

# ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

## ORDINANCE NO. 1025

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO PROVIDE VEHICLES FOR PAID FIREFIGHTER RETIREMENT BENEFITS; TO ESTABLISH A FIREFIGHTERS RETIREMENT PLAN AND TRUST; TO APPOINT ICMA – RETIREMENT CORPORATION TO PROVIDE SERVICES FOR THE PLAN; TO APPOINT INVESTOR'S BANK AND TRUST COMPANY AS TRUSTEE OF THE PLAN; TO AUTHORIZE PAID FIREFIGHTER PARTICIPATION IN THE LA VISTA SUPPLEMENTAL 457 PLAN; TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE DOCUMENTS AND TAKE FURTHER ACTIONS; AND TO PROVIDE FOR 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 16-1020 through and including 16-1042, the Mayor and City Council desire to establish a retirement plan for paid firefighters as may be hired from time to time by the City of La Vista. For this purpose, there has been prepared a proposed retirement plan and trust embodied in an instrument entitled "Adoption Agreement" to which is attached as an integral part thereof the "Basic Municipal Employees Plan and Trust Agreement" (together referred to herein as "Agreements"); which Agreements have been reviewed by legal counsel for the City and are presented at this meeting.

SECTION 2. Subject to acceptance by the Trustee, the City does hereby approve and adopt said Agreements as a retirement plan and trust agreement for employees of the City employed as paid firefighters, to be known as the "City of La Vista Firefighters Retirement Plan and Trust" ("Plan"), and hereby makes the designations and elections with respect to said Plan as indicated in said Agreements to be effective with respect to all contributions, service, benefits and rights accruing on or after the date that said Agreements are executed by the City and the Trustee.

SECTION 3. The Mayor is hereby authorized and directed to execute said Agreements on behalf of the City and to present the same to the Trustee for its written acceptance. Upon obtaining such written acceptance, the City Administrator is hereby authorized to cause said Agreements to be submitted, together with such supporting data as may be necessary, 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 the designations and elections under said Agreements which may be necessary, proper or desirable in order to obtain a favorable ruling, if the City Administrator determines that such a ruling shall be obtained.

SECTION 4. The current service provider for the City's retirement plans, ICMA – Retirement Corporation, is hereby appointed to provide or make arrangements for all investment, record keeping, administration and other services as necessary or appropriate for the Plan pursuant to the Administrative Services Agreement currently in effect between the City and ICMA. The City Administrator is hereby authorized and directed to prepare and execute any amendment to said Administrative Services Agreement or other documents as necessary or appropriate to provide for such services for the Plan.

SECTION 5. Investor's Bank and Trust Company is hereby appointed Trustee of the Plan and, upon the Trustee's acceptance of appointment, said Trustee is hereby authorized and directed to carry out the duties and responsibilities of trustee, subject to all applicable laws, rules, regulations, the Agreements and any other applicable documents.

SECTION 6. Paid firefighters of the City also shall be eligible to participate in the City of La Vista, Nebraska Supplemental 457 Plan along with other employees and elected officials of the City (with the exception of the City Administrator and Assistant City Administrator who participate in the La Vista City Administrator 457 Plan).

SECTION 7. The Mayor, City Clerk and other proper officers, officials or employees of the City are hereby authorized to take all further actions as are necessary or appropriate to carry out the actions approved in this Ordinance.

SECTION 8. 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

# ORDINANCE RECORD

No. 728-REDFIELD & COMPANY INC., OMAHA

Ordinance No. 1025

or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**SECTION 9.** 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 APRIL 2007.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC  
City Clerk