

**ORDINANCE NO. 2761**

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 1 GENERAL PROVISIONS, ARTICLE IV BOARDS, COMMISSIONS AND COMMITTEES, DIVISION 2 RESERVED TO ADD A DEFERRED COMPENSATION RETIREMENT BOARD; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Town of Gilbert has employees rendering valuable services; and

WHEREAS, the Town of Gilbert has established deferred compensation retirement plans for such employees that serves the interest of Gilbert and its employees by enabling it to provide reasonable retirement security for its employees and by assisting in the attraction and retention of talented personnel; and

WHEREAS, on March 24, 2020, the Town of Gilbert has established a Deferred Compensation Plan Trust Section 401(a) of the Internal Revenue Code and a Deferred Compensation Plan Trust under Section 457(b) of the Internal Revenue Code.

WHEREAS, the Town of Gilbert has determined that the establishment of a Gilbert Employees Deferred Compensation Retirement Board to oversee and manage these deferred compensation retirement plans will serve these objectives.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

The Code of Gilbert, Arizona, CHAPTER 1 GENERAL PROVISIONS, ARTICLE IV BOARDS, COMMISSIONS AND COMMITTEES, DIVISION 2 RESERVED, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

DIVISION 2. - ~~RESERVED~~ GILBERT EMPLOYEES DEFERRED COMPENSATION RETIREMENT BOARD

SEC. 1-231. GILBERT EMPLOYEES DEFERRED COMPENSATION RETIREMENT PROGRAM; PURPOSES AND INTENT; TRUST.

A. A GILBERT EMPLOYEES DEFERRED COMPENSATION RETIREMENT PROGRAM HAS BEEN ESTABLISHED TO PROVIDE A DEFERRED COMPENSATION PLAN AND QUALIFIED DEFINED CONTRIBUTION RETIREMENT PLAN TO TOWN EMPLOYEES. THE PURPOSES OF THE PROGRAM ARE TO ENABLE THE TOWN TO ATTRACT AND RETAIN TALENTED EMPLOYEES AND TO PROVIDE A PROGRAM OF DEFERRED COMPENSATION BENEFITS FOR ALL EMPLOYEES IN ACCORDANCE WITH THE PROVISIONS OF THE PROGRAM.

B. IT IS THE INTENT THAT THE PROGRAM AND ALL NECESSARY ASPECTS CONFORM BOTH TO THE REQUIREMENTS FOR QUALIFIED RETIREMENT PLANS IMPOSED BY SECTION 401(A) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND ALL REGULATIONS PROMULGATED THEREUNDER, AND TO THE REQUIREMENTS FOR ELIGIBLE DEFERRED COMPENSATION PLANS IMPOSED BY SECTION 457 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND ALL REGULATIONS PROMULGATED THEREUNDER.

C. THE ASSETS OF THE PROGRAM, INCLUDING ALL DEFERRED COMPENSATION CONTRIBUTIONS, PROPERTY, RIGHTS PURCHASED WITH DEFERRED COMPENSATION, AND ALL INCOME ATTRIBUTABLE TO SUCH ASSETS, ARE HELD IN TRUST BY THE GILBERT EMPLOYEES DEFERRED RETIREMENT COMPENSATION BOARD FOR THE EXCLUSIVE BENEFIT OF PARTICIPATING EMPLOYEES AND THEIR BENEFICIARIES. THE TRUST IS INTENDED TO BE EXEMPT FROM TAXATION UNDER SECTIONS 401(A) AND 457(B) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED. THE RESPONSIBILITY FOR THE ASSETS IN THE DEFERRED COMPENSATION PROGRAM TRUSTS ON THE EFFECTIVE DATE OF THIS ARTICLE AUTOMATICALLY PASS TO THE GILBERT EMPLOYEES DEFERRED COMPENSATION RETIREMENT BOARD.

