

Resolution 02-13

ROLL CALL

VOTING	YES	NO
DALE R. BARNEY, Mayor		
SHERMAN E. HUFF, Councilmember	X	
EVERETT KELEPOLO, Councilmember	X	
GLENN A. JAMES, Councilmember	X	
ROY L. JOHNS, Councilmember	X	
PAUL M. CHRISTENSEN, Councilmember	X	

I MOVE this resolution be adopted: Councilmember Huff
I SECOND the foregoing motion: Councilmember Kelepolo

RESOLUTION NO. 02-13

A RESOLUTION RESTATING THE SPANISH FORK CITY 401K RETIREMENT PLAN

WHEREAS, Spanish Fork City provides retirement benefits to its employees through the means of a 401K Retirement plan; and

WHEREAS, Said plan must meet the requirements of the various tax laws promulgated by the United States Congress; and

WHEREAS, Numerous changes in the tax laws have occurred in recent years, including new tax acts being enacted, which are due to be implemented by the end of 2002; and

WHEREAS, The Spanish Fork City 401K plan needs to be updated to conform to the new requirements of the law; and

WHEREAS, Spanish Fork City has the power to amend and restate the Plan; and

WHEREAS, The various plan documents and models have been presented to the Spanish Fork City council in a public meeting held on Tuesday, the 8th day of October, 2002;

NOW THEREFORE, be it resolved by the Spanish Fork City Council as follows:

1. That the form of Plan presented to this meeting is a Cash or Deferred Profit Sharing Plan as authorized under Internal Revenue Code Sections 401(a), 401(k), 402(g), 401(m) and 501(a) and is a restatement intended to meet the requirements of The Uruguay Round Table Agreements Act ("GATT"), Uniformed Services Employment and Reemployment Rights Act ("USERRA"), Small Business Job Protection Act, ("SBJPA"), The Taxpayer Relief Act of 1997 ("TRA '97"), the Internal Revenue Service Restructuring and Reform Act of 1998 ("RRA") and the Community Renewal Tax Relief Act of 2000 ("CRA") collectively known as GUST.

2. That the Spanish Fork City 401(k) Plan and the Spanish Fork City 401(k) Trust presented to this meeting are hereby adopted and approved and that the proper officers of the Employer are hereby authorized and directed to execute and deliver to the Plan Administrator one or more counterparts of the Plan.

3. That, for purposes of the limitations on contributions and benefits under the Plan as prescribed by Internal Revenue Code Section 415, the Limitation Year shall be for a 12 month period beginning on July 1st to June 30th of each year.

4. That, prior to the due date (including extensions) of the Employer's federal income tax return for each of its fiscal years hereafter, the Employer shall contribute to the Plan amounts

sufficient to meet its obligation under the Cash or Deferred Profit Sharing Plan for each such fiscal year in such amount as the city council determine. The Treasurer of the City is empowered and directed to pay such contribution to the Trustee of the Plan in cash or property, in accordance with the terms of the Plan Document and shall notify the Plan Administrator as to which fiscal year said contributions shall be applied.

5. That the proper officers of the Employer shall act as soon as possible to notify employees of the Employer of the adoption of the Plan and Trust by delivering to each employee a copy of the summary plan description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.

6. That the attached amendment to meet the requirements of the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) presented to this meeting is hereby approved for adoption.

7. That the proper officers of the Employer shall take such actions as are necessary to adopt the EGTRRA amendment.

8. That the form of the Model Amendment presented to this meeting is intended to be word-for-word identical to the Required Minimum Distribution Model Amendment published January 17, 2001, and corrected February 21, 2001, as a part of the Internal Revenue Proposed Regulations 1.401(a)(9)-1 through 1.401(a)(9)-8.

9. That the City staff is directed, as soon as possible, to notify employees of the City of the adoption of the Model Amendment.

10. That attached hereto as Exhibits A, B, C and D respectively are true copies of the Spanish Fork City 401(k) Plan and the Spanish Fork City 401(k) Trust Document, Summary Plan

Description, EGTRRA Amendment and Adoption Agreement approved and adopted in this resolution.

DATED this 8th day of October, 2002

Spanish Fork City by:

Dale R Barney
DALE R. BARNEY, Mayor

Attest:

Kent R. Clark
Kent R. Clark, Recorder

