

REGULAR
CITY COMMISSION
AGENDA
April 20, 2016
@ 5:30 P.M.
TOWN HALL, CITY HALL
118 E. Tyler Street
Harlingen, Texas

Notice is hereby given that the above governmental body will hold a Regular Meeting on **Wednesday, April 20, 2016 at 5:30 P.M.** in City Hall, Town Hall, 2nd Floor, Harlingen, Texas.

City of Harlingen meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary's Office at (956) 216-5001 or write Post Office Box 2207, Harlingen, Texas 78550 at least 48 hours in advance of the meeting.

The Harlingen City Commission reserves the right, pursuant to Texas Government Code Chapter 551, Subchapter D, to enter into closed executive session on any item posted on the agenda if a matter is raised that is appropriate for closed discussion.

Invocation/Commissioner Tudor Uhlhorn

Pledge of Allegiance/Welcome

- 1) Special Recognition
- 2) Presentation of proclamations proclaiming the following:
 - a) May 1st - 7th, 2016 as "Drinking Water Week." Attachment
 - b) Month of May, 2016 as "Motorcycle Safety and Awareness Month." Attachment
 - c) May 1st-7th, 2016 as "National Travel & Tourism Week". Attachment
- 3) Report on the Community Wide Trash-Off Day held April 2, 2016. Attachment **(Code Enforcement)**
- 4) Report on the Neighborhood Clean-Sweep held April 9, 2016. Attachment **(Code Enforcement)**

- 5) Presentation by the Fire Chief, Roy Rubio regarding the Emergency Management Division Hurricane Preparedness Meeting held in Harlingen, Texas, April 11, 2016. **(Fire Dept.)**
- 6) Presentation by the MPO Director regarding "Viva Streets Harlingen Event." Attachment **(MPO)**
- 7) Approval of Minutes
 - a) Regular Meeting of March 16, 2016

	CONSENT AGENDA	
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The following items are of a routine or administrative nature. The Council has been furnished with background material on each item and/or it has been discussed at a previous meeting. All items will be acted upon by one vote, without being discussed separately, unless requested by a Commission member. Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

- 8a) Consider and take action to approve a request from Saint Anthony's Catholic Church to close Van Buren Avenue between 10th and 11th Street, Friday, April 22, 2016 from 8:00 a.m. to 1:00 p.m. for their Annual Walk-A-Thon. Attachment **(Police Dept.)**
- b) Second and final reading to approve and adopt an ordinance designating a "No Parking Zone" along the north and south side of Kimble Avenue. Attachment **(City Engineer)**
- c) Consider and take action to approve the final plat of the proposed M.V. Soto Subdivision, being a 4.287 acre tract of land, more or less, out of Block 32, Stuart Place Subdivision Survey 298 located on the north side of Drury Lane west of Altas Palmas Road. Applicant: Juan Alonzo of Vanguard Engineering, c/o Marcelo and Vanessa Soto. Attachment **(Planning Dept.)**
- d) Consider and take action to approve a refund of property taxes to Lereta (Tamez Aida), Acct. #16-1160-0020-0130-00 for \$1,444.08 due to a homestead adjustment and 100% veteran's exemption for Years 2014-2015. Attachment **(Finance)**



- 9) Consider and take action to approve a Resolution of Reinstatement of the Qualified Retirement 401 (a) Plan for the City of Harlingen. Attachment ***(Gabriel Gonzalez, Asst. City Manager)***
- 10) Consider and take action to approve the Governmental Volume Submitter Plan Adoption Agreement for the City of Harlingen's 401(a) Plan and authorize the City Manager to sign the agreement. Attachment ***(Gabriel Gonzalez, Asst. City Manager)***
- 11) Board Appointments

Discussion and possible action regarding membership on any of the following listed board/entity:

- a. Airport Board (2)
- b. Animal Shelter Advisory Committee (3)
- c. Audit Committee (Terms expire annually in June)
- d. Civil Service Commission (Mayor) (1)
- e. Community Development Advisory Board (3)
- f. Construction Board of Adjustments (6)
- g. Convention & Visitors Bureau (3)
- h. Development Corporation of Harlingen, Inc. (2)
- i. Downtown Improvement District Board (1)
- j. Golf Course Advisory Board (1)
- k. Harlingen Community Improvement Board (1)
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (6)
- o. Library Advisory Board
- p. Mayor Wellness Council
- q. Museum Advisory Board (3)
- r. Parks Advisory Board
- s. Planning & Zoning Advisory Board
- t. Senior Citizens Advisory Board (3)
- u. Tax Increment Finance Board **(All Bd. Members' Terms have expired)**
- v. Tennis Advisory Board (2)
- x. Utility Board of Trustees
- y. Veterans Advisory Board (2)
- z. Zoning Board of Adjustments (9)

Specifically, appointment or discussion and possible action to include appointment and/or removal of any position subject to appointment or removal by statute, ordinance, or bylaws.

12) Citizen Communication

I, the undersigned authority, do hereby certify that the above Notice of Meeting is a true and correct copy of said Notice and that I posted said notice on the bulletin board in the City Hall of the City of Harlingen, a place convenient and readily accessible to the general public at all times and said notice was posted on Friday, April 15, 2016 at 5:15 p.m. at least 72 hours preceding the scheduled time of said meeting.

Dated this 15th of April, 2016

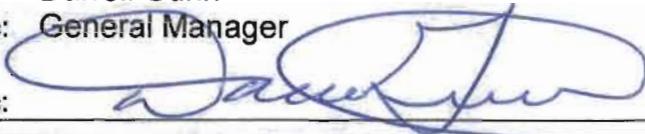


Amanda C. Elizondo
Amanda C. Elizondo, City Secretary

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: April 20, 2016

Agenda Item:
A proclamation declaring May 01-07, 2016, Drinking Water Week.

Prepared By (Print Name): Darrell Gunn
Title: General Manager
Signature: 

Brief Summary:
This will be the 5th year the Waterworks participates in American Water Works' annual Drinking Water Week. The event will take place at Downtown Jackson Street Market Days on Saturday May 7, 2016, where we hand out important literature about water conservation, xeriscape, kid's coloring/activity books, other promotional items and best of all, free drinking water to the community.

Funding (if applicable):
Are funds specifically designated in the current budget for the full amount Yes No*
for this purpose?
*If no, specify source of funding and amount requested:
Finance Director's approval: Yes No N/A

Staff Recommendation:
A proclamation recognizing May 01-07, 2016, Drinking Water Week.

City Manager's approval: Yes No N/A
Comments:

City Attorney's approval: Yes No N/A

Proclamation



Office of the Mayor

- WHEREAS,** water is our most valuable natural resource; and
- WHEREAS,** only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and
- WHEREAS,** any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and
- WHEREAS,** we are all stewards of the water infrastructure upon which future generations depend; and
- WHEREAS,** each citizen of our city is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues by getting to know their water.

NOW THEREFORE, I, Chris Boswell, Mayor of the City of Harlingen, Texas, do hereby proclaim the week of May 1st thru May 7th, 2016 as

“DRINKING WATER WEEK”

WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Harlingen, Texas, to be affixed on this 20th day of April, 2016.

Chris Boswell, Mayor

Attest:

Amanda C. Elizondo, City Secretary

Proclamation

26)



Office of the Mayor

WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, motorcyclists are roughly unprotected and therefore more prone to injury or death in a crash than other vehicle drivers; and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and, most of all, fatalities, through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and

WHEREAS, urging all citizens of our community to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike to give each other the mutual respect they deserve.

NOW, THEREFORE I, Chris Boswell, Mayor of the City of Harlingen do hereby proclaim the month of May as

"Motorcycle Safety and Awareness Month"

in this city and further, urge all residents to do their part to increase safety and awareness in our community.

IN WITNESS WHEREOF, I have set my hand and cause the seal of the City of Harlingen to be affixed this 20th day of April in the year 2016.

A handwritten signature in black ink, appearing to read 'Chris Boswell'.

Chris Boswell, Mayor

Attest:

A handwritten signature in black ink, appearing to read 'Amanda C. Elizondo'.

Amanda C. Elizondo, City Secretary



Proclamation

2c)



Office of the Mayor

Whereas, travel has a positive effect on Texas and the nation's economic prosperity and image abroad, to business productivity and to individual travelers' well-being; and

Whereas, travel to and within Texas provides significant economic benefits for the state, generating 67.5 billion spent directly by travelers and tax revenues of \$4.7 billion for state and local governments, funds used to support essential services and programs; and

Whereas, travel is among the largest industries in the state, supporting more than 1.1 million jobs, including more than 600,000 directly in the travel industry and more than 500,000 in other industries; and

Whereas, travel in Harlingen provides economic benefits for the city in local tax revenue; and

Whereas, travel spending in our region enhances the quality of life of local residents through sales taxes paid by out-of-town guests, thereby decreasing residents' taxes to cover services enjoyed by all; and

Whereas, travel is a catalyst that moves the local economy forward and builds on the visitor amenities and experiences available for travelers and local residents; and

Whereas, leisure travel, which accounts for more than three-quarters of all trips taken in the United States, spurs countless benefits to travelers' health and wellness, creativity, cultural awareness, education, happiness, productivity and relationships; and

Whereas meetings, events and incentive travel are core business functions that help companies strengthen business performance, educate employees and customers and reward business accomplishments—which in turn boosts the city's economy; and

Whereas, travel is a pillar of economic growth, creating jobs at a faster rate than other sectors.

NOW, THEREFORE, I, Chris Boswell, Mayor of the City of Harlingen do hereby proclaim the week of May 1 through May 7 as

“National Travel and Tourism Week”

and I invite the residents of this great community to enjoy our many attractions and events and utilize the Harlingen Convention and Visitors Bureau.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the great seal of the City of Harlingen, Texas this 20th day of April 2016

Chris Boswell, Mayor

Attest:

Amanda C. Elizondo, City Secretary

City of Harlingen

Community Wide
Trash-off Day

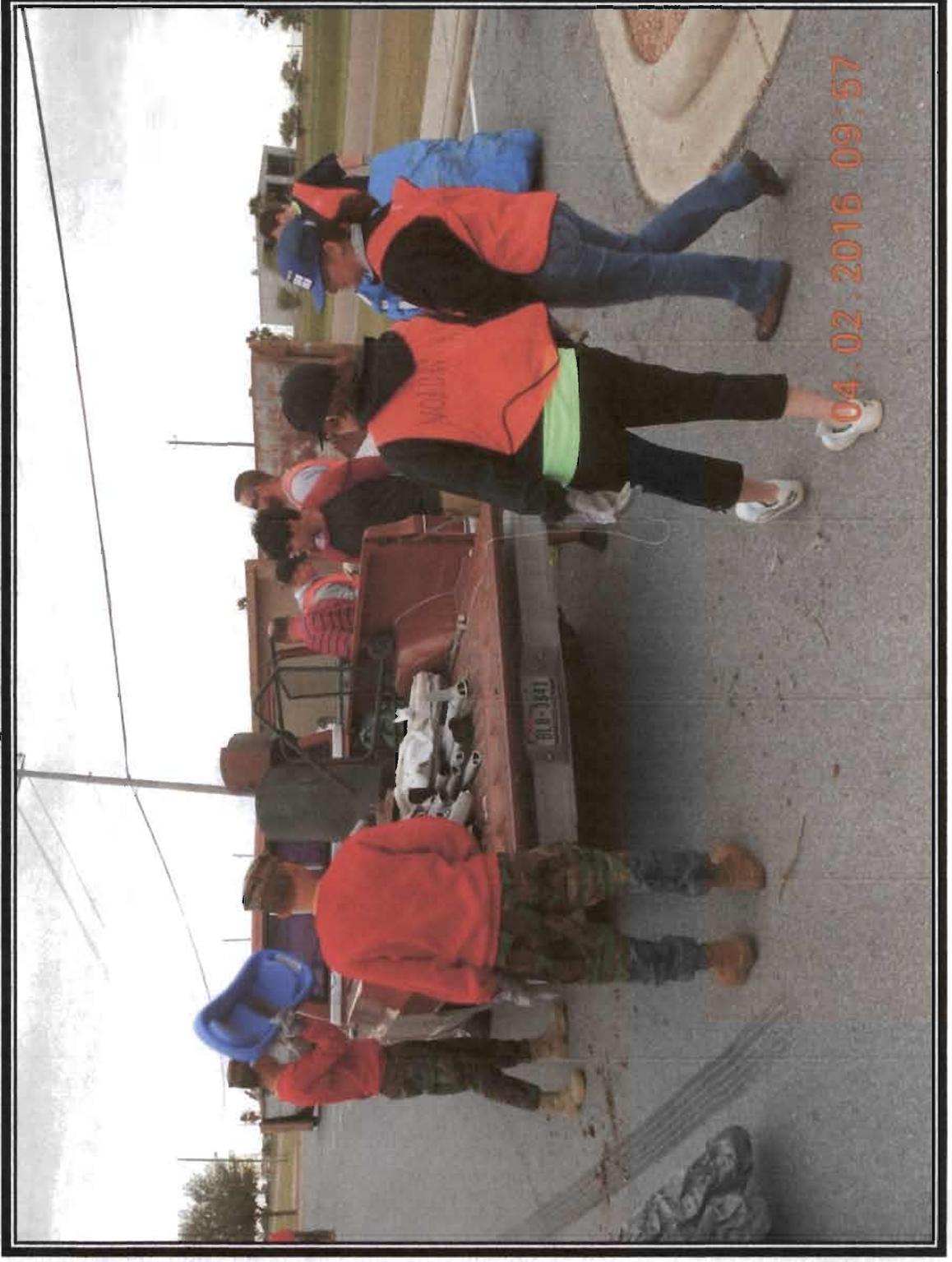
April 02, 2016



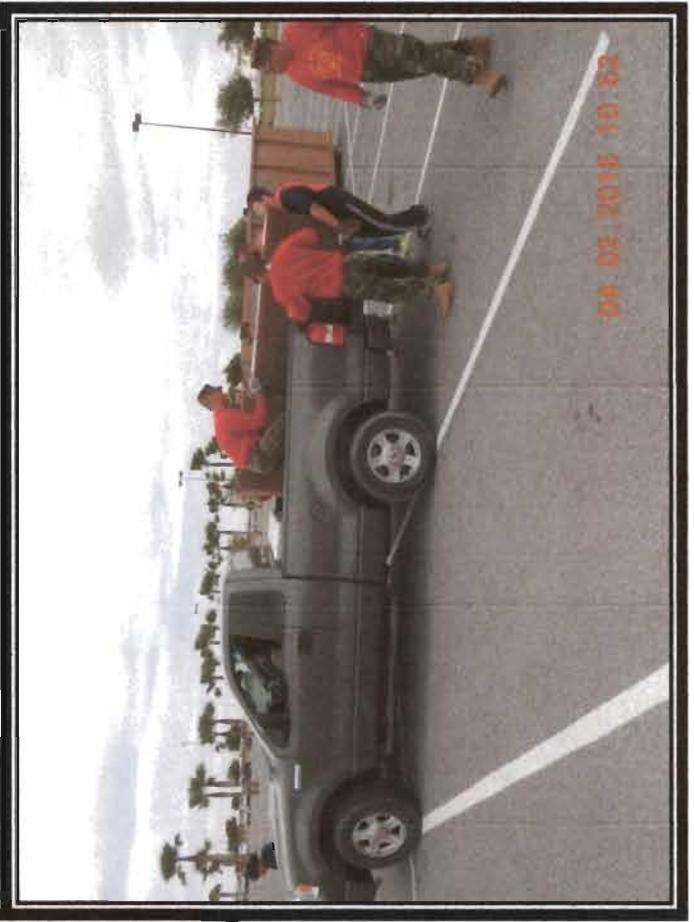
On Saturday April 02, 2016 the City of Harlingen
held a Community Wide Trash Off Day
at the Soccer Complex parking lot from
8:00 a.m. to 12:00 noon.

Volunteers started promptly at 8 a.m. assisting
Harlingen residents in unloading trash & debris.

**6.70 tons of debris was brought
in by local citizens**

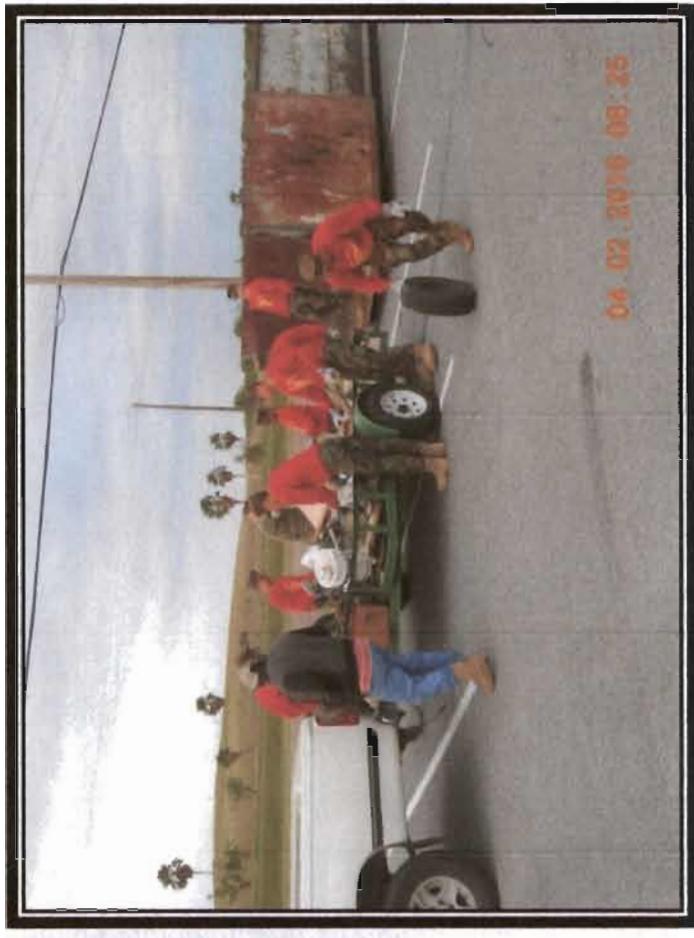


Volunteers hard at work.





Volunteers hard at work.



A total of 100 tires were collected.





VOLUNTEERS

The great success of this event is due in large part to the volunteers.

On behalf of the City Of Harlingen, we want to thank MMA and the DELUA FAMILY for taking your time to be of service to the community.

We look forward to our next community event.



**This event represents the shared
commitment
to “Keep Harlingen Beautiful” .**

**Our next Community Trash Off will be
held on June 11, 2016 at the Casa De
Amistad parking lot between 8:00 a.m.-
12:00 p.m**



City of Harlingen

NEIGHBORHOOD CLEAN-SWEEP

April 09, 2016



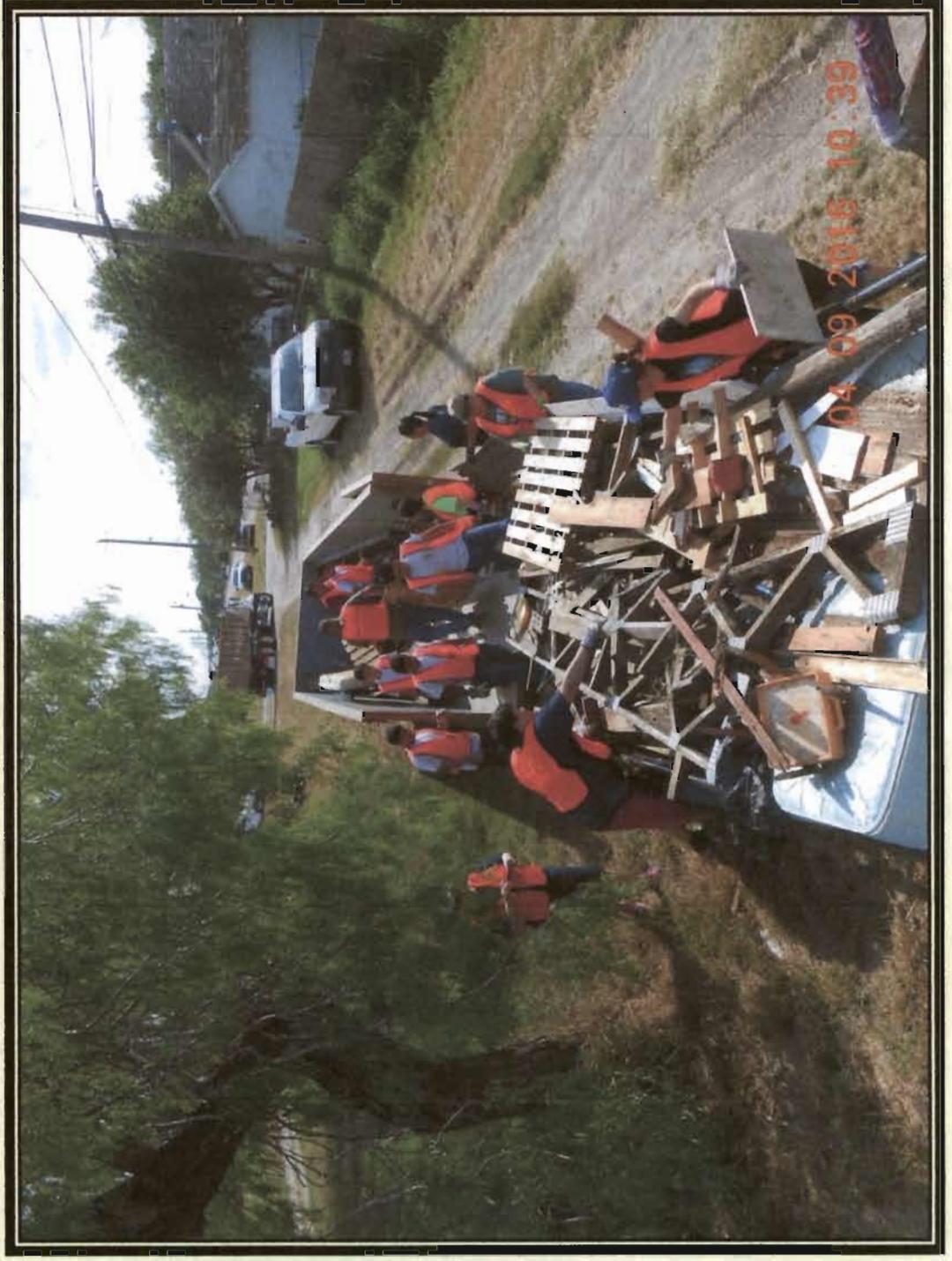
On Saturday April 09, 2016 the City of Harlingen
held a Neighborhood Clean-Sweep
W. Cleveland, W. McKinley & W. Roosevelt from
South "B" to Circle Place
District 4
8:00 am to 12:00 noon.

Volunteers started promptly at 8 a.m. assisting
Harlingen residents in picking up trash & debris.

