

RESOLUTION NUMBER R- 310125

DATE OF FINAL PASSAGE DEC 11 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE AMENDED AND RESTATED  
2009 401(A) PLAN.

WHEREAS, the City of San Diego (City) established and maintains the City of San Diego 2009 401(a) Plan (Plan), which was initially adopted by the City effective July 1, 2009; and

WHEREAS, the Plan was initially established to provide a separate defined contribution retirement plan for employees hired on or after July 1, 2009 who are general members of SDCERS; and

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

WHEREAS, the 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 Plan must also be amended to conform to California law regarding registered domestic partners; and

WHEREAS, the Plan must also be amended to reflect that participants direct their own investments in the Plan, and that the Plan values participant accounts on a daily basis; and

WHEREAS, the Council also wishes to amend the 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 Plan to remove ambiguities and make the Plan more intelligible to participants and City staff; and

WHEREAS, the Council also wishes to amend the Plan to increase the amount of time a non-spouse beneficiary has to take a full distribution of a deceased participant's account from one to five years; and

WHEREAS, the Council also wishes to amend the Plan to allow a participant who has separated from City service to take partial distributions from his or her account, in addition to the existing options of a full distribution of the entire account or an annuity beginning at retirement; and


WHEREAS, the Council also wishes to amend the Plan to conform to IRS safe harbor rules on qualified domestic relations orders; and

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

BE IT RESOLVED, that the Council of the City of San Diego approves the Amended and Restated City of San Diego 2009 401(a) Plan, effective December 1, 2015, which is on file in the Office of the City Clerk as Document number RR- 310125.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
\_\_\_\_\_  
Roxanne Story Parks  
Deputy City Attorney

RSP:ccm  
November 17, 2015  
Or.Dept: Risk Management  
Doc. No.: 1174076

I certify that this Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 08 2015.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12/11/15  
(date)

  
KEVIN L. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on DEC 08 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 DEC 11 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 *Sty Crady*, Deputy

Office of the City Clerk, San Diego, California

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