

**THIRD AMENDMENT TO THE
CITY OF CRETE, NEBRASKA PENSION PLAN
(SECURE Act)**

WHEREAS, the City of Crete, Nebraska (the “Employer”) has determined that the City of Crete, Nebraska Pension Plan (the “Plan”) should be amended to include changes required by the Setting Every Community Up for Retirement Enhancement Act of 2019 (“SECURE Act”), which was adopted as part of the Further Consolidated Appropriations Act, 2020 (Pub. L. 116-94); and to include changes required by the Coronavirus Aid, Relief, and Economic Security Act (Pub. L. 116-136) (“CARES Act”).

NOW THEREFORE the Plan is amended to read as follows, effective January 1, 2020:

1. Section 1.30 is amended to read as follows:

1.30 “Required Beginning Date” means for persons who attained age 70½ after December 31, 2019, April 1 following the later of the calendar year in which the Participant attains age 72 or retires. For persons who attained age 70½ before January 1, 2020, “Required Beginning Date” means April 1 following the later of the calendar year in which a Participant (a) attains age 70½ or (b) retires.

2. Section 6.3(b)(2)(i) is amended to read as follows:

(i) If the Participant’s surviving Spouse is the Participant’s sole Designated Beneficiary, distributions to the surviving Spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died, or by December 31 of the calendar year in which the Participant would have attained age 72 (70½ for Participants who attained age 70½ before January 1, 2020), if later.

3. Section 6.3(i) is added to read as follows:

(i) Required Minimum Distributions Waiver 2020. Notwithstanding anything to the contrary in this Section, a Participant or Beneficiary who would have been required to receive required minimum distributions for 2020 but for the enactment of Code Section 401(a)(9)(I) (“2020 RMDs”), and who would have satisfied that requirement by receiving distributions that are equal to the 2020 RMDs, will not receive those distributions for 2020 unless the Participant or Beneficiary chooses to receive such distributions. Participants and Beneficiaries described in the preceding sentence will be given the opportunity to elect to receive the distributions described in the preceding sentence. This waiver applies with respect to any distribution which is required to be made in calendar year 2020 by reason of (1) a Required Beginning Date occurring in such calendar year; and (2) such distribution not having been made before January 1, 2020. Notwithstanding Section 6.5, solely for purposes of applying the direct rollover provisions of the Plan, the 2020 RMDs will be treated as eligible rollover

distributions. In addition, the five-year period described Code Section 401(a)(9)(B)(ii) shall be determined without regard to calendar year 2020. This Section is intended to implement Section 2203 of the Coronavirus Aid, Relief, and Economic Security Act of 2020 (the "CARES Act") and shall be construed accordingly.

4. Section 6.3 will be administered in operational compliance with Code Section 401(a)(9), including the rules related distributions to a Beneficiary of a Participant who dies after December 31, 2019, as amended by the SECURE Act, and the waiver of required minimum distributions for 2020, as amended by the CARES Act, as of the applicable effective dates.

IN WITNESS WHEREOF this Amendment has been executed by the Employer on _____, 2022.

CITY OF CRETE, NEBRASKA

By: _____
Dave Bauer, Mayor