

**GWINNETT COUNTY**

**BOARD OF COMMISSIONERS**

**LAWRENCEVILLE, GEORGIA**

**RESOLUTION ENTITLED:** Amendments to the Gwinnett County Board of Commissioners Defined Contribution Pension Plan and the Gwinnett County Board of Commissioners Deferred Compensation Plan.

**ADOPTION DATE:** MARCH 17, 2026

At the regular meeting of the Gwinnett County Board of Commissioners held in the Gwinnett Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

---

<b>Name</b>	<b>Present</b>	<b>Vote</b>
Nicole L. Hendrickson, Chairwoman	Yes	Aye
Kirkland D. Carden, District 1	Yes	Aye
Ben Ku, District 2	Yes	Aye
Jasper Watkins III, District 3	Yes	Aye
Matthew Holtkamp, District 4	Yes	Aye

---

On motion of Commissioner Ku, which carried by a 5-0 vote, the Resolution entitled, **Amendments to the Gwinnett County Board of Commissioners Defined Contribution Pension Plan and the Gwinnett County Board of Commissioners Deferred Compensation Plan**, as set forth below, is hereby adopted:

**WHEREAS**, the County has adopted and maintains the Gwinnett County Board of Commissioners Defined Contribution Pension Plan (the "DC Plan"); and

**WHEREAS**, the County has adopted and maintains the Gwinnett County Board of Commissioners Deferred Compensation Plan (the "457(b) Plan"); and

**WHEREAS**, the County now wishes to amend the 457(b) Plan and the DC Plan for certain optional changes allowed by the SECURE 2.0 Act; and

**WHEREAS**, the Gwinnett County Retirement Plans Management Committee approved the proposed amendments to the DC Plan and the 457(b) Plan at its regular meeting held on December 4, 2025.

**NOW, THEREFORE, BE IT RESOLVED** by the Gwinnett County Board of Commissioners that the Sixth Amendment to the DC Plan and the Third Amendment to the 457(b) Plan attached hereto as Exhibits A and B, respectively, are hereby authorized and approved.

**BE IT FURTHER RESOLVED**, by the Gwinnett County Board of Commissioners that the Chairwoman or her designee is hereby authorized, empowered, and directed to take all actions and to execute and deliver all agreements, instruments, indentures and documents as he or she shall deem necessary to carry out the intent of the foregoing resolutions, including, without limitation, the execution of the amendments.

**BE IT FURTHER RESOLVED** that this Resolution shall be effective as of January 1, 2026.

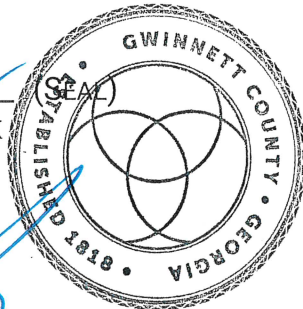
This Resolution is hereby adopted this 17<sup>th</sup> day of March, 2026.

**GWINNETT COUNTY BOARD OF COMMISSIONERS**

BY:   
NICOLE LOVE HENDRICKSON, CHAIRWOMAN

**ATTEST:**

BY:   
TINA KING, COUNTY CLERK



**APPROVED AS TO FORM:**

BY:   
COUNTY ATTORNEY

**Exhibit A**

**SIXTH AMENDMENT TO THE  
GWINNETT COUNTY BOARD OF COMMISSIONERS  
DEFINED CONTRIBUTION PENSION PLAN**

This AMENDMENT is made as of this 17<sup>th</sup> day of March, 2026, by Gwinnett County (the "County").

**WITNESSETH:**

WHEREAS, the County maintains the Gwinnett County Board of Commissioners Defined Contribution Pension Plan (the "Plan"), which was last amended and restated effective as of January 1, 2014, by the adoption of the 2011 Basic Section 401(a) MPPP Plan Document for Governmental Employers (the "Basic Plan Document") and the 2011 Basic 401(a) MPPP Adoption Agreement for Governmental Employers (the "Adoption Agreement"); and

WHEREAS, the County now wishes to amend the Plan to increase the automatic rollover cash-out distribution limit from \$5,000 to \$7,000.

NOW, THEREFORE, the County does hereby amend the Plan, effective as of January 1, 2026, by replacing "\$5,000" with "\$7,000" in Sections 10.03(b) and 10.07(b) of the Basic Plan Document.

Except as specifically amended hereby, the Plan shall remain in full force and effect prior to this Amendment.

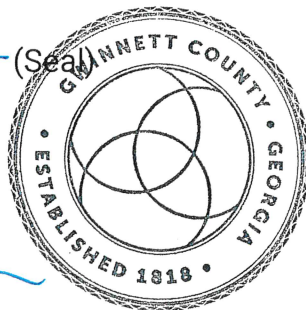
IN WITNESS WHEREOF, the County has caused this Amendment to be executed as of the day and year first above written.

Gwinnett County Board of Commissioners

By: Nicole Love Hendrickson  
Nicole Love Hendrickson, Chairwoman

Attest:

By: Tina King (Seal)  
Tina King, County Clerk



Approved as to form:

[Signature]  
Deputy County Attorney

**Exhibit B**

**THIRD AMENDMENT TO THE GWINNETT COUNTY  
BOARD OF COMMISSIONERS DEFERRED COMPENSATION PLAN**

This AMENDMENT is made as of this 17<sup>th</sup> day of March, 2026, by Gwinnett County (the "County").

**WITNESSETH:**

WHEREAS, the County maintains the Gwinnett County Board of Commissioners Deferred Compensation Plan (the "Plan"), by the adoption of the Section 457(b) Eligible Deferred Compensation Plan for Governmental Employers (the "Basic Plan Document") and the Adoption Agreement for the Section 457(b) Eligible Deferred Compensation Plan for Governmental Employers (the "Adoption Agreement"); and

WHEREAS, the County now wishes to amend the Plan to allow for certain optional changes allowed by the SECURE Act 2.0.

NOW, THEREFORE, the County does hereby amend the Plan, effective as of January 1, 2026, as follows:

1. By deleting Section 2.04(a) of the Basic Plan Document and substituting therefor the following:

"(a) "Voluntary Enrollment. An Employee shall become a Participant as soon as administratively practicable following the date the Employee files a participation election pursuant to Section 2.02. A new Employee may defer compensation payable in the calendar month during which the Participant first becomes an Employee if an agreement providing for the deferral is entered into on or before the first day on which the Participant performs services for the Employer."

2. By deleting Section 2.07 of the Basic Plan Document and substituting therefor the following:

"2.07 Amendment of Annual Deferrals Election. Subject to other provisions of the Plan, a Participant may at any time revise his or her participation election, including a change of the amount of his or her Annual Deferrals. Unless the election specifies a later effective date, a change in the amount of the Annual Deferrals shall take effect as soon as administratively practicable following the receipt of such election by the Administrator. A revocation of deferrals shall take effect as soon as administratively practicable under the Employer's payroll system. Notwithstanding the above, if a negative

election procedure has been implemented pursuant to Section 2.04(b), a Participant may enter into or modify a Participation Agreement at any time to provide for no deferral; provided that Participants in a Plan that is a retirement system providing FICA replacement retirement benefits pursuant to regulations under Code § 3121(b)(7)(F) are not permitted to modify their Participation Agreement to provide for no deferrals or to revoke their Participation Agreement.”

3. By deleting Section 2.11 of the Basic Plan Document and substituting therefor the following:

“2.11 Re-Enrollment. A Participant who revokes the Participation Agreement may again become a Participant at the times and in the manner authorized by the Administrator, by entering into a new Participation Agreement to defer Compensation payable after such new Participation Agreement is entered into by the Participant and accepted by the Administrator.”

4. By adding the following sentence to the end of Section 3.02 of the Basic Plan Document:

“Beginning on and after January 1, 2025 (or such later date as determined by the Administrator), a Participant who is eligible to elect to make an age 50 Catch-Up Annual Deferrals and has attained or will attain age 60, 61, 62 or 63 during such Plan Year, may elect to make additional Catch-Up Annual Deferrals in accordance with and subject to the increased limitations under Code Section 414(v)(2)(E) and this Section.”

5. By replacing “\$5,000” with “\$7,000” in Sections 5.03 and 5.04 of the Basic Plan Document.

6. By deleting Section F of the Adoption Agreement for the Plan and by substituting therefor the following Adoption Agreement

**F. DISTRIBUTION OF SMALL ACCOUNT BALANCES.** *(Check Box 1, 2 OR 3.)*

1.  The Administrator SHALL direct the Trustee to distribute account balances of \$1,000 or less meeting the requirements of Section 5.03(b) of the Plan without Participant consent.
2.  The Administrator SHALL direct the Trustee to distribute account balances in excess of \$1,000 but not exceeding \$5,000 meeting the requirements of Section 5.03(b) of the Plan without Participant consent.

3. [ ] The Administrator SHALL NOT direct the Trustee distribute any account balances without Participant consent.”

Except as specifically amended hereby, the Plan shall remain in full force and effect prior to this Amendment.

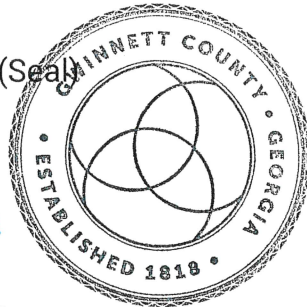
IN WITNESS WHEREOF, the County has caused this Amendment to be executed as of the day and year first above written.

Gwinnett County Board of Commissioners

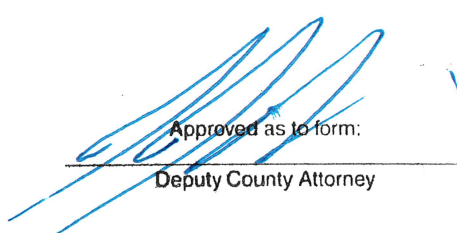
By:   
Nicole Love Hendrickson, Chairwoman

Attest:

By:   
Tina King, County Clerk



Approved as to form:

  
Deputy County Attorney