

RESOLUTION 36-12

**RESOLUTION FOR ADOPTING CHANGES BY THE BOROUGH OF
CLAYTON TO AN EXISTING DEFERRED COMPENSATION PLAN
PURSUANT TO THE FINAL INTERNAL REVENUE CODE SECTION 415
REGULATIONS, PENSION PROTECTION ACT OF 2006, THE HEROES
EARNINGS ASSISTANCE AND RELIEF ACT OF 2008 AND THE
WORKER, RETIREE AND EMPLOYER RECOVERY ACT OF 2008**

WHEREAS, Borough of Clayton (hereinafter referred to as the “Employer”) by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the “Plan”) effective September 24, 1993 for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Employer by resolution retained The Variable Annuity Life Insurance Company (“VALIC”) as the contractor under the Deferred Compensation Plan and executed a Service Agreement with said contractor; and

WHEREAS, the final Internal Revenue Code (“Code”) Section 415 regulations, Pension Protection Act of 2006 (“PPA”), the Heroes Earning Assistance and Relief Act of 2008 (the HEART Act”) and the Worker, Retiree and Employee Recovery Act of 2008 (“WRERA”) amended Section 457 of the Code; and

WHEREAS, State and local governmental Section 457(b) plan sponsors must amend their plans to comply with the PPA legislative changes by the last day of the 2011 year; and

WHEREAS, the Employer desires its Plan to conform with the changes in the Code; and

WHEREAS, the Employer desires to adopt an amended and restated Plan that confirms with the changes in the Code; and

WHEREAS, such amended and restated Plan shall supersede the previously adopted Plan.

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

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

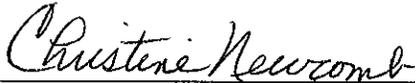
ADOPTED at a meeting of the Mayor and Council of the Borough of Clayton, County of Gloucester, and State of New Jersey held on Wednesday, January 4, 2012

BOROUGH OF CLAYTON



THOMAS BIANCO, Mayor

Attest:


CHRISTINE NEWCOMB, Municipal Clerk

CERTIFICATION

I, Christine Newcomb, Municipal Clerk, of the Borough of Clayton, in the County of Gloucester, and State of New Jersey do hereby certify that the foregoing Resolution was presented and duly adopted by the Borough Council at a meeting of the Borough of Clayton held on Wednesday, January 4, 2012.



CHRISTINE NEWCOMB,
Municipal Clerk