

ORDINANCE NO. 8169

AN ORDINANCE CREATING THE EMPLOYEE RETIREMENT SYSTEM OF OKLAHOMA CITY; DEFINING TERMS THEREOF; CREATING A BOARD OF TRUSTEES TO ADMINISTER FUND; PROVIDING FOR PERMISSIVE CONTRIBUTIONS BY CITY; PROVIDING FOR RETIREMENT, DISABILITY AND DEATH AND SURVIVOR BENEFITS; DECLARING THE FUNDS TO BE EXEMPT FROM LEGAL PROCESS; REPEALING ALL ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY:

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. There is hereby authorized and created The Employee Retirement System of Oklahoma City, Oklahoma, for the purpose of inducing more meritorious and permanent service among employees.

SECTION 2. Definitions. The following words and phrases as used in this ordinance, unless a different meaning is plainly implied by the context, shall be the following meanings:

- (a) "Retirement System" shall mean The Employee Retirement System of Oklahoma City, Oklahoma.
- (b) "Employee" shall mean any official or employee of any department of The City of Oklahoma City, whether governmental or proprietary in nature, whose employment is of a permanent nature, provided that elected officials are specifically excluded from the definition "employee", and provided further that members of the Police and Fire Departments who are covered by other pension and retirement systems, and seasonal and part time employees, are specifically excluded from the definition, "employee." Provided further that any person classified as a temporary employee, after serving twelve consecutive months in the employ of The City of Oklahoma City, shall be included in the definition "employee."
- (c) "Elected Officials" shall mean any officer duly elected by the citizens of The City of Oklahoma City.
- (d) "Average final compensation" shall mean the average earned compensation of the employee during his last sixty months of service as an employee, or if he has had less than sixty months of service, then the average earned compensation of his entire period of service.
- (e) The male personal pronoun as used herein shall refer to both male and female employees.

SECTION 3. Management. For the purpose of managing and administering the Employee Retirement System, there is hereby created a Board of Trustees which shall be known as the Board of Trustees of the Employee Retirement System of Oklahoma City, Oklahoma.

SECTION 4. Board of Trustees - Membership. The Board of Trustees shall be composed of Nine (9) members, of which four (4) employees or department heads shall be appointed by the City Council from the various departments and said members may be removed at any time by the City Council. The City Clerk shall be a member of the Board and shall act as the Clerk and Secretary of the Board. The City Auditor shall be a member of the Board. The three (3) other employees of the City of Oklahoma City who shall be elected in the manner hereinafter provided, shall complete the Board membership. Provided the City Treasurer shall serve as an ex officio member of the Board and shall act as the Treasurer of the retirement system.

SECTION 5. Board of Trustees - Election. Within thirty days after the adoption of this ordinance, the employees of The City of Oklahoma City shall elect by ballot three (3) members to serve on the Board of Trustees, one of whom shall serve for a term of one year; one of whom shall serve for a term of two years; and one of whom shall serve for a term of three years; and thereafter the employees of The City of Oklahoma City shall each year elect by ballot one of their fellow employees to serve for a term of three years upon the said Board of Trustees.

SECTION 6. Board of Trustees -Vacancy. If at any time a vacancy occurs in the Board of Trustees, the vacancy shall be filled for the unexpired term in the same manner that the office was previously filled.

SECTION 7. Board of Trustees -Organization. As soon as the personnel of the Board of Trustees is completed as provided herein, it shall meet and choose a Chairman from its members. The said Chairman shall serve as such for a term of one year or until his successor is elected. One year from the date of the first organization meeting and each year thereafter, the Board of Trustees shall elect a Chairman from its members. In the event any Chairman ceases to be a member of the Board of Trustees, the Board of Trustees shall elect from its members a Chairman to serve the unexpired term. The Secretary shall report

annually at the time of the election of officers of the Board of Trustees, the condition of the Employee Retirement System, the receipts and disbursements thereof together with a full and complete list of the beneficiaries of funds in the said system and the amount paid such beneficiaries.

SECTION 8. Board of Trustees - Duties. The Board of Trustees shall hold monthly meetings on the first Monday of each month, and upon the call of its Chairman, and at such other times as the Chairman deems necessary. A majority of the members of the Board may call a meeting at any time with or without consent of the Chairman. The Board shall issue orders signed by the Chairman and Secretary to the persons entitled thereto of the amount of money ordered paid to such persons from the funds of the Employee Retirement System, which order shall state for what purpose such payment is to be made. It shall keep a record of its proceedings, which record shall be a public record; it shall at each monthly meeting furnish the City Treasurer a written list of all persons entitled to payment out of the funds showing the purpose for which such payment is to be made, which list shall be certified to and signed by the Chairman and Secretary and attested under oath. The City Treasurer shall thereupon enter a copy of the said list upon the book to be kept for such purposes and which book shall be known as "The Employee Retirement System Book," and the said Board of Trustees shall direct payments of the amounts named therein to the persons entitled thereto out of such funds. The majority of all the members of the Board of Trustees shall constitute a quorum and shall have power to transact business provided that no funds of the Employee Retirement System shall ever be disbursed for any purpose except upon a vote of a majority of all the members of the Board of Trustees, which vote shall be taken by "Yeas" and "Nays," and the vote of each member so voting shall be entered upon the proceedings.

