



## Legislation Text

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File #: 2019-353, Version: 1

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### Resolution - Approval of Amendments and Restatement of Employees' Defined Benefit Retirement Plan - R Smith

Submitted By: Audri Nelson on behalf of Wes Burns

Department: Human Resources

Financial Impact and Cost/Benefit Considerations: No additional costs.

The Cooperative wishes to amend and restate the Pedernales Electric Cooperative, Inc. Defined Benefit Retirement Plan document to incorporate a prior amendment to the Plan, make various clarifying changes, including the removal of outdated provisions, and make optional design changes relating to the determination of disability.

**WHEREAS**, effective January 1, 1964, Pedernales Electric Cooperative, Inc. ("Plan Sponsor"), established, for the exclusive benefit of its employees and their beneficiaries, the *Pedernales Electric Cooperative, Inc. Employees Defined Benefit Plan* ("Plan"), a defined benefit pension plan intended to qualify under Sections 401(a) and 501(a) of the Internal Revenue Code;

**WHEREAS**, under the terms of the Plan, the Plan Sponsor has the continuing ability to amend the Plan;

**WHEREAS**, the Plan Sponsor has most recently amended and restated the Plan effective October 1, 2011, and has subsequently amended the restated Plan once;

**WHEREAS**, pursuant to the terms of the Plan, the Plan Sponsor has entered into a separate trust agreement with U.S. Bank National Association, effective May 9, 2018 ("Trust Agreement"), and all Plan assets are held pursuant to such Trust Agreement;

**WHEREAS**, the Board of Directors of the Plan Sponsor now desires to amend and restate the Plan, effective as of January 1, 2020, to: (i) make various clarifying changes, including the removal of outdated provisions; and; (ii) revise the manner in which disability determinations are made under the Plan and make corresponding revisions to related claims procedures; and

**WHEREAS**, the Board of Directors ("Board") desires to make no change to the Trust Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE COOPERATIVE** that the Plan is hereby amended and restated, effective January 1, 2020, in the form presented to the Board and attached as Exhibit "A."

**BE IT FURTHER RESOLVED** that the Chief Executive Officer, or designee, is authorized, in the name of and on behalf of the Plan Sponsor, to take all such other actions necessary to implement this resolution.