

HABERSHAM COUNTY BOARD OF COMMISSIONERS

EXECUTIVE SUMMARY

SUBJECT: APPROVAL TO AMEND THE ACCG 457(b) DEFERRED COMPENSATION PLAN TO PERMIT PLAN PARTICIPANTS TO MAKE ROTH CONTRIBUTION TO THE PLAN

DATE: 06/19/2023

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

~~ANNUAL-~~ No Effect on Budget

☐ **OTHER**

~~CAPITAL-~~

COMMISSION ACTION REQUESTED ON: 06/19/2023

PURPOSE: To amend the ACCG 457(b) Deferred Compensation Plan to permit plan participants to make Roth contributions to the plan.

BACKGROUND / HISTORY: Habersham County Board of Commissioners adopted the 457(b) Deferred Compensation plan effective January 1, 2013. Per Section 11 of the plan, the Board is allowed to amend the provisions of the adoption agreement. Currently Habersham County's 457(b) plan only allows for before tax contributions (an employee does not pay taxes on contributions or earnings until they make withdrawals in retirement).

FACTS AND ISSUES: It is the desire of staff to recommend amending the 457(b) Deferred Compensation plan to allow for both before tax and after tax (Roth) contributions, as some employees would prefer to make after tax contributions to their 457(b) plan and withdraw the assets and earnings tax-free in retirement.

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 457(b) Deferred Compensation Plan to permit plan participants to make Roth Contributions to the plan.

DEPARTMENT: Human Resources

Prepared by: Ann Cain

Director: Ann Cain

ADMINISTRATIVE

COMMENTS:

DATE: _____

County Manager

**RESOLUTION TO AMEND
THE ACCG 457(b) DEFERRED COMPENSATION PLAN
FOR HABERSHAM COUNTY EMPLOYEES**

WHEREAS, Habersham County, Georgia (the "Employer"), by and through the Habersham County Board of Commissioners, maintains the Association County Commissioners of Georgia 457(b) Deferred Compensation Plan for Habersham County Employees (the "Plan") for the benefit of its eligible employees;

WHEREAS, the Employer adopted the Plan through an Adoption Agreement which was most recently effective January 1, 2013;

WHEREAS, Section 11.01(a) of the Plan allows the Employer to amend the elective provisions of the Adoption Agreement; and

WHEREAS, the Employer desires to amend its Adoption Agreement, effective July 1, 2023, to permit Plan participants to make Roth contributions to the Plan, in accordance with and subject to the applicable terms of the Plan.

NOW THEREFORE, the Habersham County Board of Commissioners hereby resolves as follows:

RESOLVED, that the Habersham County Board of Commissioners hereby approves the attached Adoption Agreement Amendment #1 to the Association County Commissioners of Georgia 457(b) Deferred Compensation Plan for Habersham County Employees;

FURTHER RESOLVED, that the Board 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 _____, 2023.

HABERSHAM COUNTY BOARD OF COMMISSIONERS

By: _____
Habersham County Chairman

Date: _____

Attest:

By: _____
County Clerk

Date: _____

**ADOPTION AGREEMENT AMENDMENT #1 TO
ACCG 457(b) DEFERRED COMPENSATION PLAN FOR HABERSHAM
COUNTY EMPLOYEES**

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 457(b) Deferred Compensation Plan for Habersham County Employees (the "Plan") for the benefit of its eligible employees;

WHEREAS, the Employer adopted the Plan through an Adoption Agreement which was most recently effective January 1, 2013;

WHEREAS, Section 11.01(a) of the Plan allows the Employer to amend the elective provisions of its Adoption Agreement; and

WHEREAS, the Employer desires to amend its Adoption Agreement to permit Plan participants to make Roth contributions to the Plan, in accordance with and subject to the applicable terms of the Plan.

NOW, THEREFORE, the Employer hereby amends the Adoption Agreement as follows:

1. Adoption Agreement Section 3.02, Participant Contributions, is amended in its entirety to read as follows:

Section 3.02 PARTICIPANT CONTRIBUTIONS

Roth Contributions

☒ Permitted

☐ Not Permitted

Amendment Effective Date:

July 1, 2023

IN WITNESS WHEREOF, the Employer has caused its duly authorized officer to execute this Amendment on the date noted below.

HABERSHAM COUNTY BOARD OF COMMISSIONERS

By: _____

Title: _____

Date: _____