#### SEC. 1-232. DEFINITIONS.

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

*ADMINISTRATIVE SERVICE PROVIDER* MEANS ANY ENTITY OR INDIVIDUAL SELECTED BY THE BOARD AND CONTRACTED BY THE TOWN TO PROVIDE CONTRACTUAL ADMINISTRATIVE SERVICES TO ONE OR MORE PLANS.

*BOARD* MEANS THE GILBERT EMPLOYEES DEFERRED RETIREMENT COMPENSATION BOARD.

*EMPLOYEE* MEANS AN INCUMBENT OR OCCUPANT OF A FULL-TIME BENEFIT ELIGIBLE POSITION AS DETERMINED BY THE HUMAN RESOURCES DEPARTMENT.

*FIDUCIARY* MEANS THE TOWN, INDIVIDUAL BOARD MEMBERS, THE BOARD, ADMINISTRATIVE SERVICE PROVIDERS, OR ANY AGENT OR DESIGNEE WITH DISCRETIONARY AUTHORITY FOR THE PROGRAM, ANY PLAN, OR ANY PROVIDER OF SERVICES TO THE PROGRAM.

*MEMBER* MEANS A PERSON SERVING ON THE GILBERT EMPLOYEES DEFERRED COMPENSATION RETIREMENT BOARD.

*PARTICIPANT* MEANS AN EMPLOYEE OF THE TOWN WHO HAS FULFILLED THE ENROLLMENT REQUIREMENTS OF THE PROGRAM OR A FORMER EMPLOYEE OR BENEFICIARY, INDIVIDUAL, OR ALTERNATE PAYEE, WHO

RETAINS BENEFITS OR OTHER RIGHTS UNDER THE PROGRAM, AND HAS FULFILLED THE ENROLLMENT REQUIREMENTS OF THE PROGRAM.

*PLAN* MEANS ONE OR MORE ELIGIBLE DEFERRED COMPENSATION PLANS OR QUALIFIED DEFINED CONTRIBUTION RETIREMENT PLANS WHICH GIVE EMPLOYEES INCOME TAX BENEFITS AUTHORIZED THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

*PROGRAM* MEANS THE GILBERT EMPLOYEES DEFERRED COMPENSATION PROGRAM ESTABLISHED PURSUANT TO SECTION 401(A) AND SECTION 457 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

SEC. 1-233. GILBERT EMPLOYEES DEFERRED COMPENSATION RETIREMENT BOARD; APPOINTMENT; TERMS.

A. THE GILBERT EMPLOYEES DEFERRED COMPENSATION BOARD IS ESTABLISHED TO GOVERN THE PROGRAM. THE BOARD SHALL CONSIST OF FIVE MEMBERS APPOINTED BY THE TOWN MANAGER AS FOLLOWS:

1. ONE FORMER EMPLOYEE OF GILBERT WHO IS RETIRED FROM THE TOWN OF GILBERT WITH AT LEAST FIVE YEARS OF SERVICE WITH GILBERT AND IS A PARTICIPANT IN ONE OF THE PLANS.

2. THREE EMPLOYEES OF THE TOWN APPOINTED BY THE TOWN MANAGER AS FOLLOWS: ONE EMPLOYEE SHALL BE NON-PUBLIC SAFETY EMPLOYEE, ONE EMPLOYEE SHALL BE A SWORN EMPLOYEE OF THE GILBERT POLICE DEPARTMENT, AND ONE EMPLOYEE SHALL BE A SWORN MEMBER OF THE GILBERT FIRE DEPARTMENT.

3. ONE MANAGEMENT EMPLOYEE OF THE TOWN WHO HAS PUBLIC SECTOR FINANCE AND INVESTMENT EXPERIENCE.

B. IN ORDER TO ENSURE CONTINUITY OF EXPERIENCE ON THE BOARD, THE TOWN MANAGER SHALL APPOINT MEMBERS TO THE FOLLOWING INITIAL TERMS:

1. TWO YEARS: THE RETIRED FORMER EMPLOYEE AND THE MANAGEMENT EMPLOYEE WITH PUBLIC SECTOR FINANCE AND INVESTMENT EXPERIENCE.

