

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Habersham County Defined Contribution Plan for Senior Management

DATE: JANUARY 13, 2022

RECOMMENDATION

POLICY DISCUSSION

BUDGET INFORMATION:

STATUS REPORT

~~ANNUAL-~~
~~CAPITAL-~~

OTHER

COMMISSION ACTION REQUESTED ON: January 20, 2022

PURPOSE: To approve the adoption of the attached Adoption Agreement Amendment #3 to the Association County Commissioners of Georgia 401(a) Defined Contribution Plan for Senior Management of Habersham County, effective as of January 1, 2022 and to amend Schedule A of the Adoption Agreement to provide for participation by Alicia M Vaughn, Interim County Manager; Tim Sims, Finance Director; and Ann Cain, Human Resources Director.

BACKGROUND / HISTORY: The County established a 401(a) Defined Contribution Plan for Senior Management employees. This plan is designated by the Board of Commissioners to offer a competitive retirement benefit to senior level employees.

FACTS AND ISSUES:

1. 401(a) Defined Contribution Plan for Senior Management of Habersham County was adopted in 2009.
 2. The County amended the plan in 2013.
 3. Senior level employees are designated at the County's discretion.
 4. The recent employment agreement between the County and Ms. Alicia Vaughn permits participation in the 401(a) Senior Management Plan.
 5. The County amends Schedule A to include the Finance Director and Human Resource Director along with the County Manager in participation in the 401(a) Senior Management Plan.
 6. Habersham County will be making a 15% contribution into County Manager Alicia Vaughn's, Finance Director Tim Sims', and Human Resource Director Ann Cain's Senior Management 401(a) plan for every payroll effective 01/01/2022.
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OPTIONS:

- 1) Approval of the amendment to the Adoption Agreement Amendment #3 to the Association County Commissioners of Georgia 401(a) Defined Contribution Plan for Senior Management of Habersham County, effective as of January 1, 2022 and to amend Schedule A of the Adoption Agreement.
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- 2) Denial of the amendment to the Adoption Agreement Amendment #3 to the Association County Commissioners of Georgia 401(a) Defined Contribution Plan for Senior Management of Habersham County, effective as of January 1, 2022 and to amend Schedule A of the Adoption Agreement.
 - 3) Commission-defined alternative.
 - 4) Commission tabled until further notice.
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RECOMMENDED SAMPLE MOTION:

I make a motion to approve the amendment to the Adoption Agreement Amendment #3 to the Association County Commissioners of Georgia 401(a) Defined Contribution Plan for Senior Management of Habersham County, effective as of January 1, 2022 and to amend Schedule A of the Adoption Agreement.

DEPARTMENT:

Prepared by: Brandalin Carnes
County Clerk

**ADMINISTRATIVE
COMMENTS:** _____

_____ **DATE:** _____

Interim County Manager

**ADOPTION AGREEMENT AMENDMENT #3 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.

WITNESSETH:

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

WHEREAS, the Employer adopted the Plan through an Adoption Agreement that was most recently amended and restated effective as of January 1, 2013;

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 Schedule A of the Adoption Agreement to provide for participation by the County Manager (formerly, the Interim County Manager), Finance Director and Human Resource Director, and to provide for an Employer Basic Contribution equal to fifteen percent (15%) of each Participant’s Compensation, all effective as of January 1, 2022.

NOW THEREFORE, the Employer hereby amends the Adoption Agreement as follows, effective as of January 1, 2022, by restating Schedule A (as previously amended) in its entirety to read as follows:

**Schedule A
Eligible Employees**

| Position | Participant Effective Date | Plan Year | Employer Basic or Discretionary Contribution | Employer Matching Contribution | Employee Contribution | Vesting Schedule |
|-------------------------|--|------------------|--|---------------------------------------|------------------------------|-------------------------|
| County Manager | January 1, 2022 (was designated a Participant by name effective as of July 12, 2021) | All | 15% Employer Basic Contribution (10% before January 1, 2022) | None | | 100% |
| Finance Director | January 1, 2022 | All | 15% Employer Basic Contribution | None | | 100% |
| Human Resource Director | January 1, 2022 | All | 15% Employer Basic Contribution | None | | 100% |

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

HABERSHAM COUNTY, GEORGIA

By: Ben Paul

Title: Chairman of Habersham County BOC

Date: 1/20/2022

**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 of Habersham County (the "Plan"), for the benefit of its eligible employees;

WHEREAS, the Employer adopted the Plan through an Adoption Agreement that was most recently amended and restated effective as of January 1, 2013;

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 Schedule A of the Adoption Agreement to provide for participation by the County Manager (formerly, the Interim County Manager), Finance Director and Human Resource Director, and to provide for an Employer Basic Contribution equal to fifteen percent (15%) of each Participant's Compensation, all effective as of January 1, 2022.

NOW THEREFORE, the Habersham County Board of Commissioners, at a meeting held on the 20th day of January, 2022, hereby resolves as follows:


RESOLVED, that the Board of Commissioners hereby approves the adoption of the attached Adoption Agreement Amendment #3 to the Association County Commissioners of Georgia 401(a) Defined Contribution Plan for Senior Management of Habersham County, effective as of January 1, 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 20th day of January, 2022.

HABERSHAM COUNTY, GEORGIA BOARD OF COMMISSIONERS

By: 
Chair, Habersham County Board of Commissioners

Date: 1/20/2022

Attest:

By: 
County Clerk

Date: 1/20/2022

