



July 1, 2009

WRITER'S DIRECT NUMBER: (317) 236-2110
DIRECT FAX: (317) 592-4713
INTERNET: BRAITMAN@ICEMILLER.COM

WRITER'S DIRECT NUMBER: (317) 236-2468
DIRECT FAX: (317) 592-4702
INTERNET: KATRINIA.CLINGERMAN@ICEMILLER.COM

Via Electronic Mail

City of Lincoln, Lancaster County, Nebraska
Paul Lutomski, Police and Fire Pension Officer
555 South 10th Street, Room 201
Lincoln, NE 68508

RE: City of Lincoln Police and Fire Pension Plan

Dear Paul:

We are writing in follow up to our email to you on June 30, 2009, regarding amendment requirements for the City of Lincoln Police and Fire Pension Plan ("Plan"). Timely adoption of certain amendments is necessary to retain the Plan's tax-qualified status. In particular, the Plan must be amended no later than July 31, 2009, to comply with federal regulations relating to the limitations on benefits under Internal Revenue Code Section 415.

The amendment contains technical language for qualification purposes that we have previously discussed, with the minor changes noted in our email. Our understanding is that the amendment provisions will not significantly impact the benefits currently provided under the Plan. The amendment was submitted to the Internal Revenue Service ("IRS") for review on a proposed, unsigned basis on January 20, 2009. However, as indicated in our status letter dated March 17, 2009, City Council approval of the amendment would be needed in the short term, prior to completion of IRS review. We had hoped that the IRS would have completed their review and we could have incorporated anything they wanted as well, but it is now clear that will not be the case. That is why we are recommending adoption at this time.

If you have any questions regarding the above, please do not hesitate to contact one of us.

Very truly yours,

ICE MILLER LLP

Mary Beth Braitman

Katrina M. Clingerman

MBB:KMC:NMG

2349575.1

CIRCULAR 230 DISCLOSURE: Except to the extent that this advice concerns the qualification of any qualified plan, to ensure compliance with recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including any attachments, is not intended or written by us to be used, and cannot be used, by anyone for the purpose of avoiding federal tax penalties that may be imposed by the federal government or for promoting, marketing or recommending to another party any tax-related matters addressed herein.