a)(9), such as the Uniform Life Table, the Single Life Table, or the Joint and Last Survivor Table, refers to these tables as published in Treas. Reg. §1.401(a)(9)-9 from time to time, and is subject to adjustment as described in Treas. Reg. §1.401(a)(9)-9(f).

ARTICLE 13 ADOPTION OF PLAN AFTER YEAR END – SECURE §201

- 13.1 **Application.** This Article 13 will apply only if the Plan is a Qualified Plan. It is effective for Plan Years beginning after December 31, 2019.
- 13.2 **Retroactive Plan Adoption.** If the Employer adopted the underlying Plan to which this Amendment relates after the close of a taxable year, but prior to the due date (including extensions) of the Employer’s federal income tax return for that taxable year, the Plan is treated as having been adopted as of the last day of the taxable year if the Plan’s initial effective date is any date within that taxable year. However, no Participant may make elective deferrals to the Plan prior to the date it was adopted.

ARTICLE 14 DIFFICULTY OF CARE PAYMENTS – SECURE §116

- 14.1 **Application.** This Article 14 will apply only if the Plan is a Defined Contribution Plan or a 403(b) Plan. It is effective for Plan Years beginning after December 31, 2015.
- 14.2 **Inclusion in 415 Compensation.** The amount of a Participant’s Compensation for purposes of determining the annual addition limit under Code §415(c)(1)(B) is increased by the amount of Difficulty of Care Payments the Employer makes to the Participant.
- 14.3 **Definition.** A “Difficulty of Care Payment” is a payment described in Code §131(c)(1) made in connection with qualified foster individuals.

ARTICLE 15 403(b) TERMINATION DISTRIBUTIONS – SECURE §110

- 15.1 **Application.** This Article 15 will apply only if the Plan is a 403(b) Plan. It is effective January 1, 2009.
- 15.2 **Custodial Accounts.** In connection with distributions upon termination of the Plan, the Plan may treat the delivery of a custodial account as a distribution, pursuant to Rev. Rul. 2020-83.

**ARTICLE 16
REPEAL OF DEEMED IRA MAXIMUM AGE – SECURE §107**

- 16.1 **Application.** This Article 16 will apply only if the Plan permits deemed IRA contributions (sometimes called “designated IRA” contributions) described in Code §408(q). It is effective January 1, 2020.
- 16.2 **No Maximum Age.** To the extent the Plan otherwise permits a Participant to make deemed IRA contributions, the Participant may make such contributions regardless of whether the Participant has attained age 70½ or any other age.

Document Provider Name: Great-West Trust Company, LLC

By: Document Provider’s signature and adoption date are on file.
(Authorized signer for Document Provider)

The Document Provider executed this Amendment this _____ day of _____, _____.

Complete the information below if the Employer is signing the Amendment.

By: _____
(Authorized signer for Employer) Robert Withrow, Fire Chief

The Employer executed this Amendment this 19th day of September,
2023.

**SUMMARY PLAN DESCRIPTION
MATERIAL MODIFICATIONS**

This is a Summary of Material Modifications regarding the AMADOR FIRE PROTECTION DISTRICT 401(A) PLAN ("Plan"). This is merely a summary of important changes to the Plan and information contained in the Summary Plan Description ("SPD") previously provided to you. It supplements and amends that SPD so you should retain a copy of this document with your copy of the SPD. If you have any questions, contact the Administrator. If there is any discrepancy between the terms of the Plan, as modified, and this Summary of Material Modifications, the provisions of the Plan will control.

REQUIRED MINIMUM DISTRIBUTIONS. The law requires that retirement plans distribute funds at least as rapidly as specified in the required minimum distribution (RMD) rules. The Plan has been amended to conform to recent changes in those rules. The law now requires complete distributions to some beneficiaries of deceased participants within 10 years after death. Additionally, distributions to a participant must generally begin by April 1 of the calendar year following the year the participant turns age 72 (or, in some cases, when the participant retires, if later). Previously, the age was 70½. For more information, see [IRS Publication 590-B](#). Certain beneficiaries of participants who died during the years 2015-2019 were required to take distribution of their benefits by December 31 of the 5th year following the year the participant died. These participants can extend the distribution by one year.

