

ORDINANCE NO. MEP-583,JJ

AN ORDINANCE BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS PROVIDING FOR AN AMENDMENT TO THE OVERLAND PARK, KANSAS, MUNICIPAL EMPLOYEES PENSION PLAN AND TRUST AGREEMENT, DESIGNATING THE CITY MANAGER AS PLAN ADMINISTRATOR.

WHEREAS, the City of Overland Park, Kansas, a municipal corporation organized and existing under the laws of the State of Kansas (the "City"), did, on the 8th day of December, 1969, create and establish, by Ordinance No. MEP-583, the Overland Park, Kansas, Municipal Employees Pension Plan and Trust Agreement (the "Plan"); and

WHEREAS, the City amended and restated the Plan by Ordinance No. MEP-583,HH, effective as of March 1, 2017; and

WHEREAS, the City amended the Plan, by Ordinance No. MEP-583,II, for the principal purpose of allowing full-time contract employees with Plan coverage as a term of those employees' contracts to participate in and receive benefits in accordance with the Plan; and

WHEREAS, the City now wishes to amend the Plan by this Ordinance No. MEP-583,JJ as hereinafter set forth for the principal purpose of designating the City Manager, as opposed to the Employer, as the Plan Administrator.

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

SECTION 1. ADOPTION OF AMENDMENT OF PLAN.

There is hereby incorporated and adopted by reference herein, and made part of this Ordinance as if the same had been set out in full, this Amendment Number Three to the restated "Overland Park, Kansas, Municipal Employees Pension Plan and Trust Agreement (Restated as of January 1, 2016)." Said amendment is set forth in Exhibit "A," attached hereto and designated "Exhibit 'A' Amendment Number Three to the Overland Park, Kansas, Municipal Employees Pension Plan and Trust Agreement (Restated as of January 1, 2016)." Said amendment is hereby approved and accepted, and the Mayor and City Clerk are hereby authorized and directed to execute said amendment for and on behalf of the City of Overland Park, Kansas. Three copies of the amendment shall be marked "Official Copy as incorporated by reference" and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

SECTION 2. REPEAL OF PRIOR ORDINANCE.

Any provisions of Ordinance Nos. MEP-583,GG, MEP-583,HH, or MEP-583,II inconsistent with either this Ordinance No. MEP-583,JJ, or the attached Amendment Number Three of the Overland Park, Kansas Municipal Employees Pension Plan and Trust Agreement are hereby repealed.

SECTION 3. EFFECTIVE DATE OF PLAN AMENDMENT.

This amendment of the Overland Park, Kansas, Municipal Employees Pension Plan and Trust Agreement shall have an effective date as specifically set forth in Exhibit "A."

SECTION 4. PUBLICATION OF THIS ORDINANCE.

This ordinance shall take effect and be in force from and after its publication in an official City newspaper.

[Remainder of page intentionally left blank.]

PASSED by the Governing Body this 1st day of March, 2021.

APPROVED by the Mayor this 1st day of March, 2021.

(s) Carl Gerlach
Carl Gerlach, Mayor

ATTEST:

(s) Elizabeth Kelley
Elizabeth Kelley, City Clerk

APPROVED AS TO FORM:

(s) Michael Koss
Michael Koss
Deputy City Attorney

EXHIBIT A
AMENDMENT NUMBER THREE
TO THE
OVERLAND PARK, KANSAS, MUNICIPAL EMPLOYEES
PENSION PLAN AND TRUST AGREEMENT

(Restated as of January 1, 2016)

Section 10.01 of the Overland Park, Kansas, Municipal Employees Pension Plan and Trust Agreement (the "Plan") provides that the City of Overland Park, Kansas, by action of its Governing Body, may modify, amend or change any of the terms and provisions of the Plan at any time.

In accordance with these provisions, the Plan is hereby amended as follows:

1. Section 1.21 "Plan Administrator" is hereby deleted in its entirety and a new Section 1.21 is hereby substituted to read as follows:

"Section 1.21. "**Plan Administrator**" means the City Manager of the City of Overland Park, Kansas."

2. Section 9.01 "Administrative Authority" is hereby deleted in its entirety and a new Section 9.01 is hereby substituted to read as follows:

"Section 9.01. **Administrative Authority**. The City Manager shall be the Plan Administrator and shall be responsible for and shall control and manage the operation and administration of the Plan. The City Manager is empowered to delegate tasks to Employees of the Employer from time to time, as the City Manager deems necessary for the proper administration of the Plan.

IN WITNESS WHEREOF, the City of Overland Park, Kansas, has caused this Amendment Number Three to the Overland Park, Kansas, Municipal Employees Pension Plan and Trust Agreement (Restated as of January 1, 2016) to be executed on its behalf, and the Trustee has caused this Agreement to be executed on its behalf, this ____ day of _____, 20__, effective as of January 1, 2021.

[Remainder of page intentionally left blank.]

CITY OF OVERLAND PARK, KANSAS

Carl Gerlach
Mayor

ATTEST:

Elizabeth Kelley
City Clerk

APPROVED AS TO FORM:

Michael Koss
Senior Assistant City Attorney

Thomas R. Dowling
Stinson LLP

TRUSTEE: MG TRUST COMPANY

By: _____