

Summary
Board Bill Number 221
Committee Substitute As Amended
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 COMMITTEE SUBSTITUTE AS AMENDED
INTRODUCED BY: ALDERMAN THOMAS OLDENBURG/ PRESIDENT LEWIS
REED/ ALDERWOMAN CLARK-HUBBARD/ ALDERMAN JOHN COLLINS-
MUHAMMAD/ALDERMAN JOE VACCARO/ALDERWOMAN MARLENE DAVIS/
ALDERWOMAN BETH MURPHY/ ALDERWOMAN MEGAN
GREEN/ALDERWOMAN CAROL HOWARD/ALDERMAN DAN GUENTHER/
ALDERMAN JOE VOLLMER/ ALDERMAN JOHN COATAR/ALDERWOMAN CARA
SPENCER/ ALDERMAN BRET NARAYAN/ ALDERWOMAN VICKY GRASS/
ALDERWOMAN DWINDERLIN EVANS/ ALDERWOMAN PAM BOYD/
ALDERWOMAN CHRISTINE INGRASSIA/ ALDERWOMAN HEATHER NAVARRO /
ALDERWOMAN LISA MIDDLEBROOK**

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 law to permit the Board of
6 Trustees of the Firemen’s Retirement System to simultaneously act as the Board of Trustees of
7 the St. 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.** Ordinance 59018 Section 1, codified in Chapter 4.18.055 of the Revised Code
10 of the City of St. Louis is hereby 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;

- 1 2. The Comptroller or Deputy Comptroller of the City, ex officio;
- 2 3. Two members to be appointed by the Mayor of the City to serve for a term of two years;
- 3 4. Three members to be elected by the members of the Retirement System for a term of
- 4 three years who shall be members of the system and hold office while members of the
- 5 system;
- 6 5. One member who shall be a retired fireman to be elected by the retired fireman who shall
- 7 hold office for a term of three years.

- 8 B. If a vacancy occurs in the office of Trustee the vacancy shall be filled for the unexpired term
- 9 in the same manner as the office was previously filled.

- 10 C. The Trustees shall serve without compensation, but they shall be reimbursed from the
- 11 expense fund for all necessary expenses which they may incur through service on the Board.

- 12 D. Each Trustee shall within ten days after his appointment or election take an oath of office
- 13 before the Clerk of the Circuit Court of the City, that, so far as it devolves upon him, he will
- 14 diligently and honestly administer the affairs of the Board and that he will not knowingly
- 15 violate or willingly permit to be violated any of the provisions of the law applicable to the
- 16 Retirement System. The oath shall be subscribed to by the member making it and certified by
- 17 the Clerk of Circuit Court and filed in his office.

- 18 E. Each Trustee shall be entitled to one vote on the Board. Five votes shall be necessary for a
- 19 decision by the Trustees at any meeting of the Board.

1 **F. Notwithstanding anything in Chapter 4.18 of the Revised Code of the City of St. Louis**
2 **to the contrary, nothing shall prevent the Board of Trustees of the Firemen’s Retirement**
3 **System from simultaneously acting as the Board of Trustees of Firefighter’s Retirement**
4 **Plan that provides retirement, disability, and death benefits for the firefighters of the**
5 **City of St. Louis and their covered dependents. The administration of the Firefighter’s**
6 **Retirement Plan shall be in accordance with its terms.**

7 **G. The administration of the Firefighter’s Retirement Plan includes the ability for the**
8 **Board of Trustees to establish rules and regulations from time-to-time for the**
9 **administration of funds of the Firefighter’s Retirement Plan and for the transaction of**
10 **Firefighter’s Retirement Plan business.**

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

13 4.18.080 - Board of Trustees—Records—Reports.

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

1 **SECTION THREE.** Ordinance 49623, as amended by Ordinances 57962, 59822, 63475 and
2 67259, codified in Chapter 4.18.225 of the Revised Code of the City of St. Louis is hereby
3 amended to be and read as follows:

4 4.18.225 - Funds—Investments.

