

RESOLUTION NUMBER R-283794

ADOPTED ON MAY 02 1994

WHEREAS, the Council of The City of San Diego adopted Resolution No. R-263371 on June 10, 1985, establishing a 401(k) Plan for eligible employees; and

WHEREAS, the San Diego Municipal Code ("SDMC") was amended in 1993 to provide for the purchase of service credit in the San Diego City Employees' Retirement System ("SDCERS") for a variety of categories of City service; and

WHEREAS, the Internal Revenue Code ("IRC") places limits on the money employees may contribute to SDCERS to purchase service credit for earlier years of service; and

WHEREAS, for the majority of employees now wishing to purchase service credit in SDCERS, the money necessary to make the purchase will exceed the IRC limits; and

WHEREAS, the SDMC was further amended to allow SDCERS to receive a direct transfer from the 401(k) as payment for the purchase of service credit; and

WHEREAS, a direct transfer from the 401(k) is not counted towards the IRC limits; and

WHEREAS, the 401(k) does not provide for the direct transfer permitted by SDCERS; and

WHEREAS, article IX, section 9.01 of the 401(k) provides that the employer ("The City of San Diego"), shall have the right to amend the Plan at any time, as it deems advisable; and

WHEREAS, a vote of the active participants is not required

to amend the Plan; and

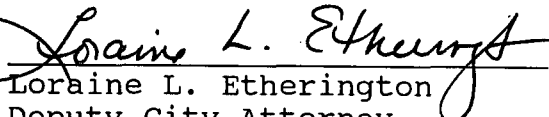
WHEREAS, the employer desires to amend the Plan to authorize a direct transfer to SDCERS; and

WHEREAS, this amendment will bring the 401(k) Plan into conformance with the SPSP, SPSP-M and SPSP-H Plans which are being amended in a like manner; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to amend the 401(k) to allow a direct transfer from the 401(k) to the SDCERS for the purpose of purchasing service credit in SDCERS, said amendment to be shown in The City of San Diego 401(k) amended document on file in the office of the City Clerk as Document No. RR-283794.

APPROVED: JOHN W. WITT, City Attorney

BY

  
Loraine L. Etherington  
Deputy City Attorney

LLE:mrh  
04/19/94  
Or.Dept:Risk.Mgmt.  
R-94-1556  
Form=r.auagr