SECTION 9. Board of Trustees, General Powers. The Board of Trustees shall, in addition to other powers herein contained, have power to:

- (a) Compel the attendance of witnesses and administer oaths.
- (b) Provide for payment of all necessary expenses, including actuarial and necessary services, provided that no compensation shall be made to the members of the Board.
- (c) Formulate rules and regulations needed for its guidance in conformity with the provisions of this ordinance.
- (d) Invest and reinvest any funds of the system subject to the restrictions imposed by law upon life insurance companies in the State of Oklahoma; the trustees shall have the power to purchase and sell all securities and investments, provided that the proceeds are used for the purpose of meeting disbursements for retirement pay and other payments as herein authorized, or for the purpose of reinvesting the funds in a more desirable manner, as heretofore provided. There shall be kept available cash of at least ten percent (10%) of the total amount of the funds of the Employee Retirement System.
- (e) Receive and administer in accordance with the provisions of this ordinance any gifts or donations to the Employee Retirement System.

SECTION 10. Duties of the City Treasurer. All monies provided for the Employee Retirement System shall be paid over to and received by the City Treasurer for the use and benefit of the Employee Retirement System, as a trust fund.

SECTION 11. Municipal Counselor. The Municipal Counselor shall be the legal advisor of the Board of Trustees and shall appear on behalf of the Board of Trustees in all suits brought by or against the Board of Trustees.

SECTION 12. Appropriations. The City of Oklahoma City may appropriate a sum annually and pay into the retirement fund, when available, not to exceed ten percent (10%) of the annual salaries of its employees covered by the plan or system. Any appropriation so made by the City shall be for deferred wages.

SECTION 13. Retirement Pay to Employees. There shall be paid to employees who are eligible to retire as herein provided retirement pay equal to one-third (1/3) of the average final compensation as

herein defined, provided that in no event shall said retirement pay exceed the amount of \$175.00 per month. In order for an employee to be eligible for such retirement pay, his services with The City of Oklahoma City must have ceased. The employee must have attained the age of 65 years if male or 60 years if female. The employee must have served for a period of at least five (5) years with The City of Oklahoma City, and the last five (5) years of such service shall have been consecutive immediately preceding such retirement.

If an employee has served twenty (20) years and has otherwise qualified hereunder, he shall be entitled to receive full retirement pay as herein provided. If any employee has attained retirement age and has served less than twenty (20) years, he shall receive a fraction of the pension that he would otherwise be entitled to receive at the rate of 1/20th of the entire pension for each year or fraction thereof he has served. If any employee has served the necessary number of years and is otherwise eligible to retire as provided by this ordinance except that he has not attained the age of 65 for male and 60 for female, if he be discharged, then at the age of 65 for male or 60 for female, the employee shall be eligible for retirement pay as provided herein. When an employee reaches the age of 72 years, he must retire.

SECTION 14. Disability Allowances. If, at any time after becoming a member of the Retirement System, an employee is injured in the line of duty with The City of Oklahoma City, the Board of Trustees is hereby authorized and empowered to pay out of the funds in the Employee Retirement System, a disability allowance to said employee in an amount equal to one-third (1/3) of the average final compensation of such employee, but in no event to exceed \$175.00 per month. After an employee, regardless of age, has served in the service of the City for 15 years, and is disabled from cause arising not in the line of duty, the Board of Trustees is hereby authorized and empowered to pay out of the funds in the Employee Retirement System, a disability allowance to an eligible employee as herein provided in an amount equal to one-third (1/3) of the average

final compensation of such employee, but in no event to exceed \$175.00 per month. Provided such payments shall not exceed 1/20th of the retirement pay the employee would otherwise be entitled to for each year he has served in the service of The City of Oklahoma City. Provided, the provisions of this section shall not apply if employee is disabled while serving in the Military Service of the United States of America or is disabled while engaging in gainful employment of an employer other than the City of Oklahoma City and such employer provides workmen's compensation or other compensation that covers the disability. Such disability allowance shall commence on the first day of disability which is in excess of the time that said employee remains on the payroll of the City under the personnel policy resolutions regarding sick leave. Said allowance shall cease when the employee receiving same shall be restored to active service at a salary greater than said allowance. In order for an employee to be eligible for such disability allowance, the Board of Trustees must find that he is unable to continue in the service of the City. The Board of Trustees shall also require a certificate as to such disability from the City Physician and the Board of Trustees may require other evidence of disability before making such disability allowance.

SECTION 15. Examination. Any employee retired for disability, as herein provided, may be summoned before the Board of Trustees to submit himself to such Board or the City Physician to be examined as to his fitness for duty; and if found to be able to return to duty by said Board, in a capacity drawing a salary as heretofore provided, said employee shall not be entitled to any further money from the fund of the Employee Retirement System, but may be returned to active duty, unless at such time he has otherwise qualified for a retirement allowance.

SECTION 16. Account to be non-fiscal. The account of the Employee Retirement System shall be a non-fiscal account and it is hereby provided that there is no mandatory requirement upon the part of the City to make any contribution whatsoever for the benefit of said system.

SECTION 17. Death of Employee - Retirement Benefits to Spouses

and Children. In the event of the death of any employee who has been awarded retirement pay and has received said retirement pay for less than 60 months, or if the employee had not been awarded retirement pay but was eligible therefor, as provided herein, the spouse of such deceased employee shall be paid an amount not to exceed 100% of said retirement pay; provided, however, that the payments to a spouse shall not exceed 60 monthly payments, and provided further that the combined monthly payments to the deceased employee and spouse shall not exceed 60 monthly payments.

In the event of death or marriage of the spouse, his retirement benefits shall cease and the monthly payments, not to exceed 100% of said retirement pay, shall be divided equally among the children of the deceased employee, if there be any, and said payments shall continue until the same shall have married or attained the age of 18 years. Provided that the combined monthly payments made to the deceased employee, his spouse, and his children shall not exceed 60 monthly payments.

The above provisions shall not be construed as limiting the retired employee's payments as long as he shall live.

In order for a spouse to receive such retirement benefits, as is herein provided, he must have been the spouse of the deceased employee and living with said employee at the time of the employee's retirement, or death if the employee has not retired but is eligible therefor, and at least 5 continuous years prior thereto and not have deserted or abandoned said employee. Children adopted by an employee after his service retirement are excluded from retirement benefits under this ordinance.

SECTION 18. Insufficient Funds Proration. In the event the funds in the Employee Retirement System are insufficient to make full payment in the amount of retirement benefit allowances to all persons entitled thereto, then said funds shall be prorated among those

entitled thereto as the Board of Trustees may deem just and equitable.

SECTION 19. Determining Length of Service. In determining length of service for the purpose of retirement, the annual vacation allowed employee and such time as by personnel resolutions may be allowed for sick leave with pay shall not be deducted and each employee for the purpose of determining length of service for retirement purposes shall be entitled to full credit for such times that such employee may have been on his annual vacation or on sick leave with pay as provided by the personnel resolutions, and in determining length of service for purpose of retirement, no credit shall be given for any time said employee shall have been absent without pay either with or without leave.

SECTION 20. Exemption from Legal Process - Assignment Prohibited. No portion of any of the funds of the Employee Retirement System shall either before or after any order is made by the Board of Trustees for payment to any person entitled to retirement pay or allowance, be held, seized, taken, subjected to, or detained or levied on by virtue of any garnishment, attachment, execution, injunction or other order or decree or any process or proceeding whatever issued out of or by any court of this State for the payment or satisfaction in whole or in part of any debt, damage, claim, demand, or judgment against any such person entitled to payment, nor shall said payments or any claim thereto be directly or indirectly assigned and any attempt to assign or transfer the same shall be void. The fund shall be sacredly held in trust.

SECTION 21. Military Service. Any employee who leaves the service of the City by reason of being impressed into the Military Service of the United States of America may receive credit for such time in the Military Service as active service with the City. Provided that he return to the service of the City within 60 days after his discharge from the military service. Provided further that the employees return to the service of the City shall be conditioned on his physical and mental ability to perform services for the City.

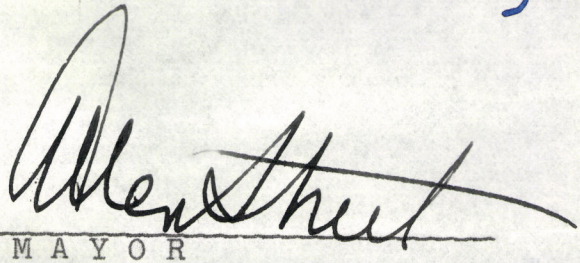
SECTION 22. This Ordinance shall not become effective or be enforced until July 1, 1958.

SECTION 23. REPEAL. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 24. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health and safety of Oklahoma City, and the inhabitants thereof, that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist, by reason whereof this ordinance shall take effect and be in full force from and after its passage, as provided by law.

PASSED by the Council of The City of Oklahoma City this 21st day of January, 1958.

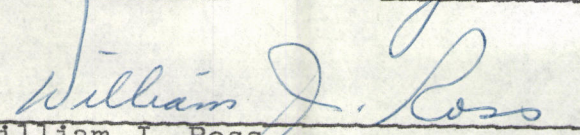
APPROVED by the Mayor of The City of Oklahoma City this 21st day of January, 1958.

  
MAYOR

ATTEST:

  
City Clerk

APPROVED as to form and legality this 20th day of Jan., 1958.

  
William J. Ross  
Ass't Municipal Counselor