

RESOLUTION NO. 3924

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COALINGA AMENDING
AND TERMINATING THE CITY OF COALINGA-GENERAL EMPLOYEES MONEY
PURCHASE PLAN AND TRUST**

WHEREAS, the City of Coalinga (the “City”) established and maintains the City of Coalinga – General Employees Money Purchase Plan and Trust (the “Plan”); and

WHEREAS, the Plan is a tax-qualified money purchase pension plan as defined by Internal Revenue Code Section 401(a); and

WHEREAS, to comply with the Plan’s IRS Voluntary Correction Program Compliance Statement, dated December 7, 2017, the City wishes to: (1) adopt the IRS pre-approved ICMA Governmental Money Purchase Plan & Trust for that plan’s first six-year amendment cycle in the form attached hereto, effective February 1, 2009; (2) adopt the amendment to the Plan, in the form attached hereto, to freeze participation and contributions, fully vest all participants, and correct other operational errors, effective as of the dates set forth in the amendment; (3) terminate the Plan effective December 31, 2019; and (4) amend the Plan as necessary or appropriate to effectuate the termination; and

WHEREAS, Article XIV of the Plan provides that the City may amend and terminate the Plan;

NOW, THEREFORE, BE IT RESOLVED, that the IRS pre-approved ICMA Governmental Money Purchase Plan & Trust for that plan’s first six-year amendment cycle is hereby adopted in the form attached hereto, effective February 1, 2009; and

BE IT FURTHER RESOLVED, that the amendment to the Plan is hereby adopted in the form attached hereto, effective as of the dates set forth in the amendment; and

BE IT FURTHER RESOLVED, that pursuant to Section 14.03 of the Plan, the Plan is hereby terminated effective December 31, 2019; and

BE IT FURTHER RESOLVED, that all relevant provisions of the Plan Adoption Agreement are hereby amended effective December 31, 2019, to reflect the following:

1. Notwithstanding any Plan provision to the contrary, effective upon Plan termination on December 31, 2019, distributions upon Plan termination will be made as soon as practicable following the termination date.

2. Pursuant to Section 9.02 of the Plan, distributions will be paid in a lump sum without the consent of the Participant or his or her spouse, provided that if the distribution exceeds \$1,000, and the Participant has not elected to roll over the distribution to an Eligible Retirement Plan in accordance with Section 9.03 of the Plan or to receive the distribution directly, the distribution will be directly rolled over to an individual retirement plan maintained by a provider designated by the Employer pursuant to a written agreement with the provider.

3. This amendment will supersede the existing provisions of the Plan to the extent these provisions are inconsistent with this amendment. Except as otherwise provided in this amendment, the remaining provisions of the Plan will remain in full force and effect to the extent necessary to effectuate the termination of the Plan and the distribution of its assets; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to execute the ICMA Governmental Money Purchase Plan & Trust Adoption Agreement and the Plan amendment on the City's behalf, and to execute any other documents and take any other actions that are necessary or appropriate to effectuate the termination of the Plan.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COALINGA
HEREBY RESOLVES AS FOLLOWS:**

PASSED AND ADOPTED this **7th of November, 2019**, at a regular meeting of the City Council of the City of Coalinga by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Ron Lander, Mayor

ATTEST:

City Clerk/Deputy City Clerk