

CHARTER ORDINANCE NO. NINETY-FOUR

A CHARTER ORDINANCE EXEMPTING THE CITY OF OVERLAND PARK, KANSAS, FROM SECTIONS 13-14a01, 13-14a02, 13-14a03, 13-14a04, 13-14a05, 13-14a06, 13-14a07, 13-14a08, 13-14a09, 13-14a11, 13-14a12, AND 13-14a13 OF THE KANSAS STATUTES ANNOTATED PERTAINING TO FIRE AND POLICE DEPARTMENT RETIREMENT SYSTEMS, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND REPEALING OVERLAND PARK CHARTER ORDINANCE NUMBER NINETY-TWO.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

SECTION 1. The City of Overland Park, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the state of Kansas, hereby elects to exempt itself from and make inapplicable to it Sections 13-14a01, 13-14a02, 13-14a03, 13-14a04, 13-14a05, 13-14a06, 13-14a07, 13-14a08, 13-14a09, 13-14a11, 13-14a12, and 13-14a13 of the Kansas Statutes Annotated and provide substitute and additional provisions therefor; said sections relate to Fire and Police Department Retirement Systems, an enactment of the legislature which is applicable to the City of Overland Park, but not uniformly applicable to all cities.

SECTION 2. The Overland Park, Kansas, Police Department Retirement Plan (the “Police Department Plan”) and the Overland Park, Kansas, Police Department Retirement Trust Agreement (the “Police Department Trust Agreement”), as previously established under authority of Overland Park Charter Ordinance Number Eight and Overland Park Ordinances PEN-497, PEN-497A, PEN-497B and PEN-842 and reestablished by Charter Ordinance Number Twenty Seven, Charter Ordinance No. Eighty-Three, and Charter Ordinance No. Ninety-Two are hereby further reestablished and reaffirmed.

The Overland Park, Kansas, Fire Department Retirement Plan, as originally established by the Overland Park Fire Department, Incorporated, as of January 1, 1969, subsequently amended and restated by the Overland Park Fire Department, Incorporated, and then assumed by the City of Overland Park, Kansas, as of September 1, 2003 (the “Fire Department Plan”), and the Overland Park, Kansas, Fire Department Retirement Trust, as established by the Overland Park Fire Department, Incorporated, and then assumed, amended, and restated by the City of Overland Park, Kansas, as of September 1, 2003 (the “Fire Department Trust Agreement”), and reestablished by Charter Ordinance No. Eighty-Three and Charter Ordinance No. Ninety-Two are hereby reestablished and reaffirmed.

The Governing Body is authorized to amend, by resolution, either the Police Department Plan or Trust Agreement or the Fire Department Plan or Trust Agreement, provided that such amendments shall not conflict with any provisions of this Charter Ordinance.

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SECTION 3. Effective as of January 1, 2011, the Police Department Plan and Trust Agreement and the Fire Department Plan and Trust Agreement shall be amended to provide that the Police Department Plan and the Fire Department Plan will be governed by the City Manager or the City Manager's designee. At that same time, the Boards of Trustees currently serving under the Police Department Trust Agreement and the Fire Department Trust Agreement shall be replaced by one or more institutional Trustees, which shall be subject to direction by the City Manager or the City Manager's designee.

SECTION 4. Police officers and fire fighters (collectively, "Public Safety Officers") who are first employed by the City on or after January 1, 2011, will not be eligible to participate in either the Police Department Plan or the Fire Department Plan. Instead, pursuant to the City's 1965 affiliation with the Kansas Public Employees Retirement System ("KPERS"), such Public Safety Officers shall participate in the Kansas Police and Firemen's Retirement System ("KP&F"), a division of KPERS, upon the City's affiliation with KP&F pursuant to K.S.A. 74-4954.

SECTION 5. One or more policies providing disability income and life insurance for the benefit of Public Safety Officers and their dependents shall be purchased and maintained to supplement, to the extent provided in the Plans, the provisions of the Police Department Plan, the Fire Department Plan, and their related Trust Agreements. In addition, one or more policies providing life insurance for the benefit of Public Safety Officers and their dependents shall be purchased and maintained to supplement the provisions of KP&F.

SECTION 6. For the purposes of funding the Police and Fire Department Plans, honoring the City's obligation to make contributions to KP&F, and purchasing any insurance described in Section 5 of this Charter Ordinance, the City shall make annual contributions from the City's General Fund. Contributions to the Police and Fire Department Plans shall be made in compliance with K.S.A. 2009 Supp. 12-5002 or any amendments thereto, and shall be maintained in order to fund the Plans on an actuarially-sound basis. Contributions to KP&F shall be made in accordance with the KP&F statutory provisions (K.S.A. 74-4951 et seq.).

SECTION 7. Existing Overland Park Charter Ordinance Number Ninety-Two is hereby repealed.

SECTION 8. This ordinance shall be published once each week for two consecutive weeks in an official City newspaper.

SECTION 9. THIS IS A CHARTER ORDINANCE AND SHALL TAKE EFFECT SIXTY-ONE (61) DAYS AFTER FINAL PUBLICATION UNLESS WITHIN 60 DAYS OF ITS FINAL PUBLICATION A PETITION SIGNED BY A NUMBER OF ELECTORS OF THE CITY OF OVERLAND PARK EQUAL TO NOT LESS THAN TEN PERCENT OF THE NUMBER OF ELECTORS WHO VOTED AT THE LAST PRECEDING REGULAR CITY ELECTION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK OF OVERLAND PARK DEMANDING AN ELECTION ON THE CHARTER ORDINANCE, IN WHICH CASE THE CHARTER ORDINANCE SHALL BECOME EFFECTIVE ONLY IF AND WHEN APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON.

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PASSED by the Governing Body, not less than two-thirds of the members-elect voting in favor thereof, the 13th day of September, 2010.

(s) Carl Gerlach
Carl Gerlach, Mayor

ATTEST:

(s) Marian Cook
Marian Cook
City Clerk

APPROVED AS TO FORM:

(s) Michael R. Santos
Michael R. Santos
Deputy City Attorney

Passed: September 13, 2010
Published: September 22, 2010
September 29, 2010
Effective: November 29, 2010

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