

RESOLUTION NUMBER R- 310090
DATE OF FINAL PASSAGE NOV 19 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE AMENDED AND RESTATED
SPSP-H PLAN.

WHEREAS, the City of San Diego (City) established and maintains the City of San Diego Supplemental Pension Savings Plan H (SPSP-H plan), which was initially adopted by the City effective July 1, 1991; and

WHEREAS, the SPSP-H plan is a qualified governmental defined contribution plan under sections 401(a) and 414(d) of the Internal Revenue Code; and

WHEREAS, the SPSP-H plan must now be amended to conform to federal law applicable to qualified governmental plans, and to reflect the operation of the Plan; and

WHEREAS, the SPSP-H plan must also be amended to conform to California law regarding registered domestic partners; and

WHEREAS, the SPSP-H plan must also be amended to reflect that participants direct their own investments in the Plan, and that participant accounts are valued on a daily basis; and

WHEREAS, the SPSP-H plan must also be amended retroactively, because it allowed participants to waive required minimum distributions for the 2009 calendar year, but did not timely amend the SPSP-H to allow for this; and

WHEREAS, the San Diego City Council (Council) also wishes to amend the SPSP-H plan to conform to the federal rules relating to qualified domestic relations orders; and

WHEREAS, the Council wishes to amend the SPSP-H plan to provide that beginning December 18, 2015, the City will “pick up” the full amount of each participant’s biweekly Employee Contribution, as permitted by section 414(h)(2) of the Internal Revenue Code and Revenue Ruling 2006-43; and

WHEREAS, the Council specifies that these pick-up contributions are being made by the City, even though they will be deducted from participants' gross pay; and

WHEREAS, no participant has been, or will be, given a cash or deferred election right with respect to any employee contributions subject to the pick-up election; and

WHEREAS, the Council's adoption of this Resolution approving the Amendment and Restatement of the SPSP-H Plan constitutes official action as required by Revenue Ruling 2006-43; and

WHEREAS, the Council wishes to amend the SPSP-H plan to allow the investment of funds in a group trust, such as the San Diego City Employees' Retirement System Group Trust; and

WHEREAS, the Council also wishes to amend the SPSP-H plan to remove ambiguities and make the SPSP-H plan more intelligible to participants and City staff; and

WHEREAS, the proposed amendments have been provided to and discussed with all of the City's recognized employee organizations, and each of the affected employee organizations have signed an agreement with the City approving the substantive and discretionary changes to the SPSP-H Plan; and

WHEREAS, it is now necessary to amend and restate the SPSP-H Plan; NOW,
THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego approves the Amendment and Restatement of the City of San Diego Supplemental Pension Savings Plan H effective December 1, 2015, which is on file in the Office of the City Clerk as Document number RR- 310090.

BE IT FURTHER RESOLVED, that beginning with the pay period ending December 18, 2015, the City will "pick up" the full amount of each Participant's biweekly Employee Contribution, as permitted by Internal Revenue Code section 414(h)(2) and in accordance with Revenue Ruling 2006-43 and any subsequent Internal Revenue Service guidance, and that the passage of this Resolution constitutes official action, as required by Revenue Ruling 2006-43.

APPROVED: JAN I. GOLDSMITH, City Attorney

By *Roxanne Story Parks*
Roxanne Story Parks
Deputy City Attorney

RSP:ccm
September 29, 2015
Or.Dept Risk Management
Doc. No.: 1060384

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 17 2015.

ELIZABETH S. MALAND
City Clerk

By *Elizabeth S. Maland*
Deputy City Clerk

Approved: 11/19/15
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on NOV 17 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 19 2015.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

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