

**RESOLUTION NO. 2015-19**

**A RESOLUTION ADOPTING THE AMENDED AND RESTATED PLAN DOCUMENTS FOR THE MONEY ACCUMULATION PLAN FOR EMPLOYEES OF THE CITY OF LEXINGTON AND THE CITY OF LEXINGTON, NEBRASKA POLICE OFFICERS' PENSION PLAN, WHICH INCLUDE REQUIRED AMENDMENTS PURSUANT TO CHANGES IN APPLICABLE TAX QUALIFICATION LAWS AND NEBRASKA STATUTES THROUGH DECEMBER 31, 2014.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:**

Adoption of Amendment and Restatement of the City of Lexington, Nebraska Police Officers' Pension Plan and of the Money Accumulation Pension Plan for Employees of the City of Lexington: NOW, BE IT RESOLVED, that the City shall amend and restate, and it hereby does adopt, the amended and restated City of Lexington, Nebraska Police Officers' Pension Plan (the "Police Plan") and the amended and restated Money Accumulation Pension Plan for Employees of the City of Lexington (the "Money Accumulation Plan") (collectively, the "Plans") in the forms of the respective Plan documents submitted at this meeting and by this reference made a part of this resolution attached hereto and by this reference fully incorporated herein. The purpose of said amendments and restatements are to adopt the amendments for tax-qualified government retirement plans under the Pension Protection Act of 2006, the Heroes Earnings Assistance and Relief Tax Act of 2008, the Worker, Retiree, and Employer Recovery Act of 2008, the Small Business Jobs Act of 2010, the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, the Moving Ahead for Progress in the 21<sup>st</sup> Century Act, the American Taxpayer Relief Act of 2012, the Highway and Transportation Funding Act of 2014, the Cooperative and Small Employer Charity Pension Flexibility Act, and such other changes required by applicable law or as otherwise determined to be necessary and appropriate by the City.

Ratification of Pick-Up Provisions: FURTHER RESOLVED, that the City confirms and ratifies that the City shall, until this resolution is repealed or superseded, assume and pay the mandatory contributions made by each employee to the Plans as a pick up contribution pursuant to Section 414(h) of the Internal Revenue Code, and the contributions so picked up shall be treated as employer contributions in determining the federal and state income tax treatment of such amounts.

Authorizations: NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and appropriate elected officials and officers of the City of Lexington shall be, and they hereby are, authorized to do any and all things necessary to carry out and accomplish the foregoing Resolutions, including the execution of any documents or amendments which may be necessary or appropriate to amend, restate, and administer the Police Plan and Money Accumulation Plan, including such actions as may be necessary or appropriate to achieve and maintain tax qualification of the aforesaid Plans under Section 401(a) of the Internal Revenue Code of 1986, as amended, as said sections apply to government plans.

**PASSED AND APPROVED THIS 8<sup>th</sup> DAY OF DECEMBER, 2015.**

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**MAYOR**

**ATTEST:**

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CITY CLERK  
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