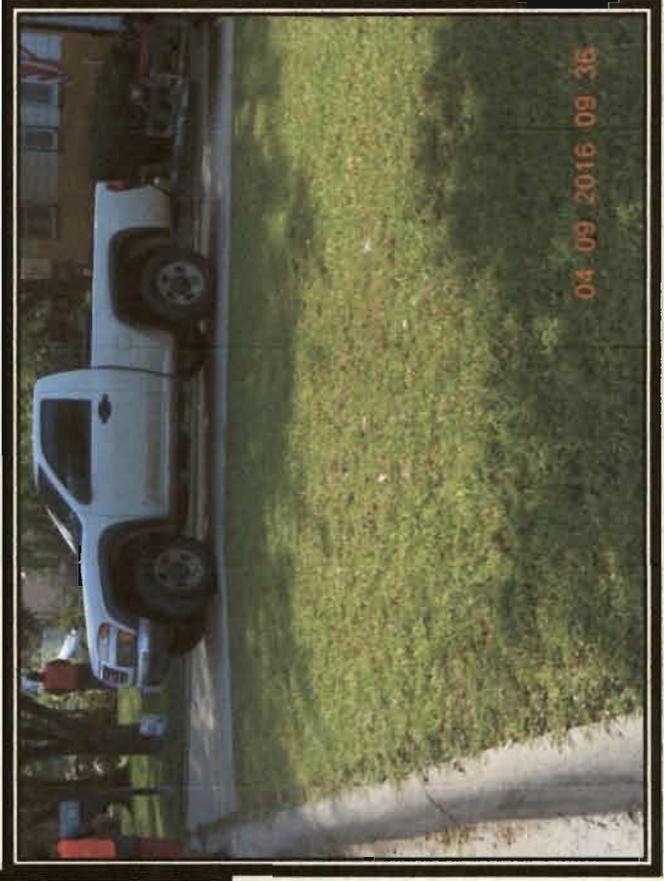
4.4 tons of debris and **36 tires**
were picked up by our volunteers



Volunteers hard at work.



BEFORE & AFTER.



The great success of this event is due in large part to the volunteers.

On behalf of the City Of Harlingen, we want to thank the Delua Family and the Tamayo House for taking there time to be of service to the community.

We look forward to our next Cleanup event, on May 14, 2016, which will be Between Aragon Dr. & S. Arden starting on Arbor, Adrian, Ann Arbor & Arcadia between 8am-12noon

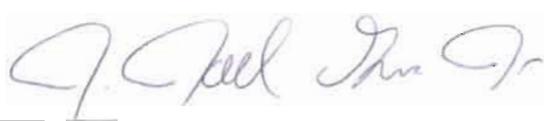
6)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: 4/20/16

Agenda Item:
Presentation of Viva Streets Harlingen Event

Prepared By (Print Name): J. Joel Garza, Jr.
Title: MPO Director

Signature: 

Brief Summary:
Viva Streets Harlingen Event will be held in the Downtown Area starting on Jackson Avenue from Commerce Street to 6th Street and from 6th Street to the Harlingen Public Library. One (1) mile of Harlingen streets will be converted into a safe, fun open environment for walking, bicycling, skating, jogging, aerobic classes, and much more for the whole family. The event is scheduled for Saturday, April 23, 2016 from 9 a.m. to 2 p.m. Along with the Viva Streets Event, the City of Harlingen and Footwork's will sponsor a 5K Adventure Run/Walk to benefit the Boys & Girls Club of Harlingen. The 5K Run/Walk starts and ends by the Harlingen Public Library. **COME AND EXPLORE DOWNTOWN HARLINGEN IN A WHOLE NEW WAY, FUN FOR THE WHOLE FAMILY.**

Funding (if applicable):
 Yes No

Finance Director's approval: Yes No N/A

Staff Recommendation:

City Manager's approval: Yes No N/A

Comments:

City Attorney's approval: Yes No N/A



Bike
Walk
Games
Bike Rodeo
Skateboard

Obstacle Course

Skating
Run
Live Music
Crossfit
Zumba

VIVA STREETS HARLINGEN

April 23, 2016 9am—2pm Downtown Harlingen



Viva Streets Harlingen! will turn 1 mile of Harlingen streets into a safe, fun open environment for walking, bicycling, skating, jogging, aerobic classes, and much, much more for the whole family! You'll be able to explore Downtown Harlingen in a whole new way. To Kick off the event, Footworks presents a 5K Adventure Run/Walk, which benefits the Boys & Girls Club of Harlingen. Registration is required for the 5K. Register at Footworks Harlingen or <https://fw.webconnex.com/Viva5k>

Jackson Ave:
From Commerce to 6th Street



6st Street:
From Jackson Ave to Public Library

Come PLAY in the Street!

Questions? Contact us at (956) 216-5240 or hsbmpo@myharlingen.us

myvalleystar.com

Find us on facebook

7)

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

March 16, 2016

A Regular Meeting of the Harlingen Elective Commission was held on March 16, 2016 at 5:30 p.m., City Hall, Town Hall Meeting Room, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell

Mayor Pro-Tem Victor Leal, District 5

Danny Castillo, City Commissioner, District 1

Michael Mezmar, City Commissioner, District 3

Absent

Tudor Uhlhorn, City Commissioner, District 2

Ruben de la Rosa, City Commissioner, District 4

Staff Present

Dan Serna, City Manager

Amanda C. Elizondo, City Secretary

Richard Bilbie, City Attorney

Mayor Boswell called the meeting to order and announced the meeting was duly posted according to State Law. The following proceedings were held:

Invocation/Commissioner Mayor Pro-Tem Leal

Mayor Pro-Tem Leal announced that Pastor Mark Molina of Living Waters Church would give the invocation on his behalf.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed those in attendance.

1) Presentation of proclamations proclaiming the following:

Mayor Boswell read and presented the following proclamations (Items 1, a & b) to several members of the Community Development Advisory Board.

a) March 28, 2016 through April 2, 2016 as “Community Development Block Grant Week”

b) April, 2016 as “Fair Housing Month.”

1
2 Mayor Bowell congratulated the board members and Community Development staff for the
3 great work that they did for the community.

4
5 2) Approval of Minutes

6
7 a) Regular Meeting of February 17, 2016

8
9 Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to approve
10 the minutes of the Regular Meeting of February 17, 2016. Motion carried unanimously.

11
12 3a) Second and final reading to approve and adopt an ordinance of the City of Harlingen, Texas
13 repealing Harlingen Code of Ordinances, Article VIII, Division 5 in its entirety; eliminating the
14 Harlingen Municipal Auditorium Complex Advisory Board of Directors; and ordaining other
15 matters relating to the foregoing.

16 b) Consider and take action to approve a request from St. Anthony Catholic School to solicit a one
17 day permit from the TABC to sell alcoholic beverages at their Spring Gala Event scheduled for
18 April 8, 2016, 6:00 p.m. to 11:30 p.m.

19
20 c) Consider and take action to approve refund(s) of property taxes to Conway Villa
21 Investors, Inc. on account #00-0100-2012-0885-00, Eduardo Trevino Becho, Jr., Acct: #16-
22 9400-0010-0130-00, Krishna Harlingen Investment, Acct: #22-4114-0010-0010-00 and John &
23 Consuelo Woodard, Jr., Acct: #23-2840-0030-0090-00.

24
25 d) Investment Report for the City of Harlingen for Quarter ended December 31, 2015.

26 Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to approve
27 Items under the consent agenda. Motion carried unanimously.

28 For the record, the caption of Ordinance No. 16-20 read as follows:

29 ORDINANCE NO. 16-20

30 AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS
31 REPEALING HARLINGEN CODE OF ORDINANCES ARTICLE
32 VIII, DIVISION 5 IN ITS ENTIRETY; ELIMINATING THE
33 HARLINGEN MUNICIPAL AUDITORIUM COMPLEX ADVISORY
34 BOARD OF DIRECTORS; AND ORDAINING OTHER MATTERS
35 RELATING TO THE FOREGOING.

36
37 PASSED AND APPROVED on first reading this 2nd day of March, 2016.

38 PASSED AND APPROVED on second and final reading this 16th day of March, 2016.

39
40 City of Harlingen
41 /s/ Chris Boswell

42 ATTEST:

43 /s/Amanda C. Elizondo, City Secretary
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- 4) Public hearing to consider an ordinance on first reading for a Specific Use Permit to allow an adult business (e-cigarette shop) in a General Retail (“GR”) District located at 801 N. 77 Sunshine Strip, bearing a legal description of Block 2, Coronado Acres Subdivision No. 5; and Lot 3, Block 1, Coronado Acres Subdivision Unit No. 9. Applicant: Rick Galvan.

Rodrigo Davila, Planning and Development Director stated Rick Galvan, applicant was requesting a Specific Use Permit to allow an e-cigarette shop out of an existing 930 sq. ft. suite located in the Village Shopping Center. The proposed name of the business would be Gulf Coast Vapors, hours of operation would be Monday through Sunday, 10:00 a.m. to 7:00 p.m. Eighty-five percent (85%) of the business inventory would consist of e-cigarettes and liquids. The remaining 15% would consist of e-cigarette accessories such as vape pens, attachments, coils, batteries, chargers, cases and wearing apparel. Based on the size of the suite, three (3) parking spaces were required in the common parking area. The site was currently vacant and previously it was a cake shop. The surrounding properties to the north, south, and west were zoned as General Retail ("GR") and Neighborhood Services ("NS") to the east. The surrounding land uses consisted of a car wash to the north, NAPA Auto Parts to the south, Cash America Pawn Shop to the east, and Rent-A-Center to the west. The request was reviewed by the appropriate departments. No objections were received from the departments, subject to the applicant complying with all applicable ordinances, codes and standards. The Police Department reported they had previously received nine calls from this location and no reports were generated. The Planning and Zoning Commission (P/Z) Board recommended approval subject to following conditions: 1) maintain the required off-street parking spaces; 2) obtain and maintain the required State permits; 3) comply with Harlingen Code of Ordinance Chapter 130.097, Unlawful Substances; and 4.) complying with the requirements administered by the Planning, Building Inspections, Environmental Health, Fire Prevention and Police Departments.

- a) Public hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against the item could do so.

Yolanda Shoffeitt, 285 Altas Palmas stated she was against the SUP because e-cigarettes could eventually get out of hand.

There being no other comments, Mayor Boswell closed the public hearing.

- b) Consider and take action to approve an ordinance on first reading for a specific use permit to allow an adult business (e-cigarette shop) at the above described location.

Richard Bilbie, City Attorney read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Mezmar to approve the ordinance on first reading for a Specific Use Permit to allow an adult business (e-cigarette shop) in a General Retail (“GR”) District located at 801 N. 77 Sunshine Strip, bearing a legal description of Block 2, Coronado Acres Subdivision No. 5; and Lot 3, Block 1, Coronado Acres Subdivision Unit No. 9. Motion carried unanimously.

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2 5) Public hearing and take action to approve the preliminary and final replat of the
3 proposed Lazy Palms Subdivision Phase 1-B Replat of Block 5, being a 0.90 acre tract of
4 land comprised of all of Lots 24-30, Block 5, Lazy Palms Subdivision Phase 1-B, located on
5 the North Bamboo Palm Court, to replat the said subdivision by reducing the length of the said
6 single family residential lots. Applicant: Ferris, Flinn and Medina, c/o Larry Nixon of Plains
7 Capital Bank.
8

9 Mr. Davila stated the proposed re-plat consisted of seven single family residential lots located
10 on North Bamboo Palm Court in the original Lazy Palms Subdivision Phase 1-B recorded in 2001.
11 The purpose of the re-plat was to reduce the length of the lots due to an existing fence encroachment
12 from an adjacent property owner to the north. On January 20, 2015, the City Commission approved
13 the variance for the re-plat to a minimum of 6,000 sq. ft. required for residential lots. The proposed
14 lots range in size from 5,556 to 5,774 sq. ft. The proposed re-plat is located within a ("R-1") District
15 and was consistent with the zoning district. The Harlingen Waterworks System would provide the
16 water and wastewater disposal. The Planning and Zoning Department did not receive any calls from
17 the surrounding property owners objecting to the re-plat. All of the items on the preliminary and final
18 re-plat checklist were addressed. The P&Z Commission along with the staff was recommending
19 approval of the request.
20

21 Mayor Pro-Tem Leal asked if they were being asked to approve the re-plat only because they
22 previously approved the use of these lots.
23

24 Mr. Davila responded the variance had to be approved in order to proceed with the recording of
25 the new dimensions.
26

27 Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to approve
28 the preliminary and final re-plat of the proposed Lazy Palms Subdivision Phase I-B Replat of Block 5,
29 being a 0.90 acre tract of land comprised of all of Lots 24-30, Block 5, Lazy Palms Subdivision Phase
30 IB, located on the North Bamboo Palm Court to re-plat the said subdivision by reducing the length of
31 the said single family residential lots. Motion carried unanimously.
32

33 6) Public hearing to consider an ordinance on first reading to amend the Planned Development
34 ("PD") site plan for Lots 44-49, Block 1, Cottonwood Creek Subdivision No. 1, located on the
35 100 Block of Willow Circle, to reconfigure the lots from a forty-five degree angle to a 90
36 degree angle. Applicant: Victor Banuelos of Centerline Surveying Company, c/o Plains
37 Capital Bank.
38

39 Mr. Davila stated the applicant was requesting to amend the Planned Development ("PD") site
40 plan to reconfigure six single family residential lots from forty-five degree angle lots to ninety degree
41 angle. The property was annexed into the City in 1983 and the subdivision plat was recorded in 1984
42 consisting of 149 lots. In December 1983, the City Commission approved the Planned Development
43 (PD) District for mobile home use. On April 16, 2003 the City Commission approved a request to
44 amend the PD site plan to single family home for the remaining 50 vacant lots. The property is vacant
45 and the six combined lots consist of 304 ft. of frontage on Willow Circle with a depth of 109.62 sq. ft.
46 The proposed reconfigured lots range from 84 ft. wide to 133 ft. in depth and from 55 ft. to 109 ft. in
47 length. All the lots would continue to have a front setback of 10 ft. Setbacks for a garage would be
48

1
2 20 ft., unless it was a side entry garage, than the side setbacks would be 5 ft. and 10 ft. for the rear
3 setback.
4

5 The surrounding properties to the north, south and west were zoned planned development
6 residential and to the east Not Designated ("N"). The City's Future Land Use Plan and the existing
7 Comprehensive Plan showed this area as residential and low density. Staff did not receive any
8 objections from the surrounding property owners and recommended approval of the request.
9

10 a) Public hearing

11
12 Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against
13 the item could do so.
14

15 There being no comments, Mayor Boswell declared the public hearing closed.
16

17 b) Consider and take action to approve an ordinance on first reading to amend the Planned
18 Development ("PD") site plan for Lots 44-49, Block 1, Cottonwood Creek Subdivision
19 No. 1, located on the 100 Block of Willow Circle to reconfigure the lots from a forty-
20 five degree angle to a 90 degree angle.
21

22 Richard Bilbie, City Attorney read the caption of the ordinance.
23

24 Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to approve
25 the ordinance on first reading amending the Planned Development ("PD") site plan for Lots 44-49,
26 Block 1, Cottonwood Creek Subdivision No. 1 located on the 100 Block of Willow Circle to
27 reconfigure the lots from a forty-five degree angle to a 90 degree angle. Motion carried unanimously.
28

29 7) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to
30 allow a Bar/Lounge in a Light Industry ("LI") District located at 1714 N. Commerce, bearing a
31 legal description of Blocks 2-4, Orange Heights Subdivision. Applicant: David Martinez.
32

33 Mr. Davila stated David Martinez, applicant was requesting a specific use permit to open a
34 bar/lounge at 1714 N. Commerce, formerly used as a bar. Based on the proposed site plan, the interior
35 would have 40 seats and would require one parking space for every 100 sq. ft. of floor area or one for
36 every 2 seats whichever was greater. The applicant and property owner agreed to stripe 22 parking
37 spaces within the property. Proposed hours of operation would be Tuesday through Thursday from
38 3:00 p.m. to 2:00 a.m. and Friday and Sunday from 11:00 a.m. to 2:00 a.m. Live music would be
39 provided. The surrounding properties were zoned ("LI") in all immediate directions; the area across the
40 railroad tracks to the east was zoned ("R-1"); the building directly north was an appliance repair
41 business; to the south was a vacant building; and to the east a vacant property. The applicant had
42 obtained the required permits from the State and TABC. Staff did not receive any objections to this
43 request. Approval of the request was subject to the following conditions: 1.) must provide and
44 maintain the required off street parking spaces; 2.) must obtain and maintain the proper State & TABC
45 permits; 3.) must provide and maintain video surveillance on all entrances and exits, and maintain a 30
46 day retention of the video; 4.) must provide adequate lighting on the premises; 5.) must provide a
47 licensed security guard during peak hours operation on Thursday, Friday and Saturday from 9:00 p.m.
48 to 2:00 a.m. and 6.) must comply with the requirements administered by the Planning, Building

1
2 Inspections, Health, and Fire Prevention Departments prior to the issuance of the Certificate of
3 Occupancy.

4
5 a) Public hearing

6
7 Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against
8 the item could do so.

9
10 There being no comments, Mayor Boswell declared the public hearing closed.

11
12 b) Consider and take action to approve an ordinance on first reading for a specific use
13 permit to allow a Bar/Lounge at the above described location.

14
15 Mr. Bilbie, City Attorney read the caption of the ordinance.

16
17 Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to
18 approved an ordinance on first reading for a Specific Use Permit ("SUP") to allow a Bar/Lounge in a
19 Light Industry ("LI") District located at 1714 N. Commerce, bearing a legal description of Blocks 2-4,
20 Orange Heights Subdivision. Motion carried unanimously.

21
22 8) Consider and take action to approve an agreement between the Texas A&M Engineering
23 Extension Service (TEEX) Texas Task Force One (TX-TFI) and Fire Department members
24 (Adrian Perales) and the Harlingen Fire Department by means of a Memorandum of
25 Understanding.

26
27 Roy Rubio, Fire Chief highlighted the terms of the MOU in regards to the preparation for
28 state/federal declaration of disasters. The scope of the MOU also included training activities mandated
29 by TEEX to maintain a task force for operational readiness. He recommended approval of the MOU.

30
31 Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to approve
32 the agreement between the Texas A&M Engineering Extension Service (TEEX) Texas Task Force One
33 (TX-TFI) and Fire Department members (Adrian Perales) and the Harlingen Fire Department by
34 means of a Memorandum of Understanding. Motion carried unanimously.

35
36 9) Consider and take action to approve a resolution adopting the 2016 Parks and Recreation
37 Master Plan for the City of Harlingen.

38
39 Javier Mendez, Parks Director thanked the City Boards, members, Jim Carrillo from Halff and
40 Associates, several City staff members and citizens for participating in the development of the plan.
41 Several workshops and public hearings were held to discuss the plan and to solicit input from the
42 public in regarding parks and recreation improvements. Surveys were mailed out and person to person
43 surveys were conducted at special events to also solicit input from the public. The plan provides the
44 City with a guide to develop the existing facilities for future needs. The plan could be amended if
45 necessary. The plan consisted of over 18.5 million dollars of improvements. It was presented to the
46 Parks and Recreation Advisory Board and recommended approval of the plan. The master plan would
47 be use as tool for soliciting grant funding, especially from the Texas Parks and Wildlife Department.
48

1
2 Mr. Mendez recommended approval of the resolution adopting the final Parks and Recreation
3 Master Plan for 2016.

4
5 Mayor Boswell thanked the Parks and Recreation Board members, volunteers and staff for their
6 participation in putting the master plan together. This plan was a long term blue print on how we might
7 be able to improve and develop the parks systems in the community. It would be used hand in hand
8 with the 2010 Master Trail Plan and the City's Comprehensive Plan when approved.

9
10 Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to approve
11 a resolution adopting the 2016 Parks and Recreation Master Plan for the City of Harlingen. Motion
12 carried unanimously.

13
14 10) Consider and take action to approve a Second Amended Industrial District Agreement
15 between the City of Harlingen and Coronado Power Ventures, L.L.C.

16
17 Raudel Garza, Chief Executive Officer stated La Paloma Energy Center was an existing project
18 from approximately four years ago. The project was scheduled to start in 2014, but was delayed due to
19 some financing issues. They were able to resolve the financial issues and are expected to start in June,
20 2016. Mr. Garza reported that once the project was completed, it would be about a 400 to 500 million
21 dollars investment upward and 1/2 billion dollar and over 700 employees would be employed to
22 construct the plant. About 25 to 30 permanent high paying jobs would be created to operate the power
23 plant. Mr. Garza stated an impact study was done out of Austin when the project was initially
24 presented. He briefly highlighted the details of the survey and stated this was a great project. One of
25 the requests was to amend the contract to adjust the dates as if it would start today to allow them to get
26 started and take advantage of the non-annexation agreement relating to the industrial development
27 agreement. The second request was for the county to do the same at their level.

28
29 Dan Serna, City Manager stated the amendments were incorporated in the agreement. They
30 were asking for a base year calculation for the fair market value of July, 2015. Their first payment to
31 the City was scheduled for April 1, 2017. He recommended approval of the second amended Industrial
32 District Agreement.

33
34 Commissioner Mezmar inquired if the item had been presented to the County and if it was a
35 natural gas company.

36
37 Mr. Garza responded the County was aware of their request and were working on this request.
38 It was a natural gas, fire, and turbine power plant located east of 509 in Harlingen. They chose this
39 location because it was close to a high power transmission line, Port of Harlingen and connected to
40 Corpus Christi, Texas. It was close to a transmission line and natural gas lines. Bechtel Company
41 recently moved close to Weslaco. TSTC was modifying their welding program so that Bechtel
42 Company would recruit people for this project. This was a good project for the region.

43
44 Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to
45 approve the Second Amended Industrial District Agreement between the City of Harlingen and
46 Coronado Power Ventures, L.L.C. Motion carried unanimously.

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11) Board Appointments

None

12) Citizen Communication

Yolanda Shoffiet, 285 Altas Palmas stated about six years ago the apartments were placed on the demolition list. The neighbors were complaining that cats and rats were coming out of that place.