FAQ: Plan Document Amendment – CARES

Q: What is CARES and how does it impact my retirement plan?

A: The Coronavirus Aid, Relief and Economic Security Act (CARES) allowed plan sponsors to:

- Suspend 2020 required minimum distributions (RMDs),
- Permit CARES distributions and loans during 2020, and
- Extend loan repayments during 2020.

Attached is a chart with additional information on CARES. Prior communications also covered CARES in more detail and some key provisions that would apply to your plan, including defaults and optional provisions.

Q: Do we need to amend our plan document for CARES?

A: Yes. The amendment we provide to you for CARES will depend on your type of plan and optional provisions that apply to your plan.

Some CARES amendments have been adopted by us as sponsor of the plan document and do not require a plan sponsor signature. Other CARES amendments will require customization and plan sponsor signature. The cover letter provided along with your amendment will inform you if your signature is required. A plan amendment fee applied if your amendment required customization and plan sponsor signature. Prior guidance from the Department of Labor has indicated that expenses for required compliance amendments can be paid from plan assets.

Also, some CARES amendments may reflect the availability of special disaster relief for federally declared disasters for reasons other than COVID that occurred during 2020 and relief from the partial plan termination 100% vesting requirements. Not all documents needed to be amended to include those provisions, so they may not be included in your amendment.

Q: What is the deadline for the CARES amendment?

A: The deadline to have a signed CARES amendment in place is the end of the 2025 plan year (2027 plan year for Government and collectively bargained plans). However, adopting an interim CARES amendment now will assist you in documenting your administration of CARES provisions in 2020.

Q: Is a Summary of Material Modifications (SMM) required to update the Summary Plan Description (SPD)? When does it need to be provided to participants?

A: No, an SMM is not required for CARES. SMMs are required to update the terms of an SPD based on the plan's terms going forward. Given the timing deadline for the amendment and the temporary nature of the relief granted under CARES, an SMM is not required.

Q: Does my plan need a CARES amendment if I recently restated or amended my plan?

A: Yes, the amendment needed for CARES was not included in those documents.

Q: What other required regulatory amendments were provided for my Plan Document?

A: An amendment for the Setting Every Community Up for Retirement Enhancement Act (SECURE) is also required and was provided in a separate communication.

Q: Can I elect any of the CARES provisions going forward?

A: No. The CARES relief is no longer available. The elections made in the amendment are consistent with how provisions applied to your plan according to our records.

CARES ACT KEY PROVISIONS

Following is a summary of the key provisions in the CARES Act plan amendment.

Provision	Plan types impacted	Description	Effective date
Permitted Coronavirus-Related Distributions (CRDs)	Defined contribution 401(a), 401(k), 403(b) and governmental 457(b) plans	A participant who was a Qualified Individual ¹ could withdraw up to \$100,000 as a Coronavirus-Related Distribution (CRD). A plan /plan sponsor could rely on the participant's representation that they qualified for a CRD unless the plan sponsor had actual knowledge to the contrary. CRDs were exempt from the 10% additional tax and were eligible for other favorable tax treatment. Within 3 years after the participant received the CRD, they may repay all or a portion of it, in one or more payments, to a vehicle that would accept a rollover from the participant at that time.	Distributions were permitted from 1/1/2020 through 12/30/2020.
Increased the maximum amount of a participant loan	Defined contribution 401(a), 401(k), 403(b), and governmental 457(b) plans	The maximum amount of a participant's plan loan can't exceed the lesser of \$50,000 or 50% of the participant's vested balance at the time the loan is initiated. CARES temporarily increased this limit for a Qualified Individual ¹ to be the lesser of \$100,000 or 100% of the vested balance.	Available for participant loans taken from 3/27/2020 through 9/22/2020.
Extended repayment and maturity dates for participant loans	Defined contribution 401(a), 401(k), 403(b) and governmental 457(b) plans	Specified participant loan repayments could be suspended by a Qualified Individual ¹ . Subsequent repayments and the loan's maturity date could be adjusted due to the delay. Interest continued to accrue on the loan during the delay period.	Treatment is available for loans that existed at any time from 3/27/2020 through 12/31/2020.
Temporarily waived required minimum distribution rules	Defined contribution 401(a), 401(k), 403(b) and governmental 457(b) plans	Required minimum distribution (RMD) rules were waived for certain distributions payable in 2020. The waiver also applied to 2020 "first time" RMDs with a required beginning date of 4/1/2021. Participants could elect to receive payments that otherwise would have been waived. 2020 is not considered when determining the 5-year period for distribution to a beneficiary.	Available for certain RMD payments that were payable in, or attributable to, 2020.