5 A. The Board of Trustees of the Firefighter's Retirement System shall have the exclusive
6 authority and discretion to invest and reinvest the funds in property of any kind, real or
7 personal. The Board of Trustees shall invest and manage the fund as a prudent investor would,
8 by considering the purposes, terms, distribution requirements, and other circumstances of the
9 Firefighter's Retirement System. In satisfying this standard, the Board of Trustees shall
10 exercise reasonable care, skill, and caution. No trustee shall have any interest as a trustee in
11 the gains or profits made on any investment, except benefits from interest in investments
12 common to all members of the plan, if entitled thereto.

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

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

20 **D. To the extent the Board of Trustees administers the Firefighters' Retirement Plan, it**
21 **shall also have the authority and discretion to invest and reinvest the funds of the**

1 **Firefighters' Retirement Plan in property of any kind, real or personal. It can choose to**
2 **invest the funds of the Firemen's Retirement System and the funds of the Firefighters'**
3 **Retirement Plan in the same investments, so long as the amounts invested and the gains,**
4 **profits, or losses on such investment are accounted for separately. No benefits due to**
5 **firefighters or their covered dependents from the Firefighters' Retirement Plan shall be**
6 **paid from the Firemen's Retirement System funds.**

7 **SECTION FOUR.** Ordinance 53997 Section 4.18.315, codified in Chapter 4.18.315 of the
8 Revised Code of the City of St. Louis is hereby amended to be and read as follows:

9 4.18.315 - Expense fund.

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

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

4 B. *Annual Actuarial Examination.* At least once each year, the Board of Trustees shall cause the
5 liabilities of the Plan with respect to retirement benefits to be evaluated by an Actuary who
6 shall report on the soundness and solvency of the Trust Fund in relation to such liabilities and
7 on the amount of the contribution for the year which is appropriate to keep the Trust Fund
8 actuarially sound with respect to the obligation to pay the benefits under the Plan. Except as
9 described below, each such report shall be delivered to the City's Budget Director no later
10 than March 1 of each year.

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

15 ~~Actuaries retained by the Board of Trustees shall be subject to the procurement rules~~
16 ~~contained in Ordinance 64102, or its successor.~~ The Board of Trustees shall retain actuaries
17 in accordance with the policies established by the Board of Trustees as may be revised or
18 amended by the Board of Trustees from time to time. The Actuaries retained by the Board
19 of Trustees may be the same Actuaries retained by the Board of Trustees of the Firemen's
20 Retirement System.

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

4 **SECTION SIX.** Section Two, subsection 4.19.130 paragraph D of City Ordinance 69245 as
5 amended by Ordinance 70248 as codified in Chapter 4.19.130 paragraph D of the Revised Code
6 of the City of St. Louis is hereby amended to be and read as follows:

7 D. ~~*Appointment of Board of Trustees. The Board of Trustees shall be constituted as follows:*~~

8 ~~**1. The Budget Director of the City, ex officio;**~~

9 ~~**2. The Comptroller of the City or Comptroller's designee, ex officio. The**~~
10 ~~**Comptroller's designee must be an active, full-time employee of the City**~~
11 ~~**Comptroller's Office;**~~

12 ~~**3. Two members to be appointed by the Mayor of the City to serve for a term of two**~~
13 ~~**years;**~~

14 ~~**4. Two members to be elected by actively employed participants in the Plan for a term**~~
15 ~~**of three years who shall hold office while participants in the Plan. Notwithstanding**~~
16 ~~**the foregoing sentence, the member elected by the actively employed participants in**~~
17 ~~**the Plan with the highest percentage of votes at the first election held after the**~~
18 ~~**effective date shall hold office for an initial term of four years, and shall hold office**~~
19 ~~**for three year terms thereafter;**~~

1 ~~5. One member who shall be a retired firefighter to be elected by the retired~~
2 ~~firefighters who shall hold office for a term of three years.~~

