

**Finance and Audit Committee
Amendment
September 10, 2012**

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE amending section 1503., and repealing sections 1523. and 1536., Jackson County Code, 1984, relating to the Jackson County Employees Pension Plan and enacting, in lieu thereof, four new sections relating to the same subject.

ORDINANCE #4442, August 27, 2012

INTRODUCED BY Scott Burnett, County Legislator

WHEREAS, the Pension Plan Board of Trustees' special counsel has recommended certain revisions to the Plan to bring the Plan into compliance with the most current US. Internal Revenue Code and regulations; and,

WHEREAS, the Board has also recommended that the Plan be amended to give the Board authority to award annual cost-of-living increases to Plan members in an amount up to 3%, provided that the Plan's actuary has determined that the Plan is funded at least at the level required by state law for benefit increases; and,

WHEREAS, said revisions are in the best interests of the health, welfare, and safety of the citizens of Jackson County; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Section 1503., Jackson County Code, 1984, is hereby amended, sections 1523. and 1536. are hereby repealed, and new sections 1523., 1525., 1536., and 1537., are hereby enacted in lieu hereof, all to read as follows:

1503.13 Compensation.

The term "Compensation" shall mean wages, as defined in Code section 3401(a), and all other payments of Compensation to an Employee by the Employer (in the course of the Employer's trade or business) for which the Employer is required to furnish the Employee a written statement under sections 6041(d) and 6051(a)(3) of the Code. Compensation must be determined without regard to any rules under Code section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code section 3401(a)(2)).

For Limitation Years beginning after December 31, 1991, for purposes of applying the limitations of section 1519 through 1521, Compensation for a Limitation Year is the Compensation actually paid or made available during such Limitation Year. Compensation shall be limited to the maximum amount as adjusted by the Commissioner of the Internal Revenue Service for increases in the cost of living in accordance with Section 401(a)(17)(B) of the Code.

1503.14 Credited Service.

The term "Credited Service" shall mean the number of years and months of employment for which a Member is given credit for the purpose of calculating his Monthly Retirement Income or Spouse Death Benefit under this Plan. As of any date, "Credited Service" shall be equal to the sum of the years and months calculated under subsections 1503.14.1, 1503.14.2, and 1503.14.5 hereof, subject to the provisions of subsections 1503.14.3 or 1503.14.4 hereof, if applicable.

1503.14.1. For any period of employment prior to January 1, 1967, three-fourths (3/4) of the number of years and completed months of the Member's continuous employment for the Employer as an Employee from his last date of hire as an Employee to December 31, 1966

1503.14.2. For any period of employment after December 31, 1966, the number of years and completed months of the Member's continuous employment for the Employer as an Employee from the later of (i) January 1, 1967, and (ii) his last date of hire as an Employee to the date of his termination of employment.

1503.14.3. For the purposes of this Plan the following periods of employment shall be considered "continuous employment" but shall not be recognized as Credited Service:

(i) a break in continuity of employment of not more than two (2) years; provided the Employee returns to work for at least twelve (12) months;

(ii) any period of employment during which the Employee was not compensated by the Employer, except that any such period during which an employee was absent on approved leave without Compensation while serving on active military duty in Operation Desert Storm, or between September 11, 2001 and December 31, 2006, shall be recognized as Credited Service;

(iii) any period of employment excluded pursuant to section 1506 hereof;

(iv) any period of employment prior to January 1, 1977, during which the Employee was eligible to participate in the Prior Plan but refused to make the Employee contributions required thereunder

(v) a break in the continuity of employment prior to April 1, 1967, of more than two (2) years; provided:

(A) the Employee was employed by the Employer as an Employee on April 1, 1967; and

(B) the Employee completes twenty-five (25) years of employment as an Employee by his Normal Retirement Date (including for this purpose any break in the continuity of employment occurring prior to April 1, 1967).

(vi) a break in the continuity of employment of more than two (2) years; provided:

(A) the reemployed Employee terminated Vested in the plan, or is a Retired Member of the Plan, or had completed fifteen (15) years of service during his prior employment; and,

(B) the Employee accrues sufficient Service during his period of reemployment to become Vested in the Plan.

1503.14.4. Notwithstanding any other provision contained in this section, no Member shall receive credit for any period of employment by the Jackson County Law Library, Inc., prior to January 1, 1993.

