

RESOLUTION NO. 2004-35

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING THE CITY OF ELK GROVE EMPLOYEE CAFETERIA PLAN
AND
THE CITY OF ELK GROVE EMPLOYEE CAFETERIA PLAN
SUMMARY PLAN DESCRIPTION**

WHEREAS, Section 125 of the Internal Revenue Code ("Code") and the regulations thereunder permit an eligible employer to implement a Section 125 Plan ("Cafeteria Plan") for the benefit of its eligible employees; and

WHEREAS, a Cafeteria Plan means a written plan under which eligible employees may choose between two (2) or more benefits consisting of cash and qualified benefits; and

WHEREAS, the City of Elk Grove, in accordance with its Personnel Rules and Regulations, wishes to establish a Cafeteria Plan to provide its eligible employees with the opportunity to choose among qualified benefits available to them under the Cafeteria Plan, make payments on a pre-tax basis and allocated employer contributions among Cafeteria Plan choices; and

WHEREAS, the City of Elk Grove Employee Cafeteria Plan document is the governing document which establishes the terms and conditions for the operation and administration of the Cafeteria Plan; and

WHEREAS, the City of Elk Grove Cafeteria Plan Summary Plan Description is a summary of the Cafeteria Plan Document provisions which is distributed to the City of Elk Grove's employees for informational purposes.

WHEREAS, the City Manager has been using the plans since incorporation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove that:

1. Plan Document. The staff for the City of Elk Grove independently considered the City of Elk Grove Employee Cafeteria Plan Document and finds that the Plan Document adequately outlines the terms and conditions of the Cafeteria Plan.

2. Summary Plan Description. The staff for the City of Elk Grove independently considered the City of Elk Grove Cafeteria Plan Summary Plan Description and finds that the Summary Plan Description adequately summarizes the terms and conditions for the Cafeteria Plan for distribution to its employees.

3. General Authorization. The officers of the City of Elk Grove, and each of them individually, are hereby authorized and directed, for and in the name of and on behalf of the City of Elk Grove, to do any and all things and take any and all actions that may be

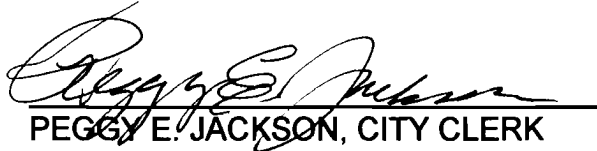
necessary or advisable, in their discretion, in order to effect the purposes of this resolution, with retroaction to date of incorporation.

4. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 3rd day of March 2004.


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY MANZANETTI
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-35

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

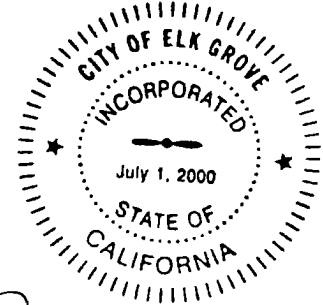
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 3rd day of March 2004 by the following vote:

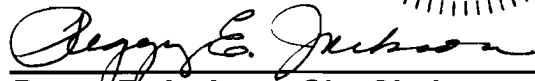
AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**