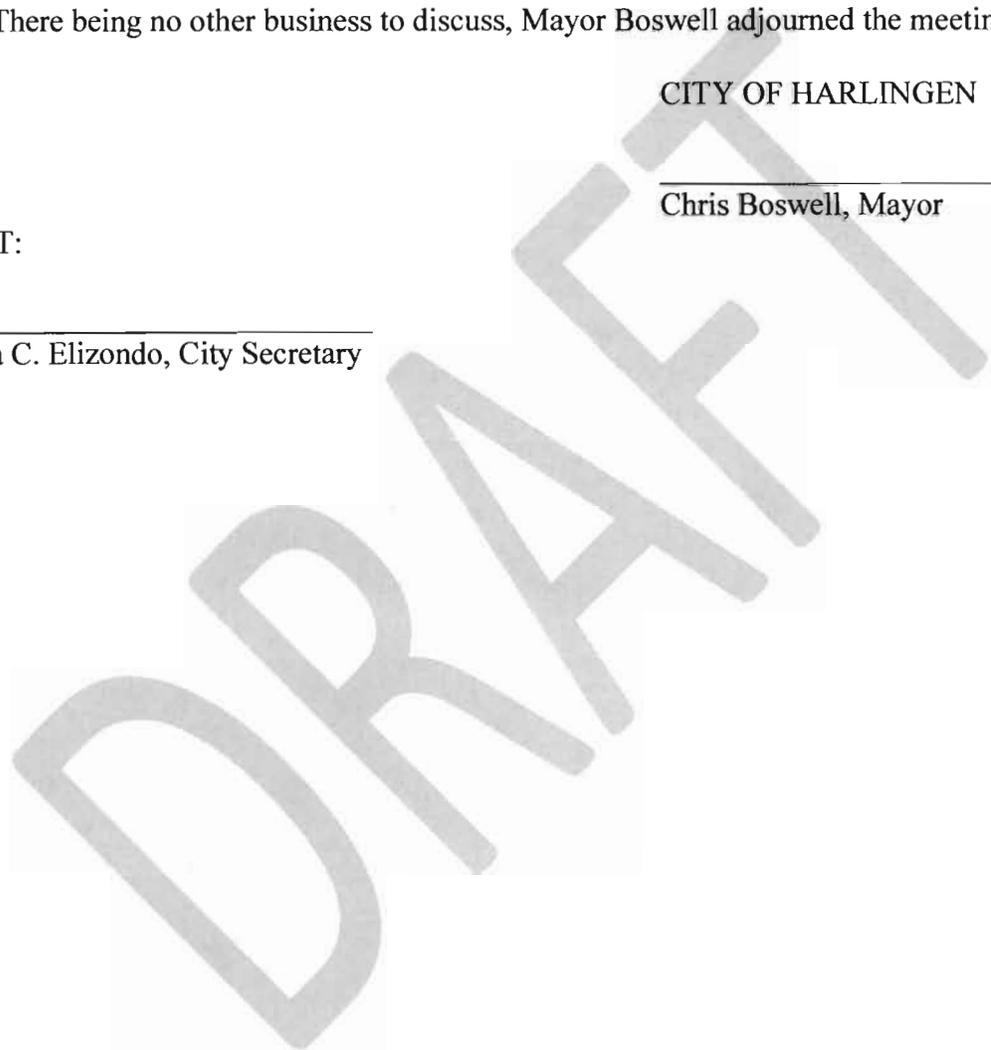
There being no other business to discuss, Mayor Boswell adjourned the meeting at 6:18 p.m.

CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary



8a)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 20, 2016**

Agenda Item:

Consider and take action to approve a request from Saint Anthony's Catholic Church to close Van Buren Avenue between 10th and 11th Street, Friday, April 22, 2016 from 8:00 a.m. to 1:00 p.m. for their Annual Walk-A-Thon.

Prepared By (Print Name): Jeffrey A. Adickes
Title: Chief of Police

Signature:



Brief Summary:

Office Manager, Amanda Sandoval, with Saint Anthony's Catholic Church is requesting to close Van Buren Ave. in between 10th and 11th St. on Friday, April 22, 2016 from the hours of 8:00AM-1:00PM for their Walk-A-Thon. There will be approximately 200 students and parents walking on that day.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose? Yes No*

*If no, specify source of funding and amount requested:
N/A

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends approval.

For Street Closures ONLY, Fire Chief's approval: Yes No N/A

City Manager's approval: Yes No N/A

Comments:

City Attorney's approval: Yes No N/A



TO: Chief of Police

DATE: 04/05/2016

FROM: Sergio Ruiz #4110

REF: Street Closure: SAINT ANTHONY'S WALK-A-THON

Saint Anthony's Catholic Church is requesting a street closure for a **WALK-A-THON** scheduled for Friday April 22, 2016 from the hours of 8:00AM -1:00 PM. There will be about 200 people in attendance for the walk. The streets to be blocked off are Van Buren Ave. in between 10th and 11th ST.

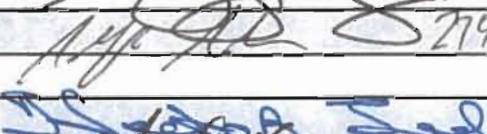
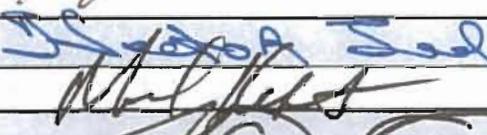
I am recommending for the street closure to be granted and for the barricades to be provided by the Street Department on the day specified by the request. A copy of the request and map will be turned in with IDC.

**** If need be I am also recommending to close down 10th and 11th St. from Harrison Ave. to insure that the public is safe from traffic in the area.****

Respectfully,



Officer Sergio Ruiz #4110

	SIGNATURE	DATE
OFFICER / EMPLOYEE	 4110	04/05/16
SERGEANT / SUPERVISOR	 2743	4/5/16
COMMANDER / MANAGER		
DEPUTY CHIEF		4-6-16
ASSISTANT CHIEF		4/5/16
CHIEF OF POLICE		4/6/16

Elizondo, Amanda C.

From: Delgado, Hilda
Sent: Friday, April 15, 2016 8:45 AM
To: Elizondo, Amanda C.
Cc: Alvear, Alfredo
Subject: FW: Street Closure Request

Good morning! Here is the approval from the Fire Dept for St Anthony's Church street closure request. Let me know if you need anything else and thank you so much for all your help. Have a great day!

From: Rodriguez, Cirillo
Sent: Friday, April 15, 2016 8:42 AM
To: Delgado, Hilda
Subject: RE: Street Closure Request

Good Morning Hilda,
I have reviewed the request from St. Anthony's Church for street closure and recommend the request.

*Cirilo Rodriguez
Assistant Fire Chief
Harlingen Fire Department
24200 F.M. 509
Harlingen, Texas 78550
(956)230-8051*



From: Delgado, Hilda
Sent: Monday, April 11, 2016 11:28 AM
To: Rubio, Roy; Rodriguez, Cirillo; Robles, Lile; Henderson, Donna
Subject: Street Closure Request

Fire Department,

'Would you please review attached street closure request and provide your recommendation.

Thank You,

Lucy Delgado
Records Clerk

From: Delgado, Hilda
Sent: Friday, April 08, 2016 8:48 AM
To: Rubio, Roy; Rodriguez, Cirillo; Robles, Lile; Henderson, Donna
Cc: Alvear, Alfredo
Subject: Street Closure Request

Fire Department,

Would you please review the attached street closure request and provide your recommendation.

Thank You,

Lucy Delgado
Records Clerk



86)

AN ORDINANCE TO ESTABLISH A "NO PARKING ZONE" ON THE NORTH SIDE AND SOUTH SIDE OF KIMBLE AVENUE BEGINNING AT ITS INTERSECTION WITH BONITO ROAD EXTENDING WEST, FOR A DISTANCE OF APPROXIMATELY 185 LINEAR FEET IN LENGTH; AUTHORIZING THE TOWING OF VEHICLES PARKED IN SAID "NO PARKING ZONE"; ESTABLISHING A PENALTY NOT TO EXCEED \$200.00 FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

BE IT ORDAINED BY THE CITY OF HARLINGEN:

SECTION I: That a "No Parking Zone" be established on the north side and south side of Kimble Avenue beginning at its intersection with Bonito Road extending west, for a distance of approximately 185 linear feet for the "No Parking Zone".

SECTION II: The Chief of Police of the City of Harlingen, Texas is hereby authorized and directed to place the traffic control devices authorized by this ordinance.

SECTION III: It shall be unlawful for any person to stop or park a vehicle in the "No Parking Zone" designated by this ordinance.

SECTION IV: That the Police Department of the City of Harlingen is authorized to cause vehicles parked in violation of this ordinance to be towed at the expense of the owners or operators of such vehicles.

SECTION V: That a person who stops or parks a vehicle in the "No Parking Zone" established by this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed \$200.00.

SECTION VI: That the City Secretary of the City of Harlingen, Texas is hereby authorized and directed to cause a true and correct copy of the caption of this Ordinance to be published in a newspaper having general circulation in the City of Harlingen, Cameron County, Texas.

FINALLY ENACTED THIS _____ day of _____, 2016 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE CHAPTER 551

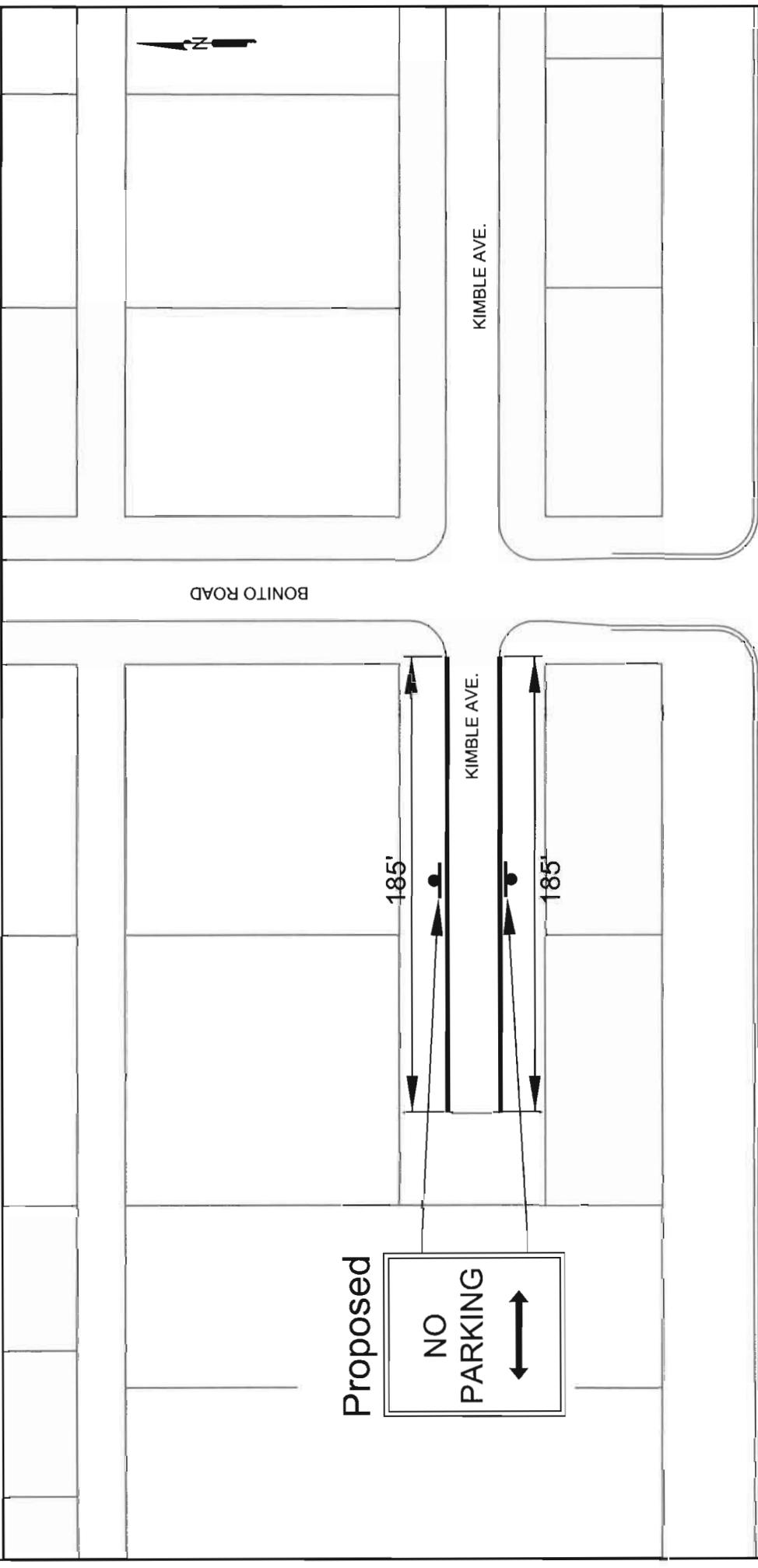
CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Proposed No Parking Zone on Kimble Avenue



LOOP 499



8C)

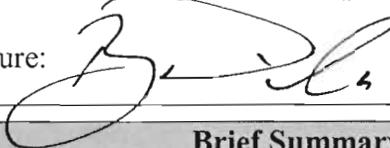
**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 20, 2016**

Agenda Item:

Consider and take action to approve the final plat of the proposed M.V. Soto Subdivision, being a 4.287 acre tract of land, more or less, out of Block 32, Stuart Place Subdivision Survey 298, located on the north side of Drury Lane west of Altas Palmas Road. Applicant: Juan Alonzo of Vanguard Engineering, c/o Marcelo and Vanessa Soto

Prepared By: Rodrigo Davila
Title: Planning and Development Director

Signature: 

Brief Summary:

Project Timeline

- January 7, 2016 – Original application for preliminary plat submitted to the City (**Attachment I and II**).
- January 20, 2016 – Subdivision was reviewed by Subdivision Review Committee.
- January 20, 2016 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- January 27, 2016 - Plat resubmitted based on deficiency letter; application deemed complete.
- February 10, 2016 – Preliminary plat approved by the Planning and Zoning Commission.
- February 29, 2016 - Final Plat resubmitted based on deficiency letter; application deemed incomplete.
- April 11, 2016 – Final Plat resubmitted based on deficiency letter; application deemed complete.
- April 20, 2016 – Consideration of the Final Plat by the City Commission.

Summary

- The proposed subdivision consists of one residential lot. It is located inside the city limits of Harlingen on the north side of Drury Lane west of Altas Palmas Road. (**Attachment III-V**).
- The proposed development is consistent with the Residential, Single Family (“R-1”) District.
- Water provision and wastewater disposal will be provided by HWWS.
- All items on the final plat checklist have been addressed.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose? Yes No*

*If no, specify source of funding and amount requested:

Finance Director's approval:

Yes No N/A

Staff Recommendation:

Staff recommends approval the final plat.

City Manager's approval:

Yes No N/A

Comments:

City Attorney's approval:

Yes No N/A

Attachment I

CITY OF HARLINGEN PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address _____ Nearest Intersection Approx 530 LF west of Drury Ln of Alton Plam

(Proposed) Subdivision Name Soto Subdivision Lot 1 Block 1

Existing Zoning Designation R-1 Future Land Use Plan Designation Residential - low density

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Vanguard Engineering Phone 956-514-5086 FAX 956-514-5086

Email Address (for project correspondence only): admin@vanguardeng.com

Mailing Address 4019 E. Expressway #3 City Weslaco State TX Zip 78599

Property Owner Marcelo Soto & Vanessa Soto Phone 713-876-0487 FAX _____

Email Address (for project correspondence only): _____

Mailing Address 3527 E. Mist Place City Thornton State CO Zip 80602

Select appropriate process for which approval is sought. Attach completed checklists with this application.

<input type="checkbox"/> Annexation Request..... No Fee	<input checked="" type="checkbox"/> Preliminary Plat..... \$100.00
<input type="checkbox"/> Administrative Appeal (ZBA)..... \$125.00	<input checked="" type="checkbox"/> Final Plat..... \$50.00
<input type="checkbox"/> Comp. Plan Amendment Request... \$250.00	<input type="checkbox"/> Minor Plat..... \$100.00
<input type="checkbox"/> Re-zoning Request..... \$250.00	<input type="checkbox"/> Re-plat..... \$250.00
<input type="checkbox"/> SUP Request/Renewal..... \$250.00	<input type="checkbox"/> Vacating Plat..... \$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA)..... \$250.00	<input type="checkbox"/> Development Plat..... \$100.00
<input type="checkbox"/> PDD Request..... \$250.00	<input type="checkbox"/> Subdivision Variance Request..... \$25.00 (each)

Please provide a basic description of the proposed project:

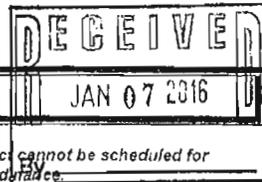
Proposed 1 lot subdivision, residential zoning to remain

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's Signature: Vanessa Soto Date: 1-7-2016

Property Owner(s) Signature: Vanessa Soto Date: 1-7-2016

Accepted by: [Signature] Date: 1-7-16



FINAL PLAT SUBMITTAL CHECKLIST

Please submit the following items along with the completed master application and appropriate fees. The project cannot be scheduled for consideration unless all items are marked complete. Citations come from the Subdivision Ordinance.

Complete

- Fifteen (15) paper copies of the plat drawn to a scale of one (1) inch to one hundred (100) feet on sheets no larger than 24" X 36". (Section 3.5.3)
- An 8 1/2" X 11" reduced copy of the submitted final plat drawing. (Section 3.5.4.E)
- No less than two (2) copies of the plat drawn in ink and on a permanent reproducible medium (mylar) suitable for filing in the office of the County Clerk. (Mylars may be submitted to the City after the final plat has been reviewed; however, no later than 5 business day prior to consideration by the Planning and Zoning Commission) (Section 3.5.3)
- All required public improvements have been constructed and accepted by the appropriate public entity or an appropriate financing mechanism (i.e. letter of credit, bond) has been submitted to and accepted by said entities. (Section 3.5.1.B)
- The existing zoning designation of the subject tract allows for the proposed use(s). (Section 3.5.1.A)
- Variance requests, if any, have completed the respective process. (Section 7.1)
- The applicant shall submit the final plat to the appropriate drainage/irrigation district, if applicable. (Section 3.5.5)
- Written statements from appropriate utilities that the plat has been reviewed and service can be provided. (Section 3.5.4.A)
- Submit list of restrictive covenants if not listed on plat. (Section 3.5.4.B)
- Original tax certificates from City, School District, and County that all taxes have been paid. (Section 3.5.4.C)
- Title commitment less than six (6) months old. Any liens shall be secured and noted on plat. (Section 3.5.4.D)
- Payment of all drainage and/or street assessments, and street sign/light deposits, if applicable. (Section 3.5.4.G)
- Check(s) payable to the County Clerk for the filing of the Final Plat. (Section 3.5.4.H)
- Digital submittal of plat with control points in .dxf or .dgn format. (3.5.4.I)

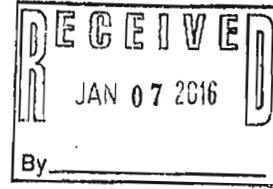
Final Plat form and content:

- The final plat submittal shall substantially conform to the conditionally approved preliminary plat and incorporate all conditions imposed by the Planning and Zoning Commission. (Section 3.5.3)
- Proposed name of subdivision printed across the lots and blocks. (Section 3.5.3.B)
- Names of adjoining subdivisions and notation as to whether adjoining properties are platted. (Section 3.5.3.C)
- Subdivision boundary lines (indicated by heavy lines) and computed acreage of subdivision. (Section 3.5.3.C)
- Primary control points (set concrete monuments on each corner of subdivision) with description and location of said points with ties to original block corners per Statute. (Section 3.5.3.F)
- Existing site information: (Section 3.5.3.F)
 1. Exact locations and names of all roads, easements, reservations, alleys, or other public right-of-ways within and/or contiguous to the subdivision.
 2. Exact locations and dimensions of all lots, parks, public areas, permanent structures, water courses, irrigation canals, and drainage structures within and/or contiguous to the subdivision.
 3. Cross section(s) of any existing ditches and canals within the subdivision with ties to the subdivision boundary.
 4. Regulatory flood elevations and boundaries of flood prone areas, including floodways, if known.

Attachment II

5. Location of City limits, extraterritorial jurisdiction (ETJ), and zoning district boundaries if within or contiguous to the proposed subdivision.

- Date of preparation, north arrow, and scale of plat. (Section 3.5.3.H)
- A number or letter to identify each lot, tract, and block. (Section 3.5.3.I)
- Building setback lines (if different from Zoning Ordinance). (Section 3.5.3.J)
- Vicinity map of not more than 1:2,000 showing existing streets, and city limit and/or ETJ boundary. (Section 3.5.3.L)
- Street system in compliance with the City of Harlingen's Long Range Thoroughfare Plan. (Section 4.1.3.A)
- Appropriate signature blocks for the following:
 1. Subdivider, record owner, lien holders, engineer and/or surveyor. (Section 3.5.3.M)
 2. All signature blocks required in "Exhibit F" of the Subdivision Ordinance. (Section 3.5.3.N-S)
 3. A signed statement from the appropriate drainage and/or irrigation district that the final plat has been approved by such entity. (Section 3.5.3.T)
 4. An engineer's statement of the minimum finished floor elevation based on average flood waters in the flood zone location, if applicable. (Section 3.5.3.U)



Plats shall not be scheduled for the Planning and Zoning Commission review unless items on this list are completed. I have read and understand in its entirety the City of Harlingen's Subdivision Ordinance and understand that the requirements of a final plat are subject to the terms and conditions therein. This final plat checklist is used to insure compliance with the Ordinance and in some instances the City may require additional information for approval. An endorsement of this application checklist by the applicant shall be acknowledgment that all of the items on the above list have been submitted. I also understand that, pursuant to Section 6 of the City of Harlingen Zoning Ordinance, no building permit will be issued until the plat has been approved by the Planning and Zoning Commission and filed in the office of the County Clerk.