3 ~~No active or retired firefighter may serve as a Trustee under this plan and the prior plan~~
4 ~~simultaneously.~~

5 ~~If a vacancy occurs in the office of the Trustee the vacancy shall be filled for the~~
6 ~~unexpired term in the same manner as the office was previously filled.~~

7 ~~The Trustees shall serve without compensation, but they shall be reimbursed from the~~
8 ~~expense fund for all necessary expenses which they may incur through service on the Board.~~

9 ~~Each Trustee shall within ten days after his appointment or election take an oath of office~~
10 ~~before the Clerk of the Circuit Court of the City, that, so far as it devolves upon him, he will~~
11 ~~diligently and honestly administer the affairs of the Board and that he will not knowingly~~
12 ~~violate or willingly permit to be violated any of the provisions of the law applicable to the~~
13 ~~plan. The oath shall be subscribed to by the member making it and certified by the Clerk of~~
14 ~~the Circuit Court.~~

15 ~~Each Trustee shall be entitled to one vote on the Board. An affirmative vote by a majority~~
16 ~~of the members then serving shall be necessary for a decision by the Trustees at any meeting~~
17 ~~of the Board.~~

18 **D. The general administration and the responsibility for the proper operation of the Plan**
19 **shall be vested in a Board of Trustees comprised of eight (8) persons. The Board shall**
20 **be constituted as follows:**

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

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

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

16 Each Trustee shall within ten days after their appointment or election to the Board of
17 Trustees shall take an oath of office administered by the Clerk of the Circuit Court of
18 the City of St. Louis, that so far as it devolves upon them they will diligently and honestly
19 carryout their responsibilities and duties as members of the Board of Trustees and
20 administer the affairs of the Board of Trustees, and that they will not knowingly violate

1 or knowingly permit to be violated any of the applicable provisions of the laws and
2 regulations which govern the Plan. Said oath shall be subscribed to by the Trustee,
3 certified by the Clerk of the Circuit Court and maintained in the files of the Clerk of the
4 Circuit Court.

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

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

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

20 G. *Audit.* At the direction of the Director of Personnel, the Board of Trustees shall obtain an
21 audit by an unrelated accounting or pension consulting firm to verify that the directions of the

1 Trustees, and the payments from the plan, are made in accordance with the terms of the plan.

2 **The unrelated accounting firm retained by the Board of Trustees to conduct the audit**
3 **may be the accounting firm retained by the Firemen’s Retirement System Board of**
4 **Trustees to conduct its audit.**

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

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

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

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

1 in accordance with the rules, policies and procedures established by the Board of
2 Trustees. Relatives of members of the Board of Trustees shall not be employed to
3 perform any services for its plan or Board of Trustees or receive any compensation from
4 the Trust Fund. The Board of Trustees may retain employees of the Plan appointed by
5 the City Director of Personnel until such time as the Board of Trustees determines that
6 the employees of the Firemen’s Retirement System are prepared to perform the work
7 for the Plan. During such time as the employees appointed by the Director of Personnel
8 are working for the Plan the Board of Trustees and not the Director of Personnel shall
9 direct the work of such employees. As long as individuals constituting the Board of
10 Trustees of the Firemen’s Retirement System also constitute the Board of Trustees of
11 the this Plan, then once the employees of the Firemen’s Retirement System are
12 performing work for the Plan, the Plan will not pay said employees directly from the
13 Plan Trust Fund but shall instead reimburse the Firemen’s Retirement System for its
14 share of the cost of the work performed by said employees of the Firemen’s Retirement
15 System for the Plan. Employees of the Firemen’s Retirement System shall not perform
16 work for the Plan if the individuals constituting the Board of Trustees of this Plan and
17 the Board of Trustees of the Firemen’s Retirement System are not the same individuals.

