

RESOLUTION 2014-366

**TOWNSHIP OF OCEAN
DEFERRED COMPENSATION PLAN
State of New Jersey**

WHEREAS, Township of Ocean (hereinafter referred to as the “Employer”) desires to attract and retain qualified employees to the Employer and, as a means thereof, is contemporaneously adopting an Internal Revenue Code Section 457 Deferred Compensation Plan (hereinafter referred to as the “Plan”) for the purpose of making available to eligible employees the accrual of tax benefits under such Plan; and

WHEREAS, the Employer desires such Plan to comply with the Small Business Job Protection Act of 1996, the Economic Growth and Tax Relief Reconciliation Act of 2001, the Job Creation and Worker Assistance Act of 2002, the final Internal Revenue Code (“Code”) Section 415 regulations, Pension Protection Act of 2006, the Heroes Earnings Assistance and Relief Tax Act of 2008 and the Worker, Retiree, and Employer Recovery Act of 2008 amendments to Section 457 of the Internal Revenue Code, such amendments being necessary to maintain the Plan as an eligible Deferred Compensation Plan within the meaning of Section 457 of the Internal Revenue Code of 1986 (“Code”), as subsequently amended; and

WHEREAS, the Employer also desires such Plan to comply with the regulations promulgated under Code Section 457 (including proposed revisions thereto); and Internal Revenue Service Revenue Procedures 2004-12 and 2004-56; and

WHEREAS, the offering of additional investments from another contractor will provide additional retirement investment options to participating employees; and

WHEREAS, The Variable Annuity Life Insurance Company (“VALIC”) has been found to possess the necessary administrative, enrollment, and servicing capabilities for the Plan.

NOW, THEREFORE, BE IT RESOLVED that the Employer does hereby adopt the Plan prepared by VALIC and assigned Plan Document identifier 81-PD-VALIC-103111 by the Director of the Division of Local Government Services.

BE IT FURTHER RESOLVED that the Employer is adopting a Deferred Compensation Plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the Internal Revenue Service except for provisions added by reason of the Small Business Job Protection Act of 1996 (United States Public Law No. 104-88), the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16), the Job Creation and Worker Assistance Act of 2002 (United States Public Law No. 107-147), the final Internal Revenue Code (“Code”) Section 415 regulations, Pension Protection Act of 2006 (United States Public Law No. 109-280), the Heroes Earnings Assistance and Relief Tax Act of 2008 (United States Public Law No. 110-245), and the Worker, Retiree, and Employer Recovery Act of 2008 (United States Public Law No. 110-458), and regulations promulgated under Code Section 457 (including proposed revisions thereto), and Internal Revenue Service Revenue Procedures 2004-12 and 2004-56, and all such provisions are stated in the Plan in terms substantially similar to the text of those provisions in Internal Revenue Code Section 457. The use of the Ruling is for guidance only

and the Employer acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent.

BE IT FURTHER RESOLVED that the Plan Administrator, Diane B. Ambrosio, RMC, Municipal Clerk, Christine Thorne, CFO and Mary Blood, Payroll/Purchasing Agent, shall be designated as the official representative of the Employer and Plan Administrator) Local Plan Administrator for the Administration of the Plan.

BE IT FURTHER RESOLVED that

- (1) Solicit Proposals: A request for proposals for Deferred Compensation Plan and Service Agreement was prepared and made available to the following contractors:

Valic

Met Life

Mass Mutual

- (2) Responding Vendors: The vendors responding to the request for proposals were:

Valic

Met Life

Mass Mutual

- (3) Selection Rationale: The successful vendor is VALIC. The Employer reviewed all of the proposals submitted and met with representatives of the responding companies. VALIC was selected because VALIC has been found to possess the necessary administrative, enrollment, and servicing capabilities for the Plan. (Insert any other detailed reasons for selection)

Valic

BE IT FURTHER RESOLVED that VALIC shall be retained by the Employer as the contractor under the Deferred Compensation Plan, and VALIC shall educate all eligible employees of the Employer regarding the Plan and shall enroll and service those eligible employees who participate in the Plan. As enrolling agent, VALIC shall be the exclusive agent for its funding options to be offered under the Plan.

BE IT FURTHER RESOLVED that there has been no collusion or evidence or appearance of collusion between any local official and a representative of the contractor in the selection of a contractor for the administration of a Service Agreement pursuant to N.J.A.C. 5:37-5.7.

BE IT FURTHER RESOLVED that David Breeden, Township Administrator is hereby authorized to execute a Service Agreement with VALIC and that such Service Agreement has been assigned by the Director of the Division of Local Government Services the following identifier: 03-SA-VALIC-E121201 and to submit all necessary documents to the Director of Local Government Services in the State Department of Community Affairs for approval.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services within the State Department of Community Affairs.

I, Diane B. Ambrosio, RMC, CMR, Municipal Clerk of the Employer, in the County of and the State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township of Ocean on the 11th Day of December 2014.

Witness my hand and seal of the Employer on the 11th day of December 2014.

Diane B. Ambrosio, RMC
Municipal Clerk