

RESOLUTION NO. 2024-072

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA,
APPROVING A SIDE LETTER AGREEMENT BETWEEN
THE CITY OF SAN BERNARDINO AND THE SAN
BERNARDINO POLICE MANAGEMENT ASSOCIATION
(SBPMA) REGARDING 401 (A) PLAN CONTRIBUTIONS
AND OTHER LANGUAGE UPDATES**

WHEREAS, 401(a) deferred compensation plans are employer-sponsored defined contribution retirement plans available to governmental, for-profit and not-for-profit employers; and

WHEREAS, in order to maintain the standards established by the IRS, the City must revise its current language in SBPMA's Memorandum of Understanding (MOU) in order to utilize the 401 (a) plan; and

WHEREAS, CalPERS recommended that holiday pay language in the MOU be more specific as to how it is paid out by the City to the member; and

WHEREAS, in order to eliminate any confusion with CalPERS, staff recommends updating the minor language.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The City Manager is hereby authorized to execute the Side Letter Agreement attached hereto and incorporated herein, marked as Exhibit A.

SECTION 3. The Mayor and City Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 4. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 5. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 17th day of April 2024.

Helen Tran, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2024-072, adopted at a regular meeting held on the 17th day of April 2024 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this 18th day of April 2024.

Genoveva Rocha, CMC, City Clerk