

1 **Board Bill No. 109 Committee Substitute Sponsored by: Alderman Alfred**
2 **Wessels Jr.**
3

4 An Ordinance pertaining to and terminating The Firemen’s Retirement
5 System of St. Louis, repealing certain sections of Ordinance 69149 and of
6 Ordinance 69245, codified in Section 4.19 of the Revised Code of the City of St.
7 Louis, and enacting in lieu thereof new sections pertaining to the The Firemen's
8 Retirement System of St. Louis and making certain changes and clarifications to
9 The Firemen’s Retirement Plan of St. Louis, as set forth in Ordinance No. 69245.

10 **WHEREAS**, on February 10, 2012 the City adopted Ordinance 69149,
11 which froze future benefit accruals under The Firemen's Retirement System of St.
12 Louis.

13 **WHEREAS**, on July 28, 2012 the City adopted Ordinance 69245,
14 establishing The Firemen's Retirement Plan of St. Louis.

15 **WHEREAS**, pursuant to Section 4.19.160 of Ordinance 69245, the
16 City reserved the right to amend The Firemen's Retirement Plan of St. Louis at
17 any time.

18 **WHEREAS**, as a result of a Memorandum and Order of the Circuit Court
19 of the City of St. Louis regarding the enforceability of such Ordinances, the City
20 wishes to amend certain provisions of Ordinances 69149 and 69245 to modify the
21 arrangement so that benefits accrued because of years of service to date will
22 continue to be paid from The Firemen's Retirement System of St. Louis and
23 benefits that accrue in the future attributable to years of service rendered in the
24 future will be paid from the new Firemen's Retirement Plan of St. Louis.

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1 **WHEREAS**, Sections One and Two of this ordinance contain
2 modifications to Ordinance 69149: and Sections Three through Seventeen of this
3 ordinance contain modifications to Ordinance 69245.

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

5 Section One. Section One of Ordinance 69149 is hereby repealed.

6 Section Two. Section Two of Ordinance 69149 is hereby repealed and in
7 lieu thereof a new Section Two is enacted to read as follows herein:

8 **A. Pursuant to the power to amend or repeal the**
9 **Firemen’s Retirement System of the City of St. Louis (“FRS”)**
10 **under Section Fifty-five of Ordinance 49623, codified in**
11 **Section 4.18.345 of the Revised Code of the City of St. Louis,**
12 **and notwithstanding any provision or ordinance to the**
13 **contrary, the benefits accrued under the FRS shall not increase**
14 **on account of service performed or (inclusively) compensation**
15 **paid on or after February 1, 2013, members shall not make any**
16 **employee contributions to the FRS with respect to payroll**
17 **periods beginning on or after February 1, 2013, the disability**
18 **benefit provisions of the FRS shall not apply to a member who**
19 **incurs a Termination of Employment on account of disability**
20 **on or after February 1, 2013, and the death benefit provisions**
21 **of the FRS shall not apply to members who die on or after**
22 **February 1, 2013. For purposes of this Ordinance, the benefit**
23 **accrued under the FRS means the basic monthly amount of the**

1 service retirement allowance, the disability allowance, the
2 death benefit, and any other benefit payable in accordance
3 with Chapter 4.18 of the Revised Code of the City of St. Louis.
4 The benefit calculation for a member of the FRS shall not be
5 less than the benefit the member would have received if the
6 member terminated employment on February 1, 2013; but the
7 member shall not accrue any additional benefits on account of
8 years of service on or after February 1, 2013.

9 B. Service performed on or after February 1, 2013
10 shall continue to be taken into account solely for purposes of
11 vesting and eligibility to begin receiving a retirement income
12 benefit; so that a member of The Firemen's Retirement System
13 of St. Louis who was unvested as of February 1, 2013 may
14 become vested in the future based on years of service after
15 February 1, 2013. For example, a member with fifteen years of
16 service as of February 1, 2013 shall be eligible for the
17 retirement income allowance upon completion of twenty years
18 of service, but the amount of the retirement allowance shall be
19 based on average final compensation as of February 1, 2013
20 and fifteen years of service, not twenty; so that the benefit
21 accrued under this plan is earned only because of years of
22 service up to February 1, 2013, although vesting is based on
23 total years of service as a firefighter with the City of St. Louis.

