

# ORIGINAL

## ORDINANCE NO. 71

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING SECTION 1 OF ORDINANCE NO. 56, WHICH AUTHORIZED PARTICIPATION BY CITY EMPLOYEES, APPOINTIVE AND ELECTED OFFICIALS IN THE WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND DESIGNATED THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AS THE CITY'S QUALIFYING RETIREMENT PROGRAM IN LIEU OF PARTICIPATION BY THE CITY IN THE FEDERAL SOCIAL SECURITY SYSTEM, BY ADDING A MONEY PURCHASE PENSION PLAN ESTABLISHED PURSUANT TO SECTION 401(a) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND ADMINISTERED BY THE PUBLIC EMPLOYEES BENEFIT SERVICES CORPORATION (PEBSCO) AS A COMPONENT OF THE CITY'S SOCIAL SECURITY REPLACEMENT PROGRAM**

WHEREAS, pursuant to RCW 41.48.450, the City of Shoreline has elected not to enter into a Section 218 Agreement for voluntary Social Security coverage; and

WHEREAS, the Washington Public Employees' Retirement System does not provide coverage for certain part-time, temporary and seasonal employees of the City; and

WHEREAS, the City of Shoreline must either contribute to Social Security or provide a social security replacement program which covers all employees of the City; and

WHEREAS, the Public Employees Benefit Service Corporation (PEBSCO) administers a money purchase pension plan for municipal employees nationwide organized pursuant to Section 401(a) of the Internal Revenue Code of 1986, as amended, which has been held to be a qualified Social Security replacement program; and

WHEREAS, the City of Shoreline wishes employees, elected and appointed officials to participate in the PEBSCO money purchase pension plan as a component of the City's Social Security replacement program; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1.** Amending Section 1 of Ordinance No 56. Section 1 of Ordinance No. 56, is amended to read as follows:

The City authorizes and approves participation and membership of its eligible employees and appointive and elected officials both in the Washington Public Employees' Retirement System pursuant to RCW 41.40.062 and the money purchase pension plan

administered by the Public Employees Benefits Services Corporation (PEBSCO) pursuant to Section 401(a) of the Internal Revenue Code of 1986, as amended; and authorizes the expenditure of the necessary funds to cover its proportionate share for participation in the PEBSCO money purchase pension plan, both in lieu of contributions to the Federal Social Security Program. Participation in the PEBSCO money purchase pension plan and/or the PERS Plan is hereby declared to be the City's qualifying retirement program in lieu of participation in the Federal Social Security System under Code Section 3121(b)(7).

**Section 2.** Appointing Public Employees Benefit Services Corporation. The City of Shoreline appoints Public Employees Benefit Services Corporation (PEBSCO) to provide record keeping, employee education and other technical and administrative services relating to the plan.

**Section 3.** Authorizing and Directing the City Manager to implement the plan. The City of Shoreline hereby authorizes and directs the City Manager to perform all acts and sign all documents necessary to put said plan into operation. The City Manager or his designee is authorized and directed to file an application, together with any supporting documents, with the United States Treasury Department, with a request for a determination that the defined contribution plan meets the requirements of Code Section 401(a), and execute such Powers of Attorney, schedules and other documents as may be necessary and required in connection with such application. Further, the City Manager or his designee is authorized and empowered in the City Manager's or his designee's discretion to execute such further amendments to such Plan as may be required in order to obtain the approval of the United State Treasury Department, if, in the City Manager's or his designee's judgment, such amendments are in the best interests of the City.

**Section 4.** Appointing Trustee. The City Manager or his designee is hereby appointed as Trustee and upon acceptance, by executing the Adoption Agreement of said plan, shall receive the necessary reports, notices, etc. from Public Employees Benefit Services Corporation (PEBSCO) and Nationwide Life Insurance Company.

**Section 5.** Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 6.** Effective Date and Publication. A summary of this Ordinance

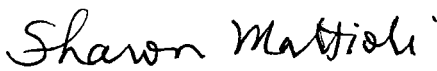
# ORIGINAL

consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force five days after publication.

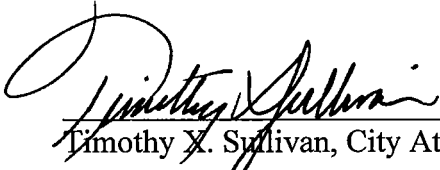
**PASSED BY THE CITY COUNCIL ON FEBRUARY 12, 1996.**

  
Mayor Connie King

**ATTEST:**

  
\_\_\_\_\_  
Sharon Mattioli, CMC  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Timothy X. Sullivan, City Attorney

Date of Publication: February 16, 1996  
Effective Date: February 21, 1996