

**AMENDMENT TO THE  
CITY OF HAPEVILLE DEFINED BENEFIT PENSION PLAN**

**THIS PLAN AMENDMENT** is made and entered into by the City of Hapeville, Georgia (“Employer”) by and through the Mayor and Council of the City of Hapeville.

**W I T N E S S E T H:**

**WHEREAS**, the Employer maintains the City of Hapeville Defined Benefit Pension Plan (the “Plan”) for the benefit of its eligible employees;

**WHEREAS**, the Plan was originally effective March 1, 1976, and was most recently restated effective May 11, 2010;

**WHEREAS**, pursuant to Article XVI, Section 1 and Article IV, Section 9 of the Plan, the Employer, by and through the Mayor and Council, may amend the Plan to provide benefit enhancements or the opportunity to retire under specified terms and conditions to an Employee or group of Employees;

**WHEREAS**, the Employer desires to amend the Plan to provide for payment of an unreduced early retirement benefit to Ms. Melissa Hughes under certain conditions, in order to implement the terms of a separation agreement between the Employer and Ms. Hughes (the “Separation Agreement”).

**NOW THEREFORE**, the Plan is hereby amended as follows:

1. Article IV, Retirement Benefits and Eligibility, is amended by adding the following provision to the end of Section 3 thereof:

“Notwithstanding any provision of this Article IV to the contrary, contingent upon Ms. Melissa Hughes’ (“Ms. Hughes”) Termination of Employment as of the Separation Date specified in the Separation Agreement, and further contingent upon Ms. Hughes’ submission of a completed retirement application (on the Applicable Form) that is in good order on or before the Separation Date, Ms. Hughes shall be eligible to receive a monthly Unreduced Early Retirement benefit under the Plan, commencing as of the first day of the month following the Separation Date; provided, however, that in no event shall such Unreduced Early Retirement benefit be payable if Ms. Hughes (a) fails to execute the Separation Agreement in accordance with Section 11(b) thereof or (b) revokes her acceptance of the Separation Agreement as provided in Section 11(c) thereof. Such Unreduced Early Retirement benefit shall be calculated in the same manner as the Normal Retirement benefit. The actuarial reduction that would otherwise apply under the Plan to account for early commencement of benefits will not apply in calculating the amount of such retirement benefit. In calculating “Final Average

Earnings” for the purpose of computing such retirement benefit, “Earnings” paid to Ms. Hughes for the highest five (5) Calendar Years from commencement of her employment with the City of Hapeville through December 31, 2015 shall be utilized. Except as provided in this Section, the terms of the Plan otherwise applicable to Ms. Hughes (including but not limited to those terms relating to any actuarial reduction associated with selection of a particular form of benefit payment) shall govern eligibility for and payment of benefits to or on behalf of Ms. Hughes under the Plan.”

2. Except as otherwise provided below, the foregoing Plan Amendment shall be effective upon the date it is adopted by the Mayor and Council of the City of Hapeville.
3. The foregoing Plan Amendment shall be void ab initio in the event Ms. Hughes: (a) fails to execute the Separation Agreement in accordance with Section 11(b) thereof; (b) revokes her acceptance of the Separation Agreement as provided in Section 11(c) thereof; (c) fails to terminate her employment with the Employer as of the Separation Date; or (d) fails to submit a completed retirement application that is in good order on or before the Separation Date.

**IN WITNESS WHEREOF**, the Mayor and Council of the City of Hapeville have caused their duly authorized officer to execute this Plan Amendment on the date noted below.

**CITY OF HAPEVILLE, GEORGIA**

By: \_\_\_\_\_ Date \_\_\_\_\_  
Mayor, City of Hapeville

**ATTEST:**

By: \_\_\_\_\_ Date \_\_\_\_\_  
City Clerk, City of Hapeville

**APPROVED AS TO FORM:**

By: \_\_\_\_\_ Date \_\_\_\_\_  
City Attorney, City of Hapeville