COUNCIL BILL NO. 2016-516 ORDINANCE NO.

AN ORDINANCE amending the Policemen's and Firemen's Pension Plan of the City of Joplin, Missouri as adopted January 5, 2009, effective January 31, 2009, and amended September 24, 2012, May 1, 2013, January 21, 2014 and December 7, 2015, providing for certain language changes to Section 1.11, Compensation; and containing an emergency clause.

WHEREAS, the Policemen's and Firemen's Pension Plan was last amended on December 7, 2015 by Ordinance Number 2015-210 to make various language changes to comply with the Internal Revenue Code; and

WHEREAS, the Board of Trustees of the Policemen's and Firemen's Pension Plan of the City of Joplin, Missouri submitted to the qualified Plan Participants the question as to whether a certain amendment should be made to the Plan; and,

WHEREAS, of the 196 active and 120 retired Pension Policemen and Firemen, 162 voted in favor of the Plan amendment, and 3 voted against the proposed Plan amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Section 1.11 of the Policemen's and Firemen's Pension Plan of the City of Joplin, Missouri is hereby amended to read as follows:

1.11 COMPENSATION

shall mean amounts paid by the City which constitute regular wages, longevity pay, stipends, overtime pay, sick pay, vacation pay, compensable time pay, amounts deferred pursuant to Section 457 of the Code and employee salary reduction amounts contributed pursuant to Section 125 of the Code to the City's Flexible Benefits Plan. Compensation shall also include payments made by the City's authorized Third Party Administrator for lost wages as a result of worker's compensation related injuries limited to the Participant's regular base salary. Clothing and Cell Phone allowances shall not qualify as Compensation.

For all purposes under the Plan, a Participant's compensation from the City shall be disregarded to the extent it exceeds the limit of Section 401(a)(17) of the Code.

If a determination period consists of fewer than 12 months, the annual compensation limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period, and the denominator of which is 12.

Notwithstanding any other provision in the Plan, each Section 401(a)(17) employee's benefit under this Plan will be the greater of:

(A) the Employee's benefit as of the last day of the Plan Year ending December 31, 1993, frozen in accordance with Section 1.401(a)(4)-13 of the regulations, or
(B) the Employee's benefit determined with respect to the benefit formula applicable for the Plan Year beginning January 1, 1994, as applied to the Employee's total years of service taken into account under the Plan for purposes of benefit accruals.

A Section 401(a)(17) employee means an Employee whose current Accrued Benefit as of a date on or after January 1, 1994, is based on Compensation for a year beginning prior to January 1, 1994, that exceeded $150,000.

Section 2. This Ordinance is declared by the City Council to be an emergency within this meaning of Section 2.12, subparagraphs (1) and (4), of the Home Rule Charter of the City of Joplin, Missouri, in that said Ordinance updates the definition of compensation in the Policemen's and Firemen's Pension Plan of the City of Joplin, Missouri and as such shall become effective immediately upon its passage.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, THIS _____ day of _____, 2016, by a _____ vote.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney