

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

This AMENDMENT is made as of this 21~~st~~ day of January, 2014, 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 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 incorporate certain Plan provisions not reflected in the updated Basic Plan Document;

NOW, THEREFORE, the County does hereby amend the Basic Plan Document as follows:

1. By deleting Section 6.03 of the Basic Plan Document and substituting therefor the following:

"6.03 Treatment of Excess Annual Additions. In the event that the amounts which would otherwise be contributed or allocated to a Participant's Account would cause the annual additions for the limitation year to exceed the limitations of Section 6.01, the amount contributed or allocated shall be reduced so that the annual additions for the limitation year shall equal the applicable limitation. Any such reduction for an excess amount shall be made in accordance with correction methods permitted under the Employee Plans Compliance Resolution System (Revenue Procedure 2013-12) or any subsequent guidance issued by the Internal Revenue Service."

2. By deleting the second paragraph in Section 11.01 of the Basic Plan Document and substituting therefor the following:

"If any application for benefits is denied, in whole or in part, the Administrator shall notify the applicant in writing of such denial and of the applicant's right to a review of the decision as set forth below and shall set forth, in a manner calculated to be understood by the applicant, the specific reasons for such denial, the specific references to pertinent Plan provisions on which the denial is based, a description of any additional material or information necessary for the applicant to perfect the application, an explanation of why such material or information is necessary, an explanation of the Plan's review procedure and the time limits applicable to such procedures, a statement that any appeal the applicant wishes to make of the adverse determination must be in writing to the Retirement Plans Management Committee of the

Gwinnett County Public Employee Retirement System (the 'RPMC'), or its delegate, within sixty (60) days after receipt of the Plan Administrator's written notice of denial; and a statement that failure to provide the written appeal of the adverse determination to the RPMC or its delegate in writing within the sixty (60) day period will render the Plan Administrator's determination final, binding and conclusive."

3. By deleting Section 11.02 of the Basic Plan Document and substituting therefor the following:

"11.02 Review. Any person whose application for benefits is denied in whole or in part may appeal to the Administrator for review of the decision by submitting, within sixty days after receiving notice of the denial of the claim, a written statement to the RPMC or its delegate that:

- (a) requests a review of the application for benefits;
- (b) sets forth all of the grounds upon which the request for review is based and any facts in support of such request; and
- (c) sets forth any issues or comments that the applicant deems pertinent to the application.

In addition, an applicant may submit written comments, documents, records, and other information in support of the appeal, and the applicant shall be provided, free of charge, reasonable access to and copies of all documents, records and other information relevant to the applicant's claim for benefits.

The RPMC, or such committee that the RPMC establishes under its bylaws to review appeals for the denial of benefits, shall review appeals of denials of applications for benefits submitted to it. The RPMC or its delegate shall act upon each appeal within sixty days after receipt of the applicant's request for review by the RPMC or its delegate. The RPMC or its delegate shall make a full and fair review of each application and any written material submitted by the applicant in connection with such review, without regard to whether such information was submitted or considered in the initial benefit determination. If the RPMC or its delegate determines that special circumstances require an extension of time for processing an appeal, it may extend the initial period, in which case written notice of the extension shall be furnished to the applicant before the end of the initial period indicating the special circumstances requiring an extension and the date by which the RPMC or its delegate expects to render a determination on review. In no event shall such extension exceed a period of sixty days from the end of the initial period. Based on this review, the RPMC or its delegate shall make an independent determination of the applicant's eligibility for benefits under the Plan.

In the case of a denial of any appeal, the RPMC or its delegate shall notify the applicant in writing of such determination and shall set forth, in a manner calculated

to be understood by the applicant, the specific reasons for the adverse determination, references to the specific Plan provisions on which the determination is based, a statement that the applicant is entitled to receive, upon request and free of charge, reasonable access to and copies of all documents, records and other information relevant to the applicant's claim for benefits.

The decision of the RPMC or its delegate on any application for benefits shall be final and conclusive upon all persons.”

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

**[SIGNATURE PAGE IS NEXT PAGE]**

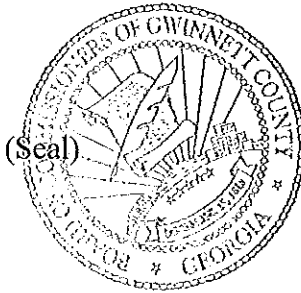
IN WITNESS WHEREOF, the County has caused this Amendment to be executed as of the day and year first above written.

Gwinnett County Board of Commissioners

By: Charlotte J. Nash  
Charlotte J. Nash, Chairman

Attest:

By: Diane Kemp  
Diane Kemp, County Clerk



Approved As To Form:

By: Turanda Rush Williams  
Sr. Assistant County Attorney