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1 **C. A member of the FRS who is participating in the**
2 **DROP program on January 31, 2013 shall continue to**
3 **participate in the DROP program under the FRS until the**
4 **member is no longer participating in the DROP program in**
5 **accordance with Section 4.18.131 of the Revised Code of the**
6 **City of St. Louis. Such a member of the FRS who stops**
7 **participation in the DROP program shall accrue benefits for**
8 **compensation paid and service rendered after ending**
9 **participation in the DROP program under the Firefighters’**
10 **Retirement Plan, not the FRS, and shall not make any**
11 **withdrawal from his or her DROP account until after**
12 **termination of employment. Sick leave accumulated before**
13 **February 1, 2013, if any, to the extent applicable under the**
14 **FRS without regard to this Ordinance, shall be credited in**
15 **accordance with Section 4.18.386 of the Revised Code of the**
16 **City of St. Louis.**

17 Section Three. Paragraph B of Section 4.19.010 of Ordinance 69245 is
18 hereby repealed and in lieu thereof a new Paragraph B of Section 4.19.010 is
19 enacted to read as follows:

20 **B. Structure of Plan. The provisions of subsections**
21 **4.19.050(A) through (G) govern pension benefits accrued by**
22 **Participants hired on and after the Effective Date. The**
23 **amount of the accrued benefit of Participants under the**

1 **Firemen’s Retirement System of St. Louis pursuant to Chapter**
2 **4.18 of the Revised Code (the “Prior Plan”) was frozen as of**
3 **February 1, 2013 by Ordinance 69149, as amended by this**
4 **Ordinance. The amount of the benefit accrued under the Prior**
5 **Plan does not increase because of years of service after the**
6 **Effective Date. The provisions of subsections 4.19.060(A)**
7 **through (F), governing pension benefits of Grandfathered**
8 **Participants, are independent of the provisions of subsections**
9 **4.19.050 (A) through (G) relating to Participants hired on and**
10 **after the Effective Date. The benefit accrued under this plan is**
11 **earned only because of years of service after the Effective Date**
12 **(although vesting, eligibility for retirement and the rate of**
13 **accrual for benefits attributable to years of service after the**
14 **Effective Date is based on total years of service as a firefighter**
15 **with the City of St. Louis).**

16 Section Four. Paragraph D of Section 4.19.010 of Ordinance 69245 is
17 hereby is hereby repealed and in lieu thereof a new Paragraph D of Section
18 4.19.010 of Ordinance 69245 is enacted to read as follows:

19 **D. Effective Date. This Ordinance is effective**
20 **February 1, 2013.**

21 Section Five. Paragraph E of Section 4.19.010 of Ordinance 69245
22 (pertaining to merger of the FRS into the FRP) is hereby repealed in its entirety.

23 Section Six. Paragraph B of Section 4.19.030 of Ordinance 69245 is

1 hereby repealed and in lieu thereof a new Paragraph B of Section 4.19.030 of
2 Ordinance 69245 is enacted to read as follows:

3 **B. Employee Contributions. The Board of Trustees**
4 **shall certify to the chief of the fire department, and the chief of**
5 **the fire department shall cause to be deducted from the**
6 **compensation of each Participant each pay period, and**
7 **remitted to the Trustee, eight percent of the compensation of**
8 **each Participant with at least twenty full Years of Service as of**
9 **the Effective Date, and nine percent of the compensation of**
10 **each Participant with fewer than twenty full Years of Service**
11 **as of the Effective Date. Such contributions shall be credited to**
12 **the Accumulated Contributions account of the Participant.**
13 **Contributions by each Participant with fewer than twenty full**
14 **Years of Service as of the Effective Date shall be treated as**
15 **employer before-tax (“pick-up”) contributions under Section**
16 **414(h) of the Code. Contributions by Participants with at least**
17 **twenty full Years of Service as of the Effective Date shall be**
18 **treated as after-tax employee contributions.**

19 **The deductions provided for herein shall be made**
20 **notwithstanding that the minimum compensation provided by**
21 **law for any Participant shall be reduced thereby. Every**
22 **Participant shall be deemed to consent to the deductions made**
23 **and provided for herein, and payment of salary or**