Project Name: Soto Subdivision

Owner: Marcelo & Vanessa Soto Date: 1-7-16

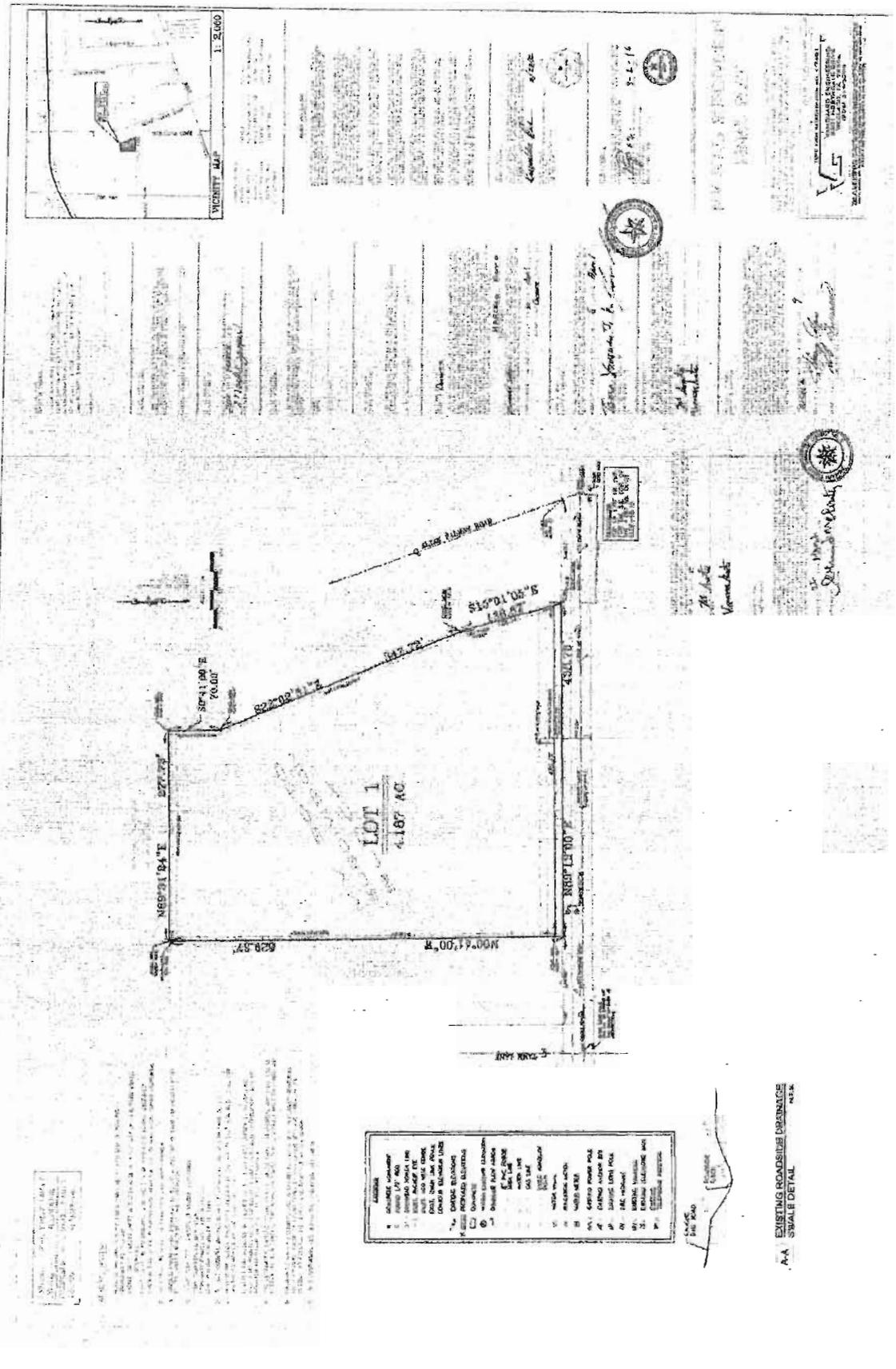
Owner Address: 3527 E 141st Place Phone/Fax: 713-876-0487

Signature: Vanessa Soto

Engineer/Surveyor: Victor H Garcia Date: _____

Engineer/Surveyor Address: 4014 E Expressway #3 Phone/Fax: 950-574-5286

Signature: [Signature]



NOTICE TO CONTRACTOR

THIS PLAN IS THE PROPERTY OF THE ENGINEER AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

LEGEND

- 1. EXISTING ROADSIDE DRAINAGE
- 2. SWALE DETAIL

NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL BEARINGS ARE TRUE BEARINGS.
3. ALL DISTANCES ARE IN FEET AND INCHES.
4. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD.
5. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD.
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9. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD.
10. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD.

APPROVED

[Signature]

DATE

10/15/09

SYMBOL	DESCRIPTION
1	EXISTING ROADSIDE DRAINAGE
2	SWALE DETAIL
3	EXISTING ROADSIDE DRAINAGE
4	SWALE DETAIL
5	EXISTING ROADSIDE DRAINAGE
6	SWALE DETAIL
7	EXISTING ROADSIDE DRAINAGE
8	SWALE DETAIL
9	EXISTING ROADSIDE DRAINAGE
10	SWALE DETAIL

EXISTING ROADSIDE DRAINAGE
SWALE DETAIL

Attachment IV



Planning & Zoning Division
Jennifer Muñoz, City Planner
956.216.5261

January 20, 2016

Mr. Juan Alonzo
Vanguard Engineering
4019 E. Exp. 83
Weslaco, TX 78599

Re: **Soto Subdivision**

Dear Mr. Alonzo:

On January 20, 2016, city staff reviewed the preliminary and final plat of "Soto Subdivision." The following items need to be addressed prior to resubmission/clearance:

General Comments

- Please note that all referenced sections are of the City of Harlingen Subdivision Ordinance unless stated otherwise.
- The City's Subdivision Ordinance is available online at www.myharlingen.us, Planning and Zoning, left-hand column, Subdivision Ordinance.
- Please note that re-submittals may be subject to additional comments.
- **Remember to submit revised reduced plats.**
- Please submit ten (10) copies each of the revised preliminary & final plat (folded with the name of the subdivision showing) along with all required paperwork remaining to the Planning & Zoning Department by Wednesday, January 27, 2016 at 12:00 pm., or once all items stated in staff comments have been addressed.

Preliminary Plat

- ✓1. Show drainage flow arrows.
- ✓2. Show existing street lights.
- Submitted & pending clearance → 3. Provide a street assessment for Drury Lane.
- 4. Please address the fence encroachment.
- 5. Provide a drainage report. — pending clearance

Preliminary & Final Replat

- 6. On the General Notes section, please add:
 - a. "Additional fire hydrants may be required depending on the size and type of construction."
 - b. Notation to zoning and land use.
- ✓7. Show the city limit line on the Vicinity Map.
- 8. Provide a utility easement in accordance with our Zoning Ordinance.
- ✓9. Dedicate 10' additional right-of-way on Drury Lane.
↳ clarify by plat

Attachment IV

Final Replat

~~10.~~ Show concrete monuments with elevations.

~~11.~~ Correct the owner's signature block.

~~12.~~ The Cameron County Clerk's block needs to be amended. They now have specific text that they will approve. Additionally, the filing fee was increased to \$86 for 2016.

~~13.~~ *Street assessment for Drury Lane*

The above comments do not relieve the Engineer/Developer/Contractor from complying with the City of Harlingen's Subdivision Regulations. If you have any questions, you may contact me via e-mail at jmunoz@myharlingen.us.

Sincerely,


Jennifer Muñoz
City Planner

+

8d)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 20, 2016**

Agenda Item:
Consider and take action to approve refund(s) of property taxes to Lereta (Tamez, Aida) on account #16-1160-0020-0130-00.

Prepared By (Print Name): Elvia Treviño
Title: Finance Director
Signature: 

Brief Summary:
A refund request in the amount of \$1,444.08 on account #16-1160-0020-0130-00 (Lereta (Tamez, Aida)) is due to a homestead adjustment and 100% veterans exemptions for years "2014-2015."

Total amount of refund requested is \$1,444.08 Refunds over \$500.00 require Commission approval.

Funding (if applicable):
Are funds specifically designated in the current budget for the full amount Yes No*
for this purpose?
*If no, specify source of funding and amount requested:

Finance Director's approval: Yes No N/A

Staff Recommendation:
Staff recommends approval of refunds.

City Manager's approval: Yes No N/A

Comments:

City Attorney's approval: Yes No N/A

TAX OFFICE

P. O. Box 2643
609 N. 77 Sunshine Strip
Harlingen, Texas 78551
956-428-7999
956-428-8705 (Fax)

PROPERTY TAX COLLECTIONS FOR:
CITY OF HARLINGEN
HARLINGEN CISD
LOS FRESNOS CISD
RIO HONDO ISD

MEMORANDUM

TO: Elvia Trevino
City of Harlingen
Harlingen, Texas 78550

FROM: Aurora Lozano 
TAX OFFICE
Harlingen, Texas 78550

DATE: February 6, 2016

RE: Account #16-1160-0020-0130-00, Lereta(Tamez Aida)

Attached please find a refund of over \$500 which will require Commissioner's approval. Please let this memo serve as a request for this refund to be considered for approval of disbursement on the next Commissioner's meeting.

The enclosed refund request is due to an adjustment. The adjustment is due homestead and 100% veterans exemptions for years "2014-2015".

Therefore the amount of \$1,444.08 needs to be refunded to:

Lereta
1123 S Parkview Drive
Covina, CA 91724

Should you have any questions regarding this matter, please contact me at (956)428-7999

Supp Group: 208

Geo

3/8/2016 9:42AM

Current Property Data as of Supp 18

Supp Code: ADVHS

Supp Action: M

Prop ID	Owner	%	Legal Description	Values
67730	65642	100.00 R	Geo: 16-1160-0020-0130-00 HARLINGEN- CARDINAL TERRACE-2 LOT 13 BLK 2	Effective Acres: 0.0000 Imp HS: 109,124 Market: 122,624 Imp NHS: 0 Prod Loss: 0 Land HS: 13,500 Appraised: 122,624 Land NHS: 0 Cap: 0 Appraiser: HECTOR B Operator: Mlhomps Acres: 0.0000 Map ID: 05-10-03 Prod Use: 0 Assessed: 122,624 Mtg Cd: 0 Prod Mkt: 0 Situs: 920 E FLYNN ST HARLINGEN, Ref ID1: R017316 Ref ID2: Late Ag: F

Change Desc:

2-10-16 MT ENTERED DVHS FOR 2014-2016 FOR AIDA TAMEZ/RUEN CONTRERAS III WHO APPLIED ON 1/4/16 (MOVED IN 14 YRS AGO) 100% VA DISABILITY - EFFECTIVE DATE 5/23/2012

MAR 17 2016 Refunds 2008.72

Owner	Pct	Exemptions	Entity	Ent Pct	Statemnt	Assessed	Taxable	Freeze	Tax
TAMEZ AIDA &	65642	100.00	IHG	100.00		122,624	0		0.00
		DVHS	CHG	100.00		122,624	0		0.00
		HS							

Previous Property Data as of Supp: 0

Prop ID	Owner	%	Legal Description	Values
67730	65642	100.00 R	Geo: 16-1160-0020-0130-00 HARLINGEN- CARDINAL TERRACE-2 LOT 13 BLK 2	Effective Acres: 0.0000 Imp HS: 109,124 Market: 122,624 Imp NHS: 0 Prod Loss: 0 Land HS: 13,500 Appraised: 122,624 Land NHS: 0 Cap: 0 Appraiser: HECTOR B Operator: Mlhomps Acres: 0.0000 Map ID: 05-10-03 Prod Use: 0 Assessed: 122,624 Mtg Cd: 0 Prod Mkt: 0 Situs: 920 E FLYNN ST HARLINGEN, Ref ID1: R017316 Ref ID2: Late Ag: F

Change Desc:

Owner	Pct	Exemptions	Entity	Ent Pct	Statemnt	Assessed	Taxable	Freeze	Tax
TAMEZ AIDA &	65642	100.00	IHG	100.00		122,624	97,624		0.00
		HS	CHG	100.00		122,624	122,624		0.00

Gain or Loss of Value for:

Property: 67730 Geo: 16-1160-0020-0130-00

Entity	Current			Previous			Gain / Loss		
	Assessed	Taxable	Tax	Assessed	Taxable	Tax	Assessed	Taxable	Tax
CHG	122,624	0	0.00	122,624	122,624	0.00	0	-122,624	0.00
IHG	122,624	0	0.00	122,624	97,624	0.00	0	-97,624	0.00

Supp Group: 208

Geo

3/8/2016 9:42AM

Current Property Data as of Supp 38

Supp Code: ADVHS

Supp Action: M

Prop ID	Owner	%	Legal Description	Values
67730	65642	100.00 R	Geo: 16-1160-0020-0130-00 HARLINGEN- CARDINAL TERRACE-2 LOT 13 BLK 2	Effective Acres: 0.0000 Imp HS: 109,124 Market: 122,624 Imp NHS: 0 Prod Loss: 0 Land HS: 13,500 Appraised: 122,624 Land NHS: 0 Cap: 0 State Codes: A Map ID: 05-10-03 Prod Use: 0 Assessed: 122,624 Situs: 920 E FLYNN ST HARLINGEN, Mig Cd: Ref ID1: R017316 Ref ID2:

Refund 2032.90

MAR 17 2016

Change Desc:

2-10-16 MT ENTERED DVHS FOR 2014-2016 FOR AIDA TAMEZ/RUEN CONTRERAS III WHO APPLIED ON 1/4/16 (MOVED IN 14 YRS AGO) 100% VA DISABILITY - EFFECTIVE DATE 5/23/2012

Owner	Pct	Exemptions	Entity	Ent Pct	Statement	Assessed	Taxable	Freeze	Tax
TAMEZ AIDA &	65642	100.00	IHG	100.00		122,624	0		0.00
		DVHS	CHG	100.00		122,624	0		0.00
		HS							

Previous Property Data as of Supp: 0

Prop ID	Owner	%	Legal Description	Values
67730	65642	100.00 R	Geo: 16-1160-0020-0130-00 HARLINGEN- CARDINAL TERRACE-2 LOT 13 BLK 2	Effective Acres: 0.0000 Imp HS: 109,124 Market: 122,624 Imp NHS: 0 Prod Loss: 0 Land HS: 13,500 Appraised: 122,624 Land NHS: 0 Cap: 0 State Codes: A Map ID: 05-10-03 Prod Use: 0 Assessed: 122,624 Situs: 920 E FLYNN ST HARLINGEN, Mig Cd: Ref ID1: R017316 Ref ID2:

Change Desc:

Owner	Pct	Exemptions	Entity	Ent Pct	Statement	Assessed	Taxable	Freeze	Tax
TAMEZ AIDA &	65642	100.00	IHG	100.00		122,624	107,624		0.00
		HS	CHG	100.00		122,624	122,624		0.00

Gain or Loss of Value for:

Property: 67730 Geo: 16-1160-0020-0130-00

Entity	Current			Previous			Gain / Loss		
	Assessed	Taxable	Tax	Assessed	Taxable	Tax	Assessed	Taxable	Tax
CHG	122,624	0	0.00	122,624	122,624	0.00	0	-122,624	0.00
IHG	122,624	0	0.00	122,624	107,624	0.00	0	-107,624	0.00

9)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 20, 2016**

Agenda Item:

Consider and take action to approve a Resolution of Restatement of the Qualified Retirement 401(a) Plan for the City of Harlingen.

Prepared By (Print Name): Gabriel Gonzalez
Title: Assistant City Manager
Signature: *Gabriel Gonzalez*

Brief Summary:

The City has participated in a 401(a) Retirement Plan for City employees hired after October 1, 2007 except for Fire Fighters. In order to maintain the qualified status of the Plan, the City must adopt certain amendments required by the IRS to ensure the Plan continues to comply with all current laws. To adopt the appropriate amendments, the IRS requires that the City adopt a new version of the Plan document, called a "Plan Restatement" which the attached Resolution does. The Resolution was prepared by TCG Administrators, formerly JEM Resource Partners.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount Yes No*
for this purpose?

*If no, specify source of funding and amount requested:
N/A

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends approval.

For Street Closures ONLY, Fire Chief's approval: Yes No N/A

City Manager's approval: Yes No N/A

Comments:

City Attorney's approval: Yes No N/A

**ACTION BY UNANIMOUS CONSENT OF GOVERNMENT ENTITY
RESTATEMENT OF QUALIFIED RETIREMENT PLAN**

The undersigned as the persons entitled to make decisions on behalf of City of Harlingen ("Employer") hereby consent to the following resolutions:

WHEREAS, the Employer has maintained the City of Harlingen 401(a) Retirement Plan and Trust ("Plan") since 10-1-2007 for the benefit of eligible employees.

WHEREAS, the Employer has decided to restate the above-referenced Plan to comply with the requirements of the Pension Protection Act of 2006 (PPA), the Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act), the Worker, Retiree, and Employer Recovery Act of 2008 (WRERA) and other applicable guidance.

NOW, THEREFORE, BE IT RESOLVED that the Employer hereby adopts the City of Harlingen 401(a) Retirement Plan and Trust as a complete restatement of the prior Plan, to be effective on 5-1-2016.

RESOLVED FURTHER that the Employer is authorized to execute the restated Plan document and perform any other actions necessary to implement the adoption of the Plan restatement. The Employer may designate any other authorized person to perform the actions necessary to adopt the Plan restatement. A copy of the Plan shall be retained in the business office of the Employer.

RESOLVED FURTHER that the Employer will act as administrator of the Plan and will be responsible for performing all actions necessary to carry out the administration of the Plan. The Employer may designate any other person or persons to perform the actions necessary to administer the Plan.

RESOLVED FURTHER that Plan participants shall be provided with a summary of the Plan provisions within a reasonable period of time following the adoption of the Plan.

[Name]

[Signature]

[Date]

[Title]



900 S. Capitol of Texas Highway, Suite 350
Austin, TX 78746
Phone: (512) 795-8999 Fax: (512) 795-0414
Toll Free: (800) 943-9179 Fax (888) 989-9247
Email: info@tcgservices.com
Website: www.tcgservices.com

March 31, 2016

Gabriel Gonzalez
Assistant City Manager
City of Harlingen
118 E. Tyler
Harlingen, Texas 78551

RE: Restatement of the 401(a) Retirement Plan for City of Harlingen ("Plan") *Important Compliance Action Required*

Dear Mr. Gonzalez:

Your Plan is administered by TCG Administrators (formerly named JEM Resource Partners). One of our jobs is to keep your Plan in compliance with federal tax rules.

In order to maintain the qualified status of your Plan, your organization must adopt certain amendments required by the IRS to ensure your Plan continues to comply with all current laws. To adopt the appropriate amendments, the IRS requires that you adopt a new version of your Plan document, called a "Plan Restatement." *The Plan Restatement must be adopted by April 30, 2016.* To assist you with this amendment process, we have updated your Plan as required by the IRS. You will need to sign and date the attached documents to ensure your Plan continues to satisfy all current qualification requirements.

We have enclosed the following documents to assist you in the Plan restatement process:

1. Frequently Asked Questions (FAQs). We have enclosed a series of FAQs to help you understand the steps you need to take to complete the restatement process. Please review these FAQs to ensure you have properly implemented the plan restatement process.
2. Resolution. We have enclosed a resolution to approve the restatement. It is acceptable for the person in the position designated as the Plan Administrator when your Plan was established to sign this. However, if your organization's practice is to have such items approved by your Board or others in your organization you can follow your normal practice. You should keep the signed resolution in your Plan file to document the adoption of the Plan restatement and send us a copy along with the signed Adoption Agreement (see below).
3. A copy of the restated Adoption Agreement containing the elections applicable to your Plan. **PLEASE REVIEW THIS DOCUMENT CAREFULLY TO MAKE SURE THE ELECTIONS IN THE DOCUMENT ARE CONSISTENT WITH HOW YOUR ORGANIZATION IS CURRENTLY OPERATING THE PLAN.** You should keep the original signed document in your Plan file and return a copy to us for our records.

4. Basic Plan Document. This document contains the boilerplate language applicable to the Plan as approved by the IRS, including the duties and responsibilities of the Employer and Trustee. This document need not be signed but should be kept in your Plan file.

Your Plan is a special type of Plan called a Volume Submitter Plan. As a Volume Submitter Plan, the IRS reviews and approves the language in your Plan. We will provide you with a copy of the favorable letter issued by the IRS documenting the approval of your Plan language.

It is important that you carefully review the enclosed Adoption Agreement to ensure it conforms to the way you currently operate your Plan. You may wish to have your tax or legal advisor review the documents to be sure the options selected are consistent with current Plan operation.

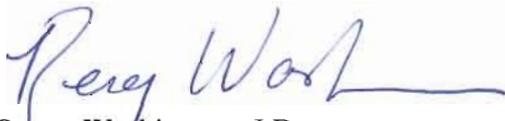
Once you have completed your review of the restated Adoption Agreement and are comfortable with the selections in the document, please sign and date the Adoption Agreement (in the manner described in the enclosed FAQs) and return one copy to us. You should retain the signed original in your Plan file. Please return the signed Adoption Agreement to us at the following address:

TCG Administrators*
900 S Capital of Texas Hwy, Suite 350
Austin, TX 78746

*Formerly named JEM Resource Partners

If you have any questions regarding the Plan restatement process, you may contact me at 800-943-9179, extension 257. You can also contact Mike Cochran at 512-600-5235.

Sincerely,

A handwritten signature in blue ink that reads "Renay Washington". The signature is fluid and cursive, with a long horizontal stroke at the end.

Renay Washington, J.D.
Assistant Manager of Operations
TCG Administrators

Enclosures

Plan Document Restatement Package Frequently Asked Questions

In General

Q1: *Why do we have to restate our Plan document?*

A1: In recent years, Congress has enacted a number of new laws affecting tax qualified retirement plans. The most important of these new laws are the Pension Protection Act of 2006 (PPA) the Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act) and the Worker, Retiree, and Employer Recovery Act of 2008 (WRERA). In addition, the IRS has issued substantial guidance regarding the operation of qualified plans. Congress and the IRS have generally permitted employers to comply with these new rules in operation without formally amending the underlying Plan document until some date after the law is effective. The IRS is now requiring all qualified plans to be restated to comply in form with the new laws and guidance.

Q-2: *By what date must our Plan document be restated?*

A-2: Your Plan is a “pre-approved” Plan that has been reviewed by the IRS to ensure it meets all of the new laws. As a pre-approved Plan, the IRS requires that the Plan be amended **no later than April 30, 2016**. If the Plan is not restated by April 30, 2016, it could lose its qualified status and could subject your organization to substantial tax sanctions.

Q-3: *We just adopted our Plan last year. Why do we need to restate the document so soon after adoption?*

A-3: The IRS requires all Plans be restated onto an “IRS-approved” version of the pre-approved Plan. If your organization adopted a Plan prior to May 1, 2014, it is likely the Plan was not on the most recent IRS-approved version. All plans must be restated onto an IRS-approved version no later than April 30, 2016.

Q-4: *How is the new plan document different than our current document?*

A-4: The new document has been updated for new laws and IRS guidance, including:

- Required amendments to comply with PPA.
- New rules providing certain benefits to employees on military leave, as required by the Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act).
- New rules allowing non-spousal beneficiaries to rollover a distribution to an inherited IRA.
- New provisions dealing with the ability to make automatic contributions under the Plan.
- New rules allowing participants to convert amounts from a pre-tax source to an after-tax Roth contribution source.
- Final regulations addressing the maximum amount that may be contributed to the Plan under Code §415.

Plan Restatement Documents

Q-5: *What documents do we need to sign in order to restate our Plan document?*

A-5 We have provided the following updated Plan-related documents:

- Resolution
- Restated Adoption Agreement

- Basic Plan Document
- Favorable IRS letter
- Summary Plan Description

The appropriate individuals must sign the sample resolution and restated Adoption Agreement as described below.

Q-6: *Who must sign the sample resolution to adopt the Plan restatement?*

A-6: The purpose of the resolution is to authorize your organization to take the actions necessary to restate the plan. The attached resolution is designed to satisfy the state law requirements to authorize an organization to adopt a qualified retirement plan. It is acceptable for the person in the position designated as the Plan Administrator when your Plan was established to sign this. However, if your organization's practice is to have such items approved by your Board or others in your organization you can follow your normal practice.

Q-7: *What pages of the Adoption Agreement must be signed? Do we need to return a copy of the signed Adoption Agreement to you?*

A-7: The Employer Signature Page must be signed by an authorized representative of the Employer, preferably the individual in the position named as Plan Administrator when your Plan was set up.

The Trustee Declaration Page must be signed by the Trustee or Trustees indicating its acceptance of the fiduciary responsibilities under the Plan.

Q-8: *Do we need to file our plan with the IRS?*

A-8: You may rely upon the IRS favorable letter issued to TCG Administrators in lieu of an individual determination letter.

Q-9: *Does a new Summary Plan Description (SPD) need to be published?*

A-9: We will update your SPD on the TCG Administrators website for your organization. No substantive changes are being made as a result of the restatement.

Q-10: *Whom should I call if I have questions?*

A-10: Please contact Renay Washington, J.D., Assistant Manager of Operations, TCG Administrators at 800-943-9179, extension 257. You can also contact Mike Cochran at 512-600-5235.

10)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 20, 2016**

Agenda Item:

Consider and take action to approve the Governmental Volume Submitter Plan Adoption Agreement for the City of Harlingen's 401(a) Plan and authorize the City Manager to sign the Agreement.

Prepared By (Print Name): Gabriel Gonzalez
Title: Assistant City Manager

Signature: *Gabriel Gonzalez*

Brief Summary:

The Governmental Volume Submitter Plan Adoption Agreement must also be approved by the City Commission. The document was prepared by TCG Administrators, formerly named JEM Resource Partners, and I have reviewed the options selected in the Plan and they are consistent with the options the City Commission approved when the Plan was first adopted. Staff recommends approval.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount Yes No*

*If no, specify source of funding and amount requested:
N/A

Finance Director's approval: Yes No N/A

Staff Recommendation:

Approval.

For Street Closures ONLY, Fire Chief's approval: Yes No N/A

City Manager's approval: Yes No N/A

Comments:

City Attorney's approval: Yes No N/A

City of Harlingen
GOVERNMENTAL VOLUME SUBMITTER PLAN
ADOPTION AGREEMENT

By executing this Governmental Volume Submitter Plan Adoption Agreement (the "Agreement"), the undersigned Employer agrees to establish or continue a Governmental Plan for its Employees. The Plan adopted by the Employer consists of the Governmental Defined Contribution Volume Submitter Plan and Trust Basic Plan Document #05 (the "BPD") and the elections made under this Agreement (collectively referred to as the "Plan"). An Employer may jointly co-sponsor the Plan by signing a Participating Employer Adoption Page, which is attached to this Agreement. **This Plan is effective as of the Effective Date identified on the Signature Page of this Agreement.**

SECTION 1
EMPLOYER INFORMATION

The information contained in this Section 1 is informational only. The information set forth in this Section 1 may be modified without amending this Agreement. Any changes to this Section 1 may be accomplished by substituting a new Section 1 with the updated information. The information contained in this Section 1 is not required for qualification purposes and any changes to the provisions under this Section 1 will not affect the Employer's reliance on the IRS Favorable Letter.

1-1 EMPLOYER INFORMATION:

Name: City of Harlingen

Address:

118 E. Tyler

Harlingen, Texas 78551

Telephone: 956-216-5002 Fax: _____

1-2 EMPLOYER IDENTIFICATION NUMBER (EIN): 74-6001047

1-3 FORM OF BUSINESS:

- State or political subdivision of a State
 State agency or instrumentality
 Indian Tribal Government
 Describe other Employer qualified to adopt a Governmental Plan: _____

1-4 EMPLOYER'S TAX YEAR END: The Employer's tax year ends December 31

1-5 RELATED EMPLOYERS: Is the Employer part of a group of Related Employers (as defined in Section 1.78 of the Plan)?

- Yes
 No

If yes, Related Employers may be listed below. A Related Employer must complete a Participating Employer Adoption Page for Employees of that Related Employer to participate in this Plan.

[Note: This AA §1-5 is for informational purposes. The failure to identify all Related Employers will not jeopardize the qualified status of the Plan.]

SECTION 2
PLAN INFORMATION

2-1 PLAN NAME: City of Harlingen 401(a) Retirement Plan and Trust

2-2 PLAN NUMBER: 001

2-3 **TYPE OF PLAN:** This Plan is a Profit Sharing Defined Contribution Plan.

- The Plan is intended to be a FICA Replacement Plan (as defined under Section 4.03 of the Plan).

2-4 **PLAN YEAR:**

- (a) Calendar year.
 (b) The 12-consecutive month period ending on _____ each year.
 (c) The Plan has a Short Plan Year running from ____ to ____.

2-5 **FROZEN PLAN:** Check this AA §2-5 if the Plan is a frozen Plan to which no contributions will be made.

- This Plan is a frozen Plan effective _____. (See Section 3.02(a)(1)(iv) of the Plan.)

[Note: As a frozen Plan, the Employer will not make any contributions with respect to Plan Compensation earned after such date and no Participant will be permitted to make any contributions to the Plan after such date. In addition, no Employee will become a Participant after the date the Plan is frozen.]

2-6 **PLAN ADMINISTRATOR:**

- (a) The Employer identified in AA §1-1.
 (b) Name: _____
 Address: _____
 Telephone: _____

**SECTION 3
ELIGIBLE EMPLOYEES**

3-1 **ELIGIBLE EMPLOYEES:** In addition to the Employees identified in Section 2.02 of the Plan, the following Employees are excluded from participation under the Plan with respect to the contribution source(s) identified in this AA §3-1. See Sections 2.02(d) and (e) of the Plan for rules regarding the effect on Plan participation if an Employee changes between an eligible and ineligible class of employment.

Match	ER	
<input type="checkbox"/>	<input type="checkbox"/>	(a) No exclusions
<input type="checkbox"/>	<input type="checkbox"/>	(b) Collectively Bargained Employees
<input type="checkbox"/>	<input type="checkbox"/>	(c) Non-resident aliens who receive no compensation from the Employer which constitutes U.S. source income
<input type="checkbox"/>	<input type="checkbox"/>	(d) Leased Employees
<input type="checkbox"/>	<input type="checkbox"/>	(e) Employees paid on an hourly basis
<input type="checkbox"/>	<input type="checkbox"/>	(f) Employees paid on a salaried basis
<input type="checkbox"/>	<input type="checkbox"/>	(g) Employees in an elected or appointed position.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	(h) Part-Time Employees (as defined in Section 1.68 of the Plan)
<input type="checkbox"/>	<input type="checkbox"/>	(i) Seasonal Employees (as defined in Section 1.84 of the Plan)
<input type="checkbox"/>	<input type="checkbox"/>	(j) Temporary Employees (as defined in Section 1.88 of the Plan)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	(k) Other: <u>employees who were hired before October 1, 2007 and all Firefighters</u>

[Note: The elections under the ER column apply to any Pick-Up Contributions authorized under AA §6-1(d) and any After-Tax Employee Contributions authorized under AA §6-6, unless elected otherwise under subsection (k).]

**SECTION 4
MINIMUM AGE AND SERVICE REQUIREMENTS**

4-1 **ELIGIBILITY REQUIREMENTS – MINIMUM AGE AND SERVICE:** An Eligible Employee (as defined in AA §3-1) who satisfies the minimum age and service conditions under this AA §4-1 will be eligible to participate under the Plan as of his/her Entry Date (as defined in AA §4-2 below).

(a) **Service Requirement.** An Eligible Employee must complete the following minimum service requirements to participate in the Plan.

- | Match | ER | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | (1) There is no minimum service requirement for participation in the Plan. |
| <input type="checkbox"/> | <input type="checkbox"/> | (2) ___ Year(s) of Service (as defined in Section 2.03(a)(1) of the Plan and AA §4-3). |
| <input type="checkbox"/> | <input type="checkbox"/> | (3) The completion of at least ___ Hours of Service during the first ___ months of employment or the completion of a Year of Service (as defined in AA §4-3), if earlier. <ul style="list-style-type: none"> <input type="checkbox"/> (i) An Employee who completes the required Hours of Service satisfies eligibility at the end of the designated period, regardless if the Employee actually works for the entire period. <input type="checkbox"/> (ii) An Employee who completes the required Hours of Service must also be employed continuously during the designated period of employment. See Section 2.03(a)(2) of the Plan for rules regarding the application of this subsection (ii). |
| <input type="checkbox"/> | <input type="checkbox"/> | (4) The completion of ___ Hours of Service during an Eligibility Computation Period. [<i>An Employee satisfies the service requirement immediately upon completion of the designated Hours of Service rather than at the end of the Eligibility Computation Period.</i>] |
| <input type="checkbox"/> | <input type="checkbox"/> | (5) Full-time Employees are eligible to participate as set forth in subsection (i). Employees who are “part-time” Employees must complete a Year of Service (as defined in AA §4-3). For this purpose, a full-time Employee is any Employee not defined in subsection (ii). <ul style="list-style-type: none"> (i) Full-time Employees must complete the following minimum service requirements to participate in the Plan: <ul style="list-style-type: none"> <input type="checkbox"/> (A) There is no minimum service requirement for participation in the Plan. <input type="checkbox"/> (B) The completion of at least ___ Hours of Service during the first ___ months of employment or the completion of a Year of Service (as defined in AA §4-3), if earlier. <input type="checkbox"/> (C) Under the Elapsed Time method as defined in AA §4-3(c) below. <input type="checkbox"/> (D) Describe: _ (ii) Part-time Employees must complete a Year of Service (as defined in AA §4-3). For this purpose, a part-time Employee is any Employee (including a temporary or seasonal Employee) whose normal work schedule is less than: <ul style="list-style-type: none"> <input type="checkbox"/> (A) ___ hours per week. <input type="checkbox"/> (B) ___ hours per month. <input type="checkbox"/> (C) ___ hours per year. |
| <input type="checkbox"/> | <input type="checkbox"/> | (6) Under the Elapsed Time method as defined in AA §4-3(c) below. |
| <input type="checkbox"/> | <input type="checkbox"/> | (7) Describe eligibility conditions: _____ |

(b) **Minimum Age Requirement.** An Eligible Employee (as defined in AA §3-1) must have attained the following age with respect to the contribution source(s) identified in this AA §4-1(b).

- | Match | ER | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | (1) There is no minimum age for Plan eligibility. |
| <input type="checkbox"/> | <input type="checkbox"/> | (2) Age 21. |
| <input type="checkbox"/> | <input type="checkbox"/> | (3) Age ____. |

(c) **Special eligibility rules.** The following special eligibility rules apply with respect to the Plan: _____

[Note: Any elections under the ER column under this AA §4-1 apply to any Pick-Up Contributions authorized under AA §6-1(d) and any After-Tax Employee Contributions authorized under AA §6-6, unless elected otherwise under subsection (c). Subsection (c) may be used to apply the eligibility conditions selected under this AA §4-1 separately with respect to different Employee groups or different contribution formulas under the Plan. Any special rules under subsection (c) must be definitely determinable.]

4-2 **ENTRY DATE:** An Eligible Employee (as defined in AA §3-1) who satisfies the minimum age and service requirements in AA §4-1 shall be eligible to participate in the Plan as of his/her Entry Date. For this purpose, the Entry Date is the following date with respect to the contribution source(s) identified under this AA §4-2.

- | Match | ER | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | (a) Immediate. The date the minimum age and service requirements are satisfied (or date of hire, if no minimum age and service requirements apply). |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) Semi-annual. The first day of the 1st and 7th month of the Plan Year. |
| <input type="checkbox"/> | <input type="checkbox"/> | (c) Quarterly. The first day of the 1st, 4th, 7th and 10th month of the Plan Year. |
| <input type="checkbox"/> | <input type="checkbox"/> | (d) Monthly. The first day of each calendar month. |
| <input type="checkbox"/> | <input type="checkbox"/> | (e) Payroll period. The first day of the payroll period. |
| <input type="checkbox"/> | <input type="checkbox"/> | (f) The first day of the Plan Year. |

An Eligible Employee's Entry Date (as defined above) is determined based on when the Employee satisfies the minimum age and service requirements in AA §4-1. For this purpose, an Employee's Entry Date is the Entry Date:

- | Match | ER | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | (g) next following satisfaction of the minimum age and service requirements. |
| <input type="checkbox"/> | <input type="checkbox"/> | (h) coinciding with or next following satisfaction of the minimum age and service requirements. |
| <input type="checkbox"/> | <input type="checkbox"/> | (i) nearest the satisfaction of the minimum age and service requirements. |
| <input type="checkbox"/> | <input type="checkbox"/> | (j) preceding the satisfaction of the minimum age and service requirements. |

This section may be used to describe any special rules for determining Entry Dates under the Plan. For example, if different Entry Date provisions apply for the same contribution sources with respect to different groups of Employees, such different Entry Date provisions may be described below.

- | Match | ER | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | (k) Describe any special rules that apply with respect to the Entry Dates under this AA §4-2: _____ |

[Note: The elections under the ER column under this AA §4-2 apply to any Pick-Up Contributions selected under AA §6-1(d) and any After-Tax Employee Contributions selected under AA §6-6, unless elected otherwise under subsection (k). Any special rules under subsection (k) must be definitely determinable.]

4-3 **DEFAULT ELIGIBILITY RULES.** In applying the minimum age and service requirements under AA §4-1 above, the following default rules apply with respect to all contribution sources under the Plan:

- **Year of Service.** An Employee earns a Year of Service for eligibility purposes upon completing 1,000 Hours of Service during an Eligibility Computation Period. Hours of Service are calculated based on actual hours worked during the Eligibility Computation Period. (See Section 1.56 of the Plan for the definition of Hours of Service.)
- **Eligibility Computation Period.** If one Year of Service is required for eligibility, the Plan will determine subsequent Eligibility Computation Periods on the basis of Plan Years. (See Section 2.03(a)(3)(i) of the Plan). If more than one Year of Service is required for eligibility, the Plan will determine subsequent Eligibility Computation Periods on the basis of Anniversary Years. (See Section 2.03(a)(3)(ii) of the Plan.)

To override the default eligibility rules, complete the applicable sections of this AA §4-3. **If this AA §4-3 is not completed for a particular contribution source, the default eligibility rules apply.**

Match	ER	
<input type="checkbox"/>	<input type="checkbox"/>	(a) Year of Service. Instead of 1,000 Hours of Service, an Employee earns a Year of Service upon the completion of ___ Hours of Service during an Eligibility Computation Period.
<input type="checkbox"/>	<input type="checkbox"/>	(b) Eligibility Computation Period (ECP). The Plan will use Anniversary Years, unless more than one Year of Service is required under AA §4-1(a), in which case the Plan will shift to Plan Years if the Employee does not earn a Year of Service during the first Eligibility Computation Period. (See Section 2.03(a)(3)(ii) of the Plan.)
<input type="checkbox"/>	<input type="checkbox"/>	(c) Elapsed Time method. Eligibility service will be determined under the Elapsed Time method. An Eligible Employee (as defined in AA §3-1) must complete a ___ month period of service to participate in the Plan. (See Section 2.03(a)(6) of the Plan.) <i>[Note: Under the Elapsed Time method, service will be measured from the Employee's employment commencement date (or reemployment commencement date, if applicable) without regard to the Eligibility Computation Period designated in Section 2.03(a)(3) of the Plan.]</i>
<input type="checkbox"/>	<input type="checkbox"/>	(d) Equivalency Method. For purposes of determining an Employee's Hours of Service for eligibility, the Plan will use the Equivalency Method (as defined in Section 2.03(a)(5) of the Plan). The Equivalency Method will apply to: <ul style="list-style-type: none"> <input type="checkbox"/> (1) All Employees. <input type="checkbox"/> (2) Only Employees for whom the Employer does not maintain hourly records. For Employees for whom the Employer maintains hourly records, eligibility will be determined based on actual hours worked. Hours of Service for eligibility will be determined under the following Equivalency Method. <ul style="list-style-type: none"> <input type="checkbox"/> (3) Monthly. 190 Hours of Service for each month worked. <input type="checkbox"/> (4) Weekly. 45 Hours of Service for each week worked. <input type="checkbox"/> (5) Daily. 10 Hours of Service for each day worked. <input type="checkbox"/> (6) Semi-monthly. 95 Hours of Service for each semi-monthly period worked.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	(e) Special eligibility provisions. <u>Full time employees hired on or after October 1, 2007 (as defined by the Employer's personnel policy.)</u>

[Note: The elections under the ER column under this AA §4-3 apply to any Pick-Up Contributions authorized under AA §6-1(d) and any After-Tax Employee Contributions selected under AA §6-6, unless elected otherwise under subsection (e). Any special rules under subsection (e) must be definitely determinable.]

4-4 **EFFECTIVE DATE OF MINIMUM AGE AND SERVICE REQUIREMENTS.** The minimum age and/or service requirements under AA §4-1 apply to all Employees under the Plan. An Employee will participate with respect to all contribution sources under the Plan as of his/her Entry Date, taking into account all service with the Employer, including service earned prior to the Effective Date.

To allow Employees hired on a specified date to enter the Plan without regard to the minimum age and/or service conditions, complete this AA §4-4.

Match **ER**

- An Eligible Employee who is employed by the Employer on the following date will become eligible to enter the Plan without regard to minimum age and/or service requirements (as designated below):
- (a) the Effective Date of this Plan (as designated in the Employer Signature Page).
 - (b) the date the Plan is executed by the Employer (as indicated on the Employer Signature Page).
 - (c) _____ [insert date]

An Eligible Employee who is employed on the designated date will become eligible to participate in the Plan without regard to the minimum age and service requirements under AA §4-1. If both minimum age and service conditions are not waived, select (d) or (e) to designate which condition is waived under this AA §4-4.

- (d) This AA §4-4 only applies to the minimum service condition.
- (e) This AA §4-4 only applies to the minimum age condition.

The provisions of this AA §4-4 apply to all Eligible Employees employed on the designated date unless designated otherwise under subsection (f) or (g) below.

- (f) The provisions of this AA §4-4 apply to the following group of Employees employed on the designated date: _____
- (g) Describe special rules: _____

[Note: An Employee who is employed as of the date described in this AA §4-4 will be eligible to enter the Plan as of such date unless a different Entry Date is designated under subsection (g). The elections under the ER column apply to any Pick-Up Contributions authorized under AA §6-1(d) and any After-Tax Employee Contributions selected under AA §6-6, unless elected otherwise under subsection (g). Any special rules under subsection (g) must be definitely determinable.]

4-5 **SERVICE WITH PREDECESSOR EMPLOYER.** Service with the following Predecessor Employers will be counted for purposes of determining eligibility, vesting and allocation conditions under this Plan, unless designated otherwise under subsection (a) or (b) below. (See Sections 2.06, 3.07(b) and 6.07 of the Plan.)

- (a) The Plan will count service with the following Predecessor Employers:

	Eligibility	Vesting	Allocation Conditions
<input type="checkbox"/> (1) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- (b) Describe any special provisions applicable to Predecessor Employer service: _____

4-6 **BREAKS IN SERVICE.** Generally, an Employee will be credited with all service earned with the Employer, including service earned prior to a Break in Service. To disregard service earned prior to a Break in Service for eligibility purposes, complete this AA §4-6. (See Section 2.07 of the Plan.)

- (a) If an Employee incurs at least one Break in Service, the Plan will disregard all service earned prior to such Break in Service for purposes of determining eligibility to participate.
- (b) If an Employee incurs at least _____ Breaks in Service, the Plan will disregard all service earned prior to such Break in Service for purposes of determining eligibility to participate. [Enter "0" if prior service will be disregarded for all rehired Employees.]
- (c) Describe: _____

**SECTION 5
COMPENSATION DEFINITIONS**

5-1 **TOTAL COMPENSATION.** Total Compensation is based on the definition set forth under this AA §5-1. See Section 1.89 of the Plan for a specific definition of the various types of Total Compensation.

- (a) W-2 Wages
- (b) Code §415 Compensation
- (c) Wages under Code §3401(a)

[For purposes of determining Total Compensation, each definition includes Elective Deferrals as defined in Section 1.35 of the Plan, pre-tax contributions to a Code §125 cafeteria plan or a Code §457 plan, and qualified transportation fringes under Code §132(f)(4).]

5-2 **POST-SEVERANCE COMPENSATION.** Total Compensation includes post-severance compensation, to the extent provided in Section 1.89(b) of the Plan.

- (a) **Exclusion of post-severance compensation from Total Compensation.** The following amounts paid after a Participant's severance of employment are excluded from Total Compensation.
 - (1) **Unused leave payments.** Payment for unused accrued bona fide sick, vacation, or other leave, but only if the Employee would have been able to use the leave if employment had continued.
 - (2) **Deferred compensation.** Payments received by an Employee pursuant to a nonqualified unfunded deferred compensation plan, but only if the payment would have been paid to the Employee at the same time if the Employee had continued in employment and only to the extent that the payment is includible in the Employee's gross income.

[Note: Plan Compensation (as defined in Section 1.72 of the Plan) includes any post-severance compensation amounts that are includible in Total Compensation. The Employer may elect to exclude all compensation paid after severance of employment from the definition of Plan Compensation under AA §5-3(j) or may elect to exclude specific types of post-severance compensation from Plan Compensation under AA §5-3(l).]

- (b) **Continuation payments for disabled Participants.** Unless designated otherwise under this subsection (b), Total Compensation does not include continuation payments for disabled Participants.
 - Payments to disabled Participants.** Total Compensation shall include post-severance compensation paid to a Participant who is permanently and totally disabled, as provided in Section 1.89(c) of the Plan.

5-3 **PLAN COMPENSATION:** Plan Compensation is **Total Compensation** (as defined in AA §5-1 above) with the following exclusions described below.

Match	ER	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	(a) No exclusions.
<input type="checkbox"/>	<input type="checkbox"/>	(b) Elective Deferrals (as defined in Section 1.35 of the Plan), pre-tax contributions to a cafeteria plan or a Code §457 plan, and qualified transportation fringes under Code §132(f)(4) are excluded.
<input type="checkbox"/>	<input type="checkbox"/>	(c) All fringe benefits (cash and noncash), reimbursements or other expense allowances, moving expenses, deferred compensation, and welfare benefits are excluded.
<input type="checkbox"/>	<input type="checkbox"/>	(d) Compensation above \$___ is excluded.
<input type="checkbox"/>	<input type="checkbox"/>	(e) Amounts received as a bonus are excluded.
<input type="checkbox"/>	<input type="checkbox"/>	(f) Amounts received as commissions are excluded.
<input type="checkbox"/>	<input type="checkbox"/>	(g) Overtime payments are excluded.
<input type="checkbox"/>	<input type="checkbox"/>	(h) Amounts received for services performed for a non-signatory Related Employer are excluded. (See Section 2.02(c) of the Plan.)
<input type="checkbox"/>	<input type="checkbox"/>	(i) "Deemed §125 compensation" as defined in Section 1.89(d) of the Plan.

- | Match | ER | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | (j) Amounts received after termination of employment are excluded. (See Section 1.89(b) of the Plan.) |
| <input type="checkbox"/> | <input type="checkbox"/> | (k) Differential Pay (as defined in Section 1.89(e) of the Plan). |
| <input type="checkbox"/> | <input type="checkbox"/> | (l) Describe adjustments to Plan Compensation: _____ |

[*Note: Any modification under subsection (l) must be definitely determinable and preclude Employer discretion. The elections under the ER column under this AA §5-3 apply to any Pick-Up Contributions authorized under AA §6-1(d) and any After-Tax Employee Contributions selected under AA §6-6, unless elected otherwise under subsection (l).*]

5-4 PERIOD FOR DETERMINING COMPENSATION.

- (a) **Compensation Period.** Plan Compensation will be determined on the basis of the following period(s) for the contribution sources identified in this AA §5-4. [*If a period other than the Plan Year applies for any contribution source, any reference to the Plan Year as it refers to Plan Compensation for that contribution source will be deemed to be a reference to the period designated under this AA §5-4.*]

- | Match | ER | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | (1) The Plan Year. |
| <input type="checkbox"/> | <input type="checkbox"/> | (2) The calendar year ending in the Plan Year. |
| <input type="checkbox"/> | <input type="checkbox"/> | (3) The Employer's fiscal tax year ending in the Plan Year. |
| <input type="checkbox"/> | <input type="checkbox"/> | (4) The 12-month period ending on ____ which ends during the Plan Year. |

- (b) **Compensation while a Participant.** Unless provided otherwise under this subsection (b), in determining Plan Compensation, only compensation earned while an individual is a Participant under the Plan with respect to a particular contribution source will be taken into account.

To count compensation for the entire Plan Year for a particular contribution source, including compensation earned while an individual is not a Participant with respect to such contribution source, check below. (See Section 1.72(b) of the Plan.)

- | Match | ER | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | All compensation earned during the Plan Year will be taken into account, including compensation earned while an individual is not a Participant. |

- (c) **Few weeks rule.** The few weeks rule (as described in Section 5.02(c)(7)(ii) of the Plan) will not apply unless designated otherwise under this subsection (c).
- Amounts earned but not paid during a Limitation Year solely because of the timing of pay periods and pay dates shall be included in Total Compensation for the Limitation Year, provided the amounts are paid during the first few weeks of the next Limitation Year, the amounts are included on a uniform and consistent basis with respect to all similarly situated Employees, and no amounts are included in more than one Limitation Year.

**SECTION 6
EMPLOYER AND EMPLOYEE CONTRIBUTIONS**

- 6-1 **EMPLOYER/ EMPLOYEE CONTRIBUTIONS.** The Employer/Employee may make the following contributions under the Plan:

- (a) Employer Contributions under AA §6-2
- (b) Voluntary After-Tax Employee Contributions under AA §6-6(a)
- (c) Mandatory After-Tax Employee Contributions under AA §6-6(b)
- (d) Employer Pick-Up Contributions under AA §6-6(c)
- (e) N/A. No Employer/Employee Contributions are permitted under the Plan [*Skip to Section 6A*]

6-2 **EMPLOYER CONTRIBUTION FORMULA.** For the period designated in AA §6-4(a) below, the Employer will make the following Employer Contributions on behalf of Participants who satisfy the allocation conditions designated in AA §6-5 below. Any Employer Contribution authorized under this AA §6-2 will be allocated in accordance with the allocation formula selected under AA §6-3.

- (a) **Discretionary contribution.** The Employer will determine in its sole discretion how much, if any, it will make as an Employer Contribution.
- (b) **Fixed contribution.**
- (1) **Fixed percentage.** ___% of each Participant's Plan Compensation.
 - (2) **Fixed dollar.** \$___ for each Participant.
 - (3) **Determined in accordance with the terms of the Employment contract** between an Eligible Employee and the Employer. *[If this subsection (3) is checked, the provisions of an Employment contract addressing retirement benefits will override any selection under this AA §6-2.]*
- (c) **Service-based contribution.** The Employer will make the following contribution:
- (1) **Discretionary.** A discretionary contribution determined as a uniform percentage of Plan Compensation or a uniform dollar amount for each period of service designated below.
 - (2) **Fixed percentage.** ___% of Plan Compensation paid for each period of service designated below.
 - (3) **Fixed dollar.** \$___ for each period of service designated below.
- The service-based contribution will be based on the following periods of service:
- (4) Each Hour of Service
 - (5) Each week of employment
 - (6) Describe period: _____
- The service-based contribution is subject to the following rules.
- (7) Describe any special provisions that apply to service-based contribution: _____
- (d) **Describe special rules for determining contributions under Plan:** _____
- [Note: Any special rules under subsection (d) must be definitely determinable.]*

6-3 **ALLOCATION FORMULA.**

- (a) **Pro rata allocation.** The discretionary Employer Contribution under AA §6-2(a) will be allocated:
- (1) as a uniform percentage of Plan Compensation.
 - (2) as a uniform dollar amount.
- (b) **Fixed contribution.** The fixed Employer Contribution under AA §6-2(b) will be allocated in accordance with the selections made under AA §6-2(b).
- (c) **Permitted disparity allocation.** The discretionary Employer Contribution under AA §6-2(a) will be allocated under the two-step method (as defined in Section 3.02(a)(1)(i)(B)(I) of the Plan), using the Taxable Wage Base (as defined in Section 1.87 of the Plan) as the Integration Level.
- To modify these default rules, complete the appropriate provision(s) below.
- (1) **Integration Level.** Instead of the Taxable Wage Base, the Integration Level is:
- (i) ___% of the Taxable Wage Base, increased (but not above the Taxable Wage Base) to the next higher:
 - (A) N/A
 - (B) \$1
 - (C) \$100
 - (D) \$1,000
 - (ii) \$___ (not to exceed the Taxable Wage Base)
 - (iii) 20% of the Taxable Wage Base
- [Note: See Section 3.02(a)(1)(i)(B)(IV) of the Plan for rules regarding the Maximum Disparity Rate that may be used where an Integration Level other than the Taxable Wage Base is selected.]*
- (2) **Describe special rules for applying permitted disparity allocation formula:** _____
- [Note: Any special rules under subsection (2) must be definitely determinable.]*

- (d) **Uniform points allocation.** The discretionary Employer Contribution designated in AA §6-2(a) will be allocated to each Participant in the ratio that each Participant's total points bears to the total points of all Participants. A Participant will receive the following points:
- (1) ___ point(s) for each ___ year(s) of age (attained as of the end of the Plan Year).
 - (2) ___ points for each \$___ of Plan Compensation.
 - (3) ___ point(s) for each ___ Year(s) of Service. For this purpose, Years of Service are determined:
 - (i) In the same manner as determined for eligibility.
 - (ii) In the same manner as determined for vesting.
 - (iii) Points will not be provided with respect to Years of Service in excess of ___.
- (e) **Employee group allocation.** The Employer may make a separate discretionary Employer Contribution to the Participants in the following allocation groups. The Employer must notify the Trustee in writing of the amount of the contribution to be allocated to each allocation group.
- (1) A separate discretionary Employer Contribution may be made to each Participant of the Employer (i.e., each Participant is in his/her own allocation group).
 - (2) A separate discretionary or fixed Employer Contribution may be made to the following allocation groups. If no fixed amount is designated for a particular allocation group, the contribution made for such allocation group will be allocated as a uniform percentage of Plan Compensation or as a uniform dollar amount to all Participants within that allocation group.
[Note: The Employee allocation groups designated above must be clearly defined in a manner that will not violate the definite allocation formula requirement of Treas. Reg. §1.401-1(b)(1)(ii).]
 - (3) **Special rules.**
 - (i) **More than one Employee group.** Unless designated otherwise under this subsection (i), if a Participant is in more than one allocation group described in (2) above during the Plan Year, the Participant will receive an Employer Contribution based on the Participant's status on the last day of the Plan Year. (See Section 3.02(a)(1)(i)(D) of the Plan.)
 - Determined separately for each Employee group.** If a Participant is in more than one allocation group during the Plan Year, the Participant's share of the Employer Contribution will be based on the Participant's status for the part of the year the Participant is in each allocation group.
 - (ii) **Describe:** _____
[Note: Any special rules under subsection (ii) must be definitely determinable.]
- (f) **Age-based allocation.** The discretionary Employer Contribution designated in AA §6-2(a) will be allocated under the age-based allocation formula so that each Participant receives a pro rata allocation based on adjusted Plan Compensation. For this purpose, a Participant's adjusted Plan Compensation is determined by multiplying the Participant's Plan Compensation by an Actuarial Factor (as described in Section 1.03 of the Plan).
A Participant's Actuarial Factor is determined based on a specified interest rate and mortality table. Unless designated otherwise under (1) or (2) below, the Plan will use an applicable interest rate of 8.5% and a UP-1984 mortality table.
- (1) **Applicable interest rate.** Instead of 8.5%, the Plan will use an interest rate of ___% (must be between 7.5% and 8.5%) in determining a Participant's Actuarial Factor.
 - (2) **Applicable mortality table.** Instead of the UP-1984 mortality table, the Plan will use the following mortality table in determining a Participant's Actuarial Factor: _____
 - (3) **Describe special rules applicable to age-based allocation:** _____
[Note: See Exhibit A of the Plan for sample Actuarial Factors based on an 8.5% applicable interest rate and the UP-1984 mortality table. If an interest rate or mortality table other than 8.5% or UP-1984 is selected, appropriate Actuarial Factors must be calculated.]
- (g) **Service-based allocation formula.** The service-based Employer Contribution selected in AA §6-2(c) will be allocated in accordance with the selections made in AA §6-2(c).
- (h) **Describe special rules for determining allocation formula:** _____
[Note: Any special rules under subsection (h) must be definitely determinable.]

6-4 **SPECIAL RULES.** No special rules apply with respect to Employer/Employee Contributions under the Plan, except to the extent designated under this AA §6-4. Unless designated otherwise, in determining the amount of the Employer/Employee Contributions to be allocated under this AA §6, the contribution will be based on Plan Compensation earned during the Plan Year.

- (a) **Period for determining Employer/Employee Contributions.** Instead of the Plan Year, Employer/Employee Contributions will be determined based on Plan Compensation earned during the following period: *[The Plan Year must be used if the permitted disparity allocation method is selected under AA §6-3(c) above.]*
- (1) Plan Year quarter
 - (2) calendar month
 - (3) payroll period
 - (4) Other: _____

[Note: Although Employer Contributions are determined on the basis of Plan Compensation earned during the period designated under this subsection (a), this does not require the Employer to actually make contributions or allocate contributions on the basis of such period. Employer Contributions may be contributed and allocated to Participants at any time within the contribution period permitted under Treas. Reg. §1.415(c)-1(b)(6)(B), regardless of the period selected under this subsection (a).]

- (b) **Limit on Employer Contributions.** The Employer Contribution elected in AA §6-2 may not exceed:
- (1) ____% of Plan Compensation
 - (2) \$____
 - (3) Describe: _____

- (c) **Offset of Employer Contribution.**
- (1) A Participant's allocation of Employer Contributions under AA §6-2 of this Plan is reduced by contributions under _____ *[insert name of plan(s)]*. (See Section 3.02(a)(1) of the Plan.)
 - (2) In applying the offset under this subsection (c), the following rules apply: _____

- (d) **Special rules:** _____
- [Note: Any special rules under subsection (d) must be definitely determinable.]*

6-5 **ALLOCATION CONDITIONS.** A Participant must satisfy any allocation conditions designated under this AA §6-5 to receive an allocation of Employer Contributions under the Plan. *[Note: No allocation conditions apply to After-Tax Employee Contributions or Employer Pick-Up Contributions under AA §6-6.]*

- (a) **No allocation conditions** apply with respect to Employer Contributions under the Plan.
- (b) **Employment condition.** An Employee must be employed with the Employer on the last day of the Plan Year.
- (c) **Minimum service condition.** An Employee must be credited with at least:
- (1) ____ Hours of Service during the Plan Year.
 - (i) Hours of Service are determined using actual Hours of Service.
 - (ii) Hours of Service are determined using the following Equivalency Method (as defined under Section 2.03(a)(5) of the Plan):
 - (A) Monthly (B) Weekly
 - (C) Daily (D) Semi-monthly
 - (2) ____ consecutive days of employment with the Employer during the Plan Year.

- (d) **Exceptions.**
- (1) The above allocation condition(s) will **not** apply if the Employee:
 - (i) dies during the Plan Year.
 - (ii) terminates employment due to becoming Disabled.
 - (iii) terminates employment after attaining Normal Retirement Age.
 - (iv) terminates employment after attaining Early Retirement Age.
 - (v) is on an authorized leave of absence from the Employer.
 - (2) The exceptions selected under subsection (1) will apply even if an Employee has not terminated employment at the time of the selected event(s).

- (3) The exceptions selected under subsection (1) do not apply to:
- (i) an employment condition under subsection (b) above.
 - (ii) a minimum service condition under subsection (c) above.
- (e) **Describe** any special rules governing the allocation conditions under the Plan: _____
- [Note: Any special rules under subsection (e) must be definitely determinable.]

6-6 **AFTER-TAX EMPLOYEE CONTRIBUTIONS AND EMPLOYER PICK-UP CONTRIBUTIONS.**

- (a) **Voluntary After-Tax Employee Contributions.** If permitted under this subsection (a), a Participant may contribute any amount as Voluntary After-Tax Employee Contributions up to the Code §415 Limitation (as defined in Section 5.02 of the Plan), except as limited under this subsection (a).
- (1) **Limits on Voluntary After-Tax Employee Contributions.** If this subsection (1) is checked, the following limits apply to Voluntary After-Tax Employee Contributions:
- (i) **Maximum limit.** A Participant may make Voluntary After-Tax Employee Contributions up to:
 - (A) _____% of Plan Compensation
 - (B) \$_____for the following period:
 - (C) the entire Plan Year.
 - (D) the portion of the Plan Year during which the Employee is eligible to participate.
 - (E) each separate payroll period during which the Employee is eligible to participate.
 - (ii) **Minimum limit.** The amount of Voluntary After-Tax Employee Contributions a Participant may make for any payroll period may not be less than:
 - (A) _____% of Plan Compensation
 - (B) \$_____
- (2) **Change or revocation of Voluntary After-Tax Employee Contributions.** In addition to the Participant's Entry Date under the Plan, a Participant's election to change or resume Voluntary After-Tax Employee Contributions will be effective as of the dates designated under the Voluntary After-Tax Employee Contribution election form or other written procedures adopted by the Plan Administrator. Alternatively, the Employer may designate under this subsection (2) specific dates as of which a Participant may change or resume Voluntary After-Tax Employee Contributions. (See Section 3.04 of the Plan.)
- (i) The first day of each calendar quarter.
 - (ii) The first day of each Plan Year.
 - (iii) The first day of each calendar month.
 - (iv) The beginning of each payroll period.
 - (v) Other: _____
- [Note: A Participant must be permitted to change or revoke a Voluntary After-Tax Employee Contribution election at least once per year. Unless designated otherwise under subsection (v), a Participant may revoke an election to make Voluntary After-Tax Employee Contributions (on a prospective basis) at any time. This subsection (2) also applies to any Employer Pick-Up Contributions selected under subsection (c) below, unless designated otherwise under subsection (c)(2).]
- (3) **Other limits or special rules relating to Voluntary After-Tax Employee Contributions:** _____
- [Note: Any limits described under this subsection (3) must be consistent with the provisions of Section 3.04 of the Plan.]

- (b) **Mandatory After-Tax Employee Contributions.** If this subsection (b) is checked, Employees are required to make Mandatory After-Tax Employee Contributions in order to participate under the Plan.
- (1) **Amount of Mandatory After-Tax Employee Contributions.** Employees are required to contribute the following amount in order to participate in the Plan:
- (i) _____% of each Employee’s Total Compensation.
- (ii) \$_____ for each Participant.
- (iii) Describe rate or amount: _____
- (2) **Special rules** applicable to Mandatory After-Tax Employee Contributions: _____
- (c) **Employer Pick-Up Contributions.** Each Participant will be required to make a Pick-up Contribution to the Plan equal to the amount specified under this subsection (c). Any amounts contributed pursuant to this subsection (c) will be picked up by the Employer pursuant to Code §414(h) and will be treated as Employer Contributions under the Plan. Such contributions and earnings thereon will be 100% vested at all times. (See Section 3.03 of the Plan.)
- (1) The following amounts will be contributed to the Plan as an Employer Pick-Up Contribution:
- (i) the below _____% of Plan Compensation.
- (ii) \$_____ per pay period.
- (iii) Any amount from _____% to _____% of Plan Compensation, as designated by the Participant.
- (2) Special rules applicable to Employer Pick-Up Contributions: The Participant shall contribute to the Plan a percentage of Compensation based on the following formula. Pre-tax Contributions by Participants shall be mandatory for all Eligible Employees. Date of Hire through end of the 5th Year: 5%, Beginning of the 6th Year through end of the 10th Year: 6%, Beginning 11th Year and thereafter: 7%.

[Note: Any Employer Pick-Up Contributions made under this subsection (c) must satisfy the requirements of Section 3.03 of the Plan. See AA §11-4 for an Employee’s ability to elect out of making Employer Pick-Up Contributions.]

**SECTION 6A
MATCHING CONTRIBUTIONS**

6A-1 **MATCHING CONTRIBUTIONS.** Is the Employer authorized to make Matching Contributions under the Plan? [Note that this Section 6A only applies if the Employer is matching Elective Deferral made under another plan maintained by the Employer or with respect to Pick-Up Contributions or After-Tax Employee Contributions under this Plan.]

- Yes.**
- No.** [If “No” is checked, skip to Section 7.]

6A-2 **MATCHING CONTRIBUTION FORMULA:** For the period designated in AA §6A-5 below, the Employer will make the following Matching Contribution on behalf of Participants who satisfy the allocation conditions under AA §6A-6 below. [See AA §6A-3 for the definition of Eligible Contributions for purposes of the Matching Contributions under the Plan.]

- (a) **Discretionary match.** The Employer will determine in its sole discretion how much, if any, it will make as a Matching Contribution. Such amount can be determined either as a uniform percentage of deferrals or as a flat dollar amount for each Participant.
- (b) **Fixed match.** The Employer will make a Matching Contribution for each Participant equal to:
- (1) _____% of Eligible Contributions made for each period designated in AA §6A-5 below.
- (2) \$_____ for each period designated in AA §6A-5 below.
- (c) **Tiered match.** The Employer may make a Matching Contribution to all Participants based on the following tiers of Eligible Contributions as a percentage of Plan Compensation.

Eligible Contributions	Fixed Match	Discretionary Match
<input type="checkbox"/> (1) Up to _____% of Plan Compensation	_____%	<input type="checkbox"/>
<input type="checkbox"/> (2) From _____% up to _____% of Plan Compensation	_____%	<input type="checkbox"/>

Eligible Contributions	Fixed Match	Discretionary Match
<input type="checkbox"/> (3) From ___% up to ___% of Plan Compensation	_____%	<input type="checkbox"/>
<input type="checkbox"/> (4) From ___% up to ___% of Plan Compensation	_____%	<input type="checkbox"/>

- (d) **Year of Service match.** The Employer will make a Matching Contribution as a uniform percentage of Eligible Contributions (as defined in AA §6A-3) to all Participants based on Years of Service with the Employer.

Years of Service	Matching %
<input checked="" type="checkbox"/> (1) From <u>Date of Hire</u> up to <u>5</u> Years of Service	<u>5</u> _____%
<input checked="" type="checkbox"/> (2) From <u>6</u> up to <u>10</u> Years of Service	<u>6</u> _____%
<input type="checkbox"/> (3) From ___ up to ___ Years of Service	_____%
<input type="checkbox"/> (4) From ___ up to ___ Years of Service	_____%
<input checked="" type="checkbox"/> (5) Years of Service equal to and above <u>11</u>	<u>7</u> _____%

For this purpose, a Year of Service is each Plan Year during which an Employee completes at least 1,000 Hours of Service. Alternatively, a Year of Service is: _____

[Note: Any alternative definition of a Year of Service must meet the requirements of a Year of Service as defined in Section 2.03(a)(1) of the Plan.]

- (e) **Based on employment agreement.** The Employer will make a Matching Contribution determined in accordance with the terms of the Employment agreement between an Eligible Employee and the Employer. [If this subsection (e) is checked, the provisions of an Employment agreement addressing retirement benefits will override any selection under this AA §6A-2.]
- (f) **Describe special rules for determining Matching Contribution formula:** _____

6A-3 **ELIGIBLE CONTRIBUTIONS.** Unless designated otherwise under this AA §6A-3, the Matching Contribution described in AA §6A-2 will apply to all Eligible Contributions authorized under AA §6-6.

- (a) **Designated Eligible Contributions.** If this subsection (a) is checked, the Matching Contribution described in AA §6A-2 will apply only to the Eligible Contributions selected below:
- (1) Voluntary After-Tax Employee Contributions under AA §6-6(a).
 - (2) Mandatory After-Tax Employee Contributions under AA §6-6(b).
 - (3) Employer Pick-Up Contributions under AA §6-6(c).
- (b) **Elective deferrals under another plan.** If this subsection (b) is checked, the Matching Contributions described in AA §6A-2 will apply to elective deferrals under the following plan maintained by the Employer: _____

- (c) **Special rules.** The following special rules apply for purposes of determining the Matching Contribution under this AA §6A-3: _____

[*Note: Subsection (c) may be used to describe any special provisions applicable to Matching Contributions provided with respect to Eligible Contributions under this Plan or elective deferrals made under another plan maintained by the Employer.*]

6A-4 **LIMITS ON MATCHING CONTRIBUTIONS.** In applying the Matching Contribution formula(s) selected under AA §6A-2 above, all Eligible Contributions designated under AA §6A-3 are eligible for Matching Contributions, unless elected otherwise under this AA §6A-4.

- (a) **Limit on amount of Eligible Contributions.** The Matching Contribution formula(s) selected in AA §6A-2 above apply only to Eligible Contributions under AA §6A-3 that do not exceed:

- (1) _____% of Plan Compensation.
 (2) \$_____
 (3) A discretionary amount determined by the Employer.

[*Note: If both (1) and (2) are selected, the limit under this subsection (a) is the lesser of the percentage selected in subsection (1) or the dollar amount selected in subsection (2).*]

- (b) **Limit on Matching Contributions.** The total Matching Contribution provided under the formula(s) selected in AA §6A-2 above will not exceed:

- (1) _____% of Plan Compensation.
 (2) \$_____.

- (c) **Special limits applicable to Matching Contributions:** _____

6A-5 **PERIOD FOR DETERMINING MATCHING CONTRIBUTIONS.** The Matching Contribution formula(s) selected in AA §6A-2 above (including any limitations on such amounts under AA §6A-4) are based on Eligible Contributions under AA §6A-3 and Plan Compensation for the Plan Year. To apply a different period for determining the Matching Contributions and limits under AA §6A-2 and AA §6A-4, complete this AA §6A-5.