¹CARES defined a Qualified Individual as an individual diagnosed with SARS-CoV-2 or coronavirus disease 2019 (COVID-19) by a test approved by the Centers for Disease Control and Prevention or an individual whose spouse or dependent (as defined in Internal Revenue Code § 152) was diagnosed by such a test. A Qualified Individual also included an individual who experienced adverse financial consequences due to COVID-19 as a result of (a) being quarantined, furloughed or laid off or having work hours reduced; (b) being unable to work due to lack of childcare; (c) closing or reduction in hours of a business owned or operated by the individual; (d) having pay or self-employment income reduced; (e) having a job offer rescinded or start date for a job delayed; or (f) having a spouse or someone who shared the individual's principal residence affected by any of (a) through (e).

This summary does not include all changes in the plan amendment. Please carefully review the documents to ensure all plan terms accurately reflect the administration of your plan. These materials do not constitute tax or legal advice upon which any party can rely. Plan sponsors are encouraged to consult their own legal or tax advisors for questions on their specific situation.

CARES INTERIM AMENDMENT

ARTICLE I - PREAMBLE

- 1.1 Adoption of Amendment. The Employer identified on the execution page adopts this Amendment to implement provisions of the CARES Act as they apply to governmental Code section 457(b) plans.
- 1.2 Plan. This Amendment applies to the Plan identified on the execution page of the Amendment.
- 1.3 General. This Amendment supersedes the provisions of the Plan identified below to the extent those provisions are inconsistent with the provisions of this Amendment. Except as otherwise provided in this Amendment, any Article or Section reference in this Amendment refers only to this Amendment and is not a reference to the Plan. The Article and Section numbering in this Amendment is solely for purposes of this Amendment and does not relate to the Plan article, section, or other numbering designations. If the Employer restates the Plan, then this Amendment shall remain in effect after such restatement unless the provisions in this Amendment are restated or otherwise become obsolete (e.g., if the Plan is restated onto a plan document which incorporates these provisions). This Amendment is effective March 27, 2020 (or as soon as administratively practical thereafter).

