

**Summary****Board Bill Number 221****Primary Sponsor: Alderman Thomas Oldenburg****January 8, 2021**

The proposed bill will amend City of St. Louis Revised Code chapters 4.18.055, 4.18.080, 4.18.225, 4.18.315, 4.19.120, 4.19.130, 4.19.140, and 4.19.170, to permit the Board of Trustees of the Firemen's Retirement System to simultaneously act as the Board of Trustees of the St. Louis Firefighter's Retirement Plan, but not until such time as amendments to Missouri Revised Statutes 87.140, 87.145, 87.155, 87.260 and 87.350 have become law and thus authorize the Firemen's Retirement System to take on said role and the attendant responsibilities.

**BOARD BILL NUMBER 221 INTRODUCED BY: ALDERMAN THOMAS OLDENBURG/PRES. LEWIS REED/ALDERWOMAN CLARK-HUBBARD/ALDERMAN JOHN COLLINS-MUHAMMAD/ALDERWOMAN JOSEPH VACCARO ALDERWOMAN MARLENE DAVIS/ALDERWOMAN BETH MURPHY/ALDERWOMAN MEGAN GREEN/ALDERWOMAN CAROL HOWARD/ALDERMAN DAN GUENTHER**

1 An ordinance to amend City of St. Louis Revised Code chapters 4.18.055, 4.18.080, 4.18.225,  
2 4.18.315, 4.19.120, 4.19.130, 4.19.140, and 4.19.170, so as to permit the Board of Trustees of  
3 the Firemen’s Retirement System to simultaneously act as the Board of Trustees of the St. Louis  
4 Firefighter’s Retirement Plan but not until such time as amendments to Missouri Revised  
5 Statutes 87.140, 87.145, 87.155, 87.260 and 87.350 have become to permit the Board of Trustees  
6 of the Firemen’s Retirement System to simultaneously act as the Board of Trustees of the St.  
7 Louis Firefighter’s Retirement Plan; and containing an effective date.

8 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

9 **SECTION ONE.** Chapter 4.18.055 of the Revised Code of the City of St. Louis is hereby  
10 amended to be and read as follows:

11 4.18.055 - Board of Trustees—Composition—Vacancy—Compensation—Oath—Votes.

12 A. The general administration and the responsibility for the proper operation of the Retirement  
13 System shall be vested in a Board of Trustees of eight persons. The Board shall be constituted  
14 as follows:

- 15 1. The Chief of the Fire Department of the City, ex officio;
- 16 2. The Comptroller or Deputy Comptroller of the City, ex officio;
- 17 3. Two members to be appointed by the Mayor of the City to serve for a term of two years;

- 1 4. Three members to be elected by the members of the Retirement System for a term of  
2 three years who shall be members of the system and hold office while members of the  
3 system;
- 4 5. One member who shall be a retired fireman to be elected by the retired fireman who shall  
5 hold office for a term of three years.
- 6 B. If a vacancy occurs in the office of Trustee the vacancy shall be filled for the unexpired term  
7 in the same manner as the office was previously filled.
- 8 C. The Trustees shall serve without compensation, but they shall be reimbursed from the  
9 expense fund for all necessary expenses which they may incur through service on the Board.
- 10 D. Each Trustee shall within ten days after his appointment or election take an oath of office  
11 before the Clerk of the Circuit Court of the City, that, so far as it devolves upon him, he will  
12 diligently and honestly administer the affairs of the Board and that he will not knowingly  
13 violate or willingly permit to be violated any of the provisions of the law applicable to the  
14 Retirement System. The oath shall be subscribed to by the member making it and certified by  
15 the Clerk of Circuit Court and filed in his office.
- 16 E. Each Trustee shall be entitled to one vote on the Board. Five votes shall be necessary for a  
17 decision by the Trustees at any meeting of the Board.
- 18 **F. Notwithstanding anything in Chapter 4.18 of the Revised Code of the City of St. Louis**  
19 **to the contrary, nothing shall prevent the Board of Trustees of the Firemen's Retirement**  
20 **System from simultaneously acting as the Board of Trustees of Firefighter's Retirement**  
21 **Plan that provides retirement, disability, and death benefits for the firefighters of the**

1 **City of St. Louis and their covered dependents. The administration of the Firefighter's**  
2 **Retirement Plan shall be in accordance with its terms.**

3 **G.** The administration of the Firefighter's Retirement Plan includes the ability for the  
4 Board of Trustees to establish rules and regulations from time-to-time for the  
5 administration of funds of the Firefighter's Retirement Plan and for the transaction of  
6 Firefighter's Retirement Fund business.

