



PROPOSED ORDINANCE #2024-07

1 **BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN**
2 **COUNCIL MET:**

3
4 That Chapter 80 – Personnel, Article IV – Pension Plans and Retirement Benefits (except
5 Police), Division 3 – General Employee Pension Plan, be amended by inserting the text indicated
6 in bold, blue italics and deleting the text indicated in red strikeout as follows:

7
8 **Section 80-500 – General employee pension plan established; purpose.**

- 9
10 (a) Generally. There is hereby established the city general employee pension plan. The purpose
11 of the plan is to establish the terms and conditions under which retirement and disability
12 benefits shall be provided to eligible employees of the city. The benefits under the plan shall
13 be in addition to amounts received as social security benefits or from any other pension plan.
14
15 (b) For employee exclusively. This plan is created for the exclusive benefit of the employees of
16 the city and shall be interpreted in a manner consistent with it being an employee's trust, as
17 defined in section 401(a) of the Internal Revenue Code (26 USC 401(a)). Therefore, under
18 no circumstances shall any funds contributed to this plan, or any assets of the plan or trust
19 ever revert to or be used or enjoyed by the city, nor shall any such funds or assets ever be
20 used other than for the benefits of the employees of the city and ~~their ones'~~ s beneficiaries,
21 prior to the satisfaction of all liabilities under this plan to the employees.
22

23 **Section 80-501 – Eligibility of participant.**

24
25 Each eligible employee not drawing any retirement benefits from the mayor and city
26 council as of January 1, 1967, shall, upon compliance with the provisions of this division,
27 become a general employee pension plan participant under this division, commencing on July
28 1, 1967, or at any subsequent time immediately upon ~~his one's~~ employment. Effective
29 September 28, 2009, the general employee pension plan is closed to new participants.
30

31 **Section 80-502 – Participation mandatory; exceptions.**

32
33 The pension plan shall not be construed to give any employee the right to be retained in
34 the employ of the city. All new employees hired after July 1, 1991, shall be required, as a
35 condition of employment, to join the general employee pension plan or the deferred
36 compensation plan. All new employees hired after September 29, 2009, are required to join the
37 money purchase plan (IRC 401(a)), as defined in division 4. All participants of the general
38 employee pension plan as of September 28, 2009, will remain members of either plan thereafter
39 unless ~~they one~~ shall leave the employment of the city, retire, pass away, or elect to terminate

40 ~~their~~ **one's** participation in the general employee pension plan and become a member of the
41 money purchase plan (IRC 401(a)), as defined in division 4.

42
43 **Section 80-503 – Defraudment.**

44
45 It shall be unlawful for any person to knowingly make any false statement or falsify, or
46 permit to be falsified, any record of the pension plan in an attempt to defraud the plan.

47
48 **Section 80-504 – Normal retirement.**

49
50 The normal retirement date for each participant shall be the first day of the month following
51 the attainment of the age of 65 years, provided that ~~he~~ **one** has completed ten years of continuous
52 service.

53
54 **Section 80-505 – Early retirement.**

55
56 (a) *Reduced benefits.* A participant who has completed ten years of continuous service and who
57 has attained the age of 55 years may retire at any time within the ten years preceding ~~his~~
58 **one's** normal retirement date; provided, however, that ~~his~~ **one's** retirement benefits shall be
59 computed at a reduced rate of one-half percent for each month computed from the date of
60 early retirement to age 65 years.

61
62 (b) *Unreduced benefits.*

63
64 (1) *Hired May 1, 1994, or later.* For eligible employees hired on or after May 1, 1994, a
65 participant who has attained the age of 55 years, and whose attained age plus years of
66 continuous service is equal to or greater than 80, may retire at any time prior to ~~his~~
67 **one's** normal retirement date with no reduction in retirement benefits.

68
69 (2) *Hired before May 1, 1994.* For eligible employees hired before May 1, 1994, a
70 participant who has completed 25 years of continuous service or has attained the age
71 of 50 years and completed 20 years of continuous service may retire at any time prior
72 to ~~his~~ **one's** normal retirement date with no reduction in retirement benefits.

73
74 **Section 80-506 – Later retirement.**

75
76 If a participant works beyond ~~his~~ **one's** normal retirement date, the payment of the
77 participant's retirement benefits shall be deferred until ~~his~~ **one's** actual retirement.

78
79 **Section 80-507 – Forced retirement with pension.**

80
81 The general employee pension plan board, upon recommendation of the city council or the
82 city manager, may require retirement in any case ~~where~~ deemed necessary due to the lack of
83 work or inability of the employee to perform with a satisfactory degree of efficiency, provided
84 that the employee qualifies for either normal retirement pursuant to section 80-504, or early
85 retirement pursuant to section 80-505. The employee shall then be entitled to receive,

86 commencing on the first day of the month coinciding with or next following **his one's** date of
87 retirement, pension benefits equal to the benefits computed in accordance with the provisions of
88 section 80-508 on the basis of the employee's service completed prior to actual retirement.

89
90 **Section 80-508 – Amount of retirement benefits.**

91
92 *Retirement January 1, 1995, or later.* The amount of retirement benefits payable to a
93 participant who retires on or after January 1, 1995, shall be computed on the basis of one-fiftieth
94 of **his one's** average actual monthly earnings multiplied by the total number of years of
95 continuous service. Average actual monthly earnings shall be a participant's base pay plus
96 scheduled overtime, payment for being on call, except those hours reported for being called out,
97 and any retroactive pay corrections which involve any one of the mentioned payments during
98 any period of 36 consecutive months in **his one's** final ten years of continuous service which
99 results in the highest average monthly earnings.

100
101 If an employee's approved absence is the result of a workers compensation injury, the base
102 wages that the employee would have earned had **he one** not been on workers compensation leave
103 will be included when determining the highest 36 consecutive months within **his one's** final ten
104 years of continuous service.

105
106 The value of lost base salary as a result of mandatory furlough shall be added to an
107 employee's final average compensation and considered in the calculation of the amount of
108 retirement benefits if the time period in which the mandatory furlough was required is within
109 the highest 36 consecutive months or earnings within the final ten years of continuous service.

110
111 ~~*Annual Increase.* The retirement income of a retired member of this plan shall be increased
112 by three percent per annum every January 1. This increase in retirement pay shall be cumulative
113 and the previous year's increase shall be included in the retired member's retirement income for
114 the purposes of calculating the annual three percent increase.~~

115
116 **Annual Increase.** The retirement income of a retired member of this plan shall be
117 increased by two percent per annum every January 1. This increase in retirement pay shall
118 be cumulative and the previous year's increase shall be included in the retired member's
119 retirement income for the purpose of calculating the annual two percent increase.

120
121 **Section 80-509 – Form of benefits.**

- 122
123 (a) *Normal form.* A monthly benefit shall be payable on the first day of the second month
124 preceding the date on which **the** application for such benefit is filed. Payment will be
125 retroactive to the retirement date. Payments of benefits shall be payable monthly thereafter
126 during **his one's** lifetime and terminating with the last payment on the first day of the month
127 of the death of the participant.
- 128
129 (b) *Death of participant, etc.* Upon the death of a participant who has retired, or who is eligible
130 to be retired under any of the provisions of this division, payment shall be made to ~~their~~
131 **one's** eligible survivors in the amount of 50 percent of the monthly payments to which the

132 participant was or would have been entitled. Upon the death of a participant who has
133 completed a minimum of ten years of service but is not yet eligible to retire because of age
134 and/or years of service, payment shall be made to ~~their~~ **one's** eligible survivors in the amount
135 of 50 percent of the monthly payment to which the participant was or would have been
136 entitled. The pension amount will be based upon section 80-508. There shall be no reduction
137 in benefits. In no instance shall actual monthly payments be less than \$200.00, to be
138 effective July 1, 2000. Upon the death of both the participant and eligible survivor, if the
139 benefit payments received in **the** aggregate are less than the member's contributions, the
140 balance of the member's contributions, plus five percent interest, will be paid to the
141 surviving beneficiary designated or ~~his~~ **one's** estate if no designation has been made and
142 submitted to the general employee pension plan board. The amount of benefit payments
143 received and the amount of the member's contributions shall be determined from the record
144 of the pension board. **The city shall request all plan participants to review one's eligible
145 survivor and surviving beneficiary information annually and revise as needed.**
146

147 (c) *Eligible survivor.* An eligible survivor shall be one of the following in the order of
148 preference listed:

149
150 (1) *Spouse.* The participant's spouse who was married to the participant for at least one
151 year. Surviving spouse shall be required to provide supporting documents of marriage.

152
153 (2) *Child or Children of; unmarried participant.*

154
155 a. The surviving **child or** children, biological or legally adopted, of the **unmarried**
156 participant, ~~who have not attained their 18th birthday.~~ **The child or children must
157 not have attained age 18, or have attained age 18 but not age 26, and are
158 attending school on a full-time basis.**

159
160 b. If said child **or children is** attending school on a full-time basis and provides proof
161 of attendance each year of eligibility, with the payment due for the month in which
162 ~~he one~~ ceases to attend school on a full-time basis or with the payment due for the
163 month in which ~~his one's 22nd~~ **26th** birthday shall occur, whichever shall occur
164 first.

165 (d) *Commencement of payment.* Benefits payable to eligible survivors shall commence on
166 the first day of the month following the date of the participant's death.

167 (e) *Benefits payable.* Benefits payable to eligible survivors shall cease:

168 (1) *Spouse.* With respect to an eligible survivor who is a spouse, with the payment due
169 for the month in which ~~their one's~~ remarriage or death shall occur, whichever
170 occurs first.

171 (2) *Child or Children.* With respect to an eligible survivor who is a child(ren) **or**
172 **children**, with the payment due for the month in which ~~his one's~~ 18th birthday or
173 death shall occur, whichever shall occur first, **unless the child or children attend
174 school full-time and have not attained one's 26th birthday.** Payments shall be
175 made in accordance with subsections (2)a. and b.

- 176 (f) *Eligibility for benefits.* The eligibility of any person or persons to receive payment of
177 benefits as an eligible survivor shall be determined conclusively by the general employee
178 pension plan board based on **the** application of such person or persons and any other
179 information which the pension board deems to be appropriate.

180
181 **Section 80-510 – Early retirement due to permanent disability.**

182
183 ~~Any employee who, after completing at least ten years of continuous service, shall be~~
184 ~~injured or whose health shall become permanently impaired to such an extent as to render him~~
185 ~~totally and permanently disabled, shall be retired upon application and approval of the general~~
186 ~~employee pension plan board. The pension amount will be based upon section 80-508. There~~
187 ~~shall be no reduction in benefit.~~

188
189 **An employee who has completed a minimum of ten consecutive years of service and**
190 **sustains an injury or experiences a permanent health impairment to the extent of total and**
191 **permanent disability shall be eligible for retirement upon application and approval by the**
192 **general employee pension plan board. The pension amount will be determined in**
193 **accordance with section 80-508, and there shall be no reduction in benefits.**

194
195 **Section 80-511 – Total and permanent disability.**

- 196
197 (a) *Definition.* As used in this division, a participant shall be deemed to be "totally and
198 permanently disabled" when the general employee pension plan board, on the basis of a
199 medical examination by a physician or physicians selected by the pension board, finds the
200 employee:
201
202 (1) *Work generally.* To be totally and permanently prevented from engaging in any
203 occupation or employment for remuneration or profit as a result of bodily or mental
204 injury or disease, whether occupational or nonoccupational in cause; or
205
206 (2) *Employment.* To be totally and permanently prevented from continuing in ~~their~~ **one's**
207 capacity as an employee as a result of bodily or mental injury or disease, whether
208 occupational or nonoccupational in cause.
209
210 (b) *Exclusions.* Total and permanent disability, within the terms of this division, shall exclude
211 disability resulting from or consisting of chronic alcoholism, addiction to narcotics,
212 engaging in a felonious criminal act for which ~~they one are~~ **is** found guilty, or a willful effort
213 on ~~their one's~~ part to bring about the injury or illness to themselves or any other person or
214 service in the armed forces of any foreign country.

215
216 **Section 80-512 – Commencement of disability benefits.**

- 217
218 (a) *Removed from payroll.* A participant who files for a disability pension shall not work and
219 be kept on the active payroll and receive credited service from the inception of the disability
220 to the end of the first full calendar month following the date of application.
221

222 (b) *Change in compensation; leave.* During the application period above, the participant's
223 compensation shall not be increased.

224
225 (c) *Commencement of benefits.* The eligibility for payment of disability benefits under this
226 division shall commence, if approved, on the first day of the month following the application
227 period set forth in subsection (a).

228
229 **Section 80-513 – Termination of employment.**

230
231 (a) *Forfeiture of participation.* Any participant whose employment is terminated prior to the
232 date ~~he~~ **one** becomes eligible for retirement benefits shall forfeit ~~his~~ **one's** status as a
233 participant in the pension plan and all accumulated credit for continuous service.