1 **compensation less the deduction shall be a full and complete**
2 **discharge and acquittance of all claims and demands**
3 **whatsoever for services rendered during the period covered by**
4 **the payment except as to benefits provided by this Plan.**

5 Section Seven. Paragraph B of Section 4.19.040 of Ordinance 69245 is
6 hereby repealed and in lieu thereof a new Paragraph B of Section 4.19.040 of
7 Ordinance 69245 is enacted to read as follows:

8 **B. Prior Plan Service. Complete and partial years**
9 **of service credited pursuant to the terms of the Prior Plan for**
10 **periods before the Effective Date shall count as Years of**
11 **Service under this Plan (but benefits attributable to such Prior**
12 **Plan service under this Plan shall be offset by the benefits**
13 **payable under The Firemen’s Retirement System of St. Louis,**
14 **as provided in Paragraph G of Section 4.19.060, so that the**
15 **benefit accrued under this plan is earned only because of years**
16 **of service after the Effective Date, although vesting, eligibility**
17 **for retirement and the rate of accrual for benefits attributable**
18 **to years of service after the Effective Date is based on total**
19 **years of service).**

20 **Notwithstanding the above, service credited pursuant to**
21 **the terms of the Prior Plan for periods before the Effective**
22 **Date shall not count as Years of Service under this Plan to the**
23 **extent a Participant did not receive a periodic retirement**

1 **income benefit from the Prior Plan based on such service (e.g.,**
2 **a Participant with fewer than twenty years of service received**
3 **a refund of contributions withheld from compensation**
4 **attributable to such service in lieu of a pension).**

5 Section Eight. Paragraph A of Section 4.19.060 of Ordinance 69245 is
6 hereby repealed and in lieu thereof a new Paragraph A of Section 4.19.060 of
7 Ordinance 69245 is enacted to read as follows:

8 **A. Grandfathered Benefits – General. The**
9 **provisions of this Section apply only to Grandfathered**
10 **Participants. The amount of retirement income benefits**
11 **accrued under this Section is based on all service and**
12 **compensation, including years of service rendered and**
13 **compensation paid before the Effective Date, but is offset by**
14 **benefits payable under The Firemen’s Retirement System of**
15 **St. Louis, as provided in Paragraph G of Section 4.19.060, so**
16 **that the benefit accrued under this plan is earned only because**
17 **of years of service after the Effective Date, although vesting,**
18 **eligibility for retirement and the rate of accrual for benefits**
19 **attributable to years of service after the Effective Date is based**
20 **on total years of service.**

21 Section Nine. Paragraph B of Section 4.19.060 of Ordinance 69245
22 (pertaining to benefits in pay status under the FRS) is hereby repealed in its
23 entirety.

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1 Section Ten. Paragraph C of Section 4.19.060 of Ordinance 69245 is
2 hereby repealed and in lieu thereof a new Paragraph C of Section 4.19.060 of
3 Ordinance 69245 is enacted to read as follows:

4 **C. Grandfathered Normal Retirement Benefit.**

5 **Subject to the conditions and limitations of the Plan, a**
6 **Grandfathered Participant who incurs a Termination of**
7 **Employment on or after his Normal Retirement Age of fifty-**
8 **five years and after completing at least twenty Years of Service**
9 **will be entitled to a monthly retirement income payable to the**
10 **Participant for his lifetime commencing at his Normal**
11 **Retirement Date in an amount equal to two percent of the**
12 **Participant's Average Final Compensation for each Year of**
13 **Service up twenty-five years, and five percent of the**
14 **Participant's Average Final Compensation for each Year of**
15 **Service over twenty-five years, up to a maximum of seventy-**
16 **five percent of Average Final Compensation. The monthly**
17 **amount of the retirement income of such a Participant shall**
18 **not be increased actuarially to reflect an Annuity Starting Date**
19 **deferred beyond the Normal Retirement Age of the**
20 **Participant.**

21 **Solely for purposes of computing such Grandfathered**
22 **Benefit, sick leave accumulated before September 26, 2010**
23 **shall be credited as Years of Service to no more than a total of**

