

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: APPROVAL TO AMEND THE ACCG 401(a) DEFINED CONTRIBUTION PLAN FOR SENIOR MANAGEMENT

DATE: 05/16/2022

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL-

☐ **OTHER**

CAPITAL-

COMMISSION ACTION REQUESTED ON: 05/16/2022

PURPOSE: To amend the Defined Contribution Senior Management Plan to include Mr. Jeff Adams, Emergency Management Services Director, to the list of Eligible Employees in Adoption Agreement Section 2.17, Eligible Employee, and to provide for Mr. Adams' participation in the Plan, effective as of May 3, 2022.

BACKGROUND / HISTORY: Habersham County Board of Commissioners has previously adopted the Association County Commissioners of Georgia 401(a) Defined Contribution Plan for Senior Management Employees of Habersham County and Section 13.01(a) of the Plan allows the Employer to amend the elective provisions of the Adoption Agreement at any time; including when an employee becomes eligible as Senior Management. Mr. Jeff Adams has recently been promoted to the Senior Management position of the Emergency Services Director.

FACTS AND ISSUES: Mr. Jeff Adams has been promoted to a Senior Management position and therefore should be considered for inclusion in the ACCG Defined Contribution Senior Management Plan.

OPTIONS:

- 1) Approve recommendation
 - 2) Deny recommendation
 - 3) Commission defined alternative
-
-

RECOMMENDED SAMPLE MOTION: I make a motion to approve an amendment to the ACCG Defined Contribution Senior Management Plan to include Mr. Jeff Adams and this change to be effective as of May 3, 2022.

DEPARTMENT: Human Resources

Prepared by: Ann Cain

Director: Ann Cain

**ADMINISTRATIVE
COMMENTS:**

_____ **DATE:** _____

County Manager

**RESOLUTION TO AMEND THE
ACCG 401(a) DEFINED CONTRIBUTION PLAN
FOR SENIOR MANAGEMENT OF HABERSHAM COUNTY**

WHEREAS, Habersham County, Georgia (the “Employer”), by and through the Habersham County Board of Commissioners, has previously adopted the Association County Commissioners of Georgia 401(a) Defined Contribution Plan for Senior Management Employees of Habersham County (the “Plan”);

WHEREAS, the Employer adopted the Plan through an Adoption Agreement that was most recently amended and restated effective January 1, 2022;

WHEREAS, Section 13.01(a) of the Plan allows the Employer to amend the elective provisions of the Adoption Agreement at any time; and

WHEREAS, the Employer desires to amend the Plan to add Mr. Jeff Adams, Emergency Management Services Director, to the list of Eligible Employees in Adoption Agreement Section 2.17, Eligible Employee, and to provide for Mr. Adams’ participation in the Plan, effective as of May 3, 2022.

NOW THEREFORE, the Habersham County Board of Commissioners, at a meeting held on the _____ day of _____, 2022, hereby resolves as follows:

RESOLVED, that the Board of Commissioners hereby approves the adoption of the attached Adoption Agreement Amendment #1 to the Association County Commissioners of Georgia 401(a) Defined Contribution Plan for Senior Management Employees of Habersham County, effective as of May 3, 2022.

FURTHER RESOLVED, that the Commission Chair is hereby authorized, empowered, and directed to take all further actions and to execute all documents necessary to implement these resolutions.

FURTHER RESOLVED, that any resolution in conflict with this resolution is hereby repealed.

This _____ day of _____, 2022.

HABERSHAM COUNTY BOARD OF COMMISSIONERS

By: _____
Chair, Habersham County Board of Commissioners

Date: _____

Attest:

By: _____
County Clerk

Date: _____

**ADOPTION AGREEMENT AMENDMENT #1 TO
ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA
401(a) DEFINED CONTRIBUTION PLAN
FOR SENIOR MANAGEMENT OF HABERSHAM COUNTY**

THIS AMENDMENT is made and entered into by Habersham County, Georgia (the “Employer”), by and through the Habersham County Board of Commissioners.