234
235 (b) *Ten years' service.* Any participant with a minimum of ten years of continuous service and
236 whose employment is terminated prior to the date ~~he~~ **one** becomes eligible for retirement
237 benefits under sections 80-504—Normal retirement, 80-505—Early retirement, 80-506—
238 Later retirement or 80-510—Early retirement due to permanent disability, **shall become**
239 **vested and** upon attaining the age of 65 years, shall be eligible for pension benefits under
240 the provisions of section 80-508—Amount of retirement benefits, upon application to the
241 pension board of trustees. The form of the benefit will be based on the formula which was
242 in effect at the time of termination.

243
244 (c) *Layoffs.* Upon recall, any participant whose employment is terminated due to a layoff and
245 is recalled within five years of layoff, may apply to the pension board to have ~~their~~ **one's**
246 previous service credits restored immediately. If ~~they~~ **one have** ~~has~~ withdrawn ~~their~~ **one's**
247 contributions, ~~they~~ **one** must repay them as calculated by the city's actuary. A returning
248 employee must make an election to return previously refunded amounts, plus calculated
249 interest, within 30 days of approval of the general employee pension plan board.
250 Contributions will be reimbursed based on the gross amount received. Participants who are
251 laid off and not recalled within five years shall forfeit ~~their~~ **one's** status as a participant in
252 the pension plan and all accumulated credit for continuous service.

253
254 (d) *Request for refund.* When an employee leaves the employment of the city and is entitled to
255 withdraw ~~his~~ **one's** contributions with interest thereon at the rate of five percent per annum,
256 compounded annually from the last day of the plan year in which such contribution was
257 made to the earlier of the date of commencement of retirement income or the date on which
258 contributions are payable pursuant to the provisions of the plan, then ~~he~~ **one** shall submit a
259 written notarized request for a refund of these contributions before payment shall be made.
260 Refunds will be issued 90 days from the date when the notarized request is received.
261 Contributions will automatically be refunded five years from ~~the~~ **date** of separation.

262
263 **Section 80-514 – Cessation of disability pension benefits.**

264
265 (a) A participant shall cease to qualify for disability pension benefits:
266

- 267 (1) *Recovered.* At the time that the general employee pension plan board determines, on
268 the basis of a medical examination by a physician or physicians selected by the pension
269 plan board, that a participant is no longer totally and permanently disabled or has
270 sufficiently recovered, but refuses to resume ~~their~~ **one's** regular occupation as an
271 employee or to be reemployed by the city in some other position for which ~~they~~ **one**
272 **are is** suited or which is appropriate to ~~their~~ **one's** training and experience;
273
- 274 (2) *Refuses examination.* When the participant refuses to undergo a medical examination
275 requested by the general employee pension plan board; or
276
- 277 (3) *Age 65 years.* On the first day of the month following the participant's 65th birthday.
278
- 279 (b) Upon the occurrence of the earliest of the above events, disability pension benefits shall
280 cease, except that, if the event of subsection (a)(3) of this section occurs, payment of the
281 normal retirement benefits shall commence on that date, in the same amount as the
282 disability pension benefits.

283
284 **Section 80-515 – Effect of state workers’ compensation on disability benefits.**
285

286 Any disability pension benefits received by a participant under the terms of this division
287 as the result of an injury or illness compensable under the workers' compensation laws of the
288 state shall be reduced by the amount of the workers' compensation payments actually received
289 by the participant.
290

291 **Section 80-516 – Benefits to cease upon reemployment; exceptions.**
292

293 The Internal Revenue Code has provided guidance that to be considered retired for
294 purposes of prohibitions against "in-service distributions," one must have an at least six-month
295 break before returning to employment with the same employer and that such a return cannot be
296 pre-planned at the time of retirement. If the individual is under the normal retirement age of 65,
297 the individual will be subject to an annual earnings limit of \$30,000.00.
298

299 Any employee of the city who is receiving, or who shall receive, benefits under this
300 division, and who is thereafter reemployed by the city or appointed to any position by the mayor
301 or council bearing remuneration, shall cease to draw benefits during the period of reemployment.
302 Upon termination of the reemployment, the benefits shall be restored. The provisions of this
303 section shall not apply to any employee who receives remuneration as a result of being elected
304 or appointed to an elective or appointed office in the city, nor to any employee reemployed by
305 the city in a casual/seasonal capacity, not to exceed 180 calendar days. Employees would be
306 eligible to return to casual/seasonal status immediately following retirement.
307