7 **SECTION TWO.** Section 9(2) of City Ordinance 49623 codified in Chapter 4.18.080 of the  
8 Revised Code of the City of St. Louis is hereby amended to be and read as follows:

9 4.18.080 - Board of Trustees—Records—Reports.

10 The Board of Trustees shall keep a record of all its proceedings which shall be open to public  
11 inspection. It shall publish annually a report showing the fiscal transactions of the Retirement  
12 System for the preceding fiscal year, the amount of the accumulated cash and securities of the  
13 system, and the last balance sheet showing the financial condition of the system by means of an  
14 actuarial valuation of the assets and liabilities of the Retirement System. **To the extent the**  
15 **Board of Trustees administers the Firefighters' Retirement Plan, it shall maintain separate**  
16 **records of the Firefighters' Retirement Plan.**

17 **SECTION THREE.** Chapter 4.18.225 of the Revised Code of the City of St. Louis is hereby  
18 amended to be and read as follows:

19 4.18.225 - Funds—Investments.

20 A. The Board of Trustees of the Firefighter's Retirement System shall have the exclusive  
21 authority and discretion to invest and reinvest the funds in property of any kind, real or  
22 personal. The Board of Trustees shall invest and manage the fund as a prudent investor would,

1 by considering the purposes, terms, distribution requirements, and other circumstances of the  
2 Firefighter's Retirement System. In satisfying this standard, the Board of Trustees shall  
3 exercise reasonable care, skill, and caution. No trustee shall have any interest as a trustee in  
4 the gains or profits made on any investment, except benefits from interest in investments  
5 common to all members of the plan, if entitled thereto.

6 B. Nothing in this chapter shall be construed as prohibiting the retirement system from  
7 appointing, designating, and using a nominee or representative for purposes of acquiring,  
8 holding title to, and disposing of those investments which are authorized by Chapter 335.

9 C. The Trustees of the Firemen's Retirement and Relief System shall publish every six (6)  
10 calendar months of portfolio of investments under their control in said Retirement Fund and  
11 Relief System, and shall forward a copy of said report to each of the elected Aldermen of the  
12 City of St. Louis of this ordinance.

13 **D. To the extent the Board of Trustees administers the Firefighters' Retirement Plan, it**  
14 **shall also have the authority and discretion to invest and reinvest the funds of the**  
15 **Firefighters' Retirement Plan in property of any kind, real or personal. It can choose to**  
16 **invest the funds of the Firemen's Retirement System and the funds of the Firefighters'**  
17 **Retirement Plan in the same investments, so long as the amounts invested and the gains,**  
18 **profits, or losses on such investment are accounted for separately. No benefits due to**  
19 **firefighters or their covered dependents from the Firefighters' Retirement Plan shall be**  
20 **paid from the Firemen's Retirement System funds.**

1 **SECTION FOUR.** Chapter 4.18.315 of the Revised Code of the City of St. Louis is hereby  
2 amended to be and read as follows:

3 4.18.315 - Expense fund.

4 The expense fund shall be the fund to which shall be credited all money provided to pay the  
5 administration expenses of the Retirement System and from which shall be paid all the expenses  
6 necessary in connection with the administration and operation of the system. Annually the Board  
7 of Trustees shall estimate the amount of money necessary to be paid into the expense fund during  
8 the ensuing year to provide for the expense of operation of the Retirement System. Such estimate  
9 shall be provided by the Board of Trustees from interest and other earnings on assets of the  
10 Retirement System. **In no event shall any expenses, including administrative expenses,**  
11 **incurred in the administration of the Firefighters' Retirement Plan or in the investment of**  
12 **any funds of the Firefighters' Retirement Plan be paid out of the Firemen's Retirement**  
13 **System. Such expenses shall be paid entirely from the Firefighters' Retirement Plan.**

14 **SECTION FIVE.** Section Two, subsection 4.19.120 paragraph B of City Ordinance 69245, as  
15 codified in Chapter 4.19.120 paragraph B of the Revised Code of the City of St. Louis is hereby  
16 amended to be and read as follows:

17 B. *Annual Actuarial Examination.* At least once each year, the Board of Trustees shall cause the  
18 liabilities of the Plan with respect to retirement benefits to be evaluated by an Actuary who  
19 shall report on the soundness and solvency of the Trust Fund in relation to such liabilities and  
20 on the amount of the contribution for the year which is appropriate to keep the Trust Fund  
21 actuarially sound with respect to the obligation to pay the benefits under the Plan. Except as

1 described below, each such report shall be delivered to the City's Budget Director no later  
2 than March 1 of each year.

3 The Actuary shall use the entry age normal method, amortizing the unfunded accrued liability  
4 as a level percent of payroll over a closed thirty-year period. If the Board of Trustees fails to  
5 provide the actuarial valuation on or before the deadline for a Plan Year, the amount of the  
6 contribution for such year shall be determined by an Actuary retained by the City.

7 ~~Actuaries retained by the Board of Trustees shall be subject to the procurement rules~~  
8 ~~contained in Ordinance 64102, or its successor.~~ The Board of Trustees shall retain actuaries  
9 in accordance with the policies established by the Board of Trustees as may be revised or  
10 amended by the Board of Trustees from time to time.

11 At least every five years, the Board of Trustees shall engage the actuary to review the  
12 mortality, service and compensation experience of the participants and beneficiaries of the plan  
13 and update mortality and other assumptions as appropriate.

14 **SECTION SIX.** Section Two, subsection 4.19.120 paragraph D of City Ordinance 69245 as  
15 amended by Ordinance 70248 as codified in Chapter 4.19.120 paragraph D of the Revised Code  
16 of the City of St. Louis is hereby amended to be and read as follows:

17 D. ~~Return of Employer Contributions. In the event a contribution by the City is made by~~  
18 ~~reason of a mistake of fact, the excess of the amount contributed over the amount that~~  
19 ~~would have been contributed had there not occurred a mistake of fact (without earnings~~  
20 ~~attributable to such excess, but after reduction of losses attributable thereto) must be~~  
21 ~~returned to the City within one year of such a mistaken payment.~~ The general

1 administration and the responsibility for the proper operation of the Plan shall be vested  
2 in a Board of Trustees comprised of eight (8) persons. The Board shall be constituted as  
3 follows:

- 4 1. Chief of the St. Louis Fire Department, as an ex officio member;
- 5 2. Comptroller or Deputy Comptroller if designated by the Comptroller to serve in  
6 the Comptroller's stead, as an ex officio member;
- 7 3. Two members appointed by the Mayor each of who shall serve for a term of two  
8 years;
- 9 4. Three members who shall be Participants of the Plan to be elected by the  
10 Participants of the Plan each of who shall serve for a term of three years but only  
11 so long as they remain a Participant of the Plan;
- 12 5. One member who shall be a retired City of St. Louis firemen and a Participant  
13 of the Plan to be elected by the retired firemen who are Participants of the Plan  
14 to serve for a term of three years but only so long as they remain a Participant of  
15 the Plan

16 Upon a vacancy on the Board of Trustees the vacant seat shall be filled shall be in the  
17 same manner provided in this Chapter for the unexpired term of the preceding member.

18 Members of the Board of Trustees shall serve without compensation, but shall be  
19 reimbursed for all necessary expenses which they may incur in fulfilling their duties and  
20 responsibilities as members of the Board of Trustees



1 Each Trustee shall within ten days after their appointment or election to the Board of  
2 Trustees shall take an oath of office administered by the Clerk of the Circuit Court of  
3 the City of St. Louis, that so far as it devolves upon them they will diligently and honestly  
4 carryout their responsibilities and duties as members of the Board of Trustees and  
5 administer the affairs of the Board of Trustees, and that they will not knowingly violate  
6 or knowingly permit to be violated any of the applicable provisions of the laws and  
7 regulations which govern the Plan. Said oath shall be subscribed to by the Trustee,  
8 certified by the Clerk of the Circuit Court and maintained in the files of the Clerk of the  
9 Circuit Court.

