2020-37

A RESOLUTION

ADOPTING THIRD AMENDMENT TO CITY OF LAKewood DEFERRED COMPENSATION PLAN AND TRUST AGREEMENT

WHEREAS, the City of Lakewood (the "City") adopted the City of Lakewood Amended and Restated Deferred Compensation Plan and Trust Agreement (the "Plan"), effective January 4, 1999;

WHEREAS, the City amended and restated the Plan, effective January 1, 2006, and January 1, 2011;

WHEREAS, on August 22, 2016, the City adopted the First Amendment to the amended and restated Plan;

WHEREAS, on September 9, 2019, the City adopted the Second Amendment to the amended and restated Plan;

WHEREAS, the City desires to adopt the Third Amendment to the Plan, which will:

1. Amend the Plan to clarify the term "Participant" in the Plan to include those who are no longer employed by the City, but still have a balance in their Account;

2. Amend the definition of "Normal Retirement Age" to increase the age from 70½ to age 72 and also increase the required minimum distribution age to age 72.

3. Allow In-Service Distribution for Participants who have attained age 59½;

4. Allow a Participant to withdraw up to $5,000 in total from all Employer plans without penalty for expenses related to childbirth or adoption during the year following the child’s birth or adoption;

5. Allow a Participant eligible under the CARES Act to withdraw up to $100,000 in total from all Employer plans without penalty effective March 27, 2020, through December 31, 2020;

6. Provide a limitation on Beneficiary Distribution Timing requiring the Beneficiary to receive all distributions within 10 years after the Participant’s death for those Beneficiaries who are not: (1) the surviving spouse of the Participant, (2) a disabled or chronically ill individual, (3) 10 years younger than the Participant, or (4) a child of the Participant who has not reached 18; and

WHEREAS, the City Council hereby finds and determines that adopting the Third Amendment to the Plan is and shall be in the best interest of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:
SECTION 1. The Third Amendment to City of Lakewood Deferred Compensation Plan and Trust Agreement is hereby adopted.

SECTION 2. The Mayor and Plan Manager for the City of Lakewood Deferred Compensation Plan and Trust Agreement are hereby authorized and directed to execute and attest, respectively, the Third Amendment to City of Lakewood Deferred Compensation Plan and Trust Agreement on behalf of the City.

SECTION 3. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ AND ADOPTED by a vote of 11 for and 0 against at a virtual regular meeting of the Lakewood City Council held on September 28, 2020 at 7 o'clock p.m.

ATTEST:

Ben Goldstein, Interim City Clerk

APPROVED AS TO FORM:

Timothy P. Cox, City Attorney