

RESOLUTION TO AMEND
THE Kenmore-Tonawanda UFSD
403(b) RETIREMENT PLAN

WHEREAS, the Kenmore-Tonawanda UFSD ("District") maintains the Kenmore-Tonawanda UFSD 403(b) Retirement Plan ("Plan"); and

WHEREAS, the Plan was duly adopted on the 8th day of December, 2009 by the District's Board of Education ("Board"); and

WHEREAS, the Board desires to restate and amend the Plan as regards section 2.7 Nonelective Employer Contributions;

NOW, THEREFORE, BE IT RESOLVED that section 2.7 Nonelective Employer Contributions of the Plan is hereby restated and amended to read as follows:

2.7 Nonelective Employer Contributions

Employer Non-Elective Contributions shall be permitted under the Plan at the discretion of the Employer to certain class(es) of Employee(s), as specified or referenced in the Plan Adoption Agreement and/or consistent with terms and conditions of the Employer's collective bargaining agreement(s), memorandum(s) of agreement, or similar written arrangement.

The Employer shall be solely responsible for determining that a contribution is Non-Elective. Neither The OMNI Group, Inc., nor any recordkeeper, nor any Participating Service Provider, shall have any right or duty to inquire into the amount or appropriateness of any Non-Elective Employer Contribution made by the Employer, the method used in determining the amount of any such contribution, or to collect the same.

BE IT FURTHER RESOLVED that the Plan, as restated and amended is hereby approved and adopted.

IN WITNESS WHEREOF, the District has caused this Resolution and Amendment to be adopted this 10th day of January, 2017.

Kenmore-Tonawanda UFSD

By: _____