2. THREE YEARS: THE CITIZEN WITH INVESTMENT EXPERIENCE; THE SWORN MEMBER OF THE POLICE DEPARTMENT, AND THE SWORN MEMBER OF THE FIRE DEPARTMENT.

3. FOUR YEARS: ONE NON-PUBLIC SAFETY EMPLOYEE AND THE MANAGEMENT EMPLOYEE WITH HUMAN RESOURCES AND EMPLOYMENT BENEFITS EXPERIENCE.

AFTER THE INITIAL TERMS, EACH MEMBER OF THE BOARD SHALL SERVE FOR A TERM OF THREE YEARS. IN THE EVENT OF A VACANCY BEFORE THE EXPIRATION OF A TERM OF OFFICE, THE NEW MEMBER APPOINTED TO FILL THE VACANCY SHALL SERVE THE UNEXPIRED TERM VACATED.

C. THE TERM OF ANY MEMBER AUTOMATICALLY ENDS AS PROVIDED IN SEC. 1-205. IN ADDITION, FOR MEMBERS WHO ARE TOWN EMPLOYEES, ON TERMINATION OF EMPLOYMENT WITH THE TOWN.

D. FOUR MEMBERS SHALL CONSTITUTE A QUORUM FOR THE EXERCISE OF THE POWERS AND AUTHORITY CONFERRED UPON THE BOARD.

F. MEMBERS ARE SUBJECT TO THE STATE LAWS REGARDING CONFLICTS OF INTEREST. ANY MEMBER HAVING A CONFLICT IN A DECISION BEFORE THE BOARD MUST IDENTIFY THAT CONFLICT IN THE OFFICIAL MINUTES OF THE BOARD. MEMBERS SHALL FILE WITH THE TOWN CLERK A WRITTEN DISCLOSURE STATEMENT OF THE CONFLICT.

#### SEC. 1-234. BOARD POWERS AND DUTIES.

##### A. THE BOARD SHALL:

1. ESTABLISH AND MAINTAIN ONE OR MORE ELIGIBLE DEFERRED COMPENSATION PLANS AND QUALIFIED DEFINED CONTRIBUTION RETIREMENT PLANS FOR EMPLOYEES IN A MANNER PERMITTED BY AND CONSISTENT WITH SECTION 401(A) AND SECTION 457 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

2. UPON CONSULTATION WITH AN INDEPENDENT INVESTMENT ADVISOR AND IN ACCORDANCE WITH ANY INVESTMENT POLICY ADOPTED BY THE BOARD, INVESTIGATE AND APPROVE ELIGIBLE DEFERRED COMPENSATION PLANS AND QUALIFIED DEFINED CONTRIBUTION RETIREMENT PLANS AND THE INVESTMENT OPTIONS WITHIN THOSE PLANS WHICH GIVE PARTICIPANTS INCOME TAX BENEFITS AUTHORIZED BY TITLE 26, UNITED STATES CODE, AND FROM WHICH PARTICIPANTS SHALL DIRECT AND CONTROL THE INVESTMENT OF THEIR CONTRIBUTIONS AND ACCUMULATED EARNINGS.

3. COMPLY WITH ALL REQUIREMENTS OF THE INTERNAL REVENUE CODE APPLICABLE TO GOVERNMENTAL PLANS.

4. ENSURE PROGRAM BENEFITS AND BENEFITS-RELATED TAXES ARE PAID FROM THE ASSETS OF THE PROGRAM.

5. SELECT PROVIDERS FOR ALL THE SERVICES NECESSARY OR APPROPRIATE TO ADMINISTER PLANS WITHIN THE PROGRAM OR THE PROGRAM, INCLUDING, BUT NOT LIMITED TO, ACTUARIAL, AUDITING, CUSTODIAL, INVESTMENT, FINANCIAL LITERACY EDUCATION, PARTICIPANT-LEVEL

INVESTMENT ADVISORY, AND RECORD KEEPING SERVICES. THE TOWN MANAGER SHALL NEGOTIATE AND EXECUTE ALL CONTRACTS WITH SELECTED PROVIDERS.

