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Sponsored by: Chiles, Compton  
Burlison, Rush

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL NO. 2009 - 253

GENERAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AMENDING Chapter 2, Administration, Article VI, Finance, Division 4, Policemen's and  
2 Firemen's Pension Plan, Section 2-444(a), Board of Trustees established;  
3 membership; election of members; Section 2-445, Officers of Board of  
4 Trustees; Section 2-454, Legal Advisor of Board of Trustees; and  
5 establishing effective dates for said amendments.  
6  
7  
8  
9

\_\_\_\_\_

10 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as  
11 follows:  
12

13 Section 1 - That Chapter 2, Article VI, Division 4, Policemen's and  
14 Firemen's Pension Plan, Section 2-444(a), set out below, is hereby amended as follows:  
15

16 Sec. 2-444(a). Board of trustees established; membership; election of members.  
17

18 (a) There is hereby created a board to be known as the Board of Trustees of the  
19 Police Officers' and Fire Firefighters' Retirement Fund of the City of Springfield,  
20 Missouri. The Board of Trustees shall consist of ~~two participants~~ **one participant**  
21 employed by the police department, ~~two participants~~ **one participant** employed by the  
22 fire department, ~~the Director of Finance, the Director of Human Resources, a designee~~  
23 ~~of the City Manager, one former participant who is currently receiving benefits from the~~  
24 ~~system, and three~~ **five** citizen members, which shall be recommended by the City  
25 Manager and approved by the City Council. **Two of the citizen members shall be**  
26 **from the professional community in the areas of banking, financial management,**  
27 **or investment management. One citizen member shall be from the professional**  
28 **community in the areas of accounting, actuarial analysis, or auditing. One citizen**

29 member shall be from the medical profession with the background or training as  
30 an RN, BSN, MSN, M.D. or D.O., as well as a preferred expertise in the field of  
31 worker's compensation or disability determinations. One citizen member shall be  
32 from the legal profession and engaged in the active practice of law.

33  
34 (b) In addition to the above members, there shall be three non-voting  
35 members of the Board, as follows:

- 36  
37 1. One former participant who is currently receiving benefits from the  
38 system, who shall be elected and serve as set out below;  
39 2. One member from City Staff, who shall be designated by the City  
40 Manager; and  
41 3. A City Council member to be appointed by the Mayor as a liaison  
42 between the City Council and the Board, whose duties shall include  
43 the following:
- 44 i. Act as City Council's liaison to the Board.
  - 45 ii. Attend Board meetings.
  - 46 iii. Submit an annual report to City Council on the activities,  
47 actuarial information, and fund performance of the retirement  
48 system.
  - 49 iv. Provide input to the Board regarding Council priorities/policies  
50 related to retirement system issues.
  - 51 v. Attend related training, seminars and conferences to stay  
52 abreast of retirement system issues.
  - 53 vi. Coordinate legislation and/or retirement system changes with  
54 the appropriate Council committee.
  - 55 vii. Such other duties as assigned by the City Council.
- 56

57 ~~to be chosen from the professional community in the areas of law, accounting,~~  
58 ~~financial management, investment management or actuarial analysis. The mayor shall~~  
59 ~~also be authorized to appoint a city council member to act as a liaison between the~~  
60 ~~board of trustees and the council, who shall have no vote on the board of trustees, but~~  
61 ~~whose duties shall include the following:~~

- 62 ~~(1) Acts as city council's liaison to the board.~~  
63 ~~(2) Attend board meetings as desired or requested.~~  
64 ~~(3) Submit an annual report to city council on the activities, actuarial information, and~~  
65 ~~fund performance of the retirement system.~~  
66 ~~(4) Provide input to the board regarding council priorities/policies related to~~  
67 ~~retirement system issues.~~  
68 ~~(5) Attend related training, seminars and conferences to stay abreast of retirement~~  
69 ~~system issues, as desired or requested.~~

70 ~~(6) Coordinate legislation and/or retirement system changes with appropriate council~~  
71 ~~committee.~~

72 ~~(7) Such other duties as assigned by the city council.~~

73 (b) The board members of the police and fire departments, respectively, shall be  
74 elected by the employees thereof, such election to be held within the respective  
75 departments for five consecutive days, beginning on the first Monday in December of  
76 each year, for terms of two years. ~~Said elections shall be staggered such that one fire~~  
77 ~~and one police participant shall be elected each year, with the board to determine the~~  
78 ~~process by which the initial stagger of the election terms occurs.~~ Such election shall be  
79 held by secret ballot. The board shall determine the procedure for nomination of  
80 candidates, for distributing, or otherwise making ballots available to participants in the  
81 police and fire departments, for the casting of the ballots, and for the collection of such  
82 ballots after voting. The ballot boxes and ballots shall be placed at locations and in  
83 sufficient number as will accommodate the participants in each department and their  
84 respective working schedules as determined by the board, but shall include at least one  
85 ballot box at each of the following locations: 4 the police headquarters building and the  
86 south-side combined police and fire station, in their respective main lobby areas. The  
87 **non-voting** member, who is a former participant, shall be elected for a two-year term by  
88 a vote of all former participants and surviving spouses of deceased former participants  
89 who are receiving benefits from the system in accordance with the provisions set forth in  
90 this section, provided that no such beneficiary shall be entitled to more than one vote,  
91 and further provided that the board shall establish procedures for absentee or mail-in  
92 ballots for former participants and surviving spouses.

