

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JUNE 3, 2014**

Subject:	Type:	Submitted By:
AMEND MUNICIPAL RETIREMENT PLANS	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR/ DIRECTOR OF COMMUNITY SERVICES

SYNOPSIS

An ordinance has been prepared to amend the retirement plan for police officers and a resolution has been prepared to amend the retirement plan for general employees.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

As part of the City's recent reorganization plan, the position of Administrative Services Director was created and ultimately Kevin Pokorny, who currently serves as a Captain in the City's Police Department, accepted the position. Under the terms of the employment agreement between the City and Pokorny, he will remain a participant in the police officers pension plan during the time that he is on leave of absence from the department and transitioning into his new position. The police pension plan is being amended to allow for that. When the leave of absence is up, Pokorny will become a part of the general employee pension plan. That plan is being amended to ensure that his time of service as a police officer will apply to the civilian plan and he will be fully vested upon transferring.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AMEND THE CITY OF LA VISTA GENERAL EMPLOYEES DEFINED CONTRIBUTION PENSION PLAN AND TRUST, AND TO AUTHORIZE FURTHER ACTIONS.

BE IT RESOLVED, that the following actions are hereby adopted and approved:

SECTION 1. Pursuant to Nebraska Statutes, Section 19-3501, the Mayor and City Council of the City of La Vista maintain the City of La Vista General Employees Defined Contribution Pension Plan and Trust, embodied in plan documents including an adoption agreement and basic plan document constituting an integral part thereof ("Plan").

SECTION 2. The Mayor and City Council are authorized and desire to amend the Plan, and specifically to revise provisions of the adoption agreement to credit for vesting purposes all service with the City, including service before beginning work covered by the Plan, and to limit contributions to compensation earned for the part of the year that a participant actually participates in the Plan, which amendment is presented with this Resolution ("Amendment No. 1").

SECTION 3. The Mayor and City Council do hereby approve and adopt said Amendment No. 1.

SECTION 4. The Mayor is authorized to execute Amendment No.1 on behalf of the City, and the City Administrator is authorized and directed to provide the same to the Trustee (for its written acceptance, if determined necessary or appropriate), and if directed in this resolution or otherwise determined necessary or advisable, to cause said Amendment No. 1 to be submitted, together with such supporting data as may be necessary or advisable and applicable application fee, to the Internal Revenue Service for ruling as to whether the same complies with the pertinent provisions of the Internal Revenue Code of the United States and, in particular, Sections 401(a) and 501(a) thereof, with authority to make any changes in or to Amendment No. 1 and other Plan documents and take such further actions as the City Administrator determines necessary or appropriate to obtain a favorable ruling or maintain the qualified status of the Plan.

PASSED AND APPROVED THIS 3RD DAY OF JUNE 2014.

CITY OF LA VISTA, NEBRASKA

Douglas D. Kindig, Mayor

ATTEST:

Pamela A. Buethe, City Clerk

CITY OF LA VISTA GENERAL EMPLOYEES
DEFINED CONTRIBUTION PENSION PLAN AND TRUST

Amendment No. 1

The City of La Vista General Employees Defined Contribution Pension Plan and Trust is hereby amended as follows:

- I. Section E(9) of the Adoption Agreement is deleted and replaced in its entirety with the following effective June 1, 2014:

“(9) If an Employee participates in the Plan for only a portion of the year, his Recognized Compensation for the year [check one]:

_____ shall

 X shall not

include otherwise Recognized Compensation during the portion of the year during which he was not a Participant in the Plan.”

- II. Section I(2)(b)(i) is deleted and replaced in its entirety with the following:

 X (i) Four Year Vesting (effective January 1, 2005)*:

When the Participant Has Completed
the Following Vesting Service:

The Vested Portion of
His Regular Account
Will Be:

Less than 4 years	<u> 0 </u> %
4 years but less than 5 years	<u> 40 </u> %
5 years but less than 6 years	<u> 50 </u> %
6 years but less than 7 years	<u> 75 </u> %
7 years or more	<u>100</u> %

* Before January 1, 2005, the vesting schedule was Ten Year Vesting below. For purposes of determining years of Vesting Service on and after June 1, 2014, all service of an Employee for the City shall be counted and included, including service before becoming a Participant in the Plan.”

- III. This Amendment No. 1 supersedes any provisions of the Plan to the extent inconsistent with the provisions of this Amendment.

This amendment is hereby executed this _____ day of _____, 2014.

CITY OF LA VISTA, a Nebraska municipality

By: _____

Douglas D. Kindig, Mayor

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AMEND THE CITY OF LA VISTA POLICE OFFICERS RETIREMENT PLAN AND TRUST; TO AUTHORIZE FURTHER ACTIONS; AND TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Pursuant to Nebraska Statutes, Sections 16-1001 through and including 16-1019 ("Police Retirement Plan Statutes"), the City maintains the City of La Vista Police Officers Retirement Plan and Trust embodied in plan documents including an adoption agreement and basic plan document constituting an integral part thereof ("Plan").

SECTION 2. The Mayor and City Council are authorized and desire to amend the Plan, and specifically to revise provisions of the adoption agreement to provide for continued participation in the Plan of any police officer on temporary assignment in the employment of the City other than in the police department, which amendment is presented with this Ordinance ("Amendment No. 1").

SECTION 3. The Mayor and City Council do hereby approve and adopt said Amendment No. 1.

SECTION 4. The Mayor is authorized to execute Amendment No.1 on behalf of the City, and the City Administrator is authorized and directed to provide the same to the Trustee (for its written acceptance, if determined necessary or appropriate), and if directed in this Ordinance or otherwise determined necessary or advisable, to cause said Amendment No. 1 to be submitted, together with such supporting data as may be necessary or advisable and applicable application fee, to the Internal Revenue Service for ruling as to whether the same complies with the pertinent provisions of the Internal Revenue Code of the United States and, in particular, Sections 401(a) and 501(a) thereof, with authority to make any changes in or to Amendment No. 1 and other Plan documents and take such further actions as the City Administrator determines necessary or appropriate to obtain a favorable ruling or maintain the qualified status of the Plan.

SECTION 5. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 6. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance. The Mayor and City Council hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 7. This Ordinance shall be in force and take effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 3RD DAY OF JUNE 2014.

CITY OF LA VISTA, NEBRASKA

Douglas D. Kindig, Mayor

ATTEST:

Pamela A. Buethe, City Clerk

CITY OF LA VISTA
POLICE OFFICERS RETIREMENT PLAN AND TRUST

Amendment No. 1

The City of La Vista Police Officers Retirement Plan and Trust is hereby amended as follows:

- I. Section B(5) of the Adoption Agreement is deleted and replaced in its entirety with the following:

- (5) **Recognized Employment.** Recognized Employment is service in the employment of the City in those job classifications indicated below (*place "X" on blank(s) indicating selection*): [Section 1.1.30]

 X (a) All Employees of the City employed as police officers. Effective June 1, 2014:

(1) Recognized Employment for purposes of this Plan shall include any police officer on leave of absence from the police department while working on temporary assignment in the employment of the City other than as a police officer for the police department of the City, as approved by the City Administrator with concurrence of the Police Chief in accordance with applicable law ("Leave of Absence"). A police officer on Leave of Absence shall continue to fully participate in this Plan with respect to any employment with the City while on said Leave of Absence; and

(2) If a Participant who is working as a police officer and in Recognized Employment credited under this Plan ceases said work and Recognized Employment and transfers to and begins working in any other position of employment with the City, other than pursuant to a Leave of Absence:

(i) The Participant shall cease participating in this Plan and shall be eligible to participate in any other retirement plan in which a person working in said new position of employment is eligible to participate.

(ii) However, said transfer to a new position of employment within the City during a period of continuous, uninterrupted employment with the City otherwise shall not constitute a termination, severance or separation of or from employment or service with the City for purposes of this Plan, including without limitation, for purposes of triggering eligibility for obtaining a distribution from this Plan; and

(iii) Amounts held under this Plan for the benefit of said Participant shall continue to be held for the benefit of the Participant until the Participant's death, disability or other separation from service with the City and distribution in accordance with this Plan and applicable law, regulations and other guidance.

 (b) All Employees of the City employed as fire fighters.

 (c) All Employees of the City as that term is defined in Section 1.1.10.

 (d) All common law Employees of the City.

 (e) Salaried Employees of the City.

 (f) Hourly Employees of the City.

 (g) Employees who are not covered by any retirement plan established by the City.

— (h) Other *specify*): _____.

- II. This Amendment No. 1 supersedes any provisions of the Plan to the extent inconsistent with the provisions of this Amendment.

This amendment is hereby executed this _____ day of _____, 2014.

CITY OF LA VISTA, a Nebraska municipality

By: _____
Douglas D. Kindig, Mayor