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

21 A. *Rights of Employee.* Neither the action of the City in establishing this plan, nor any action
22 taken by an employer or the Trustee, nor any provision of the plan shall be construed as giving

1 to any employee the right to be retained in the employ of the City or the right to any payments
2 other than those expressly in the plan to be paid from the trust fund. The City expressly
3 reserves the right to modify the plan terms and benefits at any time. The City also expressly
4 reserves the right to dismiss any Employee without any liability for any claim against such
5 employer or against the trust fund other than with respect to the benefits provided for by the
6 plan. **Nothing in the Plan shall allow for an amendment to Chapter 4.18 – Firemen’s**
7 **Retirement System to be effective without a prior amendment to Chapter 87 of the**
8 **Revised Statutes of the State of Missouri containing the same language.**

9 **SECTION ELEVEN.** Section Two, subsection 4.19.070 paragraphs E and F of City Ordinance
10 69245 codified in Chapter 4.19.070 paragraphs E and F of the Revised Code of the City of St.
11 Louis are hereby amended to be and read as follows:

12 E. *Total and Permanent Disability.* An employee shall be deemed to be totally and permanently
13 disabled when, on the basis of qualified medical evidence, he is found by the ~~Board of~~
14 ~~Trustees~~ **Disability Board** to be totally and permanently prevented from performing the
15 duties described in the applicable paragraph of Subsection B or C of this section.

16 F. *Discontinuance of Disability Benefits.* If, based on qualified medical advice, it is reasonably
17 possible for a disabled beneficiary to recover for the condition that caused him to be totally
18 and permanently disabled, once each year during the first five years following the
19 commencement of disability income, and once in every three-year period thereafter, the
20 ~~Board of Trustees~~ **Disability Board** shall require the disability beneficiary to undergo a
21 medical examination to be made at a place designated by the ~~Board of Trustees~~ **Disability**

1 **Board**, and to be made by a physician or physicians designated by the ~~**Board of Trustees**~~
2 **Disability Board**. Should any disability beneficiary refuse to submit to a medical
3 examination, his disability income shall be discontinued until his withdrawal of the refusal,
4 and if his refusal continues for one year all rights in and to his disability income shall be
5 revoked by the ~~**Board of Trustees**~~ **Disability Board**.

6 Payment of disability benefits under this section shall be discontinued upon the earliest of the
7 following:

- 8 1. The refusal of the participant to undergo a medical examination;
- 9 2. The time as of which the ~~**Board of Trustees**~~ **Disability Board** finds the participant is no
10 longer totally and permanently disabled; or
- 11 3. The death of the participant.

12 After the ~~**Board of Trustees**~~ **Disability Board** finds the participant is no longer totally and
13 permanently disabled and during such time as the participant is not receiving a disability benefit
14 pursuant to this section, the participant shall be entitled to a pension benefit in the amount and at
15 the time or times determined in accordance with Sections 4.19.050 and 4.19.060, as applicable,
16 based on average final compensation and years of service at termination of employment.

17 **SECTION TWELVE.** Section Nineteen of City Ordinance 69245 codified in chapter 4.19.070
18 paragraph G of the Revised Code of the City of St. Louis is hereby amended to be and read as
19 follows:

1 G. *Adjustment of Disability Income.* If the disability beneficiary is engaged, or is able to engage,
2 in a gainful occupation other than firefighter paying more than the difference between his
3 disability income and the then-current rate of pay for the rank held by the participant at the
4 time of retirement (indexed as described below), the amount of his disability income shall be
5 reduced to an amount which together with the amount earnable by him in such other
6 occupation shall equal the amount of such current rate of pay. If his earning capacity is later
7 changed, the amount of his disability income may be further modified. The then-current rate
8 of pay for the rank held by the participant at the time of retirement shall be increased as of
9 each October 1, with the first increase in the October following commencement of disability
10 income payments and each October thereafter, by an amount equal to the lesser of three
11 percent or the increase in the CPI (as defined in Subsection D of this section) for the previous
12 calendar year; up to a maximum aggregate increase of twenty-five percent.

