

ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1217

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and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.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

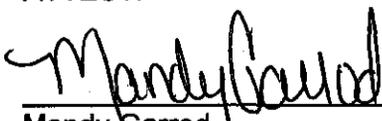
PASSED AND APPROVED THIS 3RD DAY OF JUNE 2014.

CITY OF LA VISTA, NEBRASKA



Douglas Kindig, Mayor

ATTEST:



Mandy Garrod
Deputy City Clerk

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~~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.

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— (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 3 day of June, 2014.

CITY OF LA VISTA, a Nebraska municipality

By: Rita M. Ramirez
Rita Ramirez, Assistant City Administrator

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