93 (c) Except as otherwise stated in this ordinance, the qualifications, terms,  
94 restrictions, appointment, confirmation and removal of the ~~three~~ **five** citizen members of  
95 the board appointed by the City Manager and confirmed by the City Council shall be the  
96 same as described in Article XV of the City Charter generally for members of  
97 administrative boards established under said article, except that, such citizen members  
98 shall not be required to be residents and qualified voters of the city either prior to or at  
99 the time of their appointment, or during their membership on the board. If a citizen  
100 member is not a resident of the city at the time of his appointment, the location of his  
101 professional business office or his employer shall be within the city at the time of his  
102 appointment. The City Manager will notify the ~~chairman~~ **President** of the Board of  
103 Trustees in writing of the names of persons he intends to appoint to the Board not less  
104 than ten days prior to a regularly scheduled meeting of the Board, and said regular  
105 meeting of the Board shall be prior to the date of the submission of the appointment to  
106 the City Council. The City Manager may also appoint or reappoint one or more of these  
107 Board members for terms of less than three years, so that the expiration of the  
108 appointed Board members' terms are staggered such that no more than one appointed  
109 Board member's term expires in any given year; provided that any appointed member  
110 appointed or reappointed to a shortened term for this purpose shall be eligible for  
111 reappointment to serve two full terms. An appointed member may also be subject to  
112 removal by the City Manager, in his sole discretion, if the member fails to attend three or  
113 more regularly scheduled monthly board meetings in a 12-month period during the  
114 member's term.

115 (d) Elected Board members shall serve until their successors are elected and  
116 qualified. Appointed members shall also serve until their successors are duly appointed  
117 and confirmed. If an elected Board member fails to serve a full term, a special election  
118 to fill the vacancy shall be called after at least 15 days notice, on the first Monday of the  
119 next succeeding month thereafter. Voting shall be according to the same procedures  
120 applicable to regularly called ~~board meetings~~ **Elections.**

121 (e) Notwithstanding anything herein to the contrary, no special election shall be  
122 called if, after notice, the first Monday of the next succeeding month would fall in the  
123 month of November.

124 (f) In the event the Board determines by an affirmative vote of five or more of its  
125 members that any elected member has an actual or apparent conflict of interest such  
126 that the said member cannot reasonably perform his duties in an appropriate manner,  
127 and said member fails or refuses to take such action to purge himself of the conflict after  
128 such finding, the Board may act by an affirmative vote of five or more of its members to  
129 remove said member as a member of the Board, and the seat shall be declared vacant  
130 and a new election for the seat shall be held. In such event, the unseated member may  
131 submit an appeal of the removal within ten days to the secretary of the Board, who shall  
132 arrange for a hearing examiner to review and determine the issue of the conflict of  
133 interest and the appropriateness of the Board's removal action. The hearing examiner  
134 shall conduct the hearing pursuant to the procedures set out in Section 2-449(c) and  
135 shall review the facts and the action taken in light of the applicable law, relevant City  
136 Charter and City ordinance provisions, and City custom and practice regarding conflict  
137 of interest issues. The decision of the hearing examiner upon the nature and extent of  
138 the conflict of interest shall be final upon the Board and the member.

139  
140 NOTE: **Bolded** language has been added, and ~~stricken~~ language has been deleted.

141  
142 Section 2 - That Chapter 2, Article VI, Division 4, Policemen's and  
143 Firemen's Pension Plan, Section 2-445, set out below, is hereby amended as follows:

144  
145 Sec. 2-445. Officers of board of trustees.

146  
147 **(a)** The President of the Board of Trustees shall be ~~a designee of the City Manager~~  
148 **elected by a majority vote of the voting members of the Board of Trustees**  
149 **to a term of one year. No person may serve more than 2 consecutive terms**  
150 **as President.** The Board of Trustees shall, by a majority vote of its members,  
151 elect a Secretary, who may, but need not, be one of its members. The Director of  
152 Finance shall be Treasurer of the Board.

153  
154 **(b)** **The Board of Trustees may also hire a full or part-time director to handle**  
155 **the daily duties associated with administering the Fund and related**  
156 **obligations, as may be determined by the Board. This position, if hired,**  
157 **shall be completely funded from the Fund.**

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159  
160 NOTE: **Bolded** language has been added, and ~~stricken~~ language has been deleted.

