

(R-93-409)

RESOLUTION NUMBER R- 280703

ADOPTED ON SEP 21 1992

WHEREAS, in 1981, the City employees voted to discontinue participation in the social security system; and

WHEREAS, the Supplemental Pension Savings Plan (SPSP) was implemented on January 8, 1982, to replace the social security benefits; and

WHEREAS, the SPSP plan was a nonqualified savings plan for the years 1982 and 1983; and

WHEREAS, in 1984 an application was filed and a favorable determination was received from the Internal Revenue Service qualifying the SPSP plan under section 401(a) of the Internal Revenue Code; and

WHEREAS, in 1985, it became necessary to amend the Plan Document for continued qualification; and

WHEREAS, on July 14, 1986, the Internal Revenue Service issued its Determination Letter on the City's 1985 application indicating that in order to remain qualified, the City must alter its Plan Document to remove a Plan participant's ability to withdraw employer's fund prior to death, disability or termination of employment; and

WHEREAS, article 11, section 11.01 of the SPSP Plan Document authorizes The City of San Diego to amend the Plan at any time to comply with federal or state laws necessary to maintain the qualified status of the Plan; and

WHEREAS, recent amendments to the Internal Revenue Code

require changes for nondiscrimination testing for matching contributions and employee contributions with respect to eligible highly compensated employees under section 401(m) of the Internal Revenue Code; and

WHEREAS, the section 401(m) amendments affect the definition of "Highly Compensated Employee" and the treatment of excess contributions; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that The City of San Diego's SPSP Plan be and the same is hereby formally adopted as described in the amended and restated plan document on file in the office of the City Clerk as Document No. RR-280703.

APPROVED: JOHN W. WITT, City Attorney

By Sharon A. Marshall
Sharon A. Marshall
Deputy City Attorney

SAM:mrh
09/01/92
Or.Dept:Risk.Mgmt.
R-93-409
Form=r.auagr

#121

Passed and adopted by the Council of The City of San Diego on SEP 21 1992
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By Blonda R. Barnes Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number	<u>R-280703</u> Adopted <u>SEP 21 1992</u>

92 SEP 10 11:04

SAN DIEGO, CA