W I T N E S S E T H:

WHEREAS, the Employer maintains the Association County Commissioners of Georgia 401(a) Defined Contribution Plan for Senior Management Employees of Habersham County (the “Plan”);

WHEREAS, the Employer adopted the Plan through an Adoption Agreement that was most recently amended and restated effective as of January 1, 2022;

WHEREAS, Section 13.01(a) of the Plan allows the Employer to amend the elective provisions of the Adoption Agreement at any time; and

WHEREAS, the Employer desires to amend the Plan to add Mr. Jeff Adams, Emergency Management Services Director, to the list of Eligible Employees in Adoption Agreement Section 2.17, Eligible Employee, and to provide for Mr. Adams’ participation in the Plan, effective as of May 3, 2022.

NOW THEREFORE, the Employer hereby amends the Adoption Agreement as follows, effective as of May 3, 2022:

1. Adoption Agreement Section 2.17, Eligible Employee, is amended to read as follows, effective as of May 3, 2022:

2.17 ELIGIBLE EMPLOYEE

<u>Employees, other than Elected Officials</u>		Include	Exclude
☐	All Employees	☐	☐
☒	Senior Management Only (Specify Eligible Positions):	☒	☐
	1. County Manager with Employment Commencement Date of July 12, 2021		
	2. Finance Director with Employment Commencement Date of January 25, 2021		
	3. Human Resources Director with Employment Commencement Date of January 24, 2022		
	4. Emergency Management Services Director with Employment Commencement Date of March 5, 2018		
☐	Full-time Employees only	☐	☐
☐	Working for the Employer at least _____ Hours of Service per week for Compensation		
☐	Other Definition of Full-time (see Additional Provisions Addendum)		

[X]	Grant-funded Employees (Complete only if treated differently than other Eligible Employees other than Elected Officials; complete Additional Provisions Addendum if necessary to distinguish between different classes of grant-funded employees)	[--]	[X]
[--]	Other Definition of Eligible Employees other than Elected Officials (See Additional Provisions Addendum)	[--]	[--]

Elected or Appointed Officials of the Employer (Not eligible for a State of Georgia Retirement System)

	Include	Exclude
County Commissioners	[--]	[X]
Coroner	[--]	[X]
Other Elected Official (Not eligible for a State of Georgia Retirement System) (See Additional Provisions Addendum)	[--]	[X]

Elected or Appointed Officials of the Employer (Eligible for one or more State of Georgia Retirement Systems)

Sheriff	[--]	[X]
Tax Commissioner (elected before 7/1/2012)	[--]	[X]
Clerk of Superior Court	[--]	[X]
Chief Magistrate Judge	[--]	[X]
Assistant Magistrate Judge(s)	[--]	[X]
Probate Court Judge	[--]	[X]
Other Elected or Appointed Officials of the Employer (Eligible for one or more State of Georgia Retirement Systems) (See Additional Provisions Addendum)	[--]	[X]

Other Elected or Appointed Officials Eligible for Limited Plan Participation (Based Solely on Allowable Compensation under Georgia law)

State Court Judge	[--]	[X]
Superior Court Judge	[--]	[X]
Solicitor or Solicitor General	[--]	[X]
District Attorney	[--]	[X]
Other Elected or Appointed Officials Eligible for Limited Plan Participation (Based Solely on Allowable Compensation under Georgia law) (See Additional Provisions Addendum)	[--]	[X]

Other Personnel Eligible for one or more State of Georgia Retirement Systems

Employees of Tax Commissioners (hired before 7/1/2012)	[--]	[X]
--	------	-----

Tax Commissioners and Employees of Tax Commissioners (if not participating in the Employees' Retirement System of Georgia)

Tax Commissioner (hired on or after 7/1/2012)	[--]	[X]
Employees of Tax Commissioners (hired on or after 7/1/2012)	[--]	[X]

Extension Agents	[--]	[X]
Other Personnel Receiving Supplemental Compensation from the Employer (See Additional Provisions Addendum)	[--]	[X]

2. The participation effective date (Entry Date for Employer Basic Contributions) for the Emergency Management Services Director whose Employment Commencement Date was March 5, 2018 shall be May 3, 2022.

HABERSHAM COUNTY, GEORGIA

Date: _____