1503.14.5. Notwithstanding any other provision contained in this section, any Member who is employed on October 1, 2004, and is vested or becomes vested on or after that date shall receive Credited Service for period of Employment with the Employer for which the Member has not previously received Credited Service.

1503.14.6 Uniformed Services Employment and Re-employment Rights Act (USERRA).

A Member will receive credit for pension benefits accrued during a member's service in the uniformed services (up to five years cumulative) upon the member's prompt reemployment with the County, as defined in the USERRA, on or after December 12, 1994. Credit for such service in the uniformed services, as well as the County's contributions to the plan on behalf of members, shall be applied retroactively upon the member's reemployment under the USERRA. The County's contribution shall not be dependent upon the member's repayment of contributions not made by the member during the period of such qualified service in the uniformed services under the USERRA.

1523. Purchase of Prior Service Credit.

(a) Those Elected Officials who are in office as of August 31, 2006, may make a one-time irrevocable election to purchase Credited Service for purposes of calculating the Elected Official's Monthly Pension Income under section 1512.3. under the circumstances, terms and conditions provided in this section. The purchase of Credited Service may be made with either pretax contributions, such as rollover contributions or plan-to-plan transfers from other retirement arrangements qualified under sections 401(a), 403(a), 403(b), 457(b) or 408 of the Internal Revenue Code, or with after-tax amounts. Any Elected Official who elects to purchase Credited Service under this section may elect to purchase prior service with the employer. The election must be made no later than September 30, 2006, and must be effected by paying to the Plan the amount the Elected Official would have contributed under section 1505.1 had such member been an employee for the number of years for which the member is purchasing credit, and had the Elected Official's compensation during such period been the same as the Elected Official's annual salary as of August 31, 2006. However, the amount paid to purchase additional credit will not exceed the actuarial value of the credit being purchased, as calculated by the Plan's Actuary. Payment of the amount calculated under this section must be made by the Elected Official in a single payment (or rollover or transfer) no later than December 31, 2006.

(b) Any Elected Official may make a one-time election to purchase additional Credited Service as defined by Section 1503.14 and IRC §415(n). No more than 5 years of Credited Service can be purchased for purposes calculating the Elected Officials' Monthly Pension Income under Section 1512.3. Such purchase must be in accordance with the general provisions of this Section 1523, except that payment of the amount calculated under subsection 1523(a) must be made no later than December 31, 2005. The purchase of Credited Service under this Section 1523 is part of and not in addition to the Elected Officials' Monthly Pension Income and cannot exceed the maximum permissible amount under Section 1503.35.

1525. Required Minimum Distributions.

1525.1. Postponement of Commencement of Benefits to Age 70 ½.

A Member may elect, in a written statement filed with the Trustees, to receive benefits first payable for a later month, provided that no such election filed on or after January 1, 1984 may postpone the commencement of benefits to a date later than April 1 of the calendar year following the calendar year in which the Vested Employee attains age seventy and one-half (70 ½).

1525.2. Effect of Benefit Commencing after Age 70½.

Failure to commence benefit payments by the prescribed date can trigger an excise tax levied against the Member equal to fifty percent (50%) of the amount by which the minimum required distribution exceeds the actual amount distributed during the Plan Year. In effect, if no distribution is made during a Plan Year when it should have been made under Code section 401(a)(9), the Member loses one-half (1/2) of the distribution, which should have been made. This benefit shall be paid in accordance with any other provisions reflecting section 401(a)(9) requirements, as prescribed by the IRS commissioner.

1525.3. Required Minimum Distributions.

A. General Rules.

(1.) Effective Date.

The provisions of this subsection will apply for purposes of determining required minimum distributions for calendar years beginning with the 2003 calendar year.

(2.) Precedence.

The requirements of this subsection will take precedence over any inconsistent provisions of the Plan.

(3.) Requirements of Treasury Regulations Incorporated.

All distributions required under this subsection will be determined and made in accordance with the Treasury regulations under section 401(a)(9) of the Internal Revenue Code.

(4.) TEFRA Section 242(b)(2) Elections.

Notwithstanding the other provisions of this subsection, other than subsection 1525.3.A(3), distributions may be made under a designation made before January 1, 1984, in accordance with section 242(b)(2) of the Tax Equity and Fiscal Responsibility Act (TEFRA) and the provisions of the Plan that relate to section 242(b)(2) of TEFRA.

B. Time and Manner of Distribution.

- (1.) Required Beginning Date.
Beginning April 1, 1988, a Member's entire interest will be distributed, or begin to be distributed, to the Member no later than April 1 of the calendar year following the Calendar Year in which the Member reaches 70-1/2.
- (2.) Death of Member Before Distributions Begin.
If the Member dies before distributions begin, the Member's entire interest will be distributed, or begin to be distributed, no later than as follows:
 - (i.) If the Member's surviving Spouse is the Member's sole Designated Beneficiary, then distributions to the surviving Spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Member died, or by December 31 of the calendar year in which the Member would have attained age seventy and one-half (70½), if later.
 - (ii.) If the Member's surviving Spouse is not the Member's sole Designated Beneficiary, then distributions to the Designated Beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the Member died.
 - (iii.) If there is no Designated Beneficiary as of September 30 of the year following the year of the Member's death, the Member's entire interest will be distributed by December 31 of the calendar year containing the fifth anniversary of the Member's death.
 - (iv.) If the Member's surviving Spouse is the Member's sole Designated Beneficiary and the surviving Spouse dies after the Member's but before distributions to the surviving Spouse begin, this subsection 1525.3.B(2), other than subsection 1525.3.B(2)(i), will apply as if the surviving Spouse were the Member.

For purposes of this subsection 1525.3.C.2 and subsection 1525.3.E, distributions are considered to begin on the Member's Required Beginning Date (or, if subsection 1525.3.B(2) applies, the date distributions are required to

begin to the surviving Spouse under subsection 1525.3.B(2). If annuity payments irrevocably commence to the Member before the Member's Required Beginning Date (or to the Member's surviving Spouse before the date distributions are required to begin to the surviving Spouse under subsection 1525.3.B(2)(i), the date distributions are considered to begin is the date distributions actually commence.

- (3.) Form of Distribution.
Unless the Member's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the Required Beginning Date, as of the first Distribution Calendar Year distributions will be made in accordance with subsections 1525.3.C, 1525.3.D, and 1525.3.E. If the Member's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of section 401(a)(9) of the Code and the Treasury regulations. Any part of the Member's interest which is in the form of an individual account described in section 414(k) of the Code will be distributed in a manner satisfying the requirements of section 401(a)(9) of the Code and the Treasury regulations that apply to individual accounts.

C. Determination of Amount to be Distributed Each Year.

- (1.) General Annuity Requirements.
If the Member's interest is paid in the form of annuity distributions under the Plan, payments under the annuity will satisfy the following requirements:
- (i.) the annuity distributions will be paid in periodic payments made at intervals not longer than one (1) year;
 - (ii.) the distribution period will be over a life (or lives) or over a period certain not longer than the period described in subsection 1525.3.D or 1525.3.E;
 - (iii.) once payments have begun over a period certain, the period certain will not be changed even if the period certain is shorter than the maximum permitted;
 - (iv.) payments will either be non-increasing or increase

only as follows:

- a. by an annual percentage increase that does not exceed the annual percentage increase in a cost-of-living index that is based on prices of all items and issued by the Bureau of Labor Statistics;
- b. to the extent of the reduction in the amount of the Member's payments to provide for a survivor benefit upon death, but only if the Beneficiary whose life was being used to determine the distribution period described in subsection 1525.3.D dies or is no longer the Member's Beneficiary pursuant to a domestic relations order within the meaning of section 414(p) of the code;
- c. to provide cash refunds of Employee contributions upon the Member's death; or
- d. to pay increased benefits that result from a Plan amendment.

(2.) Amount Required to be Distributed by Required Beginning Date.

The amount that must be distributed on or before the Member's Required Beginning Date (or, if the Member dies before distributions begin, the date distributions are required to begin under subsection 1525.3.B(1) or 1525.3.B(2) is the payment that is required for one (1) payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. Payment intervals are the periods for which payments are received, e.g., bi-monthly, monthly, semi-annually, or annually. All of the Member's benefit accruals as of the last day of the first Distribution Calendar Year will be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the Member's Required Beginning Date.

(3.) Additional Accruals After First Distribution Calendar Year.
Any additional benefits accruing to the Member in a calendar year after the first Distribution Calendar Year will be distributed beginning with the first payment interval ending in

the calendar year immediately following the calendar year in which such amount accrues.

