

RESOLUTION NO. 3839

A RESOLUTION PROVIDING FOR THE CITY, A PARTICIPATING EMPLOYER WITH RESPECT TO THE KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM, TO MAKE APPLICATION FOR POLICE OFFICERS AND FIRE FIGHTERS WHO ARE FIRST EMPLOYED BY THE CITY ON OR AFTER JANUARY 1, 2011, TO PARTICIPATE IN THE KANSAS POLICE AND FIREMEN'S RETIREMENT SYSTEM.

WHEREAS, the City currently maintains the Overland Park, Kansas, Police Department Retirement Plan (the "Police Department Plan") and the Overland Park, Kansas, Fire Department Retirement Plan (the "Fire Department Plan") for the benefit of its commissioned police officers and fire fighters (including emergency medical technicians), respectively (collectively, "Public Safety Officers"); and

WHEREAS, pursuant to K.S.A. 74-4911i, Public Safety Officers who are eligible to participate in either the Police Department Plan or the Fire Department Plan are excluded from participation in the Kansas Public Employees Retirement System; and

WHEREAS, as set forth in Charter Ordinance No. Ninety-Four, it is the City's intent that Public Safety Officers who are first employed by the City on or after January 1, 2011, no longer be eligible to participate in the Police Department Plan or the Fire Department Plan, but instead participate in the Kansas Police and Firemen's Retirement System;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

SECTION 1. APPLICATION

The Governing Body of the City of Overland Park, Kansas, a participating employer with respect to the Kansas Public Employees Retirement System ("KPERS"), hereby makes application, in accordance with K.S.A. 74-4954(1) and (2), to become a participating employer with respect to the Kansas Police and Firemen's Retirement System ("KP&F"), effective as of January 1, 2011. Such application is limited to those Public Safety Officers who are first employed by the City on or after January 1, 2011. As a result, any such employees who would otherwise participate in KPERS shall instead participate in KP&F.

SECTION 2. NON-INCLUSION OF CURRENT POLICE OFFICERS AND FIRE FIGHTERS WHO ARE PARTICIPANTS IN THE CITY'S POLICE DEPARTMENT PLAN OR FIRE DEPARTMENT PLAN.

It is the intent of the City of Overland Park, Kansas, that this application for inclusion in KP&F not include those Public Safety Officers who were first employed by the City prior to January 1, 2011. Instead, the City intends that those individuals remain participants in either the Police Department Plan or the Fire Department Plan, as applicable.

SECTION 3. EFFECTIVE DATE

This resolution shall take effect and be in force from and after November 1, 2010.

ADOPTED by the Governing Body this 1st day of November, 2010.

Carl Gerlach, Mayor

ATTEST:

Marian Cook, City Clerk

APPROVED AS TO FORM:

Michael R. Santos
Deputy City Attorney