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163 Section 3 - That Chapter 2, Article VI, Division 4, Policemen's and  
164 Firemen's Pension Plan, Section 2-454, set out below, is hereby amended as follows:

165  
166 Sec. 2-454. Legal advisor of board of trustees.

167  
168 The City Attorney or Assistant City Attorney shall act as legal advisor of the Board.  
169 **Alternatively, the Board may retain independent legal counsel to provide legal**  
170 **advice and representation to the Board and its staff. All fees, costs and expenses**  
171 **of the independent legal counsel shall be paid solely from the Fund.**

172 ~~In the event of a legal conflict, or for other reasons as may be jointly determined~~  
173 ~~appropriate by the board and the city attorney, the city attorney, with the advice and~~  
174 ~~recommendation of the board, may also retain special or additional counsel to advise or~~  
175 ~~represent the board's interests.~~

176  
177 NOTE: **Bolded** language has been added, and ~~stricken~~ language has been deleted.

178  
179  
180 Section 4 – (a) The City Council finds and declares that this ordinance  
181 constitutes an emergency because it pertains to the immediate preservation of public  
182 property. Therefore, except where an effective date is otherwise designated in this  
183 ordinance or in subsection (b) below, this ordinance shall be in full force and effect from  
184 and after passage.

- 185  
186 (b) (1) The terms of the additional voting citizen Board positions created by this  
187 ordinance shall commence on and after January 1, 2010.  
188 (2) The termination of the current City staff member Board positions, and the  
189 appointment of the City staff member position created by this ordinance,  
190 shall be effective on and after January 1, 2010.  
191 (3) The change in voting status of the Board member, who is a former  
192 participant and receiving benefits from the system, shall be effective on  
193 and after January 1, 2010.  
194 (4) The police and fire department employee Board member positions with  
195 terms ending in December 2009, shall terminate as of December 31,  
196 2009. The remaining police and fire department employee Board  
197 positions shall continue to be elected as described in the ordinance.

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201 Passed at meeting: \_\_\_\_\_

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\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_, City Clerk

Filed as Ordinance: \_\_\_\_\_

Approved as to form:  \_\_\_\_\_, City Attorney

Approved for Council action:  \_\_\_\_\_, City Manager

N:\SHARE\JULIETA\ DAN WICHMER\ POLICE FIRE PENSION PLAN ORD-SEC. 2-444.

Affected Agcy. Notified \_\_\_\_\_  
Emergency Required \_\_\_\_\_  
P. Hrngs. Required \_\_\_\_\_  
Fiscal Note Required \_\_\_\_\_  
Board Rec. Required \_\_\_\_\_

EXPLANATION TO COUNCIL BILL NO. 2009 - 253

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To recommend a new Board structure for the Police Officers' and Fire Fighters' Pension Plan.

BACKGROUND: Chapter 2, Administration, Article VI, Finance, Division 4, Police Officers' and Firefighters' Pension Plan, Section 2-444 (a) established the Board of Trustees and its membership.

The Police-Fire Pension Fund Citizens' Task Force (Task Force), in their report to City Council, made a recommendation for restructuring the Police and Fire Pension Board (Board). Their recommendation was then referred to the City Council Plans and Policies Committee for the purpose of review and study that would lead to a proposal to City Council for a recommended structure of the Board. The recommendation of the Task Force included the following two alternatives:

Alternative #1

- 11-member Pension Board, consisting of 3 citizens, 1 City Council member, 1 City Human Resource Department representative, 1 City Finance Department representative, 2 active Police employee representatives, 2 active Fire employee representatives, and 1 Police or Fire retiree representative
- Chair elected by Pension Board and to serve 1-year term

Alternative #2

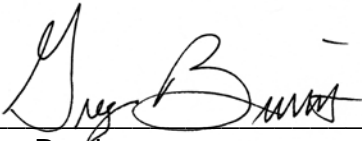
- 7-member Pension Board, consisting of 5 citizens, 1 active Fire employee, 1 active Police employee
- Citizen members will be appointed by the City Manager and approved by City Council
- Pension Board will hire their own independent legal counsel
- At least 1 City staff member should serve as a non-voting liaison between the Pension Board and the City Manager
- Pension Board should have the authority to hire a director to handle the daily duties of the pension fund

## REMARKS

The Plans and Policies committee studied both proposed alternatives and is recommending the following Board structure and authority to hire an executive director at their discretion:

- 7-member Pension Board, consisting of 5 citizens, 1 active Fire employee, 1 active Police employee
- 3 non-voting members, consisting of a City Council member appointed by the Mayor, a city staff member designated by the City Manager, and a former participant who is currently receiving benefits from the system and elected by members currently receiving benefits
- Citizen members will be appointed by the City Manager and approved by City Council
- Pension Board shall, at their discretion, have the authority to hire a director to handle the daily duties of the pension fund and their own independent legal counsel as needed

Submitted and Approved by:

A handwritten signature in black ink, appearing to read "Greg Burris", written over a horizontal line.

Greg Burris  
City Manager