RESOLUTION NO. 2020-05R

A RESOLUTION OF IVINS CITY, UTAH, ADOPTING THE AMENDMENT TO THE IVINS CITY CAFETERIA PLAN FOR THE CARES ACT

WHEREAS, the CARES Act affects the Ivins City Cafeteria Plan per the attached Exhibit "A";

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF IVINS CITY, STATE OF UTAH, AS FOLLOWS:

SECTION 1. The Amendment to the Ivins City Cafeteria Plan for the CARES Act (the Amendment) is hereby approved and adopted, and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Plan Administrator the Amendment and to take any and all actions as it may deem necessary to effectuate this Resolution.

SECTION 2. The undersigned further certifies that attached hereto as Exhibit "A", is the Amendment approved and adopted per this Resolution.

Effective Date: This Resolution shall become effective immediately upon adoption by the City Council.

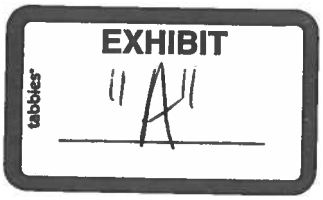
PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS _____ DAY OF MAY, 2020 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Dennis Mehr	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Miriah Elliott	_____	_____	_____	_____
Sue Gordhammer	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez
City Recorder



SUMMARY PLAN DESCRIPTION
MATERIAL MODIFICATIONS

I
INTRODUCTION

This is a Summary of Material Modifications regarding changes to your Flexible Benefits Plan ("Plan"). Unless stated otherwise, the modifications described in this summary are effective as of January 1, 2020. This is merely a summary of the most important changes to the Plan and information contained in the Summary Plan Description ("SPD") previously provided to you. It supplements and amends the SPD so you should retain a copy of this document with your copy of the SPD. If you have any questions, contact the Administrator. If there is any discrepancy between the terms of the Plan, as modified, and this Summary of Material Modifications, the provisions of the Plan will control.

II
SUMMARY OF CHANGES

Section 3702 of the Coronavirus Aid, Relief, and Economic Security Act or the ("CARES Act") reverses the Patient Protection and Affordable Care Act rule on Over-the Counter "OTC" drug expenses for FSAs, HRAs, and HSAs.

Effective immediately and retroactively to January 1, 2020, you may be reimbursed for medical OTC drug expenses without a prescription. In addition, you may be reimbursed for the purchase of menstrual care products. The term "menstrual care product" means a tampon, pad, liner, cup, sponge, or similar product used by individuals with respect to menstruation.

IVINS CITY
AMENDMENT FOR CARES ACT
ELIGIBLE OVER THE COUNTER EXPENSES

ARTICLE I
PREAMBLE; DEFINITIONS

1.1 **Adoption and effective date of Amendment**. The Employer adopts this Amendment to implement provisions of the CARES Act which affect the Ivins City Cafeteria Plan ("Plan"). The Employer intends this Amendment as good faith compliance with the requirement of these provisions. This Amendment shall be effective on or after January 1, 2020. If the Employer restates the Plan then this Amendment shall remain in effect after such restatement unless the provisions in this Amendment are restated or otherwise become obsolete (e.g., if the Plan is restated onto a plan document which incorporates these provisions).

1.2 **Superseding of inconsistent provisions**. This Amendment supersedes the provisions of the Plan and the provisions of previous amendments to the extent those provisions are inconsistent with the provisions of this Amendment.

1.3 **Construction.** Except as otherwise provided in this Amendment, any "Section" reference in this Amendment refers only to this Amendment, and is not a reference to the Plan. The Article and Section numbering in this Amendment is solely for purposes of this Amendment, and does not relate to the Plan article, section, or other numbering designations.

1.4 **Definitions.** Except as otherwise provided in this Amendment, terms defined in the Plan will have the same meaning in this Amendment. The following definitions apply specifically to this Amendment:

A. The "**CARES Act**" is the Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act. This Amendment shall be interpreted and applied to comply with the Cares Act.

ARTICLE II
PLAN PROVISIONS

2.1 **Application.** Effective January 1, 2020, the Plan's definition of "Medical Expenses" in the Health Flexible Spending Account Plan and the definition of "Qualifying Medical Expenses" in the Health Reimbursement Arrangement under the Plan is amended by the addition of the following provisions:

2.2 **Over the Counter Medication.** Notwithstanding anything in the Plan to the contrary, a Participant may be reimbursed for the cost of any medicine or drug for medical care, within the meaning of the term "medical care" as defined in Code Section 213(d) and the rulings and Treasury regulations thereunder, including those medicines or drugs that are not prescribed as also defined. Insulin remains a covered expense.

2.3 **Menstrual Products.** A Participant may be reimbursed for the purchase of menstrual care products as defined in Code Section 223(d)(2)(D) and as authorized in Code Section 106(f).

IN WITNESS WHEREOF, this Amendment has been executed on: _____.

Employer Name: **Ivins City**

Plan Name: **Ivins City Cafeteria Plan**

By: _____ _____
Employer Signature Print Name / Title