

**SIXTH AMENDMENT  
TO THE  
CITY OF SEATTLE  
VOLUNTARY DEFERRED COMPENSATION PLAN AND TRUST**

This Amendment to the City of Seattle Voluntary Deferred Compensation Plan and Trust (as amended and restated) is adopted by the Plan Committee pursuant to its authority under Plan Section 3.5(e). This Amendment is effective May 26, 2021 or as soon as administratively practicable thereafter.

Plan Section 2.3(a) is hereby amended as follows:

**2.3 Deferrals.**

**(a) Definitions.**

...

**Roth Deferrals.** “Roth Deferrals” means a Participant’s Deferrals that are includible in the Participant’s gross income at the time deferred and which the Participant has irrevocably designated as Roth Deferrals in his or her deferral election. A Participant’s Roth Deferrals will be separately accounted for along with any gains or losses attributable to the Roth Deferrals. The Plan will also maintain a record of a Participant’s investment in the contract (i.e., Roth contributions that have not yet been distributed) and the year in which the Participant first made a Roth Deferral. Roth Deferrals will be treated in the same manner as Pre-tax Deferrals for all Plan purposes, unless otherwise specifically provided for in the loan policy and/or Plan provisions governing in-service distributions or unforeseeable emergency (hardship) withdrawals. The separate accounting rules described in this paragraph shall also apply with respect to a Participant’s In-Plan Roth Conversion sub-account(s) described in Section 4.17.

Plan Section 2.6 is hereby amended as follows:

**2.6 Investment transfers.**

The Participant may transfer amounts already deferred from one investment option to another in accordance with this Plan and rules adopted by the Plan Committee and Trustees. A transfer will be based on the current value of the previous investment selection, including any gains or less any losses that had already been credited or debited to the Participant’s account and may involve a fee or charge.

Section 4.17 is added to the Plan and reads as follows:

**4.17 In-Plan Roth Conversions.**

The Participant may make an In-Plan Roth Conversion pursuant to Code § 402A(c)(4) and this Section 4.17 in accordance with procedures adopted by the Plan Committee from time to time. In-Plan Roth Conversions are irrevocable and cannot be undone or recharacterized in any manner.

In-Plan Roth Conversions are available with respect to all or any portion of the Participant's vested account in the Plan, excluding a Participant's Roth Deferrals, Roth Rollover Contributions, and any portion of the Participant's account comprised of an outstanding Participant loan.

Amounts that are converted pursuant to this Section 4.17 shall be separately accounted for in a Participant's In-Plan Roth Conversion sub-account(s) and shall remain subject to the Plan rules (including distribution rules) that they were subject to immediately prior to the conversion. A Participant does not need to be eligible for a distribution or withdrawal in order to elect an In-Plan Roth Conversion.

In-Plan Roth Conversions are also available, subject to the rules and restrictions described in this Section 4.17, to a Participant's surviving spouse who is his Beneficiary and to a Participant's spouse or former spouse who is an Alternate Payee under a qualified domestic relations order.

In all other respects, the Plan shall remain unchanged and in full force and effect.

Dated this 26th day of May, 2021.

**CITY OF SEATTLE**

By: *Teri Allen*  
[Teri Allen \(Jun 2, 2021 08:54 PDT\)](#)  
TeriAnne S. Allen  
Plan Committee Chair

**06/02/2021**