6. MEET MONTHLY OR LESS FREQUENTLY AS THE CHAIR OF THE BOARD DEEMS NECESSARY.

B. THE BOARD MAY:

1. ADOPT RULES OR POLICIES FOR THE OPERATION OF THE BOARD, WHICH ARE NOT INCONSISTENT WITH THE LAWS OF THE STATE THE ORDINANCES OF THE TOWN.

2. APPOINT COMMITTEES.

3. REQUEST THE PEOPLE TEAM DEPARTMENT STAFF TO PERFORM ASSIGNMENTS NECESSARY FOR THE ADMINISTRATION OF THE PROGRAM.

4. DELEGATE THE DUTIES AND RESPONSIBILITIES ESTABLISHED UNDER THE PROGRAM IN A MANNER CONSISTENT WITH ITS FIDUCIARY RESPONSIBILITIES.

5. RECOMMEND TO THE TOWN MANAGER SUCH CONTRACT PROVISIONS AS IT DETERMINES NECESSARY OR APPROPRIATE; PROVIDED, THE TOWN MANAGER SHALL NEGOTIATE AND EXECUTE ALL AMENDMENTS TO PROGRAM CONTRACTS.

6. ARRANGE FOR AN ANNUAL FINANCIAL AUDIT OF THE PLANS.

SEC. 1-235. ESTABLISHMENT OF TRUST AND FIDUCIARY RESPONSIBILITIES.

A. THE ASSETS OF THE PROGRAM, INCLUDING ALL DEFERRED COMPENSATION CONTRIBUTIONS, PROPERTY, RIGHTS PURCHASED WITH DEFERRED COMPENSATION, AND ALL INCOME ATTRIBUTABLE TO SUCH ASSETS, ARE HELD IN TRUST BY THE BOARD FOR THE EXCLUSIVE BENEFIT OF PARTICIPANTS AND THEIR BENEFICIARIES. THE TRUST IS INTENDED TO BE EXEMPT FROM TAXATION UNDER SECTIONS 401(A), 457(G) AND 501(A) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

B. THE FIDUCIARIES SHALL:

1. ACT WITH THE CARE, SKILL, PRUDENCE, AND DILIGENCE UNDER THE CIRCUMSTANCES THEN PREVAILING THAT A PERSON ACTING IN A LIKE CAPACITY AND FAMILIAR WITH SUCH MATTERS WOULD USE IN THE

CONDUCT OF AN ACTIVITY OF LIKE CHARACTER AND PURPOSE IN THE SOLE INTEREST OF THE PARTICIPANTS AND THEIR BENEFICIARIES.

2. ACT IN ACCORDANCE WITH THE LAWS GOVERNING THE PROGRAM.

C. THE FIDUCIARIES, EXCEPT FOR PLANS OR PROVIDERS OF SERVICES TO THE PROGRAM, SHALL NOT BE RESPONSIBLE FOR ANY LOSS DUE TO INVESTMENT OR FAILURE OF THE INVESTMENT FUNDS AND ASSETS IN THE PROGRAM. THE TOWN SHALL NOT BE REQUIRED TO REPLACE ANY LOSS WHICH MAY RESULT FROM ANY INVESTMENT.

D. FIDUCIARIES SHALL BE LIABLE TO THE TRUST FOR ANY LOSSES RESULTING FROM A BREACH OF THEIR FIDUCIARY DUTIES. EACH FIDUCIARY IS RESPONSIBLE ONLY FOR DUTIES OR RESPONSIBILITIES SPECIFICALLY ASSIGNED UNDER THE PROGRAM, OR DUTIES DELEGATED BY ANOTHER FIDUCIARY. NO FIDUCIARY SHALL BE RESPONSIBLE FOR THE ACTIONS OR INACTIONS OF ANOTHER FIDUCIARY, EXCEPT FOR CONDUCT:

1. IN WHICH THE FIDUCIARY PARTICIPATED.

2. KNOWN BY THE FIDUCIARY TO VIOLATE DUTIES UNDER THE PROGRAM AND FOR WHICH THE FIDUCIARY DID NOT TAKE REASONABLE STEPS TO REDRESS THE WRONG.

3. THAT SHOULD HAVE BEEN KNOWN BY THE FIDUCIARY TO VIOLATE DUTIES UNDER THE PROGRAM AND FOR WHICH THE FIDUCIARY DID NOT TAKE REASONABLE STEPS TO REDRESS THE WRONG.

E. MEMBERS ARE PERSONALLY IMMUNE FROM SUIT WITH RESPECT TO ACTS DONE AND ACTIONS TAKEN IN GOOD FAITH AND IN FURTHERANCE OF THE PURPOSES OF THIS ARTICLE.

F. FIDUCIARIES ARE NOT LIABLE FOR ANY LOSS RESULTING FROM AN INDIVIDUAL PARTICIPANT'S EXERCISE OF INVESTMENT CONTROL AS PERMITTED UNDER THE PROGRAM.

#### SEC. 1-236. EMPLOYEE PARTICIPATION.

A. EMPLOYEES MAY VOLUNTARILY PARTICIPATE IN ONE OR MORE ELIGIBLE DEFERRED COMPENSATION PLANS OR QUALIFIED DEFINED CONTRIBUTION RETIREMENT PLANS ESTABLISHED BY THE BOARD PURSUANT TO THE PROVISIONS OF THIS DIVISION.

B. EMPLOYEE PARTICIPANTS IN AN ELIGIBLE DEFERRED COMPENSATION PLAN UNDER SECTION 457 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, MAY AUTHORIZE THE TOWN IN WRITING TO MAKE VOLUNTARY REDUCTIONS OR DEDUCTIONS IN THEIR REMUNERATION AS

PROVIDED IN AN EXECUTED DEFERRED COMPENSATION AGREEMENT. TO THE EXTENT THAT EMPLOYEE PARTICIPANTS IN A QUALIFIED DEFINED CONTRIBUTION RETIREMENT PLAN UNDER SECTION 401(A) OF THE INTERNAL REVENUE CODE, AS AMENDED, ARE REQUIRED TO MAKE CONTRIBUTIONS TO SUCH PLAN, EMPLOYEE PARTICIPANTS SHALL AUTHORIZE THE TOWN TO PICK UP SUCH CONTRIBUTIONS THROUGH A ONE TIME, IRREVOCABLE ELECTION MADE THROUGH A WRITTEN SALARY REDUCTION AGREEMENT.

SEC. 2-237. PAYROLL DEDUCTIONS; ADMINISTRATIVE PROCEDURES.

A. THE TOWN SHALL INITIATE PAYROLL SALARY REDUCTIONS OR DEDUCTIONS FOR THE PLANS ADOPTED PURSUANT TO THIS ARTICLE AS DIRECTED BY EACH EMPLOYEE PARTICIPANT IN SUCH PLANS.

B. THE TOWN MAY DEVELOP PROCEDURES FOR THE ADMINISTRATION OF THE PROGRAM WHICH MAY INCLUDE DEFERRED COMPENSATION AGREEMENTS, ENROLLMENT PROCEDURES, INFORMATION DISTRIBUTION PROCEDURES AND PROCEDURES TO RESPOND TO PARTICIPANT INQUIRIES. THE TOWN SHALL ADVISE THE BOARD OF ANY PROCEDURE DEVELOPED.

SEC. 2-238. EFFECT OF PARTICIPATION.

A. ANY BENEFITS PROVIDED PURSUANT TO THIS ARTICLE SHALL BE IN ADDITION TO ANY OTHER BENEFITS PROVIDED BY LAW FOR TOWN EMPLOYEES AND SHALL BE SUPPLEMENTAL TO RETIREMENT BENEFITS PROVIDED TO TOWN EMPLOYEES PURSUANT TOWN CODE AND STATE LAW.

