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ORDINANCE NO. _____

AN ORDINANCE RELATING TO PERSONNEL AND RETIREMENT SYSTEMS, AMENDING CHAPTER 40 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2020, ARTICLE III – PENSIONS AND RETIREMENT, DIVISION 1 – EMPLOYEE RETIREMENT PROGRAMS, PART A – INTRODUCTION AND DEFINITIONS, BY AMENDING SECTION 40-51 - DEFINITIONS, TO (1) BETTER DIFFERENTIATE BETWEEN THE MONEY PURCHASE PLANS OF OKLAHOMA CITY, (2) CLARIFY WHO IS AN EMPLOYEE OF THE OKLAHOMA CITY EMPLOYEE RETIREMENT SYSTEM FOR PURPOSES OF RECEIVING BENEFITS AS A PARTICIPANT AND (3) MAKE OTHER CLARIFYING CHANGES; AMENDING PART B – GENERAL PROVISIONS, BY AMENDING SECTION 40-60 – RETIREMENT SYSTEMS PARTICIPATION, TO REFERENCE OTHER SYSTEMS; BY AMENDING SECTION 40-61 – EMPLOYEES ELIGIBLE TO WITHDRAW FROM SYSTEM, TO EXPAND WHICH CLASSES OF EMPLOYEES MAY ELECT TO WITHDRAW FROM THE OKLAHOMA CITY EMPLOYEE RETIREMENT SYSTEM; BY AMENDING SECTION 40-62 – PAYMENT OF CITY APPROPRIATIONS INTO FUNDS, TO REFLECT THE DEFINITION CHANGES IN SECTION 40-51; BY AMENDING SECTION 40-65 – RETIREMENT BENEFITS TO EMPLOYEES GENERALLY, TO CLARIFY THE MAXIMUM ANNUAL RETIREMENT BENEFIT; BY AMENDING SECTION 40-83 – REEMPLOYMENT OF A RETIRED PARTICIPANT, TO CORRECT A TYPOGRAPHICAL ERROR; AMENDING DIVISION 2 – DEFERRED COMPENSATION PROGRAM, BY AMENDING SECTION 40-132 – EMPLOYEE PARTICIPATION, TO ALLOW EMPLOYEES OF THE CENTRAL OKLAHOMA TRANSPORTATION & PARKING AUTHORITY TO PARTICIPATE IN THE 457 PLAN AND ONE OF THE MONEY PURCHASE PLANS SPONSORED BY THE CITY SOLELY FOR MATCHING PURPOSES.

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY,
OKLAHOMA:

SECTION 1. That Section 40-51 of Part A of Division 1 of Article III of Chapter 40 of the Oklahoma City Municipal Code, 2020, is amended as follows:

CHAPTER 40
PERSONNEL AND RETIREMENT SYSTEMS

* * *

ARTICLE III – PENSIONS AND RETIREMENT
DIVISION 1 – EMPLOYEE RETIREMENT PROGRAMS

Part A – Introduction and Definitions

* * *

§ 40-51. – Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

- (20) *Money Purchase Plan and Trust ~~#8754~~ – Closed Plan*: The defined contribution pension plan under § 401(a) of the Code, approved by the Council August 25, 1987. This plan is available to eligible Employees, as determined by Section 40-61, participating in the plan on or before August 31, 2001.
- (21) *Money Purchase Plan and Trust ~~#7697~~ – Open Plan*: The defined contribution pension plan under § 401(a) of the Code, approved by the Council July 31, 2001.

* * *

- (29) *Retirement ~~Benefits~~ Benefit(s)*: A monthly income with benefits accruing from the first day of Retirement and ending on the last day of the month in which death occurs. The monthly income shall commence payment on the last day of the month following the month when the Participant submits his or her completed

application to retire. The Participant shall receive a retroactive payment (without interest), if due, with his or her first monthly check. Such retroactive payment shall include a payment for the pro rata portion of the first month of the Participant's Retirement.

* * *

- (32) *System:* The Oklahoma City Employee Retirement System, codified in Chapter 40, Article III, Division 1, §§ 40-46 through 40-130 of the Oklahoma City Municipal Code, 2020, as amended. A Central Oklahoma Transportation & Parking Authority (COTPA) employee who is eligible, pursuant to Chapter 40, Article III, Division 2, Section 40-132, to participate in the Money Purchase Plan and Trust – Open Plan is not an Employee, as such term is defined under Chapter 40, Article III, Division 1, Part A, Section 40-51(14), and is not entitled to receive the same benefits as a Participant, as such term is defined under Chapter 40, Article III, Division 1, Part A, Section 40-51(24), of the System.

* * *

SECTION 2. That Sections 40-60, 40-61, 40-62, 40-65 and 40-83 of Part B of Division 1 of Article III of Chapter 40 of the Oklahoma City Municipal Code, 2020, are amended as follows:

ARTICLE III – PENSIONS AND RETIREMENT

DIVISION 1 – EMPLOYEE RETIREMENT PROGRAMS

* * *

Part B – General Provisions

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§ 40-60. Retirement Systems participation.

