

RESOLUTION FOR EMPLOYERS ADOPTING LINCOLN FINANCIAL
SPECIMEN 457 PLAN DOCUMENT

WHEREAS, in order to attract and retain qualified employees there exists a need to adopt and implement a DEFERRED COMPENSATION PLAN for the employees of the Borough of Ringwood (hereinafter referred to as "Employer"), which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended ("Code"); and

WHEREAS, there is no direct financial cost to the Employer to adopt and implement both a DEFERRED COMPENSATION PLAN and Service Agreement; and

WHEREAS, the Employer made written requests for proposals from two or more approved contracts, including Lincoln Financial Group (hereinafter referred to as "Lincoln Financial" for the administration of the investments of funds under a DEFERRED COMPENSATION PLAN including providing Prototypical Plans and Service Agreements that meet the requirements of the Municipal, County and Authority Deferred Compensation Programs Rule N.J.A.C. 5:37; and

WHEREAS, the following contractors submitted written proposals: AXA Equitable and Lincoln Financial; and

WHEREAS, the Gail Bado, Administrator of Deferred Compensation Plans, reviewed the proposals and met with representatives of the responding contractors of deferred compensation services; and

WHEREAS, it was determined that Lincoln Financial has the ability to: (1) maintain complete records of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Ringwood that:

- (a) Effective as of the date of this resolution the DEFERRED COMPENSATION PLAN provided by Lincoln Financial and assigned the plan identifier: 12-PD-LINCOLN-E100303 by the NJ Division of Local Government Services, is hereby adopted and signed by the Employer.

It is hereby acknowledged that the said DEFERRED COMPENSATION PLAN is substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the Federal Internal Revenue Service except for provisions added by reason of The Small Business Job Protection Act of 1996 (United States Public Law No. 104-188), the Tax Payer Relief Act of 2001 (United States Public Law No. 105-34), and the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16), and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Code Section 457 including pertinent applicable Treasury Regulations. The use of Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not be considered precedent.

- (b) The Mayor and Municipal Clerk are authorized to execute the Service Agreement (bearing the identifier: 12-PD-LINCOLN-E100303 assigned by the NJ Division of Local Government) with Lincoln Financial for the provision of administrative and investment services. There has been no collusion or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of Lincoln Financial as contractor for the administration of the Service Agreement pursuant to N.J.A.C. Section 5:37-5.7.
- (c) Gail Bado is hereby designated as Local Plan Administrator for the administration of the DEFERRED COMPENSATION PLAN.

A certified copy of this resolution and all necessary required documents shall be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

WALTER J. DAVISON, MAYOR

I hereby certify that the above Resolution was adopted by the Municipal Council of the Borough of Ringwood at the Business Meeting of April 16, 2009.

KELLEY A. ROHDE, RMC
 BOROUGH CLERK

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Davison			X			
Anderson		X	X			
Conley			X			
Marsala	X		X			
Schaefer			X			
Speer			X			
Taukus			X			

C: Reso book, CFO - originals