

(R-93-404)

RESOLUTION NUMBER R-280706

ADOPTED ON SEP 21 1992

WHEREAS, the Council of The City of San Diego adopted Resolution No. R-255609 on January 4, 1982 establishing a Supplemental Pension Savings Plan for eligible employees; and

WHEREAS, in 1986 the City Council approved a separate Supplemental Pension Savings Plan with amended participation rates for employees who are mandated by federal law to pay Medicare payroll taxes; and

WHEREAS, the Supplemental Pension Savings Plan - Medicare Plan has been subsequently amended on January 12, 1987, by Resolution No. R-267438; and

WHEREAS, Resolution No. R-264418 adopted on November 12, 1985 authorized the City Manager to effectuate future changes to the plan without requiring a vote when such changes are necessary to bring the plan into legal conformance with federal or state law; and

WHEREAS, rules for discrimination testing, limitations on annual additions, rules pertaining to the withdrawal of monies and rules concerning the distribution of benefits have been incorporated into the amended and restated plan document as they pertain to the Tax Reform Act of 1986; and

WHEREAS, an amendment was submitted to a vote of the active participants on May 15 through May 29, 1987 to add an early retirement provision to the plan so that distributions prior to age 59 but within the City's retirement age provisions are not

subject to the ten percent (10%) excise tax on early distributions; and

WHEREAS, the results of the ballot were: Yes - 3,341 (98.7%), No - 40 (1.2%), Invalid - 5 (0.1%); and

WHEREAS, a subsequent amendment was submitted for a vote of the active participants on June 10 through June 24, 1988, to (1) provide for automatic payoff sixty days after termination; (2) add a hardship withdrawal provision; (3) allow for continuous open enrollment; and (4) delete the classification of Police Recruit from eligibility; and

WHEREAS, the results of the ballot were: Yes - 3,053 (94.6%), No - 147 (4.5%), Invalid - 28 (0.9%); 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; and

WHEREAS, the Omnibus Budget and Reconciliation Act of 1990 added definitions required by the Internal Revenue Service for compliance with the elapsed time method of vesting; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that The City of San Diego's SPSP-M 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-~~280706~~.

APPROVED: JOHN W. WITT, City Attorney

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

SAM:mrh
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Or.Dept:Risk.Mgmt.
R-93-404
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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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Pamela L. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

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