

1 [Establishing and administering a Supplemental Tax Deferred Plan.]

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3 **Ordinance adding Sections 16.62 through 16.62-3 to the San Francisco Administrative Code.**

4 Note: Additions are *single-underline italics Times New Roman*;  
5 deletions are ~~*strikethrough italics Times New Roman*~~.  
6 Board amendment additions are double underlined.  
7 Board amendment deletions are ~~strikethrough normal~~.

8 Be it ordained by the People of the City and County of San Francisco:

9 Section 1. The San Francisco Administrative Code is hereby amended by adding Sections  
10 16.62 through 16.62-3, to read as follows:

11 **SEC. 16.62 . ESTABLISHMENT OF A SUPPLEMENTAL TAX DEFERRED PLAN.**

12 *The Retirement Board shall establish and administer a Supplemental Tax Deferred Plan*  
13 *("401(a) Plan" or "Plan").*

14 **SEC. 16.62-1. PURPOSE.**

15 *The purpose of this Plan is to offer employees of the City and County of San Francisco, the*  
16 *San Francisco Unified School District, the San Francisco Community College District and the Superior*  
17 *Court of California, County of San Francisco, a Supplemental Tax Deferred Plan to provide for the*  
18 *deferred taxation of accumulated vacation, sick leave or other compensation defined in the Adoption*  
19 *Agreement which is earned by and payable to such employees on account of and after their separation*  
20 *from employment. The City and County of San Francisco does not and cannot represent or guarantee*  
21 *that any particular federal or state income, payroll or other tax consequence will occur by reason of*  
22 *participation in this Plan nor whether there will be gains or losses on moneys paid into this Plan.*

23 **SEC. 16.62-2 ADMINISTRATION BY RETIREMENT BOARD.**

24 *The Retirement Board shall have the exclusive authority to adopt such rules and regulations,*  
25 *and to prescribe such forms, as it deems necessary to carry out the purposes of the Plan. The*  
*Retirement Board shall manage the Plan in compliance with federal and state tax laws so that Plan*  
*benefits do not conflict with or reduce benefits under the Retirement System. The Retirement Board*

1 may employ consultants to advise the Board concerning the administration and investment of such  
2 funds as may be established.

3 The Retirement Board may contract with a financially responsible independent contractor to  
4 administer and coordinate the Plan under the direction of the Retirement Board. The Retirement Board  
5 may, in its discretion, establish guidelines or regulations for the bonding of any such contractor or any  
6 other person who handles funds or other assets of the Plan. Any such contractor shall agree to be  
7 responsible to the City and County of San Francisco for any and all services performed by a  
8 subcontractor, assignee or designee of contractor.

8 **SEC. 16.62-3. ADMINISTRATIVE COSTS.**

9 The reasonable and necessary administrative costs of this Plan shall be borne by participants  
10 or by any contractor appointed hereunder.

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12 APPROVED AS TO FORM:

13 DENNIS J. HERRERA, City Attorney

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15 By:

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DAN MAGUIRE  
Deputy City Attorney