- (a) payroll period
 (b) Plan Year quarter
 (c) calendar month
 (d) Other: _____

[*Note: Although Matching Contributions (and any limits on those Matching Contributions) will be determined on the basis of the period designated under this AA §6A-5, this does not require the Employer to actually make contributions or allocate contributions on the basis of such period. Matching Contributions may be contributed and allocated to Participants at any time within the contribution period permitted under Treas. Reg. §1.415-6, regardless of the period selected under this AA §6A-5.*]

[*Note: In determining the amount of Matching Contributions for a particular period, if the Employer actually makes Matching Contributions to the Plan on a more frequent basis than the period selected in this AA §6A-5, a Participant will be entitled to a true-up contribution to the extent he/she does not receive a Matching Contribution based on the Eligible Contributions under AA §6A-3 and/or Plan Compensation for the entire period selected in this AA §6A-5. If a period other than the Plan Year is selected under this AA §6A-5, the Employer may make an additional discretionary Matching Contribution equal to the true-up contribution that would otherwise be required if Plan Year was selected under this AA §6A-5. See Section 3.02(a)(2)(ii) of the Plan.*]

6A-6 **ALLOCATION CONDITIONS.** A Participant must satisfy any allocation conditions designated under this AA §6A-6 to receive an allocation of Matching Contributions under the Plan.

- (a) **No allocation conditions** apply with respect to Matching Contributions under the Plan.
 (b) **Employment condition.** An Employee must be employed with the Employer on the last day of the Plan Year.
 (c) **Minimum service condition.** An Employee must be credited with at least:
 (1) _____ Hours of Service during the Plan Year.
 (i) Hours of Service are determined using actual Hours of Service.
 (ii) Hours of Service are determined using the following Equivalency Method (as defined under Section 2.03(a)(5) of the Plan):
 (A) Monthly (B) Weekly
 (C) Daily (D) Semi-monthly

- (2) ___ consecutive days of employment with the Employer during the Plan Year.
- (d) **Exceptions.**
- (1) The above allocation condition(s) will **not** apply if the Employee:
- (i) dies during the Plan Year.
 - (ii) terminates employment as a result of becoming Disabled.
 - (iii) terminates employment after attaining Normal Retirement Age.
 - (iv) terminates employment after attaining Early Retirement Age.
 - (v) is on an authorized leave of absence from the Employer.
- (2) The exceptions selected under subsection (1) will apply even if an Employee has not terminated employment at the time of the selected event(s).
- (3) The exceptions selected under subsection (1) do not apply to:
- (i) an employment condition designated under subsection (b) above.
 - (ii) a minimum service condition designated under subsection (c) above.
- (e) **Describe** any special rules governing the allocation conditions under the Plan: A Participant shall receive a Year of Service under the Plan Contribution Formula for each Plan Year he or she completes as an Employee with the Employer. Such service shall include any prior Years of Service with the Employer, regardless of whether or not there have been any breaks in service. (part-time service counted.)

SECTION 7
RETIREMENT AGES

- 7-1 **NORMAL RETIREMENT AGE:** Normal Retirement Age under the Plan is:
- (a) Age 65___ (not to exceed 65).
 - (b) The later of age ___ (not to exceed 65) or the ___ (not to exceed 5th) anniversary of:
 - (1) the Employee's participation commencement date (as defined in Section 1.64 of the Plan).
 - (2) the Employee's employment commencement date.
 - (c) _____
- 7-2 **EARLY RETIREMENT AGE:** Unless designated otherwise under this AA §7-2, there is no Early Retirement Age under the Plan.
- (a) A Participant reaches Early Retirement Age if he/she is still employed after attainment of each of the following:
 - (1) Attainment of age ___
 - (2) The ___ anniversary of the date the Employee commenced participation in the Plan, and/or
 - (3) The completion of ___ Years of Service, determined as follows:
 - (i) Same as for eligibility.
 - (ii) Same as for vesting.
 - (b) **Describe.** _____

SECTION 8
VESTING AND FORFEITURES

- 8-1 **CONTRIBUTIONS SUBJECT TO VESTING.** Does the Plan provide for any Employer and/or Matching Contributions that are subject to a vesting schedule under AA §8-2?
- Yes
 - No [If "No" is checked, skip to Section 9.]
- [Note: "Yes" should be checked under this AA §8-1 if the Plan provides for Employer Contributions and/or Matching Contributions that are subject to a vesting schedule, even if such contributions are always 100% vested under AA §8-2. "No" should be checked if the only contributions under the Plan are After-Tax Employee Contributions and/or Employer Pick-Up Contributions. If the Plan holds Employer Contributions and/or Matching Contributions that are subject to vesting but the Plan no longer provides for such contributions, see Sections 7.04(e) and 7.13(e) of the Plan for default rules for applying the vesting and forfeiture rules to such contributions.]*

8-2 **VESTING SCHEDULE.** The vesting schedule under the Plan is as follows for both Employer Contributions and Matching Contributions, to the extent authorized under the Plan. See Section 6.02 of the Plan for a description of the various vesting schedules under this AA §8-2.

(a) **Vesting schedule:**

Match	ER	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	(1) Full and immediate vesting.
<input type="checkbox"/>	<input type="checkbox"/>	(2) Three-year cliff vesting schedule
<input type="checkbox"/>	<input type="checkbox"/>	(3) Six-year graded vesting schedule
<input type="checkbox"/>	<input type="checkbox"/>	(4) Modified vesting schedule
		___% after 1 Year of Service
		___% after 2 Years of Service
		___% after 3 Years of Service
		___% after 4 Years of Service
		___% after 5 Years of Service
		___% after 6 Years of Service
		___% after 7 Years of Service
		___% after 8 Years of Service
		___% after 9 Years of Service
		100% after 10 Years of Service
<input type="checkbox"/>	<input type="checkbox"/>	(5) Other: vesting schedule: _____

(b) **Special provisions applicable to vesting schedule:** _____

[Note: This subsection (b) may be used to apply a different vesting schedule for different contribution formulas or different Employee groups under the Plan.]

8-3 **VESTING SERVICE.** In applying the vesting schedules under this AA §8, all service with the Employer counts for vesting purposes, unless designated otherwise under this AA §8-3.

(a) Service before the original Effective Date of this Plan (or a Predecessor Plan) is excluded.

(b) Service completed before the Employee's ___ birthday is excluded.

(c) Describe vesting service exclusions: _____

[Note: See Section 6.07 of the Plan and AA §4-5 for rules regarding the crediting of service with Predecessor Employers for purposes of vesting under the Plan.]

8-4 **VESTING UPON DEATH, DISABILITY OR EARLY RETIREMENT AGE.** An Employee's vesting percentage increases to 100% if, while employed with the Employer, the Employee

(a) dies

(b) becomes Disabled

(c) reaches Early Retirement Age

(d) Not applicable. No increase in vesting applies.

8-5 **DEFAULT VESTING RULES.** In applying the vesting requirements under this AA §8, the following default rules apply. *[Note: No election should be made under this AA §8-5 if all contributions are 100% vested.]*

- **Year of Service.** An Employee earns a Year of Service for vesting purposes upon completing 1,000 Hours of Service during a Vesting Computation Period. Hours of Service are calculated based on actual hours worked during the Vesting Computation Period. (See Section 1.56 of the Plan for the definition of Hours of Service.)

- **Vesting Computation Period.** The Vesting Computation Period is the Plan Year.

To override the default vesting rules, complete the applicable sections of this AA §8-5. If this AA §8-5 is not completed, the default vesting rules apply.

Match ER

- | Match | ER | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | (a) Year of Service. Instead of 1,000 Hours of Service, an Employee earns a Year of Service upon the completion of ____ Hours of Service during a Vesting Computation Period. |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) Vesting Computation Period (VCP). Instead of the Plan Year, the Vesting Computation Period is: <ul style="list-style-type: none"> <input type="checkbox"/> (1) The 12-month period beginning with the Employee's date of hire and, for subsequent Vesting Computation Periods, the 12-month period beginning with the anniversary of the Employee's date of hire. <input type="checkbox"/> (2) Describe: _____ <i>[Note: Any Vesting Computation Period described in (2) must be a 12-consecutive month period and must apply uniformly to all Participants.]</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | (c) Elapsed Time Method. Instead of determining vesting service based on actual Hours of Service, vesting service will be determined under the Elapsed Time Method. If this subsection (c) is checked, service will be measured from the Employee's employment commencement date (or reemployment commencement date, if applicable) without regard to the Vesting Computation Period designated in Section 6.05 of the Plan. (See Section 6.04(b) of the Plan.) |
| <input type="checkbox"/> | <input type="checkbox"/> | (d) Equivalency Method. For purposes of determining an Employee's Hours of Service for vesting, the Plan will use the Equivalency Method (as defined in Section 6.04(a)(2) of the Plan). The Equivalency Method will apply to: <ul style="list-style-type: none"> <input type="checkbox"/> (1) All Employees. <input type="checkbox"/> (2) Only to Employees for whom the Employer does not maintain hourly records. For Employees for whom the Employer maintains hourly records, vesting will be determined based on actual hours worked. Hours of Service for vesting will be determined under the following Equivalency Method. <ul style="list-style-type: none"> <input type="checkbox"/> (3) Monthly. 190 Hours of Service for each month worked. <input type="checkbox"/> (4) Weekly. 45 Hours of Service for each week worked. <input type="checkbox"/> (5) Daily. 10 Hours of Service for each day worked. <input type="checkbox"/> (6) Semi-monthly. 95 Hours of Service for each semi-monthly period. |
| <input type="checkbox"/> | <input type="checkbox"/> | (e) Special rules: _____
<i>[Note: Any special rules under subsection (e) must be definitely determinable.]</i> |

8-6 **BREAKS IN SERVICE.** Generally, an Employee will be credited with all service earned with the Employer, including service earned prior to a Break in Service. To disregard service earned prior to a Break in Service for vesting purposes, complete this AA §8-6. (See Section 6.08 of the Plan.)

- (a) If an Employee incurs at least one Break in Service, the Plan will disregard all service earned prior to such Break in Service for purposes of determining vesting under the Plan.
- (b) If an Employee incurs at least _____ consecutive Breaks in Service, the Plan will disregard all service earned prior to such consecutive Breaks in Service for purposes of determining vesting under the Plan. *[Enter "0" if prior service will be disregarded for all rehired Employees.]*
- (c) Describe any special rules for applying the vesting Break in Service rules: _____
[Note: Any special rules under subsection (c) must be definitely determinable.]

8-7 **ALLOCATION OF FORFEITURES.**

The Employer may decide in its discretion how to treat forfeitures under the Plan. Alternatively, the Employer may designate under this AA §8-7 how forfeitures occurring during a Plan Year will be treated. (See Section 6.11 of the Plan.)

- | Match | ER | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | (a) N/A. All contributions are 100% vested. <i>[Do not complete the rest of this AA §8-7.]</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) Reallocated as additional Employer Contributions or as additional Matching Contributions. |
| <input type="checkbox"/> | <input type="checkbox"/> | (c) Used to reduce Employer and/or Matching Contributions. |

Match ER

For purposes of subsection (b) or (c), forfeitures will be applied:

- (d) for the Plan Year in which the forfeiture occurs.
- (e) for the Plan Year following the Plan Year in which the forfeitures occur.

Prior to applying forfeitures under subsection (b) or (c):

- (f) Forfeitures may be used to pay Plan expenses. (See Section 6.11(d) of the Plan.)
- (g) Forfeitures may **not** be used to pay Plan expenses.

In determining the amount of forfeitures to be allocated under subsection (b), the same allocation conditions apply as for the source for which the forfeiture is being allocated, unless designated otherwise below.

- (h) Forfeitures are not subject to any allocation conditions.
- (i) Forfeitures are subject to a last day of employment allocation condition.
- (j) Forfeitures are subject to a ____ Hours of Service minimum service requirement.

In determining the treatment of forfeitures under this AA §8-7, the following special rules apply:

- (k) Describe: _____

8-8 SPECIAL RULES REGARDING CASH-OUT DISTRIBUTIONS.

- (a) **Additional allocations.** If a terminated Participant receives a complete distribution of his/her vested Account Balance while still entitled to an additional allocation, the Cash-Out Distribution forfeiture provisions do not apply until the Participant receives a distribution of the additional amounts to be allocated. (See Section 6.10(a)(1) of the Plan.)

To modify the default Cash-Out Distribution forfeiture rules, complete this AA §8-8(a).

- The Cash-Out Distribution forfeiture provisions will apply if a terminated Participant takes a complete distribution, regardless of any additional allocations during the Plan Year.

- (b) **Timing of forfeitures.** A Participant who receives a Cash-Out Distribution (as defined in Section 6.10(a) of the Plan) is treated as having an immediate forfeiture of his/her nonvested Account Balance.

To modify the forfeiture timing rules to delay the occurrence of a forfeiture upon a Cash-Out Distribution, complete this AA §8-8(b).

- A forfeiture will occur upon the completion of ____ consecutive Breaks in Service (as defined in Section 6.08 of the Plan).

**SECTION 9
DISTRIBUTION PROVISIONS – TERMINATION OF EMPLOYMENT**

9-1 AVAILABLE FORMS OF DISTRIBUTION.

Lump sum distribution. A Participant may take a distribution of his/her entire vested Account Balance in a single lump sum upon termination of employment. The Plan Administrator may, in its discretion, permit Participants to take distributions of less than their entire vested Account Balance provided, if the Plan Administrator permits multiple distributions, all Participants are allowed to take multiple distributions upon termination of employment. In addition, the Plan Administrator may permit a Participant to take partial distributions or installment distributions solely to the extent necessary to satisfy the required minimum distribution rules under Section 8 of the Plan.

Additional distribution options. To provide for additional distribution options, check the applicable distribution forms under this AA §9-1.

- (a) **Installment distributions.** A Participant may take a distribution over a specified period not to exceed the life or life expectancy of the Participant (and a designated beneficiary).
- (b) **Annuity distributions.** A Participant may elect to have the Plan Administrator use the Participant's vested Account Balance to purchase an annuity as described in Section 7.01 of the Plan.
- (c) **Describe distribution options:** _____

[Note: Any distribution option described in (c) may not be subject to the discretion of the Employer or Plan Administrator.]

9-2 PARTICIPANT AND SPOUSAL CONSENT.

- (a) **Involuntary Cash-Out Distribution.** A Participant who terminates employment with a vested Account Balance of \$5,000 or less will receive an Involuntary Cash-Out Distribution, unless elected otherwise under this AA §9-2. If a Participant's vested Account Balance exceeds \$5,000, the Participant generally must consent to a distribution from the Plan, except to the extent provided otherwise under this AA §9-2. See Sections 7.03 of the Plan for additional rules regarding the Participant consent requirements under the Plan.
- (1) **No Involuntary Cash-Out Distributions.** The Plan does not provide for Involuntary Cash-Out Distributions. A terminated Participant must consent to any distribution from the Plan. (See Section 14.02(b) of the Plan for special rules upon Plan termination.)
- (2) **Involuntary Cash-Out Distribution threshold.** A terminated Participant will receive an Involuntary Cash-Out Distribution only if the Participant's vested Account Balance is less than or equal to \$_____.
- (3) **Application of Automatic Rollover rules.** The Automatic Rollover rules described in Section 7.05 of the Plan do not apply to any Involuntary Cash-Out Distribution below \$1,000, unless elected otherwise under this subsection (3). If this subsection (3) is checked, the Automatic Rollover provisions apply to all Involuntary Cash-Out Distributions (including those below \$1,000).
- (4) **Distribution upon attainment of stated age.** Participant consent will not be required with respect to distributions made upon attainment of Normal Retirement Age (or age 62, if later), regardless of the value of the Participant's vested Account Balance.
- (5) **Treatment of Rollover Contributions.** Unless elected otherwise under this (5), Rollover Contributions will be excluded in determining whether a Participant's vested Account Balance exceeds the Involuntary Cash-Out threshold for purposes of applying the distribution rules under this AA §9 and the Automatic Rollover provisions under Section 7.05 of the Plan. To include Rollover Contributions in determining whether a Participant's vested Account Balance exceeds the Involuntary Cash-Out threshold, check this (5).
- (b) **Spousal consent.** Spousal consent is not required for a Participant to receive a distribution or name an alternate beneficiary, unless designated otherwise under this subsection (b). See Section 9.02 of the Plan for rules regarding Spousal consent under the Plan.
- (1) **Distribution consent.** A Participant's Spouse must consent to any distribution or loan, provided the Participant's vested Account Balance exceeds \$_____.
- (2) **Beneficiary consent.** A Participant's Spouse must consent to naming someone other than the Spouse as beneficiary under the Plan.
- (c) **Describe** any special rules affecting Participant or Spousal consent: _____
- [Note: Any special rules under subsection (c) must be definitely determinable.]

9-3 TIMING OF DISTRIBUTIONS UPON TERMINATION OF EMPLOYMENT.

- (a) **Distribution of vested Account Balances exceeding \$5,000.** A Participant who terminates employment with a vested Account Balance exceeding \$5,000 may receive a distribution of his/her vested Account Balance in any form permitted under AA §9-1 within a reasonable period following:
- (1) the date the Participant terminates employment.
- (2) the last day of the Plan Year during which the Participant terminates employment.
- (3) the first Valuation Date following the Participant's termination of employment.
- (4) the end of the calendar quarter following the date the Participant terminates employment.
- (5) attainment of Normal Retirement Age, death or becoming Disabled.
- (6) Describe: _____
- [Note: Any special rules under subsection (6) must be definitely determinable.]
- (b) **Distribution of vested Account Balances not exceeding \$5,000.** A Participant who terminates employment with a vested Account Balance that does not exceed \$5,000 will receive a **lump sum** distribution of his/her vested Account Balance within a reasonable period following:
- (1) the date the Participant terminates employment.
- (2) the last day of the Plan Year during which the Participant terminates employment.
- (3) the first Valuation Date following the Participant's termination of employment.
- (4) the end of the calendar quarter following the date the Participant terminates employment.

(5) Describe: _____

[Note: Any special rules under subsection (5) must be definitely determinable.]

(c) **Alternate Cash-Out distribution threshold.** Instead of a vested Account Balance Cash-Out threshold of \$5,000, for purposes of applying the Cash-Out distribution provisions under this AA §9-3, the forms of distribution available under subsections (a) and (b) will be based on a vested Account Balance of \$_____.

(d) **Describe additional distribution options:** _____

[Note: Any additional distribution option described in (d) may not be subject to the discretion of the Employer or Plan Administrator.]

9-4 **DISTRIBUTION UPON DISABILITY.** Unless designated otherwise under this AA §9-4, a Participant who terminates employment on account of becoming Disabled may receive a distribution of his/her vested Account Balance in the same manner as a regular distribution upon termination.

(a) **Termination of Disabled Employee.**

(1) **Immediate distribution.** Distribution will be made as soon as reasonable following the date the Participant terminates on account of becoming Disabled.

(2) **Following year.** Distribution will be made as soon as reasonable following the last day of the Plan Year during which the Participant terminates on account of becoming Disabled.

(3) **Describe:** _____

[Note: Any distribution event described in subsection (3) will apply uniformly to all Participants under the Plan and may not be subject to the discretion of the Employer or Plan Administrator.]

(b) **Definition of Disabled.** A Participant is treated as Disabled if such Participant satisfies the conditions in Section 1.28 of the Plan.

To override this default definition, check below to select an alternative definition of Disabled to be used under the Plan.

(1) The definition of Disabled is the same as defined in the Employer's Disability Insurance Plan.

(2) The definition of Disabled is the same as defined under Section 223(d) of the Social Security Act for purposes of determining eligibility for Social Security benefits.

(3) Alternative definition of Disabled: _____

9-5 **DETERMINATION OF BENEFICIARY.**

(a) **Default beneficiaries.** Unless elected otherwise under this subsection (a), the default beneficiaries described under Section 7.07(c)(3) of the Plan are the Participant's surviving Spouse, the Participant's surviving children, and the Participant's estate.

If this subsection (a) is checked, the default beneficiaries under Section 7.07(c)(3) of the Plan are modified as follows: _____

(b) **One-year marriage rule.** For purposes of determining whether an individual is considered the surviving Spouse of the Participant, the determination is based on the marital status as of the date of the Participant's death, unless designated otherwise under this subsection (b).

If this subsection (b) is checked, in order to be considered the surviving Spouse, the Participant and surviving Spouse must have been married for the entire one-year period ending on the date of the Participant's death. If the Participant and surviving Spouse are not married for at least one year as of the date of the Participant's death, the Spouse will not be treated as the surviving Spouse for purposes of applying the distribution provisions of the Plan. (See Section 9.03 of the Plan.)

(c) **Divorce of Spouse.** Unless elected otherwise under this subsection (c), if a Participant designates his/her Spouse as Beneficiary and subsequent to such Beneficiary designation, the Participant and Spouse are divorced, the designation of the Spouse as Beneficiary under the Plan is automatically rescinded as set forth under Section 7.07(c)(6) of the Plan.

If this subsection (c) is checked, a Beneficiary designation will not be rescinded upon divorce of the Participant and Spouse.

[Note: Section 7.07(c)(6) of the Plan and this subsection (c) will be subject to the provisions of a Beneficiary designation entered into by the Participant. Thus, if a Beneficiary designation specifically overrides the election under this subsection (c), the provisions of the Beneficiary designation will control. See Section 7.07(c)(6) of the Plan.]

SECTION 10
IN-SERVICE DISTRIBUTIONS AND REQUIRED MINIMUM DISTRIBUTIONS

10-1 **AVAILABILITY OF IN-SERVICE DISTRIBUTIONS.** A Participant may withdraw all or any portion of his/her vested Account Balance, to the extent designated, upon the occurrence of any of the event(s) selected under this AA §10-1. If more than one option is selected for a particular contribution source under this AA §10-1, a Participant may take an in-service distribution upon the occurrence of any of the selected events, unless designated otherwise under this AA §10-1.

- | Match | ER | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | (a) No in-service distributions are permitted. |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) Attainment of age 59½. |
| <input type="checkbox"/> | <input type="checkbox"/> | (c) Attainment of age ____. |
| <input type="checkbox"/> | <input type="checkbox"/> | (d) A Hardship that satisfies the safe harbor rules under Section 7.10(e)(1) of the Plan. |
| <input type="checkbox"/> | <input type="checkbox"/> | (e) A non-safe harbor Hardship described in Section 7.10(e)(2) of the Plan. |
| <input type="checkbox"/> | <input type="checkbox"/> | (f) Attainment of Normal Retirement Age. |
| <input type="checkbox"/> | <input type="checkbox"/> | (g) Attainment of Early Retirement Age. |
| <input type="checkbox"/> | <input type="checkbox"/> | (h) The Participant has participated in the Plan for at least ____ (cannot be less than 60) months. |
| <input type="checkbox"/> | <input type="checkbox"/> | (i) The amounts being withdrawn have been held in the Trust for at least two years. |
| <input type="checkbox"/> | <input type="checkbox"/> | (j) Upon a Participant becoming Disabled (as defined in AA §9-4(b)). |
| <input type="checkbox"/> | <input type="checkbox"/> | (k) Describe: _____ |

10-2 **APPLICATION TO OTHER CONTRIBUTION SOURCES.** If the Plan allows for Rollover Contributions under AA §C-2 or After-Tax Employee Contributions under AA §6-6, unless elected otherwise under this AA §10-2, a Participant may take an in-service distribution from his/her Rollover Account and After-Tax Employee Contribution Account at any time. Employer Pick-Up Contributions will not be eligible for in-service distribution.

Alternatively, if this AA §10-2 is completed, the following in-service distribution provisions apply for Rollover Contributions, After-Tax Employee Contributions and/or Employer Pick-Up Contributions:

- | Rollover | After-Tax | Pick-Up | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (a) No in-service distributions are permitted. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (b) Attainment of age 59½. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (c) Attainment of age ____. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (d) A Hardship (that satisfies the safe harbor rules under Section 7.10(e)(1) of the Plan). |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (e) A non-safe harbor Hardship described in Section 7.10(e)(2) of the Plan. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (f) Attainment of Normal Retirement Age. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (g) Attainment of Early Retirement Age. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (h) Upon a Participant becoming Disabled (as defined in AA §9-4(b)). |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (i) Describe: _____ |

- 10-3 **SPECIAL DISTRIBUTION RULES.** No special distribution rules apply, unless specifically provided under this AA §10-3.
- (a) In-service distributions will only be permitted if the Participant is 100% vested in the source from which the withdrawal is taken.
 - (b) A Participant may take no more than ____ in-service distribution(s) in a Plan Year.
 - (c) A Participant may not take an in-service distribution of less than \$____.
 - (d) A Participant may not take an in-service distribution of more than \$____.
 - (e) Unless elected otherwise under this subsection, the hardship distribution provisions of the Plan are not expanded to cover primary beneficiaries as set forth in Section 7.10(e)(5) of the Plan. If this subsection (e) is checked, the hardship provisions of the Plan will apply with respect to individuals named as primary beneficiaries under the Plan.
 - (f) In determining whether a Participant has an immediate and heavy financial need for purposes of applying the non-safe harbor Hardship provisions under Section 7.10(e)(2) of the Plan, the following modifications are made to the permissible events listed under Section 7.10(e)(1) of the Plan: _____
[Note: This subsection (f) may only be used to the extent a non-safe harbor Hardship distribution is authorized under AA §10-1 or AA §10-2.]
 - (g) Other distribution rules: _____

10-4 **REQUIRED MINIMUM DISTRIBUTIONS.**

- (a) **Required distributions after death.** If a Participant dies before distributions begin and there is a Designated Beneficiary, the Participant or Beneficiary may elect on an individual basis whether the 5-year rule (as described in Section 8.06(a) of the Plan) or the life expectancy method described under Sections 8.02 of the Plan apply. See Section 8.06(b) of the Plan for rules regarding the timing of an election authorized under this AA §10-4.
 Alternatively, if selected under this subsection (a), any death distributions to a Designated Beneficiary will be made only under the 5-year rule.
 - The five-year rule under Section 8.06(a) of the Plan applies (instead of the life expectancy method). Thus, the entire death benefit must be distributed by the end of the fifth year following the year of the Participant's death. Death distributions to a Designated Beneficiary may not be made under the life expectancy method.
- (b) **Waiver of Required Minimum Distribution for 2009.** For purposes of applying the Required Minimum Distribution rules for the 2009 Distribution Calendar Year, as described in Section 8.06(d) of the Plan, a Participant (including an Alternate Payee or beneficiary of a deceased Participant) who is eligible to receive a Required Minimum Distribution for the 2009 Distribution Calendar Year may elect whether or not to receive the 2009 Required Minimum Distribution (or any portion of such distribution). If a Participant does not specifically elect to leave the 2009 Required Minimum Distribution in the Plan, such distribution will be made for the 2009 Distribution Calendar Year as set forth in Section 8 of the Plan.
 - (1) **No Required Minimum Distribution for 2009.** If this box is checked, 2009 Required Minimum Distributions will not be made to Participants who are otherwise required to receive a Required Minimum Distribution for the 2009 Distribution Calendar Year under Section 8 of the Plan, unless the Participant elects to receive such distribution.
 - (2) **Describe any special rules applicable to 2009 Required Minimum Distributions:** _____

**SECTION 11
MISCELLANEOUS PROVISIONS**

11-1 **PLAN VALUATION.** The Plan is valued **annually**, as of the last day of the Plan Year.

- (a) **Additional valuation dates.** In addition, the Plan will be valued on the following dates:

Match	ER	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	(1) Daily. The Plan is valued at the end of each business day during which the New York Stock Exchange is open.
<input type="checkbox"/>	<input type="checkbox"/>	(2) Monthly. The Plan is valued at the end of each month of the Plan Year.

Match ER

(3) **Quarterly.** The Plan is valued at the end of each Plan Year quarter.

(4) **Describe:** _____

[Note: The Employer may elect operationally to perform interim valuations, regardless of any selection in this subsection (a).]

(b) **Special rules.** The following special rules apply in determining the amount of income or loss allocated to Participants' Accounts: _____

11-2 **SPECIAL RULES FOR APPLYING THE CODE §415 LIMITATION.** The provisions under Section 5.02 of the Plan apply for purposes of determining the Code §415 Limitation.

Complete this AA §11-2 to override the default provisions that apply in determining the Code §415 Limitation under Section 5.02 of the Plan.

(a) **Limitation Year.** Instead of the Plan Year, the Limitation Year is the 12-month period ending _____.

[Note: If the Plan has a short Plan Year for the first year of establishment, the Limitation Year is deemed to be the 12-month period ending on the last day of the short Plan Year.]

(b) **Imputed compensation.** For purposes of applying the Code §415 Limitation, Total Compensation includes imputed compensation for a Nonhighly Compensated Participant who terminates employment on account of becoming Disabled. (See Section 5.02(c)(7)(iii) of the Plan.)

(c) **Special rules:** _____

[Note: Any special rules under this subsection (c) must be consistent with the requirements of Code §415.]

11-3 **HEART ACT PROVISIONS -- BENEFIT ACCRUALS.** The benefit accrual provisions under Section 15.04 of the Plan do not apply. To apply the benefit accrual provisions under Section 15.04, check the box below.

Eligibility for Plan benefits. Check this box if the Plan will provide the benefits described in Section 15.04 of the Plan. If this box is checked, an individual who dies or becomes disabled in qualified military service will be treated as reemployed for purposes of determining entitlement to benefits under the Plan.

11-4 **ELECTION NOT TO PARTICIPATE (see Section 2.08 of the Plan).** All Participants share in any allocation under this Plan and no Employee may waive out of Plan participation.

To allow Employees to make a one-time irrevocable waiver, check below.

(a) An Employee may make a one-time irrevocable election not to participate under the Plan.

(b) An Employee may make a one-time irrevocable election not to make Employer Pick-Up Contributions under the Plan.

**APPENDIX A
SPECIAL EFFECTIVE DATES**

- A-1 **Eligible Employees.** The definition of Eligible Employee under AA §3 is effective as follows:

- A-2 **Minimum age and service conditions.** The minimum age and service conditions and Entry Date provisions specified in AA §4 are effective as follows:

- A-3 **Compensation definitions.** The compensation definitions under AA §5 are effective as follows:

- A-4 **Employer and Matching Contributions.** The Employer and Matching Contribution provisions under the Plan are effective as follows:

- A-5 **After-Tax Employee and Pick-Up Contributions.** The provisions of the Plan addressing Employee After-Tax Contributions and Pick-Up Contribution provisions under the Plan are effective as follows:

- A-6 **Retirement ages.** The retirement age provisions under AA §7 are effective as follows:

- A-7 **Vesting and forfeiture rules.** The rules regarding vesting and forfeitures under AA §8 are effective as follows:

- A-8 **Distribution provisions.** The distribution provisions under AA §9 are effective as follows:

- A-9 **In-service distributions and Required Minimum Distributions.** The provisions regarding in-service distribution and Required Minimum Distributions under AA §10 are effective as follows:

- A-10 **Miscellaneous provisions.** The provisions under AA §11 are effective as follows:

- A-11 **Special effective date provisions for merged plans.** If any qualified retirement plans have been merged into this Plan, the provisions of Section 14.04 of the Plan apply, as follows:

- A-12 **Other special effective dates:**

**APPENDIX B
LOAN POLICY**

Use this Appendix B to identify elections dealing with the administration of Participant loans. These elections may be changed without amending this Agreement by substituting an updated Appendix B with new elections. Any modifications to this Appendix B or any modifications to a separate loan policy describing the loan provisions selected under the Plan will not affect an Employer's reliance on the IRS Favorable Letter.

B-1 Are **PARTICIPANT LOANS** permitted? (See Section 13 of the Plan.)

- (a) Yes
 (b) No

B-2 **LOAN PROCEDURES.**

- (a) Loans will be provided under the default loan procedures set forth in Section 13 of the Plan, unless modified under this Appendix B.
 (b) Loans will be provided under a separate written loan policy. *[If this subsection (b) is checked, do not complete the rest of this Appendix B.]*

B-3 **AVAILABILITY OF LOANS.** Participant loans are available to all active Participants and Beneficiaries. Participant loans are not available to a former Employee or Beneficiary (including an Alternate Payee under a QDRO). To override this default provision, check (a) and/or (b) below:

- (a) A former Employee or Beneficiary (including an Alternate Payee) who has a vested Account Balance may request a loan from the Plan.
 (b) A "limited participant" as defined in Section 3.05 of the Plan may not request a loan from the Plan.
 (c) An officer or director of the Employer, as defined for purposes of the Sarbanes-Oxley Act, may **not** request a loan from the Plan.

B-4 **LOAN LIMITS.** The default loan policy under Section 13.03 of the Plan allows Participants to take a loan provided all outstanding loans do not exceed 50% of the Participant's vested Account Balance. To override the default loan policy to allow loans up to \$10,000, even if greater than 50% of the Participant's vested Account Balance, check this AA §B-4.

- A Participant may take a loan equal to the greater of \$10,000 or 50% of the Participant's vested Account Balance. *[If this AA §B-4 is checked, the Participant may be required to provide adequate security as required under Section 13.06 of the Plan.]*

B-5 **NUMBER OF LOANS.** The default loan policy under Section 13.04 of the Plan restricts Participants to one loan outstanding at any time. To override the default loan policy and permit Participants to have more than one loan outstanding at any time, complete (a) or (b) below.

- (a) A Participant may have ___ loans outstanding at any time.
 (b) There are no restrictions on the number of loans a Participant may have outstanding at any time.

B-6 **LOAN AMOUNT.** The default loan policy under Section 13.04 of the Plan provides that a Participant may not receive a loan of less than \$1,000. To modify the minimum loan amount or to add a maximum loan amount, complete this AA §B-6.

- (a) There is no minimum loan amount.
 (b) The minimum loan amount is \$ _____.
 (c) The maximum loan amount is \$ _____.

B-7 **INTEREST RATE.** The default loan policy under Section 13.05 of the Plan provides for an interest rate commensurate with the interest rates charged by local commercial banks for similar loans. To override the default loan policy and provide a specific interest rate to be charged on Participant loans, complete this AA §B-7.

- (a) The prime interest rate
 plus ___ percentage point(s).
 (b) Describe: _____

[Note: Any interest rate described in this AA §B-7 must be reasonable and must apply uniformly to all Participants.]

- B-8 **PURPOSE OF LOAN.** The default loan policy under Section 13.02 of the Plan provides that a Participant may receive a Participant loan for any purpose. To modify the default loan policy to restrict the availability of Participant loans to hardship events, check this AA §B-8.
- (a) A Participant may only receive a Participant loan upon the demonstration of a hardship event, as described in Section 7.10(e)(1)(i) of the Plan.
- (b) A Participant may only receive a Participant loan under the following circumstances: _____
- B-9 **APPLICATION OF LOAN LIMITS.** If Participant loans are not available from all contribution sources, the limitations under Code §72(p) and the adequate security requirements of the Department of Labor regulations will be applied by taking into account the Participant's entire Account Balance. To override this provision, complete this AA §B-9.
- The loan limits and adequate security requirements will be applied by taking into account only those contribution Accounts which are available for Participant loans.
- B-10 **CURE PERIOD.** The Plan provides that a Participant incurs a loan default if a Participant does not repay a missed payment by the end of the calendar quarter following the calendar quarter in which the missed payment was due. To override this default provision to apply a shorter cure period, complete this AA §B-10.
- The cure period for determining when a Participant loan is treated as in default will be _____ days (cannot exceed 90) following the end of the month in which the loan payment is missed.
- B-11 **PERIODIC REPAYMENT – PRINCIPAL RESIDENCE.** If a Participant loan is for the purchase of a Participant's primary residence, the loan repayment period for the purchase of a principal residence may not exceed ten (10) years.
- (a) The Plan does not permit loan payments to exceed five (5) years, even for the purchase of a principal residence.
- (b) The loan repayment period for the purchase of a principal residence may not exceed _____ years (may not exceed 30).
- (c) Loans for the purchase of a Participant's primary residence may be payable over any reasonable period commensurate with the period permitted by commercial lenders for similar loans.
- B-12 **TERMINATION OF EMPLOYMENT.** Section 13.10(a) of the Plan provides that a Participant loan becomes due and payable in full upon the Participant's termination of employment. To override this default provision, complete this AA §B-12.
- A Participant loan will not become due and payable in full upon the Participant's termination of employment.
- B-13 **DIRECT ROLLOVER OF A LOAN NOTE.** Section 13.10(b) of the Plan provides that upon termination of employment a Participant may request the Direct Rollover of a loan note. To override this default provision, complete this AA §B-13.
- A Participant may **not** request the Direct Rollover of the loan note upon termination of employment.
- B-14 **LOAN RENEGOTIATION.** The default loan policy provides that a Participant may renegotiate a loan, provided the renegotiated loan separately satisfies the reasonable interest rate requirement, the adequate security requirement, the periodic repayment requirement and the loan limitations under the Plan. The Employer may restrict the availability of renegotiations to prescribed purposes provided the ability to renegotiate a Participant loan is available on a non-discriminatory basis. To override the default loan policy and restrict the ability of a Participant to renegotiate a loan, complete this AA §B-14.
- (a) A Participant may **not** renegotiate the terms of a loan.
- (b) The following special provisions apply with respect to renegotiated loans: _____
- B-15 **SOURCE OF LOAN.** Participant loans may be made from all available contribution sources, to the extent vested, unless designated otherwise under this AA §B-15.
- Participant loans will not be available from the following contribution sources: _____
- B-16 **MODIFICATIONS TO DEFAULT LOAN PROVISIONS.**
- The following special rules will apply with respect to Participant loans under the Plan: _____

[*Note: Any provision under this AA §B-16 must satisfy the requirements under Code §72(p) and the regulations thereunder and will control over any inconsistent provisions of the Plan dealing with the administration of Participant loans.*]

APPENDIX C
ADMINISTRATIVE ELECTIONS

Use this Appendix C to identify certain elections dealing with the administration of the Plan. These elections may be changed without amending this Agreement by substituting an updated Appendix C with new elections. The provisions selected under this Appendix C do not create qualification issues and any changes to the provisions under this Appendix C will not affect the Employer's reliance on the IRS Favorable Letter.

C-1 **DIRECTION OF INVESTMENTS.** Are Participants permitted to **direct investments**? (See Section 10.07 of the Plan.)

- (a) No
 (b) Yes
 (c) Describe any special rules that apply for purposes of direction of investments: _____

C-2 **ROLLOVER CONTRIBUTIONS.** Does the Plan accept **Rollover Contributions**? (See Section 3.05 of the Plan.)

- (a) No
 (b) Yes
 (1) If this subsection (1) is checked, an Employee may not make a Rollover Contribution to the Plan prior to becoming a Participant in the Plan.
 (2) Check this subsection (2) if the Plan will not accept Rollover Contributions from former Employees.
 (3) Describe any special rules for accepting Rollover Contributions: _____

[Note: The Employer may designate in subsection (3) or in separate written procedures the extent to which it will accept rollovers from designated plan types. For example, the Employer may decide not to accept rollovers from certain designated plans (e.g., 403(b) plans, §457 plans or IRAs). Any special rollover procedures will apply uniformly to all Participants under the Plan.]

C-3 **LIFE INSURANCE.** Are **life insurance** investments permitted? (See Section 10.08 of the Plan.)

- (a) No
 (b) Yes

C-4 **QDRO PROCEDURES.** Do the **default QDRO procedures** under Section 11.05 of the Plan apply?

- (a) No
 (b) Yes
 The provisions of Section 11.05 are modified as follows: _____

EMPLOYER SIGNATURE PAGE

PURPOSE OF EXECUTION. This Signature Page is being executed to effect:

- (a) The adoption of a **new plan**, effective ___ [insert Effective Date of Plan]. [Note: Date can be no earlier than the first day of the Plan Year in which the Plan is adopted.]
- (b) The **restatement** of an existing plan, in order to comply with the requirements of PPA, pursuant to Rev. Proc. 2011-49.
 - (1) Effective date of restatement: 5-1-2016. [Note: Date can be no earlier than January 1, 2007. Section 14.01(d)(2) of Plan provides for retroactive effective dates for all PPA provisions. Thus, a current effective date may be used under this subsection (1) without jeopardizing reliance.]
 - (2) Name of plan(s) being restated: City of Harlingen 401(a) Retirement Plan and Trust
 - (3) The original effective date of the plan(s) being restated: 10-1-2007
- (c) An **amendment or restatement** of the Plan (other than to comply with PPA). If this Plan is being amended, a snap-on amendment may be used to designate the modifications to the Plan or the updated pages of the Adoption Agreement may be substituted for the original pages in the Adoption Agreement. All prior Employer Signature Pages should be retained as part of this Adoption Agreement.
 - (1) Effective Date(s) of amendment/restatement: _____
 - (2) Name of plan being amended/restated: _____
 - (3) The original effective date of the plan being amended/restated: _____
 - (4) If Plan is being amended, identify the Adoption Agreement section(s) being amended: _____

VOLUME SUBMITTER SPONSOR INFORMATION. The Volume Submitter Sponsor (or authorized representative) will inform the Employer of any amendments made to the Plan and will notify the Employer if it discontinues or abandons the Plan. To be eligible to receive such notification, the Employer agrees to notify the Volume Submitter Sponsor (or authorized representative) of any change in address. The Employer may direct inquiries regarding the Plan or the effect of the Favorable IRS Letter to the Volume Submitter Sponsor (or authorized representative) at the following location:

Name of Volume Submitter Sponsor (or authorized representative): JNT Resource Partners, LP dba JEM Resource Partners and TCG Administrators

Address: 900 S Capital of Texas Hwy, Suite 350 Austin, TX 78746

Telephone number: 800-943-9179

IMPORTANT INFORMATION ABOUT THIS VOLUME SUBMITTER PLAN. A failure to properly complete the elections in this Adoption Agreement or to operate the Plan in accordance with applicable law may result in disqualification of the Plan. The Employer may rely on the Favorable IRS Letter issued by the National Office of the Internal Revenue Service to the Volume Submitter Sponsor as evidence that the Plan is qualified under Code §401(a), to the extent provided in Rev. Proc. 2011-49. The Employer may not rely on the Favorable IRS Letter in certain circumstances or with respect to certain qualification requirements, which are specified in the Favorable IRS Letter issued with respect to the Plan and in Rev. Proc. 2011-49. In order to obtain reliance in such circumstances or with respect to such qualification requirements, the Employer must apply to the office of Employee Plans Determinations of the Internal Revenue Service for a determination letter. See Section 1.50 of the Plan.

By executing this Adoption Agreement, the Employer intends to adopt the provisions as set forth in this Adoption Agreement and the related Plan document. By signing this Adoption Agreement, the individual below represents that he/she has the authority to execute this Plan document on behalf of the Employer. This Adoption Agreement may only be used in conjunction with Basic Plan Document #05. The Employer understands that the Volume Submitter Sponsor has no responsibility or liability regarding the suitability of the Plan for the Employer's needs or the options elected under this Adoption Agreement. It is recommended that the Employer consult with legal counsel before executing this Adoption Agreement.

City of Harlingen
(Name of Employer)

Gabriel Gonzalez
(Name of authorized representative)

Assistant City Manager
(Title)

(Signature)

(Date)

TRUSTEE DECLARATION

This Trustee Declaration may be used to identify the Trustees under the Plan. A separate Trustee Declaration may be used to identify different Trustees with different Trustee investment powers.

Effective date of Trustee Declaration: 5-1-2016

The Trustee's investment powers are:

- (a) **Discretionary.** The Trustee has discretion to invest Plan assets, unless specifically directed otherwise by the Plan Administrator, the Employer, an Investment Manager or other Named Fiduciary or, to the extent authorized under the Plan, a Plan Participant.
- (b) **Nondiscretionary.** The Trustee may only invest Plan assets as directed by the Plan Administrator, the Employer, an Investment Manager or other Named Fiduciary or, to the extent authorized under the Plan, a Plan Participant.
- (c) **Fully funded.** There is no Trustee under the Plan because the Plan is funded exclusively with custodial accounts, annuity contracts and/or insurance contracts. (See Section 12.15 of the Plan.)
- (d) **Determined under a separate trust agreement.** The Trustee's investment powers are determined under a separate trust document which replaces (or is adopted in conjunction with) the trust provisions under the Plan.

Name of Trustee: _____

Title of Trust Agreement: _____

[Note: To qualify as a Volume Submitter Plan, any separate trust document used in conjunction with this Plan must be approved by the Internal Revenue Service. Any such approved trust agreement is incorporated as part of this Plan and must be attached hereto. The responsibilities, rights and powers of the Trustee are those specified in the separate trust agreement.]

Description of Trustee powers. This section can be used to describe any special trustee powers or any limitations on such powers. This section also may be used to impose any specific rules regarding the decision-making authority of individual trustees. In addition, this section can be used to limit the application of a trustee's responsibilities, e.g., by limiting trustee authority to only specific assets or investments.

Describe Trustee powers: _____

[The addition of special trustee powers under this section will not cause the Plan to lose Volume Submitter status provided such language merely modifies the administrative provisions applicable to the Trustee (such as provisions relating to investments and the duties of the Trustee). Any language added under this section may not conflict with any other provision of the Plan and may not result in a failure to qualify under Code §401(a).]

Trustee Signature. By executing this Adoption Agreement, the designated Trustee(s) accept the responsibilities and obligations set forth under the Plan and Adoption Agreement. By signing this Trustee Declaration Page, the individual(s) below represent that they have the authority to sign on behalf of the Trustee. If a separate trust agreement is being used, list the name of the Trustee. No signature is required if a separate trust agreement is being used under the Plan or if there is no named Trustee under the Plan.

Dan Serna, City Manager
(Print name of Trustee)

(Signature of Trustee or authorized representative) (Date)

Gabriel Gonzalez, Assistant City Manager
(Print name of Trustee)

(Signature of Trustee or authorized representative) (Date)

Elvia Trevino, Finance Director
(Print name of Trustee)

(Signature of Trustee or authorized representative) (Date)