D. Requirements For Annuity Distributions That Commence During Member's Lifetime.

(1.) Joint Life Annuities Where the Beneficiary Is Not the Member's Spouse.

If the Member's interest is being distributed in the form of a joint and survivor annuity for the joint lives of the Member and a non-Spouse Beneficiary, annuity payments to be made on or after the Member's Required Beginning Date to the Designated Beneficiary after the Member's death must not at any time exceed the applicable percentage of the annuity payment for such period that would have been payable to the Member using the table set forth in Q&A-2 of section 1.401(a)(9)-6T of the Treasury regulations. If the form of distribution combines a joint and survivor annuity for the joint lives of the Member and a non-spouse Beneficiary and a period certain annuity, the requirement in the preceding sentence will apply to annuity payments to be made to the Designated Beneficiary after the expiration of the period certain.

(2.) Period Certain Annuities.

Unless the Member's Spouse is the sole Designated Beneficiary and the form of distribution is a period certain and no life annuity, the period certain for an annuity distribution commencing during the Member's lifetime may not exceed the applicable distribution period for the Member under the Uniform Lifetime Table set forth in section 1.401(a)(9)-9 of the Treasury regulations for the calendar year that contains the Annuity Starting Date. If the Annuity Starting Date precedes the year in which the Member reaches age seventy (70), the applicable distribution period for the Member is the distribution period for age seventy (70) under the Uniform Lifetime Table set forth in section 1.401(a)(9)-9 of the Treasury regulations plus the excess of seventy (70) over the age of the Member as of the Member's birthday in the year that contains the Annuity Starting Date. If the Member's Spouse is the Member's sole Designated Beneficiary and the form of distribution is a period certain and no life annuity, the period certain may not exceed the longer of the Member's applicable distribution period, as determined under this subsection 11.04(C)(4)(b) or the joint

life and last survivor expectancy of the Member and the Member's Spouse as determined under the Joint and Last Survivor Table set forth in section 1.401(a)(9)-9 of the Treasury regulations, using the Member's and Spouse's attained ages as of the Member's and Spouse's birthdays in the calendar year that contains the Annuity Starting Date.

E. Requirements For Minimum Distributions Where Member Dies Before Date Distributions Begin.

(1.) Member Survived by Designated Beneficiary.

If the Member dies before the date distribution of his or her interest begins and there is a Designated Beneficiary, the Member's entire interest will be distributed, beginning no later than the time described in subsection 1525.3.B(2)(i) or 1525.3.B(2)(ii), over the life of the Designated Beneficiary or over a period certain not exceeding

(i.) unless the Annuity Starting Date is before the first Distribution Calendar Year, the Life Expectancy of the Designated Beneficiary determined using the Beneficiary's age as of the Beneficiary's birthday in the calendar year immediately following the calendar year of the Member's death; or

(ii.) if the Annuity Starting Date is before the first Distribution Calendar Year, the Life Expectancy of the Designated Beneficiary determined using the Beneficiary's age as of the Beneficiary's birthday in the calendar year that contains the Annuity Starting Date.

(2.) No Designated Beneficiary.

If the Member dies before the date distributions begin and there is no Designated Beneficiary as of September 30 of the year following the year of the Member's death, distribution of the Member's entire interest will be completed by December 31 of the calendar year containing the fifth anniversary of the Member's death.

(3.) Death of Surviving Spouse Before Distributions to Surviving Spouse Begin.

If the Member dies before the date distribution of his or her interest begins, the Member's surviving Spouse is the Member's sole Designated Beneficiary, and the surviving

Spouse dies before distributions to the surviving Spouse begin, this subsection 1525.3.E will apply as if the surviving Spouse were the Member, except that the time by which distributions must begin will be determined without regard to subsection 1525.3.B(2)(i).

F. Definitions.

a. Designated Beneficiary

The individual who is designated as the Beneficiary under Section 1503.10 and is the designated Beneficiary under section 401(a)(9) of the Internal Revenue Code and section 1.401(a)(9)-1, Q&A-4, of the Treasury regulations.

b. Distribution Calendar Year.

A calendar year for which a minimum distribution is required. For distributions beginning before the Member's death, the first Distribution Calendar Year is the calendar year immediately preceding the calendar year which contains the Member's Required Beginning Date. For distributions beginning after the Member's death, the first Distribution Calendar Year is the calendar year in which distributions are required to begin pursuant to subsection 1525.3.B(2).

c. Life Expectancy.