13 A disabled beneficiary shall submit a copy his annual federal income tax return to the **Board**
14 ~~of Trustees~~ **Disability Board** for each calendar year for which the beneficiary is eligible of a
15 disability benefit under this section. Payment of disability benefits of a beneficiary shall be
16 discontinued if the beneficiary fails to submit a copy of his federal income tax return to the **Board**
17 ~~of Trustees~~ **Disability Board** by the 15th day of October immediately following the end of
18 calendar year. ~~Board of Trustees~~ **Disability Board** shall audit the validity of at least two percent
19 of such tax returns.

1 **SECTION THIRTEEN.** Section Two, subsection 4.19.140 paragraph E of City Ordinance
2 69245 codified in Chapter 4.19.140 paragraphs E of the Revised Code of the City of St. Louis is
3 hereby amended to be and read as follows:

4 E. *Allocation and Delegation Procedures.* The Board of Trustees may appoint one or more of
5 its members to carry out any particular duty or duties or to execute any and all documents on
6 its behalf. Any documents so executed shall have the same effect as though executed by all
7 the members. Such appointments shall be made by an instrument in writing that specifies what
8 duties and powers are so allocated and to whom each such duty or power is so allocated. The
9 Board of Trustees may delegate to any agents (including the Trustee) such duties and powers,
10 both ministerial and discretionary, as it deems appropriate, by an instrument in writing which
11 specifies which such duties are so delegated and to whom each such duty is so delegated. **In**
12 **addition to the written appointments permitted above, the Board of Trustees shall**
13 **appoint a five (5) person Disability Board from the members of the Board of Trustees,**
14 **which Disability Board shall consist of the Comptroller or Deputy Comptroller of the**
15 **City, ex officio, the two (2) Board of Trustee members appointed by the Mayor of the**
16 **City and two (2) additional Board of Trustee members designated from time to time by**
17 **the Chairman of the Board of Trustees.**

18 **SECTION FOURTEEN.** Effective Date. The provisions of the Ordinance shall not become
19 effective until such date as amendments to Missouri Revised Statutes 87.140, 87.145, 87.155,
20 87.260 and 87.350 have become law so as to permit the Board of Trustees of the Firemen’s
21 Retirement System to simultaneously act as the Board of Trustees of the St. Louis Firefighter’s
22 Retirement Plan.

1 **SECTION FIFTEEN.** Severability. If any provision, section, paragraph, sentence or clause of
2 this Ordinance or its application to any person or circumstance is for any reason held to be invalid
3 or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not
4 affect the validity of the remaining portions of this Ordinance and to this end the provisions are
5 held to be severable, with the exception of Section Fourteen. If Section Fourteen of this
6 Ordinance or its application to any person or circumstance is for any reason held to be invalid
7 or unconstitutional, such decision shall invalidate the remaining provisions of this Ordinance.

Ordinance 59018
COMMITTEE SUBSTITUTE FOR
BOARD BILL NO. 626)

An ordinance to amend the provisions of the Firemen's Retirement System as set forth in Chapter 4.18 of the Revised Code of the City of St. Louis 1960 to conform to the provisions of Senate Committee Substitute for House Bill Nos. 694 and 171 of the 82nd General Assembly by amended Sections 4.18.055, 4.18.124, 4.18.130, 4.18.150, 4.18.155, 4.18.180, 4.18.185, 4.18.207 and 4.18.310; and repealing Section 4.18.165 and enacting a new Section 4.18.165 pertaining to the same subject matter.

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

Section One. Section 4.18.055 of the Revised Code is hereby amended to read in words and figures as follows:

- 4.18.055 Board of trustees —
Composition — Vacancy
— Compensation — Oath
— Votes.

