**RESOLUTION 2021-10: APPROVAL OF THE AMENDMENT & RESTATEMENT OF THE MT. VERNON COMMUNITY SCHOOL CORPORATION RETIREMENT PLANS**

WHEREAS, the Board of School Trustees (“Board”) for Mt. Vernon Community School Corporation (“School”) previously established 401(a) and 403(b) retirement plans (“Retirement Plans”) and the earliest original effective date was August 2001;

WHEREAS, in order to comply with periodic changes made to the Internal Revenue Code (“Code”) sections applicable to the Retirement Plans, the Retirement Plans must periodically be amended and/or restated, and it is now necessary to amend and fully restate the Retirement Plans;

WHEREAS, the Board has determined it is necessary and appropriate to periodically amend and restate its retirement plans in order to ensure their qualified status under applicable laws and comply with IRS requirements; therefore it is

RESOLVED, the Board on behalf of the School hereby approves, adopts, and ratifies the attached amended and restated Retirement Plans, effective as of January 1, 2021 (“Restated Retirement Plans”).

RESOLVED, the School’s Superintendent, Chief Financial Officer, and Assistant Superintendent are empowered and authorized to work with the School’s legal representatives, tax preparers, and financial advisors (“designated representative”) to amend and restate the Retirement Plans as attached herein and hereby are authorized to execute and distribute the Restated Retirement Plans on behalf of the School.

RESOLVED, the School’s Superintendent, Chief Financial Officer, Assistant Superintendent, Treasurer, and designated representatives are authorized and empowered to execute any documents necessary to sponsor, implement, administer, operate, and update its retirement plans, to ensure its retirement plans satisfy the Code in both form and operation, and to obtain and maintain the qualified status and compliance of its retirement plans under the Code.

RESOLVED, the School shall continue to make required contributions to the Retirement Plans at such time and in such manner as may be mandated by any collective bargaining agreement and employment contract negotiated and executed by the School in its discretion.

RESOLVED, the School’s Superintendent, Chief Financial Officer, Assistant Superintendent, Treasurer, and designated representatives shall have the power to perform every act necessary or appropriate for the purposes of operating its retirement plans solely in the interest of participants and beneficiaries and for the exclusive purpose of providing benefits and paying plan expenses including the powers outlined in Ind. Code § 30-5-5-4.5 with respect to retirement plans § 30-5-5-5 with respect to banking transactions; § 30-5-5-6 with respect to business operating transaction; § 30-5-5-7 with respect to insurance transactions; § 30-5-5-14 with respect to records, reports & statements; and § 30-5-5-14.5 with respect to electronic records, reports & statements.

RESOLVED, all actions heretofore taken by the School’s Superintendent, Chief Financial Officer, Assistant Superintendent, Treasurer, and designated representatives to ensure the qualified status of its retirement plans and compliance under the Code are hereby approved and ratified.

RESOLVED, while carrying out the purposes and administration of School’s retirement plans, the School will 1) defend a Board member or any School employee in any legal proceeding arising out of the performance of the member's or employee's duties for the retirement plans, if the action was taken in good faith and 2) save any member or employee harmless from any liability, cost, or damage in connection with the performance and/or administration of the retirement plans, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

RESOLVED, the School’s Superintendent, Chief Financial Officer, Assistant Superintendent, Treasurer, and designated representatives shall have the power to perform every act necessary or appropriate for the purposes of its retirement plans including, by way of illustration and not of limitation, the powers to represent the School and its retirement plans before the IRS, to receive and inspect confidential tax information, and to perform acts the School can perform with respect to the implementation, operation, administration, and tax and compliance matters relating to its retirement plans.

RESOLVED, the School’s Superintendent, Chief Financial Officer, Assistant Superintendent, and Treasurer are hereby authorized and directed to take any and all actions necessary or appropriate to effect the foregoing resolutions and to comply with all applicable laws and regulations.

Adopted this 22nd day of February, 2021.

**MT. VERNON COMMUNITY SCHOOL CORPORATION BOARD OF SCHOOL TRUSTEES**

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Kellie Freeman, President Chad Gray, 2nd Vice President

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Tony May, 1st Vice President Phil Edwards, Assistant Secretary

ATTEST:

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Shannon Walls, Secretary