10 Each member of the Board of Trustees shall have one on the Board, and at least five  
11 votes shall be required in order to pass a motion for any decision of the Board of Trustees

12 The above notwithstanding, the individuals constituting the Board of Trustees of the  
13 Firemen’s Retirement System of St. Louis shall also constitute the Board of Trustees of  
14 the Plan unless and until the Firemen’s Retirement System Board of Trustees determines  
15 by a majority vote that the individuals constituting the Firemen’s Retirement System  
16 Board of Trustees shall no longer constitute the Board of Trustees of this Plan. Upon  
17 such a determination by the Board of Trustees of the Firemen’s Retirement System said  
18 Board shall provide six months written notice to this Plan and to the Mayor of the City  
19 of St. Louis so that new members of the Board of Trustees of the Plan may be appointed  
20 or elected, and take the office no later than six months after receipt of said written notice.

1 **SECTION SEVEN.** Section Two, subsection 4.19.130 paragraph G of City Ordinance 69245  
2 codified in Chapter 4.19.130 paragraph G of the Revised Code of the City of St. Louis is hereby  
3 amended to be and read as follows:

4 G. *Audit.* At the direction of the Director of Personnel, the Board of Trustees shall obtain an  
5 audit by an unrelated accounting or pension consulting firm to verify that the directions of the  
6 Trustees, and the payments from the plan, are made in accordance with the terms of the plan.  
7 **The unrelated accounting firm retained by the Board of Trustees to conduct the audit**  
8 **may be the accounting firm retained by the Firemen’s Retirement System Board of**  
9 **Trustees to conduct its audit.**

10 **SECTION EIGHT.** Section Two, subsection 4.19.140 paragraph D of City Ordinance 69245  
11 codified in Chapter 4.19.140 paragraph D of the Revised Code of the City of St. Louis is hereby  
12 amended to be and read as follows:

13 D. *Compensation of Actuaries and Money Managers.* ~~Any member of the Board of Trustees,~~  
14 ~~Actuary or investment manager may receive reasonable compensation from the trust~~  
15 ~~fund for services rendered on behalf of the plan or trust, provided that no person who~~  
16 ~~renders services to the plan who already receives full-time pay from the City shall receive~~  
17 ~~compensation from the trust fund except for reimbursement of expenses properly and~~  
18 ~~actually incurred. The selection of any actuary shall be subject to a competitive bidding~~  
19 ~~process in accordance with the terms and conditions of Ordinance 64102 and any~~  
20 ~~subsequently enacted requirements governing contracts for professional services. All~~  
21 ~~actuaries and investment managers may receive reasonable compensation from the~~  
22 ~~Trust Fund for services rendered to Plan or Trust, provide that no person providing~~

1 such services to the Plan who already receives full-time from the City for performing  
2 such services shall receive compensation from the Trust Fund except for reimbursement  
3 of expenses properly and actually incurred. The investment managers may the same  
4 investment managers retained by the Firemen's Retirement System.

5  
6 SECTION NINE. Section Two, subsection 4.19.140 paragraph G of City Ordinance 69245  
7 codified in Chapter 4.19.140 paragraph G of the Revised Code of the City of St. Louis is hereby  
8 amended to be and read as follows:

9 G. *Officers and Employees.* ~~The plan's Board of Trustees shall elect a Chairman from its~~  
10 ~~membership by a majority vote. The Director of Personnel or his designee shall be~~  
11 ~~Secretary of the Board of Trustees. The Director of Personnel shall appoint all employees~~  
12 ~~of the plan in accordance with City rules and procedures governing employment, per-~~  
13 ~~formance employment and contracts. The Director of Personnel shall direct the work~~  
14 ~~of said plan employees in accordance with the rules and policies established by the Board~~  
15 ~~of Trustees. The compensation of all persons so appointed shall be in accordance with~~  
16 ~~the comprehensive compensation plan of the City. A relative of any member of the Board~~  
17 ~~of Trustees may not be employed to perform any services for the plan or its Board of~~  
18 ~~Trustees, or receive any compensation from the Trust Fund. The Board of Trustees shall~~  
19 ~~comply with all Charter and ordinance requirements governing contracts for~~  
20 ~~professional services, including, but not limited to, the provisions of Ordinance 64102,~~  
21 ~~with the Chairman of the Board of Trustees appointing the committee members~~  
22 ~~referenced in Section 2, subparts (1) and (2) of Ordinance 64102.~~ The Plan's Board of

1 Trustees shall elect a chairman from its members by a majority vote and may designate  
2 an individual to take notes at the meeting and to draft minutes of the meeting to submit  
3 to the Board of Trustees for approval. The individual designated to take notes may, but  
4 shall not be required to be a member of the Board of Trustees. The Board of Trustees  
5 shall appoint all employees of the Plan and shall direct the work of said Plan employees  
6 in accordance with the rules, policies and procedures established by the Board of  
7 Trustees. Relatives of members of the Board of Trustees shall not be employed to  
8 perform any services for its plan or Board of Trustees or receive any compensation from  
9 the Trust Fund. The Board of Trustees may retain employees of the Plan appointed by  
10 the City Director of Personnel until such time as the Board of Trustees determines that  
11 the employees of the Firemen's Retirement are prepared to perform the work for the  
12 Plan. During such time as the employees appointed by the Director of Personnel are  
13 working for the Plan the Board of Trustees and not the Director of Personnel shall direct  
14 the work of such employees. As long individuals constituting the Board of Trustees of  
15 the Firemen's Retirement System also constitute the Board of Trustees of the this Plan,  
16 then once the employees of the Firemen's Retirement System are performing work for  
17 the Plan, the Plan will not pay said employees directly from the Plan Trust Fund but  
18 shall instead reimburse the Firemen's Retirement System for its share of the cost of the  
19 work performed by said employees of the Firemen's Retirement System for the Plan.  
20 Employees of the Firemen's Retirement System shall not perform work for the Plan if  
21 the individuals constituting the Board of Trustees of this Plan and the Board of Trustees  
22 of the Firemen's Retirement System are not the same individuals.

1 **SECTION TEN.** Section Two, subsection 4.19.170 paragraph A of City Ordinance 69245  
2 codified in Chapter 4.19.170 paragraph A of the Revised Code of the City of St. Louis is hereby  
3 amended to be and read as follows:

4 A. *Rights of Employee.* Neither the action of the City in establishing this plan, nor any action  
5 taken by an employer or the Trustee, nor any provision of the plan shall be construed as giving  
6 to any employee the right to be retained in the employ of the City or the right to any payments  
7 other than those expressly in the plan to be paid from the trust fund. The City expressly  
8 reserves the right to modify the plan terms and benefits at any time. The City also expressly  
9 reserves the right to dismiss any Employee without any liability for any claim against such  
10 employer or against the trust fund other than with respect to the benefits provided for by the  
11 plan. **Nothing in the Plan shall allow for an amendment to Chapter 4.18 – Firemen’s**  
12 **Retirement System to be effective without a prior amendment to Chapter 87 of the**  
13 **Revised Statutes of the State of Missouri containing the same language.**

14 **SECTION ELEVEN.** Effective Date. The provisions of the Ordinance shall not become  
15 effective until such date as amendments to Missouri Revised Statutes 87.140, 87.145, 87.155,  
16 87.260 and 87.350 have become law so as to permit the Board of Trustees of the Firemen’s  
17 Retirement System to simultaneously act as the Board of Trustees of the St. Louis Firefighter’s  
18 Retirement Plan.

19 **SECTION TWELVE.** Severability. If any provision, section, paragraph, sentence or clause of  
20 this Ordinance or its application to any person or circumstance is for any reason held to be invalid  
21 or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not

- 1 affect the validity of the remaining portions of this Ordinance and to this end the provisions are
- 2 held to be severable.