Life Expectancy as computed by use of the Single Life Table in section 1.401(a)(9)-9 of the Treasury regulations.

d. Required Beginning Date.

The date specified in subsection 1525.3.B(1).

1536. Cost-of Living Adjustment.

Only in the case of members who terminate after July 30, 1990 and are vested or are eligible for immediate retirement benefits, a cost-of-living adjustment is authorized under these conditions:

- (i.) The Board before June 1 of each year shall determine the annual adjustment if any. The adjustment shall apply to retirement benefits being paid on behalf of eligible members including beneficiaries.
- (ii.) The amount of the adjustment shall not exceed [one and one half percent (1.5%) and may be either zero percent (0%) or one and one half percent] three percent (3%), and may only be awarded if authorized by section 105.684, RSMo.

- (iii.) The Board shall use a guide for setting the amount of the cost-of-living adjustment, the amount of increases given to Jackson County merit employees for the previous year, the Consumer Price Index (CPI), and any other measure the Committee deems appropriate for measuring cost-of-living increases.
- (iv.) Cost-of-living adjustments, if any, shall apply to the July 1 pension payments.

1537. Interest Rates.

1537.1. Effective for limitation years beginning on or after July 1, 2007, for purposes of adjusting any benefit under Section 415(b)(c) of the Code, the retirement benefit which is payable in a form other than a straight life annuity, and is not subject to Section 417(e)(3) of the Code shall be adjusted to an actuarially equivalent straight life annuity (if any) payable under the plan at the same annuity starting date, and the annual amount of a straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit computed using an interest rate of 5 percent and the applicable mortality table under Section 417(e)(3) of the Code.

1537.2. Effective for limitation years beginning before July 1, 2007 for the purposes of adjusting any benefit under Section 415(b)(2) of the Code, a retirement benefit which is payable in a form other than a straight life annuity, and is not subject to Section 417(e)(3) of the Code shall be adjusted to an actuarially equivalent straight life annuity (if any) payable under the plan at the same annuity starting date that has the same actuarial present value as the member's form of benefit computed using whichever of the following produces the greater annual amount:

- A. The interest rate and mortality table or other tabular factor specified in the plan for adjusting benefits in the same form, and
- B. A 5 percent interest rate assumption and the applicable mortality table.

1537.3 Effective for annuity starting dates in a plan year beginning after 2005, the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, using whichever of the following produces the greatest annual amounts:

- A. The interest rate and the mortality table or other tabular factor specified in the plan for adjusting benefits in the same form;
- B. A 5.5 percent interest rate assumption and the applicable mortality table; and

C. The applicable interest rate under section 417(e)(3) and the applicable mortality table, divided by 1.05.

1537.4 Effective for annuity starting dates in a plan year beginning in 2004 or 2005, the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit payable, using whichever of the following produces the greater annual amount:

A. The interest rate and mortality table or other tabular factor specified in the plan for adjusting benefits in the same form; and

B. 5.5 percent interest and the applicable mortality table.

1537.5. Effective for annuity starting dates on or after the first day of the first plan year beginning in 2004 and before December 31, 2004, and the plan applies the transition rule in section 101(d)(3) of PFEA '04 in lieu of the rule in section 1537.4, the annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the member's form of benefit, determined in accordance with Notice 2004-78. The applicable mortality table is the mortality table described in Rev. Rul. 2001-62.

1537.6. Effective for annuity starting dates in limitation years beginning before July 1, 2007, the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under section 415(b)(1)(A) (as adjusted under section 415(d)), with actuarial equivalence computed using whichever of the following produces the smaller annual amount:

A. The interest rate and mortality table or other tabular factor specified in the Plan for determining actuarial equivalence for early retirement purposes; or

B. A 5 percent interest rate assumption and the applicable mortality table.

1537.7. If the annuity starting date is in a limitation year beginning on or after July 1, 2007, and the plan does not have an immediately commencing straight life annuity payable at both age 62 and the age of benefit commencement, the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the dollar limitation under section 415(b)(1)(A) (as adjusted under section 415(d)), with actuarial equivalence computed using a 5 percent interest rate assumption and applicable mortality table and expressing the Member's age based on completed calendar months as of the annuity starting date.

