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(R-2012-666)

RESOLUTION NUMBER R- 307487

DATE OF FINAL PASSAGE JUN 26 2012

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE CITY ATTORNEY TO RETAIN OUTSIDE COUNSEL IN AN AMOUNT NOT TO EXCEED \$250,000; AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXPEND SPECIFIED AMOUNTS UNDER THE CONTRACT.

WHEREAS, on June 5, 2012, City of San Diego (City) voters approved Proposition B, a citizens' initiative to amend the San Diego Charter (Charter); and

WHEREAS, Proposition B adds Charter section 140, which requires officers and employees (except "sworn police officers") initially hired or assuming office on or after the effective date of the section to participate only in a defined contribution plan (or plans), and not in the City's Defined Benefit plan; and

WHEREAS, Proposition B also adds Charter sections 150 and 151, which set forth various requirements of the new plan or plans, including the maximum contributions the City may pay; and

WHEREAS, Proposition B also requires the San Diego City Council to make discretionary decisions on the details of the new defined contribution plan (or plans), including the level of employer and employee contributions, the vesting period for employer contributions, whether the Plan will replace Social Security, and the types of death and disability benefits that will be provided to participants; and

WHEREAS, the City is required to meet and confer before establishing the defined contribution plan (or plans) for new employees (except "sworn police officers") represented by one of the City's recognized employee organizations hired on or after the effective date of

Proposition B. However, there is no such requirement with respect to elected officers and unrepresented employees; and

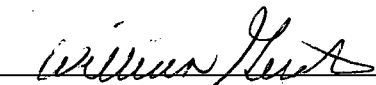
WHEREAS, the issues involved in designing such a defined contribution plan (or plans) that is tax qualified and meets the Safe Harbor requirements as a Social Security replacement plan are complex; and

WHEREAS, therefore, there is a need for the retention of outside counsel with substantial plan design expertise with qualified governmental retirement plans; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council approves and authorizes the City Attorney to retain outside counsel with the necessary public sector plan design experience to provide legal services in an amount not to exceed \$250,000.

BE IT FURTHER RESOLVED, that the Council authorizes the Chief Financial Officer to expend an amount not to exceed \$250,000 in accordance with the Citywide FTE Allocation Schedule for the agreement with outside counsel for the services referenced above, and the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure under established agreement funding are, or will be, on deposit with the City Treasurer.

APPROVED AS TO FORM: JAN I. GOLDSMITH, City Attorney

By  \_\_\_\_\_  
William Gersten  
Deputy City Attorney

WG:ccm;jdf  
06/05/2012  
Or.Dept: City Attorney  
Doc. No.: 381803

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 11 2012.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 6-26-12  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor