

Internal Revenue Service

Date: September 26, 2017

Response Due: February 1, 2018

City of North Port, Florida
c/o Mr. Robert E. Tarcza
228 St. Charles Avenue, Suite 1310
New Orleans, LA 70130

Department of the Treasury

Person to Contact / ID Number:

Robert L. Jonas/ 11057

Contact Telephone Number:

(718) 834-5035

Plan Name and Number:

North Port Firefighters' Pension - Local Option

Plan/001

Employer Identification Number:

59-6072227

Mailing address for signed closing agreement package:

IRS, TE/GE, Employee Plans, Quality Assurance
Attn: Judy Bailey, Area 1
550 Main St., Room 7008
Cincinnati, OH 45202

Dear Sir or Madam:

Enclosed, in triplicate, is the closing agreement and, if applicable, an operational compliance statement, containing the terms and requirements previously discussed. Each party to the agreement should sign and date each copy of the closing agreements. The signature must be that of the named employer unless a Form 2848 has been submitted specifically conferring signatory authority for closing agreements. All corrective actions must be made prior to the execution of the closing agreement.

Please submit the following items to the above mailing address:

1. Sanction payment made payable to the U.S. Treasury by certified or cashier's check(s) or by ACH transfer through Pay.gov; and,
2. The signed closing agreement, in triplicate; and,
3. The signed operational compliance statement, if applicable.

If making payment by ACH transfer through Pay.gov, please see the enclosed 3244-A for additional instructions.

Failure to submit all items to the above address will result in significant delays in processing your closing agreement.

If you have any questions, please contact the Employee Plans Specialist at the above-listed telephone number.

Sincerely yours,

Digitally signed by Robert L. Jonas
DN: cn=Robert L. Jonas, o=Internal Revenue Service, ou=IRS, email=Robert.L.Jonas@irs.gov, c=US
Date: 2017.10.26 15:55:43 -0400

Employee Plans Specialist

Enclosures: Closing Agreements
3244-A

cc:

CLOSING AGREEMENT ON FINAL DETERMINATION
COVERING SPECIFIC MATTERS

Under section 7121 of the Internal Revenue Code (the Code), the City of North Port, Florida (the Employer), 4978 City Hall Boulevard, North Port, Florida, 34286, EIN: 59-6072227, and the Commissioner of the Internal Revenue Service make the following closing agreement:

WHEREAS, the North Port Firefighters' Pension - Local Option Plan (the Plan) was established effective November 05, 1974; and

WHEREAS, the Plan received a favorable determination letter on June 15, 2015; and

WHEREAS, the Employer submitted the Plan that was approved by Ordinance _____ to bring the Plan into compliance with the requirements of the Heroes Earnings Assistance and Relief Tax Act of 2008 (the HEART Act) section 104(a), with respect to the addition of section 401(a)(37) of the Code and the other related provisions of the 2014 Cumulative List, Notice 2014-77; and

WHEREAS, the Employer submitted Form 5300, Application for Determination for Employee Benefit Plan (the Application), on January 29, 2016; and

WHEREAS, pursuant to a review of the Application by the TE/GE, Employee Plans, Determinations Division of the Internal Revenue Service (the Service), it was determined that an interim Plan amendment to comply with changes made Code section 401(a)(37) as added by section 104(a) of the HEART Act, was not timely adopted by the required compliance date in accordance with section 401(b) of the Code and regulations thereunder, section 5.05 of Revenue Procedure 2007-44; and

WHEREAS, the Service proposed revoking the qualified status of the Plan under section 401(a) of the Code retroactive to the Plan year beginning October 1, 2006 through the Plan year beginning October 1, 2017; and

WHEREAS, the Service secured an amendment approved by Ordinance No. _____ on _____ to bring the Plan into full compliance with Code section 401(a)(37) as added by HEART Act section 104(a); and

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WHEREAS, the Employer certifies that no other corrective action is necessary because no participants' rights or benefits have been adversely affected by reason of failure to timely adopt the interim Plan amendment to comply with changes made Code section 401(a)(37); and

WHEREAS, the Employer has determined that the agreement, as set forth herein, is in its best interests; and

WHEREAS, the Service, through its authorized representative, has determined that said agreement is also in its best interests;

NOW IT IS HEREBY DETERMINED AND AGREED for Federal income tax purposes that:

1. The total amount due to the United States Treasury under this agreement is seven thousand five hundred dollars (\$7,500). This sum shall be paid by the Employer to the United States Treasury contemporaneously with the execution of this closing agreement by the duly authorized representative of the Service.

2. The Employer will neither attempt to nor otherwise amortize, deduct, or recover any portion of the payment described in paragraph 1 from the Service or to receive any Federal tax benefit on account of such payment.

3. No portion of the payment described in paragraph 1 shall be considered as: (a) compensation to, or the discharge of any obligation or liability of, any employee or former employee of the Employer; or (b) taxable income to any employee or former employee of the Employer.

4. The Service shall treat the interim Plan amendment to comply with changes made by Code section 401(a)(37) as added by HEART Act section 104(a) as being timely adopted.

5. This agreement constitutes a resolution under the Code of specific matters discussed herein. No inference shall be made with respect to whether this resolution satisfies other Federal law including Title I of the Employee Retirement Income Security Act of 1974.

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This agreement is final and conclusive except:

(a) the matter it relates to may be reopened in the event of fraud, malfeasance, or misrepresentation of material fact;

(b) it is subject to the Code sections that expressly provide that effect be given to their provisions notwithstanding any other law or rule of law except Code section 7122; and

(c) if it relates to any taxable period ending after the date of this agreement, it is subject to any law enacted after the agreement date that applies to that taxable period.

By signing, the above parties certify that they have read and agreed to the terms of this document.

CITY OF NORTH PORT, FLORIDA

By: _____

Title: _____ Date Signed: _____

COMMISSIONER OF THE INTERNAL REVENUE SERVICE

By: _____

Title: Manager, EP Determinations Quality Assurance Date Signed: _____