308 Casual/seasonal employees may be employed by the city on a temporary basis in order to
309 provide assistance for the following situations:
310

- 311 (a) *Casual assistance.* Employee is needed on a sporadic or on-call basis where hours
312 cannot be predetermined and vary greatly from week to week. Such employees may be
313 used as needed.
314
- 315 (b) *Seasonal assistance.* Employee is needed for peak operating seasons.
316
- 317 (c) *Project assistance.* Employee performs duties related to a specific project that has
318 defined objectives and an established time period of completion that does not exceed
319 180 calendar days.
320
- 321 (d) *Primary incumbent replacement.* Employee is needed to fulfill the job responsibilities
322 of the primary incumbent who is unable to perform such responsibilities for an
323 extended period of time. Such employees may be used for a maximum of 180 calendar
324 days or the length of time the incumbent is unable to perform the job responsibility,
325 whichever is less.
326
- 327 (e) *Contracting.* Any individual participating in the plan who contracts with the city or
328 represents any private enterprise that has a contract with an employer participating in
329 the plan must have a six-month separation from ~~their~~ **one's** effective date of retirement
330 if the individual is under 65. The city shall maintain, in a form prescribed by the human
331 resources director, a certification of the worker's status. The certification will be used
332 for a determination of the individual meeting the definition of eligible employees under
333 this section.
334

335 **Section 80-517 – Benefit assignment, transfer, etc.**
336

337 No participant or beneficiary under the plan shall assign, transfer, hypothecate, encumber,
338 commute, or anticipate any interest ~~he~~ **one** may have in payments, funds, or contracts under this
339 plan. No interest shall in any way be subject to any legal process, levy of execution, attachment,
340 or garnishment proceedings for the payment of any claim against the participant or any
341 beneficiary under the plan, nor shall any such interest be subject to the jurisdiction of any
342 bankruptcy court or insolvency proceedings.
343

344 **Section 80-518 – Contributions.**
345

346 (a) *Payroll deductions.*
347

- 348 (1) *Amount.* For each year, while a participant of the plan, a participant shall contribute,
349 by payroll deductions, an amount equal to 3½ percent of ~~his~~ **one's** average actual
350 monthly earnings as described in section 80-508—Amount of retirement benefits
351 (effective May 1, 1994). **The city shall provide the plan participants with an annual**
352 **statement of individual contributions.**
353
- 354 (2) *Employer contributions.* The city, pursuant to the provisions of section 414(h)(2) of the
355 United States Internal Revenue Code (26 USC 414(h)(2)), shall pick up and pay the
356 contributions which would otherwise be payable by the employee under this section.

357 The contributions so picked up shall be treated as employer contributions for purposes
358 of determining the amounts of federal income taxes to be withheld from the employee's
359 compensation.

360
361 (3) *Employee contributions picked up by city.* Employee contributions picked up by the
362 city shall be paid from the same source of funds used for the payment of compensation
363 to an employee. A deduction shall be made from each employee's compensation equal
364 to the amount of the employee's compensation picked up by the employer. This
365 deduction, however, shall not reduce the employee's compensation for purposes of
366 computing benefits under the retirement system pursuant to this ~~*~~division.

367
368 (4) *Employee contributions credited.*

369
370 a. Employee contributions shall be credited to a separate account within the
371 employee's individual account so that the amount contributed prior to the effective
372 date for the pickup of **the** employee's contributions may be distinguished from the
373 amounts contributed on or after the effective date.

374
375 b. The contributions, although designated as employee contributions, are being paid
376 by the employer in lieu of the contributions by the employee. The employee will
377 not be given the option of choosing to receive the contributed amounts directly
378 instead of having them paid by the employer to the retirement system.

379
380 (b) *City contributions.* The city shall make such contributions as necessary to meet the
381 requirements of the plan. Effective May 1, 1994, the city shall pick up the employee
382 contributions by a reduction in current earnings. Such picked up contributions shall be
383 treated as employer contributions in determining tax treatment under the Internal Revenue
384 Code; however, the contributions so picked up shall be included in earnings for purposes of
385 the plan. Participant contributions which are picked up shall be treated, for all purposes of
386 this plan, in the same manner as participant contributions made prior to May 1, 1994.

387
388 (c) *Other contributions.* The general employee pension plan board shall receive all
389 appropriations, contributions and interest allowances as may be received from time to time
390 by the city from the state or any other source, and designated specifically for employee
391 pensions.

392
393 (d) *Withdrawal from plan.* A member who withdraws from the general employee pension plan
394 for any reason, other than retirement, death or disability, may request ~~their~~ **one's**
395 accumulated contributions, plus five percent interest, be paid to them after such date of
396 withdrawal; provided, however, ~~their~~ **one's** contributions shall not be refunded to them
397 earlier than 90 days after receipt of ~~their~~ **one's** notarized application for the same.

398
399 (e) *Death of ineligible member.* Upon the death of a member not eligible to retire under any
400 provision of this division, ~~their~~ **one's** employee contributions shall be payable in a single
401 sum to ~~their~~ **one's** designated beneficiary or ~~their~~ **one's** estate if no designation has been
402 made.

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Section 80-519 – City paramedics transferred to county.

Notwithstanding any other provision of this division, all persons employed by the city as paramedics, who are transferred to the county emergency medical services department and who make a written election to remain in the city general employee pension plan, shall continue to be considered eligible employees within the meaning of the pension plan as long as ~~they one are~~ **is** employed by the county emergency medical services department. All benefits for any such paramedic shall be calculated as if the paramedic had remained a city employee during his employment with the county emergency medical services department.

Section 80-520– General employee pension plan board; established; duties.

There is hereby established a general employee pension plan board, the duties of which shall be to manage the general employee pension plan.

Section 80-521– Composition.

The general employee pension plan board shall consist of the following persons:

- (1) *Manager.* The city manager.
- (2) *City officials.* Two elected city officials who shall be appointed by the council president, subject to confirmation of a voting majority of the city council at its annual meeting.
- (3) ~~Participants. Three participants or retired participants of the plan who shall be elected by the participants and retired participants of the plan.~~
Participants. Three participants; active, retired, or vested members of the general employee pension plan who shall be elected by the active, retired, or vested members of the plan.
- (4) *Controller/treasurer.* The city controller/treasurer.
- (5) *Election.*
 - (a) Such election shall be for three-year staggered terms, beginning July 1 and ending June 30 three years later. A regular election for filling these positions will be held the third week of June each year.
 - (b) In the first week of April of each year, the city clerk shall notify those eligible to vote of the exact time and place of the election. ~~Any general employee pension plan member that is eligible to vote and appears on the listing of qualified voters who will be unable to appear at the polling place on the date and time of the election may cast his or her vote by absentee ballot in the general employee pension plan election for the following reasons: 1) armed forces, 2) public service,~~

3)- occupation, 4)- sickness, 5)- disability, 6)- religion, 7)- vacation, or 8)- residency outside of the Dover area which makes it infeasible to vote in person. Any active, retired, or vested member of the general employee pension plan who wishes to fill an expiring term or vacancy must submit one's name to the city clerk's office by the deadline determined by the city clerk.

(c) Any general employee pension plan member that is eligible to vote and appears on the listing of qualified voters who will be unable to appear at the polling place on the date and time of the election may cast his or her vote by absentee ballot in the general employee pension plan election for the following reasons: 1) armed forces, 2) public service, 3) occupation, 4) sickness, 5) disability, 6) religion, 7) vacation, or 8) residency outside of the Dover area which makes it infeasible to vote in person. Participants wishing to vote by absentee ballot must request an affidavit for absentee voting from the city clerk's office. Once the affidavit is returned, the city clerk shall send the participant an absentee ballot which must be completed and returned to the city clerk's office. Both the affidavit and the completed absentee ballot must be returned by the deadline determined by the city clerk.

(d) Persons appearing to vote shall present proof of identity. The identification shall be 1 or more of the following items that show the identity of the person: (1) A current driver's license or ID card; (2) A uniformed service ID card; (3) Another current photo ID issued by a government agency. The Election Officer shall then check the person's name against the voter list, and if that person is eligible to vote, have the person sign the voter list. If the Election Officer determines that the person is not eligible to vote in the election, the Election Officer shall refer the person to the city clerk. The city clerk, after hearing and considering evidence, shall determine whether to permit the person to vote. Upon making the decision, the city clerk shall appropriately annotate the voter list.

Section 80-522 – Term of office of members.

The term of office of each member of the general employee pension plan board, except the city controller/treasurer, city manager, and elected city officials, shall commence on the first day of the month following their election and continue for a period of three years or until their successor shall be elected and qualified.

Section 80-523 – Officers and ex officio members.

At its first meeting after each regular ~~The~~ general employee pension plan board election, the board shall elect a chairperson ~~and a vice chairperson who shall serve in the absence of the chairperson.~~ The Committee Chair's responsibilities include chairing the general employee pension board meetings, setting agendas, and facilitating communication with the board as needed. Only in the event of the absence of the chair will the vice chair assume these duties. The city controller/treasurer shall be the pension fund treasurer and ~~their~~ one's

494 bond shall cover all monies deposited with them.

495

496 **Section 80-524 – Vacancies.**

497

498 If a vacancy occurs in the offices of the general employee pension plan board, the vacancy
499 shall be filled for the unexpired term within 60 days and in the same manner as the office was
500 originally filled. Should a member of the pension plan board cease to be in the employ of the
501 city, other than by retiring **or being vested** in accordance with this division, ~~their~~ **one's** office
502 as a member of the board shall be declared vacant.

503

504 **Section 80-525 – Compensation of members.**

505

506 Members of the general employee pension plan board shall serve without compensation.

507

508 **Section 80-526 – Meetings.**

509

510 The general employee pension plan board shall make all rules as to the time and place of
511 meetings; and a majority of its membership shall be required to transact pension board business.
512 **The board shall meet on a quarterly basis to review investment performance but may meet**
513 **more frequently if needed. Meetings may be called by the chairperson, however, in the**
514 **absence of the chair, the vice chairperson may do so. The board will follow Robert's Rules**
515 **of Order as its parliamentary authority. The rules contained in the current edition of**
516 **Robert's Rules of Order Newly Revised shall govern the pension board in all cases to which**
517 **they are applicable and in which they are not inconsistent with any special rules of order**
518 **the board may adopt.**

519

520 **Section 80-527 – Powers.**

521

522 The general employee pension plan board, in administering the pension plan, shall have
523 the following powers in carrying out the purposes thereof:

524

525 (1) *Payment of funds.* To pay funds to those entitled to receive them. The
526 controller/treasurer shall sign all vouchers for the disbursements of the funds and shall
527 report to the general employee pension board all financial transactions ~~on an annual~~
528 ~~basis;~~ **when approved. Monthly cash receipts and expenditure reports will be**
529 **compiled into quarterly reports, which shall be provided in writing and presented**
530 **at the quarterly meetings.**

531

532 (2) *Purchase annuity contracts.* To purchase and pay the costs of group annuity contracts
533 from any insurance company for the benefit of participants;

534

535 (3) *Employment of agents, employees, etc.* To employ agents, employees, or experts to
536 assist the pension board in carrying out the provisions of this division, including an
537 agent to advise and make recommendations concerning the investment of funds, and to
538 pay reasonable compensation for those services, and the compensation may be paid
539 from income or corpus of the pension fund or by direct appropriation by the city council

540 as the pension board and the city council may determine;

541
542 (4) *Investments.* To invest and reinvest money in the pension fund, without any limitation,
543 in United States or state municipal bonds or group annuity contracts. Money in the
544 pension fund may also be invested and reinvested in other types of bonds, stocks, and
545 securities to the extent the pension board may deem best and as is not prohibited by
546 any law now or hereafter in force limiting the investments of the trustees. The pension
547 board may from time to time change the investments of the fund and, to this end, may
548 make sales of any investment privately, without advertisement and without the
549 necessity of any court order, upon the terms that the pension board deems proper. The
550 funds and investments may also be from time to time turned over to and placed in the
551 custody of any fiscal agent designated by the pension board;

552
553 (5) *Contracts.* To generally contract in matters relevant to effectuating and achieving the
554 purposes of this plan;

555
556 (6) *Pension benefits.* To receive and pay out pension benefits in accordance with the
557 provisions of this division, or designate a fiscal agent to receive and pay out the pension
558 benefits;

559
560 (7) *Rules and regulations.* To make rules and regulations as may be necessary to effectuate
561 this subdivision.

562
563 **Section 80-528 – City solicitor to render legal services.**

564
565 The city solicitor shall render whatever legal service the general employee pension plan
566 board shall require.

567
568 **Section 80-529 – Appeals.**

569
570 Any employee dissatisfied with the action of the general employee pension plan board shall
571 have the right to appeal to the city council within 30 days from the date of formal notification of
572 that action.

573
574 ADOPTED: *

575
576 Action History

577 04/09/2024 – Introduction at Council Committee of the Whole – Legislative, Finance, and Administration