ARTICLE II - DEFINITIONS

- 2.1 Definitions. Except as otherwise provided in this Amendment, terms defined in the Plan will have the same meaning in this Amendment. The following definitions apply specifically to this Amendment:
- 2.2 CARES Act. The “CARES Act” is the Coronavirus Aid, Relief, and Economic Security Act. This Amendment shall be interpreted and applied to comply with the CARES Act.
- 2.3 Qualified Individual. A “Qualified Individual” means any individual who meets one or more of the criteria described in paragraphs (a), (b), (c), or (d). Participants, Alternate Payees and Beneficiaries of deceased Participants can be treated as Qualified Individuals. The Administrator may rely on an individual’s certification that the individual satisfies a condition to be a Qualified Individual unless the Administrator has actual knowledge to the contrary. In applying the criteria, “COVID-19” means either the virus SARS-CoV-2 or coronavirus disease 2019; “an approved test” means a test approved by the Centers for Disease Control and Prevention (including a test authorized under the Federal Food, Drug, and Cosmetic Act); and a “member of the individual’s household” means someone who shares the individual’s principal residence. The criteria are as follows:
- (a) The individual was diagnosed with COVID-19 by an approved test;
 - (b) The individual’s spouse or dependent (as defined in Code Section 152) was diagnosed with COVID-19 by an approved test;
 - (c) The individual has experienced adverse financial consequences because: (i) the individual or the individual’s spouse, or a member of the individual’s household was quarantined, furloughed or laid off, or had work hours reduced due to COVID-19; (ii) the individual, the individual’s spouse, or a member of the individual’s household was unable to work due to lack of childcare due to COVID-19; (iii) A business owned or operated by the individual, the individual’s spouse, or a member of the individual’s household closed or reduced hours due to COVID-19; or (iv) the individual, the individual’s spouse, or a member of the individual’s household had a

reduction in pay (or self-employment income) due to COVID-19 or had a job offer rescinded or start date for a job delayed due to COVID-19; or

(d) The individual satisfies any other criteria determined by the Treasury or the IRS.

ARTICLE III – CORONAVIRUS-RELATED DISTRIBUTIONS AND LOANS

3.1 Relief for Qualified Individuals. The provisions of this Article III apply only to the extent a distribution or loan has been made to a Qualified Individual under the CARES Act. If the Plan does not operationally apply the rules under this Article III, such provisions do not apply to the Plan. The Administrator shall document through administrative procedures (including designating accounts from which Coronavirus-Related Distributions and loans may be taken) or otherwise the manner in which the Plan operationally applied the rules under this Article III.

3.2 Coronavirus-Related Distribution(s). A Qualified Individual may take one or more Coronavirus-Related Distributions. A “Coronavirus-Related Distribution” means a distribution to a Qualified Individual during the period beginning January 1, 2020 and ending December 30, 2020. The total amount of Coronavirus-Related Distributions to a Qualified Individual pursuant to this Amendment from all plans maintained by the Employer, or any related employer described in Code Section 414(b), (c), (m), or (o), shall not exceed \$100,000. The Coronavirus-Related Distributions from the Plan to a Qualified Individual will not exceed the amount of the individual’s vested account balance or the present value of the individual’s vested accrued benefit. The provisions of this Section 3.2 will apply notwithstanding any limitation in the Plan on partial distributions or any otherwise applicable Plan or administrative limits on the number of allowable distributions.

3.3 Repayment of Coronavirus-Related Distribution(s). If the Plan permits a Participant to make rollover contributions, then a Participant who received a Coronavirus-Related Distribution (from this Plan and/or another eligible retirement plan as defined in Code Section 402(c)(8)(B)) may make one or more contributions to the Plan, as rollover contributions, in an aggregate amount not to exceed the amount of such distribution at any time during the 3-year period beginning on the day after receipt of the Coronavirus-Related Distribution.

3.4 Loan Relief.

(a) Increased Loan Limit. Notwithstanding the loan limitation that otherwise would apply, the Plan will determine the loan limit under Code Section 72(p)(2)(A) for a loan to a Qualified Individual, made during the period beginning March 27, 2020 and ending September 22, 2020, by substituting “\$100,000” for “\$50,000,” and by substituting “100% of the present value of the nonforfeitable accrued benefit of the employee under the Plan” for “one-half of the present value of the nonforfeitable accrued benefit of the employee under the Plan” (or its equivalent).

(b) Extension of Loan Repayments. If a Qualified Individual has an outstanding loan from the Plan on or after March 27, 2020, then: (1) if the date for any repayment of such loan occurs during the Suspension Period, the due date is extended for the Extension Period; (2) the due date of the loan will be extended by the Extension Period; (3) the Plan will adjust any subsequent repayments to reflect the extension of the due date and any interest accrued during the Suspension Period; and (4) the Plan will disregard the Extension Period in determining the 5-year period and the loan term under Code Section 72(p)(2)(B) or (C). The Suspension Period will begin March 27, 2020 and end December 31, 2020. The Extension Period will be one year. The provisions of this Section 3.4(b) will be applied in accordance with Section 5.B. of Notice 2020-

50, or any subsequent applicable guidance, and the adjustment described in (3) may reflect the “safe harbor” described therein.

ARTICLE IV – RMD WAIVERS FOR 2020

4.1 Waiver of RMDs. A Participant or Beneficiary who would have been required to receive a 2020 RMD or an Extended RMD that is scheduled to be paid in annual installments will not receive the distribution unless the Participant or Beneficiary chooses to receive the distribution. A Participant or Beneficiary who would have been required to receive an Extended 2020 RMD (unless it is scheduled to be paid in annual installments) will receive the distribution unless the Participant or Beneficiary chooses not to receive the distribution. The deadline for a Participant or Beneficiary of a deceased Participant to make the election to use the 5-year rule or the life expectancy rule may be extended to reflect the adoption of Code Section 401(a)(9)(I). If Code Section 401(a)(9)(B)(ii) applies, the five-year period described in such provision shall be determined without regard to the 2020 calendar year.

4.2 Direct Rollovers. Notwithstanding the provisions of the Plan relating to required minimum distributions under Code Section 401(a)(9), and solely for purposes of applying the direct rollover provisions of the Plan, a direct rollover will be offered only for distributions that would be eligible rollover distributions without regard to Code Section 401(a)(9)(I).

4.3 Definitions. “RMDs” means required minimum distributions described in Code Section 401(a)(9). “2020 RMDs” means required minimum distributions the Plan would have been required to distribute in 2020 (or permitted to pay in 2021 for the 2020 calendar year for a Participant with a required beginning date of April 1, 2021) but for the enactment of Code Section 401(a)(9)(I). “Extended 2020 RMDs” means one or more payments in a series of substantially equal distributions (that include the 2020 RMDs) made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of the Participant and the Participant’s designated Beneficiary, or for a period of at least 10 years.

4.4 Installment Payments. A Participant or Beneficiary receiving payment of 2020 RMDs or 2020 Extended RMDs pursuant to this Article IV may receive them in any method (including installments or partial distributions) which would have been permitted under the terms of the Plan if the amounts would have been RMDs but for the enactment of Code Section 401(a)(9)(I).

AMADOR FIRE PROTECTION DISTRICT 457(B) PLAN

Name of Plan

Amador Fire Protection District

Name of Employer

Robert Withrow

Fire Chief

Name of Authorized Representative

Title

Signature

Date

AGENDA TRANSMITTAL FORM

To: Amador Fire Protection Board of Directors

Date: 09/19/2023

From: Robert Withrow
(Department Head - please type)

Phone Ext. x391

<input type="checkbox"/>	Regular Agenda
<input checked="" type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>09/19/2023</u>	

Department Head Signature _____

Agenda Title: CAL OES 130 DESIGNATION OF APPLICANTS AGENT RESOLUTION FOR NON STATE AGENCIES

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Discussion and possible action to approve change in authorized agents for any or all open and future disaster/grants declared up to three (3) years following the date of approval to reflect current Fire Chief.

Recommendation/Requested Action:
Approve recommended authorized agents

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

None

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
 Resolution Attached: Yes No N/A
 Ordinance Attached: Yes No N/A

Committee Review? Name _____ N/A

Committee Recommendation:

Comments: _____

Request Reviewed by:

Chairman _____ Counsel _____
 Auditor _____ GSA Director _____
 CAO _____ Risk Management _____

Distribution Instructions:

FOR CLERK USE ONLY

Meeting Date _____ Time _____ Item # _____

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____
 Completed by _____
 of _____

A new ATF is required from _____
 Department _____
 For meeting _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador Fire Protection District.

