

#105
12/14/2021

(R-2022-192)

RESOLUTION NUMBER R- 313827

DATE OF FINAL PASSAGE DEC 17 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING AN AMENDMENT TO THE CITY'S
401(K) PLAN TO INCLUDE ROTH ELECTIVE DEFERRALS
AND COMPLY WITH FINAL HARDSHIP DISTRIBUTION
REGULATIONS.

WHEREAS, the City of San Diego (City) established and maintains the City of
San Diego 401(k) Plan (Plan), which was initially adopted by the City on July 1, 1985; and

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

WHEREAS, the Plan was amended and restated effective July 1, 2015 to conform with
federal and state laws applicable to qualified governmental plans; and

WHEREAS, the Plan allows for Roth elective deferrals effective August 1, 2021; and

WHEREAS, the Roth elective deferral option allows participants to defer part of their
paychecks to the Plan on an after-tax basis and withdraw these contributions and investment
earnings tax-free upon retirement; and

WHEREAS, under Internal Revenue Service rules, the Plan must be amended by
December 31, 2021 to reflect the addition of the Roth elective deferral option in the 2021 Plan
Year; and

WHEREAS, the Internal Revenue Service also issued final regulations to implement
changes made by federal law to make it easier for employees to take hardship distribution under
the Plan; and

WHEREAS, the Plan's hardship distribution rules allow participants to remove funds
from their accounts prior to retirement to fulfill an immediate financial need; and

WHEREAS, the City has been operationally in compliance with changes in the final regulations, but under Internal Revenue Service rules the Plan must be amended by December 31, 2021 to reflect the changes; and

WHEREAS, the San Diego City Council (Council) wishes to amend the Plan to reflect the addition of the Roth elective deferral option effective August 1, 2021; and

WHEREAS the Council also wishes to amend the Plan to reflect the changes made to the Plan's hardship distribution rules by final Internal Revenue Service regulations; and

WHEREAS, no other changes are being made to the terms of the Plan at this time through this resolution and Plan amendment; and

WHEREAS, it is now necessary to amend the 401(k) Plan as set forth above; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego approves the Amendment to the City of San Diego 401(k) Plan, which is on file in the Office of the City Clerk as Document number RR- **313827**.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Thomas J. Brady
Thomas J. Brady
Deputy City Attorney

TJB:jvg
11/29/21
Or.Dept: Risk Management
CC No. N/A
Doc. No.: 2824375

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 14 2021.

ELIZABETH S. MALAND
City Clerk

By *Cennie Patterson*
Deputy City Clerk

Approved: 12/16/21
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on DEC 14 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 17 2021.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313827