~~All~~Except as provided below, all Employees of the City must participate in either the System as defined in Section 40-51 or, if eligible under Section 40-61, in a Money Purchase Plan and Trust as defined in Section 40-51. A "leased employee" as defined in Section 40-51 shall receive credit for service for the entire period during which he/she is a leased employee of the City as if he/she were an Employee of the City; provided, however, any individual who agrees with the City that the individual's services are to be performed as a "leased employee" or an independent contractor will not be eligible to participate regardless of any classification of such individual as a common-law employee by the Internal Revenue Service, the Department of Labor or any court of competent jurisdiction. Furthermore, individuals who are employed as inmate labor and individuals employed by or through First Step and other such similar organizations,or in positions where they are active members of the systems described in 11 O.S. §§ 49-100.1, et seq., or 11 O.S. §§ 50-101, et seq., are not eligible to participate in the System.

§ 40-61. Employees eligible to withdraw from System.

- (a) The following employees may elect to participate in a money purchase plan and trust as defined in § 40-51:

* * *

- (6) ~~Effective~~effective January 1, 2024, all Employees on the Oklahoma City Zoological Trust Pay Plan in the classifications of Executive Director, and persons occupying chief officer positions reporting directly to the Executive Director; and
- (7) all employees in the Management Pay Plan in Range 513 and above;and
- (8) effective January 1, 2025, all employees of the System.

* * *

§ 40-62. Payment of City appropriations into funds.

- (a) Effective March 2, 2001, the City shall appropriate a sum equal to seven percent of the Compensation of the Employees participating in the System named in Section 40-51. Effective September 1, 2001, the City shall appropriate a sum equal to seven percent of Compensation of the Employees participating in the Money Purchase Plan and Trust-~~#7697~~ – Open Plan named in Section 40-51. Any appropriations so made shall be deferred wages but may not exceed statutory limits imposed by Oklahoma Statutes or United States Statutes.

* * *

- (c) Effective March 2, 2001, the City shall appropriate a sum equal to eight and thirty-five one-hundredths percent of Compensation of the Employees participating in the Money Purchase Plan and Trust-~~#8751~~ – Closed Plan named in Section 40-51.

* * *

§ 40-65. Retirement Benefits to Employees generally.

* * *

- (f) On or after March 1, 2001, any Participant who has served five ~~and up to and including 50~~ or more years shall be entitled to receive annual Retirement Benefits, payable monthly, with calculations based on two percent of his/her Average Final Compensation, for each year of service up to a maximum of 100 percent of his/her Average Final Compensation, treating each whole month of service as one-twelfth of two percent as defined in section 40-51(2), with said amount then subject to a reduction of four percent of the Retirement Benefits for each full year

or a portion of a year in which payments are begun prior to his/her Normal Retirement Age.

* * *

§ 40-83. Reemployment of a Retired Participant.

* * *

- (e) *Application.* A retired Participant who is reemployed as an Employee must file a completed application to retire in accordance with Section 40-51(29), before payment of Retirement Benefits may recommence. The retired Participant's first application shall govern the payment of his/her suspended Retirement ~~Benefit~~Benefit and the second application shall govern payment of his/her additional Retirement Benefit accrued during reemployment or for a refund of his/her Employee Contribution Account attributable to the period of reemployment.

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SECTION 3. That Section 40-132 of Division 2 of Article III of Chapter 40 of the Oklahoma City Municipal Code, 2020, is amended as follows:

ARTICLE III – PENSIONS AND RETIREMENT

* * *

DIVISION 2 – DEFERRED COMPENSATION PROGRAM

* * *

§ 40-132. Employee participation.

To the extent allowed by the Internal Revenue Code, but without an employer contribution by the City or the Central Oklahoma Transportation & Parking Authority (COTPA), all full-time employees of the City, and effective January 1, 2025, all full-time employees of

COTPA, may voluntarily participate in the § 457 deferred compensation plan(s) sponsored by the City including, Elected Officials of the City as defined in Section 40-51(12), "regular policing personnel" as defined in Section 40-26, and full-time, uniformed fire department employees. However, only those employees eligible under Section 40-61 may participate in the § 401(a) Money Purchase Plan(s) sponsored by the City except that effective January 1, 2025, full-time employees of COTPA who are: (i) age 18 and older and (ii) not represented by a union, are also eligible to participate in the Money Purchase Plan and Trust – Open Plan solely for purposes of matching elective deferrals (up to \$1,000 per plan year) made to the City's 457(b) deferred compensation plan.

INTRODUCED AND READ in open meeting of the Council of The City of Oklahoma City, Oklahoma this 22ND day of OCTOBER, 2024.

PASSED by the Council and **SIGNED** by the Mayor of The City of Oklahoma City, Oklahoma this _____ day of _____, 2024.

ATTEST: (Seal)

CITY CLERK

MAYOR

REVIEWED for form and legality.

Brad Zogor

ASSISTANT MUNICIPAL COUNSELOR