

**AGREEMENT**  
**for REPLACEMENT of the FPPA DEFERRED COMPENSATION PLAN and**  
**ADOPTION of the FPPA MULTI-EMPLOYER DEFERRED COMPENSATION PLAN**

(as of January 1, 2018)

THIS DEFERRED COMPENSATION PLAN was established by the \_\_\_\_\_ (hereinafter referred to as the Employer), by agreement with the Fire and Police Pension Association of Colorado (hereinafter referred to as the FPPA or the Trustee), to establish a plan (hereinafter "the Plan") of deferred compensation under Section 457 of the Internal Revenue Code for its eligible employees.

WHEREAS, the Employer is a municipality or special district of the State of Colorado, with Employees who are "members" of the FPPA as defined in C.R.S. § 31-31-102(4); and

WHEREAS, FPPA is replacing the Plan with the FPPA Multi-Employer Deferred Compensation Plan as established under C.R.S. 31-31-901; and

WHEREAS, the FPPA Multi-Employer Deferred Compensation Plan is required to be maintained for the exclusive benefit of covered employees and is intended to comply with the requirements under Section 457 of the Internal Revenue Code; and

WHEREAS, the Employer established this Plan with a *bona fide* intention and expectation to maintain the Plan indefinitely. Pursuant to Section 8.02 of the Plan, the Employer is authorized to terminate or discontinue the Plan in whole or in part at any time without any liability for such termination or discontinuance. The Employer hereby notifies the Trustee that effective January 1, 2018, Employer is replacing the Plan and the Employer further hereby directs FPPA to make a plan-to-plan transfer of all Plan assets to the FPPA Multi-Employer Deferred Compensation Plan as established under C.R.S. 31-31-901. Further, effective December 31, 2017, all Deferrals to this Plan shall cease and Deferrals instead will be made to the FPPA Multi-Employer Deferred Compensation Plan. Finally, the Employer confirms that this transfer is intended to provide continuity for the Plan Participants and is not intended to constitute a termination of the Plan or to require the distribution of Plan assets; and

NOW, THEREFORE, WITNESSETH that the Employer hereby replaces the \_\_\_\_\_ deferred compensation plan and adopts the FPPA Multi-Employer Deferred Compensation Plan (as of January 1, 2018) as set forth in the attached Exhibit A.

IN WITNESS WHEREOF, the undersigned parties hereby execute this Adoption Agreement on

\_\_\_\_\_, 20\_\_.

EMPLOYER

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

FPPA

By: \_\_\_\_\_

Its: \_\_\_\_\_