

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING ORDINANCE NO. 2022-22 OF THE FRESNO
MUNICIPAL CODE, AND ADOPTING ORDINANCE
SETTING FORTH THE COMPENSATION OF ELECTIVE
OFFICERS

WHEREAS, City of Fresno elected officials (elected officials) are ineligible to participate in the City of Fresno's Retirement System, and;

WHEREAS, the City of Fresno's Deferred Compensation is a benefit offered to all City of Fresno employees; and

WHEREAS, the Internal Revenue Code section 457(e)(3) permits each Deferred Compensation Plan to define participant eligibility; and

WHEREAS, the City of Fresno's Deferred Compensation Plan (Plan) section 2.10 specifically permits elected officials to participate in the Plan; and

WHEREAS, it is the intent of Council to allow elected officials to participate in the Plan consistent with all terms and conditions as governed by the Plan Document and the Internal Revenue Code;

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Elected officials shall be permitted, at their sole discretion, to enroll in the City of Fresno's Deferred Compensation Plan during their elected office.

SECTION 2. Participation shall be governed by all applicable terms and conditions of the Plan, and the Internal Revenue Code.

1 of 3

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:  _____

Ordinance No.

SECTION 3. The City of Fresno shall contribute up to the following amounts annually, on behalf of any elected official participating in the Plan, subject to rules in the Plan and the Internal Revenue Code, including legal limits on total contributions:

- (a) Beginning January 1, 2023, the City shall contribute up to \$10,120 annually for each elected official participating in the Plan,
- (b) Beginning January 1, 2024, the City shall contribute up to \$11,132 annually for each elected official participating in the Plan,
- (c) Beginning January 1, 2025, the City shall contribute up to \$12, 245 annually for each elected official participating in the Plan.

SECTION 3. Participating elected officials shall refer to the Plan and their individual tax advisors regarding rules of participation and possible tax consequences. The City shall bear no liability for any tax consequences resulting from an elected official's participation in the Plan.

SECTION 4. Staff shall propose to the Deferred Compensation Board, for its consideration, any amendments to the Plan necessary to effectuate this Ordinance.

SECTION 5. Any elected official who is also a member of the City of Fresno Employee Retirement System or the City of Fresno Fire and Police Retirement System and drawing retirement benefits from either system during their elected term, is ineligible for participation in the Plan and ineligible for the benefits described herein.

SECTION 6. This Ordinance shall become effective and in full force and effect at 12:01 on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
RINA M. GONZALES
Interim City Attorney

By: _____
Jenni DeRuosi Date
Supervising Deputy City Attorney