1 **thirty Years of Service for purposes of vesting and to allow**
2 **such a Participant to receive a monthly retirement income**
3 **benefit in excess of seventy-five percent of Average Final**
4 **Compensation. Notwithstanding anything to the contrary**
5 **herein, sick leave of a Participant who is participating in**
6 **DROP shall be subject to the provisions of subsection**
7 **4.19.060E.**

8 A Grandfathered Participant who receives such a
9 retirement income benefit shall receive a refund of his
10 contributions to the Prior Plan made before the Effective Date,
11 without interest; provided that contributions to the Plan made
12 on and after the Effective Date by a Participant who had fewer
13 than twenty full Years of Service as of the Effective Date are
14 not refundable. All refundable contributions are payable at the
15 time of his pension commencement date.

16 Section Eleven. Paragraph D of Section 4.19.060 of Ordinance 69245 is
17 hereby repealed and in lieu thereof a new Paragraph D of Section 4.19.060 of
18 Ordinance 69245 is enacted to read as follows:

19 **D. Early Retirement Benefit. A Grandfathered**
20 **Participant who incurs a Termination of Employment after**
21 **completing twenty Years of Service, but before attaining his Normal**
22 **Retirement Age of fifty-five years, shall be entitled to a monthly**
23 **retirement income payable to the Participant for his lifetime**

1 commencing on the first day of the month after he attains fifty-five
2 years of age, calculated as for normal retirement in accordance with
3 the preceding paragraph, based on his Average Final Compensation
4 and his Years of Service as of his Termination of Employment. In lieu
5 of a deferred retirement income commencing at age fifty-five, such a
6 Participant may elect to receive his retirement income beginning on
7 his Termination of Employment; or on the first day of any month
8 thereafter prior to age fifty-five, provided that the monthly amount
9 otherwise payable at age fifty-five that is attributable to Years of
10 Service after the Effective Date shall be actuarially reduced from age
11 fifty-five to the pension commencement date in accordance with
12 subsection 4.19.020(B) for a Participant with fewer than twenty full
13 Years of Service as of the Effective Date.

14 Solely for purposes of computing such Grandfathered Benefit,
15 sick leave accumulated before September 26, 2010 shall be credited as
16 Years of Service to no more than a total of thirty Years of Service for
17 purposes of vesting and to allow such a Participant to receive a
18 monthly retirement income benefit in excess of seventy-five percent of
19 Average Final Compensation. Notwithstanding anything to the
20 contrary herein, sick leave of a Participant who is participating in
21 DROP shall be subject to the provisions of subsection 4.19.060E.

22 A Grandfathered Participant who receives such a retirement
23 income benefit shall receive a refund of his contributions to the Prior

1 **Plan, without interest; provided that contributions to the Plan made**
2 **on and after the Effective Date by a Participant with fewer than**
3 **twenty Years of Service as of the Effective Date are not refundable.**
4 **All refundable contributions are payable at the time of his pension**
5 **commencement date.**

6 **For example, a Participant with ten Years of Service on the**
7 **Effective Date, who retires ten years after the Effective Date, at age**
8 **fifty with a total of twenty Years of Service, with annualized Average**
9 **Final Compensation of \$80,000 for the last two years before**
10 **retirement, would be entitled to a deferred pension benefit of \$32,000**
11 **(40% of \$80,000) per year beginning at age fifty-five, or an immediate**
12 **pension beginning at age fifty of \$26,272. (The \$16,000 attributable to**
13 **the ten Years of Service before the Effective Date is unreduced; the**
14 **\$16,000 attributable to the ten Years of Service after the Effective**
15 **Date is actuarially reduced from \$16,000 to \$10,272.) Such amount is**
16 **subject to the offset for the Prior Plan benefit as provided in Section**
17 **4.19.060G.**

18 **A Grandfathered Participant who incurs a Termination of**
19 **Employment before completing twenty Years of Service shall receive**
20 **a refund of his Accumulated Contributions with Interest in lieu of any**
21 **pension benefit.**

22
23 Section Twelve. Paragraph G of Section 4.19.060 of Ordinance 69245 is

1 hereby repealed and in lieu thereof a new Paragraph G of Section 4.19.060 of
2 Ordinance 69245 is enacted to read as follows:

3 **G. Prior Plan Benefit Offset – No Duplication Rule.**

4 **Subsections 4.19.050(F) and (G) shall apply to all benefits,**
5 **including grandfathered benefits. Notwithstanding anything in**
6 **this Plan to the contrary, the retirement income benefit**
7 **payable under this Plan shall be offset by the amount of**
8 **retirement income payable under The Firemen’s Retirement**
9 **System of St. Louis (and any other defined benefit plan**
10 **maintained by the City of St. Louis that is qualified under**
11 **Section 401 of the Code) to the extent that the benefit under**
12 **such other plan or plans is based Years of Service used as the**
13 **multiplier (times a percent of compensation) for purposes of**
14 **determining the retirement income benefit under this Plan, so**
15 **that the benefit accrued under this plan is earned only because**
16 **of years of service after the Effective Date, although vesting,**
17 **eligibility for retirement and the rate of accrual for benefits**
18 **attributable to years of service after the Effective Date is based**
19 **on total years of service. Sick Leave credited as a Prior Plan**
20 **service under Paragraph B of Section 4.19.040 shall not be**
21 **counted again as Years of Service under this Plan. There shall**
22 **be no duplication of any benefit under this Plan of a benefit**
23 **payable from The Firemen’s Retirement System of St. Louis**

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1 payments to a Participant, benefits paid to such
2 Participant pursuant to subsection (B) or subsection (C)
3 of this Section shall be increased as of each October 1,
4 with the first increase in the October following
5 commencement of disability income payments and each
6 October thereafter, by an amount equal to the lesser of
7 three percent or the increase in the Consumer Price
8 Index (“CPI”) for the previous calendar year; up to a
9 maximum aggregate increase of twenty-five percent.
10 For purposes of this Section, CPI shall mean the CPI
11 for all urban consumers for the United States, or its
12 successor index, approved by the Board of Trustees,
13 such as the index as defined and officially reported by
14 the Department of Labor.

15 **(2)** Notwithstanding the provisions of paragraph (2) of this
16 subsection, in the case of a Participant who incurs a
17 Termination of Employment because of a Total and
18 Permanent Disability resulting from bodily injury
19 incurred while the Participant was engaged in the
20 actual performance of duty as a firefighter in response
21 to an emergency call that renders the Participant totally
22 and permanently unable to engage in any gainful
23 employment in any occupation, following

1 commencement of disability income payments to the
2 Participant, benefits paid to such Participant pursuant
3 to subsection (B) of this Section shall be increased as of
4 each October 1, with the first increase in the October
5 following commencement of disability income payments
6 and each October thereafter, by three percent per year,
7 compounded each year up to age sixty; and after age
8 sixty by five percent per year for five years or until a
9 total maximum increase of twenty-five percent is
10 reached; provided that each such increase is subject to a
11 determination by the Board of Trustees that the
12 consumer price index (United States Average Index) as
13 published by the United States Department of Labor
14 shows an increase of not less than the approved rate
15 during the latest twelve-month period for which the
16 index is available at date of determination. If the
17 increase is in excess of the approved rate for any year,
18 the excess shall be accumulated as to any retired
19 member and increases may be granted in subsequent
20 years subject to the maximum allowed for each full year
21 from October following his retirement but not to exceed
22 a total increase of twenty-five percent. If the Board of
23 Trustees determines that the index has decreased for

1 any year, the benefits of any retired member that have
2 been increased shall be decreased but not below his
3 initial benefit. No annual increase shall be made of less
4 than one percent and no decrease of less than three
5 percent except that any decrease shall be limited by the
6 initial benefit.

7 Notwithstanding anything to the contrary in the
8 Plan, Grandfathered Participants may share in ad hoc
9 COLAs, if any, to which they would be entitled in
10 accordance with the terms and conditions of the Prior
11 Plan.

12 Section Fourteen. Paragraph B of Section 4.19.120 of Ordinance 69245 is
13 hereby repealed and in lieu thereof a new Paragraph B of Section 4.19.120 of
14 Ordinance 69245 is enacted to read as follows:

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

1 **Director no later than March 1st of each year.**

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

8 **Actuaries retained by the Board of Trustees shall be**
9 **subject to the procurement rules contained in Ordinance**
10 **64102, or its successor.**

11 **At least every five years, the Board of Trustees shall**
12 **engage the Actuary to review the mortality, service and**
13 **compensation experience of the Participants and beneficiaries**
14 **of the Plan and update mortality and other assumptions as**
15 **appropriate.**

16 Section Fifteen. Paragraph C of Section 4.19.120 of Ordinance 69245 is
17 hereby repealed and in lieu thereof a new Paragraph C of Section 4.19.120 of
18 Ordinance 69245 is enacted to read as follows:

19 **C. Rights of Participants. No person shall have any**
20 **financial interest in, or right to, any benefits or assets in the**
21 **Trust Fund, except as expressly provided for in this Plan. The**
22 **payment of all benefits accrued under this Plan is hereby made**
23 **an obligation of the City.**

1
2 Section Sixteen. Paragraph B of Section 4.19.140 of Ordinance 69245 is
3 hereby repealed and in lieu thereof a new Paragraph B of Section 4.19.040 is
4 enacted to read as follows:

5 **B. Duties of Plan Administrator. The Board of Trustees shall**
6 **have the discretionary authority and responsibility to interpret and manage**
7 **the Plan and exercise all fiduciary responsibilities with respect to the Plan.**
8 **The duties and powers of the Board of Trustees as Plan Administrator shall**
9 **include, but not be limited to, the following:**

- 10 (1) **To interpret the Plan provisions and to decide all questions**
11 **concerning the Plan and the eligibility of any Employee to**
12 **participate in the Plan and to receive benefits from the Plan;**
- 13 (2) **To authorize the payment of benefits at such times and in such**
14 **manner as they determine are consistent with the terms of the**
15 **Plan;**
- 16 (3) **To keep accurate and detailed records of the administration of**
17 **the Plan, including the amount of Accumulated Contributions**
18 **credited to the account of each Participant, which records shall**
19 **be open to inspection by the City at all reasonable times;**
- 20 (4) **To establish and enforce such rules, regulations and**
21 **procedures as it shall deem necessary or proper for the**
22 **efficient administration of the Plan;**

1 **(5) To delegate to any agents such duties and powers, both**
2 **ministerial and discretionary, as it deems appropriate, by an**
3 **instrument in writing which specifies which such duties are so**
4 **delegated and to whom each such duty is so delegated; and**

5 **(6) To keep a record of all its proceedings, which shall be open to**
6 **public inspection, and to publish annually a report showing the**
7 **fiscal transactions of the Plan for the preceding fiscal year and**
8 **the financial statement showing the assets of the Plan.**

9 **Notwithstanding any other provision of this ordinance, the Board of**
10 **Trustees shall have no duty or authority with respect to the establishment,**
11 **design, amendment or termination of the Plan, which is reserved to the City.**
12 **Such functions are settlor functions, which are reserved to the City, not**
13 **fiduciary functions, in accordance with trust law.**

14 Section Seventeen. Section 4.19.160 of Ordinance 69245 is hereby
15 repealed and in lieu thereof a new Section 4.19.160 of Ordinance 69245 is
16 enacted to read as follows:

17 **4.19.160 Amendment.**

18 **The City reserves the right at any time, and from time**
19 **to time, to modify or amend the Plan in whole or in part by**
20 **duly adopting an Ordinance, provided that the obligation of**
21 **the City to make contributions to the Plan, as provided in**
22 **subsection 4.19.120(A), and the provisions relating to the**
23 **enforcement of that obligation, may not be diminished.**

1 **No Employee shall have a contractual right to any**
2 **benefits relating to, or based upon, service rendered or**
3 **compensation paid after the effective date of an amendment**
4 **that reduces future benefits.**

5 If any provision of this Ordinance or Ordinance 69149 shall be held illegal
6 or invalid, the remaining provisions of this Ordinance shall be construed as if such
7 provision has never been included and such remaining provisions shall remain
8 valid and operative.

9 The provisions of this Ordinance shall supersede any other ordinance or
10 part of an ordinance to the extent such other ordinance or part of an ordinance
11 conflicts herewith.