1537.8. If the annuity starting date is in a limitation year beginning on or after July 1, 2007, and the plan has an immediately commencing straight life annuity

payable at both age 62 and the age of benefit commencement, the lesser of

A. The adjusted dollar limitation determined in accordance with section 1537.7; and

B. The product of the dollar limitation under section 415(b)(1)(A) (as adjusted under section 415(d) multiplied by the ratio of the annual amount of the immediately commencing straight life annuity under the plan at the Member's annuity starting date to the annual amount of the immediately commencing straight life annuity under the Plan at age 62, both determined without applying the limitations of section 415.

The applicable mortality table is the mortality table described in Rev. Rul. 2001-62.

1537.9 If the benefit under the plan commences after age 65, the Plan may provide that dollar limitation under section 415(b)(1)(A) (as adjusted under section 415(d)) on such benefit is increased to:

A. If the annuity starting date is in a limitation year beginning before July 1, 2007, the annual amount of a benefit payable in the form of a straight life annuity commencing at the Member's annuity starting date that is the actuarial equivalent of the dollar limitation under section 415(b)(1)(A) (as adjusted under section 415(d)), with actuarial equivalence computed using whichever of the following produces the smaller annual amount:

(1.) The interest rate and mortality table or other tabular factor specified in the plan for determining actuarial equivalence for delayed retirement purposes; or

(2.) A 5 percent interest rate assumption and the applicable mortality table.

B. If the annuity starting date is in a limitation year beginning on or after July 1, 2007, and the plan does not have an immediately commencing straight life annuity payable at both age 65 and the age of benefit commencement, the annual amount of a benefit payable in the form of a straight life annuity commencing at the participant's annuity starting date that is the actuarial equivalence computed using a 5 percent interest rate assumption and the applicable mortality table and expressing the Member's age based on completed calendar months as of the annuity starting date.

C. If the annuity starting date is in a limitation year beginning on or after July 1, 2007, and the Plan has an immediately commencing straight life annuity payable at both age 65 and the age of benefit commencement, the lesser of

(1.) The adjusted dollar limitation determined in accordance with section 1537.9.B; and

(2.) The product of the dollar limitation under section 415(b)(1)(A) (as adjusted under section 415(d)) multiplied by the ratio of the annual amount of the immediately commencing straight life annuity under the plan at the participant's annuity starting date to the annual amount of the immediately commencing straight life annuity under the plan at age 65, both determined without applying the limitations of section 415.

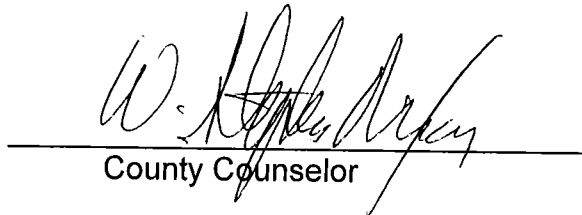
The applicable mortality table is the mortality table described in Rev. Rul. 2001-62.

1537.10. To the extent that a Member's Annual Benefit is subject to provisions of Section 415 of the Code and the Treasury Regulations thereunder that have not been set forth in the Plan, such provisions are hereby incorporated by reference into this Plan and for all purposes shall be deemed a part of the Plan. This Section is intended to satisfy the requirements imposed by Section 415 of the Code and the Treasury Regulations thereunder and shall be construed in a manner that will effectuate this intent. This Section shall not be construed in a manner that would impose limitations that are more stringent than those required by Section 415 of the Code and the Treasury Regulations thereunder. If and to the extent that the rules set forth in this Section are no longer required for qualification of the Plan under Section 401(a) and related provisions of the Code and the Treasury Regulations thereunder, they shall cease to apply without the necessity for an amendment to the Plan.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:


Chief Deputy County Counselor

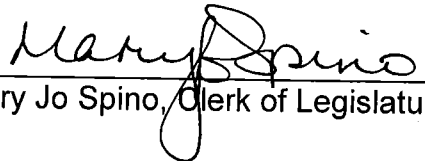

County Counselor

I hereby certify that the attached Ordinance, Ordinance #4442 introduced on August 27, 2012, was duly passed on September 10, 2012 by the Jackson County Legislature. In the votes thereon were as follows:

Yeas 7 Nays 0
Abstaining 0 Absent 2

This Ordinance is hereby transmitted to the County Executive for his signature.

9-10-12
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4442.

9-11-2012
Date


Michael D. Sanders, County Executive