

**RESOLUTION NO. 2010-105**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA (CITY) APPROVING AND AUTHORIZING THE CITY OF WILLCOX TO PARTICIPATE IN THE ARIZONA STATE RETIREMENT SYSTEM (ASRS) SECTION 457(b) SUPPLEMENTAL SALARY DEFERRAL PLAN (SSDP) FOR THOSE CITY EMPLOYEES DESIRING TO ELECT SUCH PLAN, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**WHEREAS**, the CITY, is authorized and empowered to have control of the finances, property and employees of the corporation and to have power within the limits of the City to oversee all phases of services to the citizens of the City pursuant to Title 9, A.R.S. §§ 9-240 and 9-499.01 et seq.; and

**WHEREAS**, pursuant to Ordinance NS283, Mayor and Council adopted the Willcox City Code setting forth the city's personnel policy to regulate all city personnel including contract employees; and

**WHEREAS**, the CITY is empowered to permit employees to participate in the Arizona State Retirement System (ASRS); and

**WHEREAS**, the employees who have earned 80 points (80 points = Age plus Years of Service) can retire under the ASRS; and

**WHEREAS**, the ASRS has introduced an elective deferral retirement plan under Section 457(b) of the Internal Revenue Code, known as the 457(b) Supplemental Salary Deferral Plan (SSDP); and

**WHEREAS**, the CITY currently offers a 457(b) plan to employees through DST Systems that offers investments in the Lord Abbett Funds Family locally through Edward Jones and will continue to do so; and

**WHEREAS**, the Mayor and Council desire to have this Resolution presented at its October 18, 2010 Council Meeting for the purpose of approving and authorizing participation in the ASRS 457(b) SSDP investment option as presented; and

**WHEREAS**, the Mayor and Council have determined that formal action on this Resolution is in the best interest of the CITY, its employees and its citizens; and,

**WHEREAS**, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Cochise County, Arizona, that an emergency be declared to exist to assure timely implementation of the ASRS- 457(b) SSDP investment option and that this Resolution shall be effective immediately upon its passage and adoption.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, AS FOLLOWS:**

**Section 1:** Mayor and Council formally approve Resolution 2010-105 for the purpose of approving and authorizing participation in the ASRS- 457(b) SSDP investment option as presented.

**Section 2:** The Mayor is authorized and empowered to execute this Resolution and CITY staff are authorized to carry out the intent of this Resolution.

**Section 3:** The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this Resolution shall be in full force and effect from and after its passage by the City of Willcox, Cochise County, Arizona.

**PASSED AND ADOPTED BY MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA this 18th day of October 2010.**

**APPROVED/EXECUTED:**

/S/ GERALD W. LINDSEY  
MAYOR, GERALD W. LINDSEY  
Signed: 10-20-2010.

**ATTEST:**

**APPROVED AS TO FORM:**

/s/ Cristina G. Whelan, CMC  
City Clerk, Cristina G. Whelan, CMC

/s/ Hector M. Figueroa  
City Attorney, Hector M. Figueroa, Esq.

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