

ORDINANCE NO. 1106

AN ORDINANCE AMENDING SECTIONS 2-6 TO MODIFY MEMBERSHIP OF THE POLICEMEN'S PENSIONS BOARD AND 2-5 TO ALLOW PAST INCONSISTENT CONTRIBUTIONS TO THE MONEY PURCHASE PLAN OF THE FORT MORGAN POLICE DEPARTMENT UNDER THE CODE OF THE CITY OF FORT MORGAN

WHEREAS, previously, on or about February 16, 2010, the City Council directed the City Attorney to modify Fort Morgan Municipal Code ("Code") to comply with the Charter; and,

WHEREAS, the Charter has established the City Manager as the officer responsible for all personnel matters and administration of the City's budget; and,

WHEREAS, The Fort Morgan Police Department Money Purchase Plan ("Plan") committee does not include the City Manager or a representative from the City Council and Section 2-6 does not include the City Manager as part of board for the Policemen's Pensions; and,

WHEREAS, There is a conflict between the Plan requirements for governance and the City Code; and

WHEREAS, The Plan is sponsored by the taxpayers of the City for the benefit of the police employed at the City's police department; and

WHEREAS, City Council wishes to modify the current Police Pensions Board to provide board membership that is more representative of the various interests related to the Police Pensions funded by the City.

WHEREAS, The City currently pays a 12.8% employer contribution which is matched at 11.9% contribution for each police officer with a total contribution based upon the salary of each officer.

WHEREAS, Section 2-5 of the Fort Morgan Code disallows disparate contributions in the Police Pensions funded by the City; and

WHEREAS, The City Council does not wish to penalize the officers for the administrative error that resulted in the current disparate contributions, but wishes to allow the past contributions made in violation of the Code to remain in the Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

SECTION 1. Section 2-6 is hereby amended as follows:

Sec. 2-6. Board of Trustees Established.

The Board of Trustees of the policemen's pension funds shall consist of One member of City Council appointed by the Mayor, the City Manager, the Treasurer, the Clerk, and ~~one (1) three (3)~~ members of the Police Department who shall be elected by that department. Said Board shall elect from its members a president and a secretary. The City Treasurer shall be an ex officio non-voting member of said Board and administer the funds under the jurisdiction of the Board. Said Board will serve without salary and shall have that authority and those duties and responsibilities specified by the police pension laws of the State and the City.

SECTION 2. Section 2-5 is hereby amended as follows:

The City, in compliance with the provisions of state statutes, does hereby authorize and direct the monthly payment to the policemen's pension funds an amount proposed by the board of trustees and approved by City Council; provided, however, that the

members of such Police Department shall, from their respective monthly salaries, contribute into the City's policemen's pension funds identical percentages monthly of their respective monthly salaries so that the contribution of the Police Department as a whole shall match the contribution for the City's general fund.

SECTION 3.

Any disparate contributions made prior to June 26, 2010 shall not be required to be refunded, and all contributions to the Plan must comply with Section 2-5 of the Fort Morgan Municipal Code. Contributions made to the Plan fund by the City shall be in the amount of 12.8% going forward, and may be adjusted as determined by the board and City Council.

READ, PASSED ON FIRST READING AND ORDERED PUBLISHED the 6th day of July, 2010.

ATTEST:


Yolanda L. Eurich, Deputy City Clerk

THE CITY COUNCIL OF THE CITY
OF FORT MORGAN, COLORADO

Mayor Terry McAlistter

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED the 20th day of July, 2010.

ATTEST:


Yolanda L. Eurich, Deputy City Clerk

THE CITY COUNCIL OF THE CITY
OF FORT MORGAN, COLORADO

Mayor Terry McAlistter

STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

CERTIFICATE

I, Yolanda L. Eurich, the duly appointed, qualified and acting Deputy City Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **ORDINANCE NO. 1106** was, as a proposed Ordinance duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a regular meeting on the 6th day of July, 2010. Said Ordinance, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 9th day of July, 2010, published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed Ordinance was again taken up and read a second time, duly and legally passed, approved and adopted at a regular meeting of the City Council held on the 20th day of July, 2010. Within five (5) days after its final passage, said Ordinance was published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.


Yolanda L. Eurich, Deputy City Clerk