- A. The general administration and the responsibility for the proper operation of the retirement system shall be vested in a board of trustees of eight persons. The board shall be constituted as follows:
1. The chief of the fire department of the City, ex officio;
 2. The comptroller or deputy comptroller of the city, ex officio;
 3. Two members to be appointed by the mayor of the city to serve for a term of two years;
 4. Three members to be elected by the members of the retirement system for a term of three years who shall be members of the system and hold office while members of the system;
 5. One member who shall be a retired fireman to be elected by

the retired firemen and who shall hold office for a term of three years.

B. If a vacancy occurs in the office of trustee the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

C. The trustees shall serve without compensation, but they shall be reimbursed from the expense fund for all necessary expenses which they may incur through service on the board.

D. Each trustee shall within ten days after his appointment or election take an oath of office before the clerk of the circuit court of the city, that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the board and that he will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. The oath shall be subscribed to by the member making it and certified by the clerk of circuit court and filed in his office.

E. Each trustee shall be entitled to one vote on the board. Five votes shall be necessary for a decision by the trustees at any meeting of the board.

Section Two. Section 4.18.125 of the Revised Code is hereby amended to read in words and figures as follows:

- 4.18.125 Compulsory retirement —
Seventy percent
requirement.

A. Any member may retire upon his written application to the board of trustees setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing therefore, he desires to be retired.

if the member at the time so specified for his retirement has twenty-five years or more of service, except that a member who ceases to be a fireman after twenty years or more of service may retire prior to the twenty-five years of service with a retirement allowance based on his years of service.

B. Any member in service upon attaining the age of sixty (60) if qualifying for a service retirement allowance equal to seventy percent (70%) of the average final compensation may be retired forthwith; except that with respect to any member the board shall not retire such member when he attains sixty (60) years of age or more merely because the member has attained that age unless the member so requests or the member has qualified for a service retirement allowance equal to seventy percent (70%) of his average final compensation.

C. Any member who qualifies for a service retirement allowance of seventy percent (70%) or over and has not attained the sixty (60) years of age may be retained as a member until sixty (60) years of age, with no increase in retirement allowance.

Section Three. Section 4.18.130 of the Revised Code is hereby amended to read in words and figures as follows:

4.18.130 Service retirement allowance

A. Upon retirement for service a member shall receive a service retirement allowance which shall be equal to fifty percent of the average final compensation, plus an amount equal to four percent of the average final compensation for each additional year of service after twenty-five years, but no service retirement allowance shall exceed an amount equal to seventy percent of the average final compensation.

B. In addition to any other annuity or retirement allowance payable under this section and as authorized by sections 87.196 and 87.205 R.S.Mo., any member upon retirement shall be repaid the total amount of his contribution to the retirement system, without interest. Any beneficiary upon the receipt of evidence and proof of the death of an active member shall be repaid the total amount of the member's contribution to the firemen's retirement system without interest. The board shall pay the retired member or beneficiary such total amount of his contribution to the retirement system within sixty days after the date such member has been permanently retired as approved by the board of trustees.

C. Any annuity or retirement allowance repaid to a member under subsection B. of this section shall be withdrawn from member's contribution fund of the firemen's retirement system and no moneys shall be withdrawn from the general revenue fund.

Section Four. Section 4.14.150 of the Revised Code is hereby amended to read in words and figures as follows:

4.18.150 Ordinary disability allowance — Computation.

A. Upon retirement for ordinary disability a member shall receive a service retirement allowance if he has twenty years or more of creditable service, otherwise he shall receive an ordinary disability retirement allowance which shall be the larger of:

1. Ninety percent of a service retirement allowance based on his creditable service and calculated at the date of disability retirement; or
2. One-fourth of his average final compensation, except the allowance shall not exceed nine-

ty percent of the service retirement allowance based on his creditable service and calculated at the date of disability retirement.

B. In addition to whichever of the allowances the member shall receive for retirement for ordinary disability there shall be paid to him an additional allowance of ten percent of his average final compensation for each unmarried dependent child under age of eighteen and each unmarried child, regardless of age, who is totally and permanently mentally or physically incapacitated from engaging in gainful employment sufficiently remunerative to support himself, but such additional allowance shall not be paid on more than three children.