ATTEST: _____
 AFPD Board Clerk



DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES

BE IT RESOLVED BY THE The Board of Directors OF THE Amador Fire Protection District
 (Governing Body) (Name of Applicant)

THAT Fire Chief, Robert Withrow, OR
 (Title of Authorized Agent)

Executive Secretary, Nicole Cook, OR
 (Title of Authorized Agent)

Finance Technician, Stacy Powrozek
 (Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the Amador Fire Protection District,
 (Name of Applicant)

a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining federal financial assistance for any existing or future grant program, including, but not limited to any of the following:

- **Federally declared Disaster (DR), Fire Mitigation Assistance Grant (FMAG), California State Only Disaster (CDAA), Immediate Services Program (ISP), Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure and Communities (BRIC), Legislative Pre-Disaster Mitigation Program (LPDM)**, under
- Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.
- **Flood Mitigation Assistance Program (FMA)**, under Section 1366 of the National Flood Insurance Act of 1968.
- **National Earthquake Hazards Reduction Program (NEHRP)** 42 U.S. Code 7704 (b) ((2) (A) (ix) and 42 U.S. Code 7704 (b) (2) (B) National Earthquake Hazards Reduction Program, and also The Consolidated Appropriations Act, 2018, Div. F, Department of Homeland Security Appropriations Act, 2018, Pub. L. No. 115-141
- **California Early Earthquake Warning (CEEW)** under CA Gov Code – Gov, Title 2, Div. 1, Chapter 7, Article 5, Sections 8587.8, 8587.11, 8587.12

That the Amador Fire Protection District, a public entity established under the
 (Name of Applicant)

laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.



Please check the appropriate box below

- This is a universal resolution and is effective for all open and future disasters/grants declared up to three (3) years following the date of approval.
- This is a disaster/grant specific resolution and is effective for only disaster/grant number(s): _____

Passed and approved this 19 day of September, 2023

Jeff Brown, Chair of Board x _____
 (Name and Title of Governing Body Representative)

Brian Oneto, Vice Chair of Board x _____
 (Name and Title of Governing Body Representative)

Patrick Crew, Director x _____
 (Name and Title of Governing Body Representative)

CERTIFICATION

I, Nicole Cook, duly appointed and Clerk of the Board of
 (Name) (Title)
Amador Fire Protection District, do hereby certify that the above is a true and
 (Name of Applicant)

correct copy of a resolution passed and approved by the The Board of Directors
 (Governing Body)
 of the Amador Fire Protection District on the 19th day of September, 2023.
 (Name of Applicant)

 (Signature)

Clerk of the Board
 (Title)



List of Authorized Agents

Entity Name:

Cal OES ID:

- Enter each Authorized Agent (AA) as listed on the Designation of Applicant's Agent Resolution (Cal OES 130) for Non-State Agencies **or** as it appears on the Signature Authority (Cal OES 130SA) for California State Agencies.
- Check box to receive electronic copies of Cal OES Notification of Obligation and/or Payment packages. (Minimum 1 AA.)
- Email addresses must use an email that shares the official entity URL.

Authorized Agent Name	Authorized Agent Title	Email Address	Email Pkg?
<input type="text" value="Robert Withrow"/>	<input type="text" value="Fire Chief"/>	<input type="text" value="rwithrow@amadorgov.org"/>	<input checked="" type="checkbox"/>
<input type="text" value="Nicole Cook"/>	<input type="text" value="Executive Secretary"/>	<input type="text" value="ncook@amadorgov.org"/>	<input checked="" type="checkbox"/>
<input type="text" value="Stacy Powrozek"/>	<input type="text" value="Finance Technician"/>	<input type="text" value="spowrozek@amadorgov.org"/>	<input checked="" type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>

- An Approved Contact may be designated by an AA to request or receive information on grant payment status. Add them by inputting their information below. (Ex. Accounting/Admin offices) Must use an official email URL.

Approved Contact Name	Approved Contact Title	Email Address	Email Pkg?
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>

Please use a second page if more space is needed.

