

ORDINANCE NO. _____

An ordinance amending Chapter 14, Division 4 of the Los Angeles Administrative Code to authorize the receipt of employer contributions to the City of Los Angeles Deferred Compensation Plan.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 4.1400 of Chapter 14, Division 4 of the Los Angeles Administrative Code is amended to read as follows:

Sec. 4.1400. Deferred Compensation Plan.

The name of this plan is the City of Los Angeles Deferred Compensation Plan (the “**Plan**”). The primary purpose of the Plan is to attract and retain personnel by permitting all officers and Employees of the City to enter into agreements with the City which will provide for the deferral of payment of, a portion of their compensation or Employer Contribution, until death, disability, retirement, termination of employment, or other events as provided herein, in accordance with the applicable provisions of Section 457 of the Internal Revenue Code of 1986, as amended (26 U.S.C. Section 1 et seq.). The Plan shall be considered an Employee benefit plan or savings plan for purposes of California Civil Code Section 5106(b) as amended from time to time, or its successor sections. The City of Los Angeles Board of Deferred Compensation Administration shall prepare and adopt a Plan Document, which, together with the provisions of this Chapter, shall be the governing document for the Plan. The Plan Document and any amendments thereto shall be consistent with the provisions of this Chapter. The provisions of this Chapter shall be controlling. Any conflicts or inconsistencies between the provisions of the Plan and this Chapter shall be resolved in favor of the provisions of this Chapter.

Sec. 2. Subsection (i) of Section 4.1401 of Chapter 14, Division 4 of the Los Angeles Administrative Code is amended to read:

(i) “**Includible Compensation**” means compensation as determined under Internal Revenue Code Section 457(e)(5) or any successor section.

Sec. 3. A new Subsection (o) is added to Section 4.1401 of Chapter 14, Division 4 of the Los Angeles Administrative Code to read as follows:

(o) “**Employer Contribution**” means a non-elective contribution made by the Employer, whether unilaterally, by agreement, or as otherwise provided, to the Plan on behalf of a Participant without regard to any Deferred Compensation or election on the part of the Participant, and accepted by the Administrator.

Sec. 4. A new Subsection (c) is added to Section 4.1402 of Chapter 14, Division 4 of the Los Angeles Administrative Code to read as follows:

(c) The Plan's receipt of an Employer Contribution on behalf of an Employee, to the extent consistent with Section 457 of the Internal Revenue Code and related notices, rulings, and regulations, shall cause the Employee to become a Participant.

Sec. 5. Section 4.1403 of Chapter 14, Division 4 of the Los Angeles Administrative Code is amended to read as follows:

Sec. 4.1403. Deferral of Compensation and Employer Contributions.

During each payroll period in which the Employee, has elected to defer compensation under a Participation Agreement, or is expected to receive any applicable Employer Contribution to the Plan on the Employee's behalf, the City Controller and Department of Water and Power Payroll shall defer payment of such part of the Employee's Compensation as is specified by the Employee in the Participation Agreement and process any applicable Employer Contribution with respect to the Employee who is deemed a Participant.

Sec. 6. Section 4.1405 of Chapter 14, Division 4 of the Los Angeles Administrative Code is amended to read as follows:

Sec. 4.1405. Investment Accounts.

The City (acting through the Administrator) shall cause to be established for each Participant a book account (the "**Investment Account**"). The City shall cause to have credited to the Investment Account such amounts equal to the Participant's Deferred Compensation and any applicable Employer Contribution made on behalf of the Participant, less any applicable fees. The assets of the Investment Account shall be invested in such investments as the law may allow and as offered under the Plan. Each Participant's Investment Account shall further be credited with earnings, gains, or losses applicable to such investments. The City shall not be liable to Participants in the Plan, their Beneficiaries, or any other persons for any losses on any investment credited to any Investment Account.

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Sec. 7. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By 
CHARLES S. HONG
Assistant City Attorney

Date February 11, 2026

File No. _____

M:\Econ Dev_Pub Finance\Public Finance\Charles Hong\Personnel Division\Deferred Comp\Ordinances\Final Ordinance amending Chapt. 14 (Employer Contribution only)_2-10-26

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____