C. No benefits under this section shall be paid to a child over eighteen years of age who is totally and permanently mentally or physically disabled and incapacitated if such child is a patient or ward in a publicly supported institution.

Section Five. Section 4.18.158 of the Revised Code is hereby amended to read in words and figures as follows:

4.18.155 Accidental disability allowance — Application.

Upon application by the member or the chief of the fire department, any member who has become totally and permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty or exposure while in the actual performance of duty in response to an emergency call shall be retired by the board of trustees, if the medical board shall certify that the member is mentally or physically incapacitated for further performance of duty, that the incapacity is likely to be permanent and that the member should be retired. If the accident occurred prior to the beginning of the

member's twentieth year of service, application for benefits must be made before this time, except that the interval between the date of accident and the application may be at least one year.

Section Six. Section 4.18.165 of the Revised Code is hereby repealed and a new Section 4.18.165 is hereby enacted to read in words and figures as follows:

4.18.165 Increases in Allowances.

The following allowances due under the provisions of sections 87.120 to 87.370 R.S.Mo. of any member who retired from service shall be increased annually, as approved by the board of trustees beginning with the first increase in the October following his retirement and subsequent increases in each October thereafter, at the rates designated:

- (1) With a retirement service allowance or ordinary disability allowance,
- (a) One and one-half percent per year, compounded each year, up to age sixty for those retiring with twenty to twenty-four years of service,
- (b) Two and one-fourth percent per year, compounded each year, up to age sixty for those retiring with twenty-five to twenty-nine years of service,
- (c) Three percent per year, compounded each year, up to age sixty for those retiring with thirty or more years of service,
- (d) After age sixty, five percent per year for five years or until a total maximum increase of twenty-five percent is reached;
- (2) With an accidental disability allowance, three percent per year, compounded each year, up to age sixty then five percent per year for five years or until a total maximum increase of twenty-five percent is reached.

Each increase, however, is subject to a determination by the board of trustees that the consumer price index (United

(States Average Index) as published by the United States Department of Labor shows an increase of not less than the approved rate during the latest twelve-month period for which the index is available at date of determination. If the increase is in excess of the approved rate for any year, the excess shall be accumulated as to any retired member and increases may be granted in subsequent years subject to the maximum allowed for each full year from October following his retirement but not to exceed a total increase of twenty-five percent. If the board of trustees determines that the index has decreased for any year, the benefits of any retired member that have been increased shall be decreased but not below his initial benefit. No annual increase shall be made of less than one percent and no decrease of less than three percent except that any decrease shall be limited by the initial benefit.

Section Seven. Section 4.18.180 of the Revised Code is hereby amended to read in words and figures as follows:

4.18.180 Reinstatement of disabled members.

A. If the medical board reports and certifies to the board of trustees that the disability beneficiary is engaged or is able to engage in a gainful occupation other than fireman paying more than the difference between his retirement allowance and one and one-half times the then current rate of pay for the rank held by the member at the time of retirement, and if the board of trustees concurs in the report, then the amount of his retirement allowance shall be reduced to an amount which together equal the amount of such current rate of pay. If his earning capacity is later changed, the amount of his retirement may be further modified. If any such disability beneficiary is found by such medical board to be able to engage in the occupation of fireman, his retirement allowance shall not cease until he is restored to active service at the position and title held by such disability beneficiary at the time such disability occurred.

B. If a disability beneficiary is restored to active service, his

retirement allowance shall cease and he shall again become a member. His creditable service at the time of his retirement shall be restored to full force and effect and in addition, upon his subsequent retirement, he shall be credited with all his additional service as a member, and if his then average final compensation is less than the average final compensation used in determining his disability benefits, the latter amount shall be used in determining benefits. In addition, an accident disabled member restored to active service shall be credited with all the time he served as a beneficiary.