AGENDA TRANSMITTAL FORM

To: Amador Fire Protection Board of Directors

Date: 09/19/2023

From: Robert Withrow
(Department Head - please type)

Phone Ext. x391

<input type="checkbox"/>	Regular Agenda
<input checked="" type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>09/19/2023</u>	

Department Head Signature _____

Agenda Title: PAYEE DATA RECORD

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Discussion and possible action to approve Section 5 - Certification Name of Authorized Payee Representation to reflect current Fire Chief.

Recommendation/Requested Action:
Approve recommended authorized agents

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

None

Is a 4/5ths vote required? Yes No

Contract Attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Resolution Attached:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Ordinance Attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

Committee Review? N/A

Name _____

Committee Recommendation: _____

Comments: _____

Request Reviewed by:

Chairman _____ Counsel _____

Auditor _____ GSA Director _____

CAO _____ Risk Management _____

Distribution Instructions:

FOR CLERK USE ONLY

Meeting Date _____	Time _____	Item # _____
--------------------	------------	--------------

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____	A new ATF is required from _____
Completed by _____	Department _____
	For meeting _____
	of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador Fire Protection District.

ATTEST: _____
AFPD Board Clerk

PAYEE DATA RECORD

(Required when receiving payment from the State of California in lieu of IRS W-9 or W-7)
STD 204 (Rev. 03/2021)

Section 1 – Payee Information

NAME (This is required. Do not leave this line blank. Must match the payee's federal tax return)

Amador Fire Protection District

BUSINESS NAME, DBA NAME or DISREGARDED SINGLE MEMBER LLC NAME (If different from above)

MAILING ADDRESS (number, street, apt. or suite no.) (See instructions on Page 2)

810 Court Street

CITY, STATE, ZIP CODE

Jackson, CA 95642

E-MAIL ADDRESS

afpdhdq@amadorgov.org

Section 2 – Entity Type

Check one (1) box only that matches the entity type of the Payee listed in Section 1 above. (See instructions on page 2)

SOLE PROPRIETOR / INDIVIDUAL

SINGLE MEMBER LLC *Disregarded Entity owned by an individual*

PARTNERSHIP

ESTATE OR TRUST

CORPORATION (see instructions on page 2)

MEDICAL (e.g., dentistry, chiropractic, etc.)

LEGAL (e.g., attorney services)

EXEMPT (e.g., nonprofit)

ALL OTHERS

Section 3 – Tax Identification Number

Enter your Tax Identification Number (TIN) in the appropriate box. The TIN must match the name given in Section 1 of this form. Do not provide more than one (1) TIN. The TIN is a 9-digit number. **Note:** Payment will not be processed without a TIN.

- For **Individuals**, enter SSN.
- If you are a **Resident Alien**, and you do not have and are not eligible to get an SSN, enter your ITIN.
- Grantor Trusts (such as a Revocable Living Trust while the grantors are alive) may not have a separate FEIN. Those trusts must enter the individual grantor's SSN.
- For **Sole Proprietor or Single Member LLC (disregarded entity)**, in which the sole member is an individual, enter SSN (ITIN if applicable) or FEIN (FTB prefers SSN).
- For **Single Member LLC (disregarded entity)**, in which the sole member is a business entity, enter the owner entity's FEIN. Do not use the disregarded entity's FEIN.
- For all other entities including LLC that is taxed as a corporation or partnership, estates/trusts (with FEINs), enter the entity's FEIN.

Social Security Number (SSN) or Individual Tax Identification Number (ITIN)

_____ - _____ - _____

OR

Federal Employer Identification Number (FEIN)

2 7 - 2 0 2 9 6 1 7

Section 4 – Payee Residency Status (See instructions)

- CALIFORNIA RESIDENT** – Qualified to do business in California or maintains a permanent place of business in California.
- CALIFORNIA NONRESIDENT** – Payments to nonresidents for services may be subject to state income tax withholding.
- No services performed in California
- Copy of Franchise Tax Board waiver of state withholding is attached.

Section 5 – Certification

I hereby certify under penalty of perjury that the information provided on this document is true and correct. Should my residency status change, I will promptly notify the state agency below.

NAME OF AUTHORIZED PAYEE REPRESENTATIVE

Robert Withrow

TITLE

Fire Chief

E-MAIL ADDRESS

afpdhdq@amadorgov.org

SIGNATURE

DATE

09/19/2023

TELEPHONE (include area code)

209-223-6391

Section 6 – Paying State Agency

Please return completed form to:

STATE AGENCY/DEPARTMENT OFFICE

CA Governor's Office of Emergency Services

UNIT/SECTION

MAILING ADDRESS

3650 Schriever Avenue

FAX

TELEPHONE (include area code)

916-845-8510

CITY

Mather

STATE

CA

ZIP CODE

95655

E-MAIL ADDRESS

AGENDA TRANSMITTAL FORM

To: Amador Fire Protection Board of Directors

Date: 09/19/2023

From: Robert Withrow
(Department Head - please type)

Phone Ext. x391

<input type="checkbox"/>	Regular Agenda
<input checked="" type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>09/19/2023</u>	

Department Head Signature _____

Agenda Title: Cal OES - FFATA Financial Disclosure

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Discussion and possible action to authorize the Fire Chief as the Authorized Agent to sign the disclosure that AFPD is not subject to FFATA Financial Disclosure. AFPD does not meet criteria.

Recommendation/Requested Action:

Approve Fire Chief to sign as authorized agent

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

None

Is a 4/5ths vote required?

Yes

No

Contract Attached:

Yes

No

N/A

Resolution Attached:

Yes

No

N/A

Ordinance Attached

Yes

No

N/A

Comments:

Committee Review?

N/A

Name _____

Committee Recommendation:

Request Reviewed by:

Chairman _____

Counsel _____

Auditor _____

GSA Director _____

CAO _____

Risk Management _____

Distribution Instructions:

FOR CLERK USE ONLY

Meeting Date _____

Time _____

Item # _____

Board Action: Approved Yes ___ No ___

Unanimous Vote: Yes ___ No ___

Ayes: _____

Resolution _____

Ordinance _____

Other: _____

Noes _____

Resolution _____

Ordinance _____

Absent: _____

Comments: _____

Distributed on _____

A new ATF is required from _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador Fire Protection District.

Completed by _____

Department
For meeting
of _____

ATTEST: _____

AFPD Board Clerk



FFATA FINANCIAL DISCLOSURE

OES-FPD-011 (Rev. 10-2022)

Cal OES ID No.: 005-91005

UEI Number: FLGAKFRW9EK8

Previous Fiscal Year End Date: 06/30/2023

FFATA Financial Disclosure

The Federal Funding Accountability and Transparency Act (FFATA) requires information on federal awards be made available to the public and is submitted by the California Governor's Office of Emergency Services (Cal OES) to www.fsr.gov. This is done in order that the government be held accountable for each spending decision. As a subrecipient of federal funds, you will be unable to draw down funds until this signed form is returned to Cal OES.

The Total Compensation and Names of the top five executives must be reported in the table on this form if your business or organization meets **both** of the following criteria:

- a) 80% or more of annual gross revenues are from Federal awards (contracts, sub-contracts, and Federal financial assistance), and \$25,000,000 or more in annual gross revenues from Federal awards; and,
- b) Compensation information is not already available through reporting to the Securities and Exchange Commission.

If your business or organization does **NOT** meet **BOTH** criteria, check the box below, sign, and return to Cal OES Financial Processing Unit.

Not subject to FFATA Financial Disclosure.

Executive Name	Title	Annual Salary	Annual Dollar Value of Benefits	Total Compensation

I, Robert Withrow, do hereby certify, as the authorized agent of Amador Fire Protection District, the information contained in this document is true and correct.

Fire Chief
Title of Authorized Agent

Signature of Authorized Agent 09/19/2023
Date