

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

This SECOND AMENDMENT is made as of this 20th day of April, 2021, by Gwinnett County (the "County").

WITNESSETH:

WHEREAS, the County maintains the Gwinnett County Board of Commissioners Deferred Compensation Plan (the "Plan"); and

WHEREAS, the County now wishes to amend the Plan to add auto-enrollment and auto-escalation provisions to the Plan.

NOW, THEREFORE, the County does hereby amend the Plan, effective as of July 1, 2021, by deleting Section L of the Adoption Agreement for the Plan and by substituting therefor the following:

L. AUTOMATIC ENROLLMENT. (Check Box 1 OR Box 2.)

1. ☒ Effective for beginning on and after July 1, 2021, this Plan will use an automatic enrollment feature.

The Employer as an Annual Deferral will automatically withhold 3% from each Participant's Compensation unless the Participant affirmatively elects to defer a percentage (including zero) of Compensation under his/her Participation Agreement. This automatic election feature will apply to (i) all Participants who as of July 1, 2021, are not making deferrals at least equal to the automatic enrollment amount, and (ii) all employees who are hired or rehired on or after July 1, 2021. A Participant's deferral percentage shall be automatically increased by 1% of Compensation each year, up to a maximum of 10% of Compensation, unless such Participant makes an affirmative election to opt out of this auto-increase feature.

2. ☐ This Plan will NOT use automatic enrollment.

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

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

Gwinnett County Board of Commissioners

By: Nicole L. Hendrickson
Nicole L. Hendrickson, Chairwoman

Attest:

By: Diane Kemp (Seal)
Diane Kemp, County Clerk



Approved as to form:

Theresa A. Cox
Deputy County Attorney