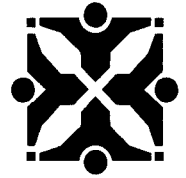


# City of Columbia

701 East Broadway, Columbia, Missouri 65201



**Agenda Item Number:** B 296-14

**Department Source:** Finance

**To:** City Council

**From:** City Manager & Staff

**Council Meeting Date:** September 2, 2014

**Re:** The United States Supreme Court's ruling in United States vs. Windsor struck down Section 3 of the Defense of Marriage Act. This ruling requires the city to revise its definition of "spouse" in all of its benefit plans.

This ordinance makes two minor revisions to the Police and Fire Pension Plan.

## Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

**Supporting documentation includes:** None

## Executive Summary

The United States Supreme Court's ruling in United States vs. Windsor struck down Section 3 of the Defense of Marriage Act. This ruling requires the city to revise its definition of "spouse" in all of its benefit plans. This ordinance makes this change to the Police and Fire Pension Plans.

When making the changes to the Fire Pension Plan effective October 1, 2012 two minor changes agreed to by the city and the firefighters were not made correctly. This ordinance makes the needed corrections.

## Discussion

The United States Supreme Court's ruling in United States vs. Windsor struck down Section 3 of the Defense of Marriage Act. This ruling requires the city to revise its definition of "spouse" in all of its benefit plans. This ordinance makes this change to the Police and Fire Pension Plans.

When making the changes to the Fire Pension Plan effective October 1, 2012 two minor changes agreed to by the city and the firefighters were not made correctly. This ordinance makes minor changes to two sections of the Fire Pension Plan to correct these provisions.

## Fiscal Impact

Short-Term Impact: None.

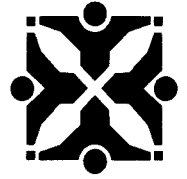
Long-Term Impact: None.

## Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Not Applicable

# City of Columbia

701 East Broadway, Columbia, Missouri 65201



Strategic Plan Impact: Workforce

Comprehensive Plan Impact: Not Applicable

## Suggested Council Action

Passage of this ordinance.

## Legislative History

None.

  
\_\_\_\_\_  
Department Approved

  
\_\_\_\_\_  
City Manager Approved

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 296-14

### AN ORDINANCE

amending Chapter 18 of the City Code as it relates to Police and Fire Pension Plans; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 18 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 18-35. Definitions and rules of construction.

The following definitions and rules of construction apply to this division:

*Active service.* The regular service of a covered police employee and sick leave and vacation accrued and actually taken as a result of that employment, as well as military leave which qualifies under the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301, et seq.) as now enacted, or hereafter amended. It shall exclude periods spent by an otherwise active employee while on any inactive pay status such as lost time, leave of absence or other leave for military service. Such voluntary or involuntary absences of a covered police employee shall not be counted as time spent in active service and covered employment.

. . .

*Surviving spouse.* The spouse of a covered police employee or retiree to whom the employee was married at the date of the covered police employee's or retiree's death. Effective September 16, 2013, "spouse" means a person, as of the earlier of an employee's or retiree's annuity starting date or death, who is alive and to whom an employee or retiree is legally married under the laws of the state where the marriage occurred (regardless of the laws of the state where the employee, retiree or spouse are domiciled); provided such marriage is evidenced by a valid marriage certificate or other proof acceptable to the administrator. For the avoidance of doubt, any references to "spousal" or "married" in this plan shall be determined in accordance with this section.

*Trustee.* The City of Columbia.

. . .

Sec. 18-60. Definitions and rules of construction.

The following definitions and rules of construction apply to this division:

*Active service.* The regular service of a covered firefighter employee and sick leave and vacation accrued and actually taken as a result of that employment, as well as military leave which qualifies under the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301, et seq.) as now enacted, or hereafter amended. It shall exclude periods spent by an otherwise active employee any inactive pay status such as lost time, leave of absence or other leave for military service. Such voluntary or involuntary absences of a covered firefighter employee shall not be counted as time spent in active service and covered employment.

. . .

*Surviving spouse.* The spouse of a covered firefighter employee or retiree to whom the employee was married at the date of the covered firefighter employee's or retiree's death. Effective September 16, 2013, "spouse" means a person, as of the earlier of an employee's or retiree's annuity starting date or death, who is alive and to whom an employee or retiree is legally married under the laws of the state where the marriage occurred (regardless of the laws of the state where the employee, retiree or spouse are domiciled); provided such marriage is evidenced by a valid marriage certificate or other proof acceptable to the administrator. For the avoidance of doubt, any references to "spousal" or "married" in this plan shall be determined in accordance with this section.

*Trustee.* The City of Columbia.

. . .

Sec. 18-107. Retirement by reason of age or service.

(a) A covered firefighter employee shall be eligible to receive retirement benefits: (i) upon reaching the age of fifty-five (55) and upon having completed at least one (1) year of active service; or (ii) upon having combined age and active service equal to eighty (80). ~~For purposes of this section and eligibility to retire after having attained the age of fifty-five (55) and having completed one (1) year of active service,~~ active service shall include military leave which qualifies under the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301, et seq.) as now enacted, or hereafter amended (USERRA), only to the extent any contributions required under section 18-106 are made to the firefighters' retirement fund either during the period of qualified military service under USERRA or within five (5) years from the date of reemployment.

. . .

Sec. 18-109. Death benefits.

(a) Subject to the provisions of subsection (b), upon the death of a covered firefighter employee or retiree, there shall be paid to the surviving spouse a benefit from the firefighters' retirement fund, as below described:

. . .

(c) Upon the death of a retiree, there shall be paid to the surviving spouse a monthly benefit equal to fifty (50) percent, sixty-six and two-thirds ( $66\frac{2}{3}$ ) percent, seventy-five (75) percent or one hundred (100) percent of the deceased retiree's retirement benefit at the time of the retiree's death as previously elected under section 18-107(d) of this chapter.

. . .

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor