

**FIRST AMENDMENT TO  
THE CITY OF ALEXANDRIA PENSION PLAN FOR FIREFIGHTERS AND  
POLICE OFFICERS**

Pursuant to the powers of amendment reserved under Article XII, Section A, Paragraph 1 of the City of Alexandria Pension Plan for Firefighters and Police Officers (the “Plan”), as amended and restated effective as of January 1, 2009, said Plan shall be and the same is hereby further amended by the City of Alexandria (the “Employer”) effective as of January 1, 2009 as follows:

**FIRST CHANGE**

Paragraph 4 of Article I (definition of Employee), is hereby amended to add the following paragraph at the end thereof:

For this purpose, a “Leased Employee” shall mean any person (other than an employee of the recipient) who pursuant to an agreement between the recipient and any other person (“leasing organization”) has performed services for the recipient (or for the recipient and related persons determined in accordance with Section 414(n)(6) of the Code) on a substantially full time basis for a period of at least one year, and such services are performed under primary direction or control by the recipient.

**SECOND CHANGE**

Paragraph 24 of Article I (definition of Required Beginning Date) is hereby amended to read as follows:

“REQUIRED BEGINNING DATE” means April 1st following the later of (1) the calendar year in which the Participant attains age 70½ or (2) the calendar year in which such Participant retires from employment with the City.

**THIRD CHANGE**

Paragraph 27 of Article I (definition of Remuneration) is hereby amended to add the following to the end thereof:

Remuneration shall also include regular Earnings received after such Participant’s severance from employment (as defined in

Treas. Reg. §1.415(a)-1(f)(5)) (but not severance payments); provided that payment of such Earnings is made by the later of (i) two and one-half (2-1/2) months after the Participant's severance from employment or (ii) the end of the calendar year that includes the Participant's severance from employment; and provided further, in order for these post-severance payments to be considered Remuneration, these amounts may only consist of the following (which otherwise constitute Earnings under Paragraph 13):

- (1) Regular compensation for services during the Participant's regular working hours, or compensation for service outside of the Participant's regular working hours (such as overtime or shift differential), commission, bonuses, or other similar payments, if such payment would have been paid to the Participant prior to severance from employment if the Participant had continued in employment with the City;
- (2) Payment for unused, accrued, bona fide sick, vacation or other leave (but only if the Participant would have been able to use the leave if employment had continued); and
- (3) For plan years beginning on or after January 1, 2009, payments to Participants who do not currently perform services for the Employer by reason of qualified military service (as that term is defined in Section 414(u)(1) of the Code) to the extent those payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the Employer rather than entering qualified military service.

Other types of payments paid to the Participant after severance from employment shall not be considered Remuneration, even if paid within the time frame described above. In no event, however, shall Remuneration for this purpose include any amounts not permitted to be included under Section 415 of the Code or exceed the dollar limit specified in Section 401(a)(17) of the Code applicable for the Plan Year, as adjusted from time to time by the Secretary of Treasury.”

#### **FOURTH CHANGE**

Paragraph 4, Section A, of Article IV is hereby amended to add the following to the end thereof:

“A Participant shall be fully vested on his Normal Retirement Date.”

The City of Alexandria Pension Plan for Firefighters and Police Officers, as amended and restated effective as of January 1, 2009, and as amended by the foregoing changes is hereby ratified and confirmed in all respects.

IN WITNESS WHEREOF, the Employer has caused this First Amendment to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**THE CITY OF ALEXANDRIA**

By: \_\_\_\_\_  
James K. Hartmann, City Manager