B. THE ADOPTION AND MAINTENANCE OF THIS PROGRAM SHALL NOT CONSTITUTE OR BE EVIDENCE OF, A CONTRACT OF EMPLOYMENT BETWEEN ANY PARTICIPANT AND THE TOWN. NOTHING HEREIN SHALL GIVE ANY PARTICIPANT THE RIGHT TO BE RETAINED IN THE EMPLOY OF THE TOWN OR TO INTERFERE WITH THE RIGHT OF THE TOWN TO TAKE AN EMPLOYMENT ACTION AGAINST THE PARTICIPANT AT ANY TIME.

C. THE ADOPTION AND MAINTENANCE OF THE PROGRAM SHALL NOT AUTHORIZE THE TOWN TO REQUIRE A PARTICIPANT TO REMAIN IN ITS EMPLOY OR TO INTERFERE WITH THE PARTICIPANT'S RIGHT TO TERMINATE EMPLOYMENT AT ANY TIME.

SEC. 2-239. NONALIENATION OF INTEREST; DOMESTIC RELATIONS ORDERS.

A. NO RIGHT OR BENEFIT OF A PARTICIPANT OR THE PARTICIPANT'S DESIGNATED BENEFICIARY UNDER THE PROGRAM SHALL BE SUBJECT TO ANTICIPATION, ALIENATION, ASSIGNMENT, SALE, PLEDGE,

ENCUMBRANCE OR CHARGE. ANY ATTEMPT TO ANTICIPATE, ALIENATE, ASSIGN, SELL, PLEDGE, ENCUMBER OR CHARGE A RIGHT OR BENEFIT UNDER THE PROGRAM SHALL HAVE NO FORCE OR EFFECT AND SHALL NOT BE BINDING UPON THE TOWN OR THE BOARD.

B. NOTWITHSTANDING SUBSECTION A ABOVE, THE BOARD MAY AUTHORIZE THE PAYMENT OF A PARTICIPANT'S BENEFITS UNDER THE PROGRAM TO AN ALTERNATE PAYEE IN ACCORDANCE WITH THE REQUIREMENTS OF A VALID DOMESTIC RELATIONS ORDER ISSUED UNDER THE LAWS OF THE STATE OF ARIZONA AND AS PERMITTED BY SECTIONS 401(A) AND 457 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

SEC. 2-240. TERMINATION; AMENDMENT.

A. THE TOWN MAY TERMINATE THE PROGRAM OR ANY PLAN WITHIN THE PROGRAM OR FREEZE THE PROGRAM OR ANY PLAN WITHIN THE PROGRAM AS TO NEW PARTICIPANTS OR NEW CONTRIBUTIONS.

B. THE TOWN MAY AMEND THE PROVISIONS OF THIS ORDINANCE AT ANY TIME; PROVIDED, HOWEVER, THAT NO AMENDMENT SHALL AFFECT THE RIGHTS OF PARTICIPANTS OR THEIR BENEFICIARIES TO THE RECEIPT OF PAYMENT OF BENEFITS, TO THE EXTENT OF COMPENSATION DEFERRED BEFORE THE TIME OF THE AMENDMENT.

SECS. 1-234241 – 1-250. - RESERVED

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 21<sup>st</sup> day of April, 2020, by the following vote:

AYES: Anderson, Daniels, September, Spence, Taylor, Yentes

NAYES: \_\_\_\_\_ ABSENT: \_\_\_\_\_



EXCUSED: \_\_\_\_\_

ABSTAINED: \_\_\_\_\_

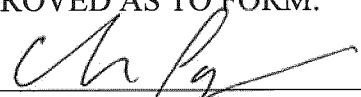
APPROVED this 21<sup>st</sup> day of April, 2020.

  
\_\_\_\_\_  
Jean Daniels, Mayor


ATTEST:

  
\_\_\_\_\_  
Lisa Maxwell, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Christopher W. Payne, Town Attorney

I, LISA MAXWELL, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2761 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THIS 21<sup>ST</sup> DAY OF APRIL, 2020, WAS POSTED IN FOUR PLACES ON THE 22 DAY OF APRIL, 2020.

  
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Lisa Maxwell, Town Clerk