Section Eight. Section 4.18.185 of the Revised Code is hereby amended to read in words and figures as follows:

4.18.185 Death benefits — Retired members or members on disability allowance.

A. Upon the receipt of proper proofs of the death of a member who retired while in service, including retirement from service, ordinary disability or accidental disability, prior to effective date this ordinance, and provided no other benefits are payable, there shall be paid the following benefits:

1. A retirement allowance to all widows during their widowhood of fifty percent of the decreased member's average final compensation or two hundred dollars per month, whichever is greater, plus ten percent of such compensation to or for the benefit of each unmarried dependent child of the deceased member who is either under age eighteen or who is totally and permanently mentally or physically incapacitated regardless of age, but not in excess of three children, including both children, and paid as the board of trustees in its discretion shall direct;

2. If no widow benefits are payable under subdivision A1, such allowance as would have been paid thereunder shall be divided among the unmarried dependent children under age eighteen and such unmarried children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated, and paid to or for the benefit of such children, as the board of trustees in its discretion shall direct, except that not more than one-half of the widow's benefit shall be paid to one child;

B. Upon the receipt of proper proofs of the death of a member in service or who retired while in service, including retirement from service, ordinary disability or accidental disability, after the effective date of this act, and provided no other benefits are payable there shall be paid the following benefits:

1. A retirement allowance to all widows during their widowhood of twenty-five percent of the decreased member's average final compensation of two hundred dollars per month, whichever is greater, plus ten percent of such compensation to or for the benefit of each unmarried dependent child of the deceased member who is either under age eighteen or who is totally and permanently mentally or physically incapacitated regardless of age, but not in excess of three children, including both children, and paid as the board of trustees in its discretion shall direct;

2. If no widow's benefit are payable under subdivision (1) of this subsection, such allowance as would have been paid thereunder shall be divided among the unmarried dependent children, regardless of age, who are totally and permanent-

ly mentally or physically incapacitated, and paid to or for the benefit of such children, as the board of trustees in its discretion shall direct, except that no more than one-half of the widow's benefit shall be paid to one child.

Section Nine. Section 4.18.207 of the Revised Code is hereby amended to read in words and figures as follows:

4.18.207 Special consultants on problems of retirement.

A. Any widow who is receiving retirement benefits upon application to the board of trustees of the retirement system, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement aging, and other state matters, for the remainder of her life, and upon request of the board, give opinions, and be available to give opinions in writing, or orally, in response to such request, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly retirement benefits being received, shall not exceed fifty percent of the deceased member's average final compensation or two hundred dollars (\$200.00) whichever is greater.

B. This compensation shall be consolidated with any other retirement benefits payable to such widow and shall be paid in the manner and from the same fund as her other retirement benefits under this chapter, and shall be treated in all aspects under the laws of this state as retirement benefits paid pursuant to this chapter.

C. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits under this chapter, or in any way have the effect of reducing retirement benefits, anything to the contrary not withstanding.

Section Ten. Section 4.18.310 of the Revised Code is hereby amended to read in words and figures as follows:

4.18.310 General reserve fund —
Discontinuing liability
contributions.

The accrued liability contribution should be discontinued as soon as the accumulated reserve in the general reserve fund shall equal the present value as actuarially computed and approved by the board of trustees, of the total liability of the fund, less the present value computed on the basis of the normal contribution rate then in force of the prospective normal contributions to be received on account of persons who are at that time members. The accrued

liability contribution rate may be decreased by the board of trustees provided the reduced level rate does not require an amortization period extending beyond the year twenty hundred and ten (2010) for any accrued liability as of August 31, 1980. Subsequent to what date, any changes in the accrued liability by reason of changes in the benefits payable under the retirement system, changes in the actuarial assumptions, or changes in the actuarial funding method are to be amortized over a period not exceeding thirty years from the date in which the additional accrued liabilities are recognized in the annual actuarial valuation of the system.

Approved: December 28, 1983