



CITY OF DOVER PROPOSED ORDINANCE #2024-07

1 **BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN**  
2 **COUNCIL MET:**

3  
4 That Chapter 80 – Personnel, Article IV – Pension Plans and Retirement Benefits (except  
5 Police), Division 3 – General Employee Pension Plan, be amended by inserting the text indicated  
6 in bold, blue font and deleting the text indicated in red strikeout as follows:  
7

8 **Section 80-500 – General employee pension plan established; purpose.**  
9

- 10 (a) Generally. There is hereby established the city general employee pension plan. The purpose  
11 of the plan is to establish the terms and conditions under which retirement and disability  
12 benefits shall be provided to eligible employees of the city. The benefits under the plan shall  
13 be in addition to amounts received as social security benefits or from any other pension plan.  
14  
15 (b) For employee exclusively. This plan is created for the exclusive benefit of the employees of  
16 the city and shall be interpreted in a manner consistent with it being an employee's trust, as  
17 defined in section 401(a) of the Internal Revenue Code (26 USC 401(a)). Therefore, under  
18 no circumstances shall any funds contributed to this plan, or any assets of the plan or trust  
19 ever revert to or be used or enjoyed by the city, nor shall any such funds or assets ever be  
20 used other than for the benefits of the employees of the city and ~~their~~ **the** beneficiaries of  
21 **those employees**, prior to the satisfaction of all liabilities under this plan to the employees.  
22

23 **Section 80-501 – Eligibility of participant.**  
24

25 Each eligible employee not drawing any retirement benefits from the mayor and city  
26 council as of January 1, 1967, shall, upon compliance with the provisions of this division,  
27 become a general employee pension plan participant under this division, commencing on July  
28 1, 1967, or at any subsequent time immediately upon ~~his~~ employment. Effective September 28,  
29 2009, the general employee pension plan is closed to new participants.  
30

31 **Section 80-502 – Participation mandatory; exceptions.**  
32

33 The pension plan shall not be construed to give any employee the right to be retained in  
34 the employ of the city. All new employees hired after July 1, 1991, shall be required, as a  
35 condition of employment, to join the general employee pension plan or the deferred  
36 compensation plan. All new employees hired after September 29, 2009, are required to join the  
37 money purchase plan (IRC 401(a)), as defined in division 4. All participants of the general  
38 employee pension plan as of September 28, 2009, will remain members of either plan thereafter  
39 unless ~~they shall leave~~ **leaving** the employment of the city, ~~retire, pass away, or elect retiring,~~  
40 **passing away, or electing** to terminate their participation in the general employee pension plan  
41 and ~~become~~ **becoming** a member of the money purchase plan (IRC 401(a)), as defined in

42 division 4.

43  
44 **Section 80-503 – Defraudment.**

45  
46 It shall be unlawful for any person to knowingly make any false statement or falsify, or  
47 permit to be falsified, any record of the pension plan in an attempt to defraud the plan.

48  
49 **Section 80-504 – Normal retirement.**

50  
51 The normal retirement date for each participant shall be the first day of the month following  
52 the attainment of the age of 65 years, provided that ~~he has completed~~ ten years of continuous  
53 service **have been completed**.

54  
55 **Section 80-505 – Early retirement.**

56  
57 (a) *Reduced benefits.* A participant who has completed ten years of continuous service and ~~who~~  
58 has attained the age of 55 years may retire at any time within the ten years preceding ~~his the~~  
59 normal retirement date; ~~provided,~~ however, ~~that his~~ retirement benefits shall be computed  
60 at a reduced rate of one-half percent for each month computed from the date of early  
61 retirement to age 65 years.

62  
63 (b) *Unreduced benefits.*

64  
65 (1) *Hired May 1, 1994, or later.* For eligible employees hired on or after May 1, 1994, a  
66 participant who has attained the age of 55 years, and whose ~~attained~~ age plus years of  
67 continuous service is equal to or greater than 80, may retire at any time prior to ~~his the~~  
68 normal retirement date with no reduction in retirement benefits.

69  
70 (2) *Hired before May 1, 1994.* For eligible employees hired before May 1, 1994, a  
71 participant who has completed 25 years of continuous service or ~~who~~ has attained the  
72 age of 50 years and completed 20 years of continuous service, may retire at any time  
73 prior to ~~his the~~ normal retirement date with no reduction in retirement benefits.

74  
75 **Section 80-506 – Later retirement.**

76  
77 If a participant works beyond ~~his the~~ normal retirement date, the payment of the  
78 participant's retirement benefits shall be deferred until ~~his~~ actual retirement.

79  
80 **Section 80-507 – Forced retirement with pension.**

81  
82 The general employee pension plan board, upon recommendation of the city council or the  
83 city manager, may require retirement in any case ~~where~~ deemed necessary due to the lack of  
84 work or inability of the employee to perform with a satisfactory degree of efficiency, provided  
85 that the employee qualifies for either normal retirement pursuant to section 80-504, or early  
86 retirement pursuant to section 80-505. The employee shall then be entitled to receive,  
87 commencing on the first day of the month coinciding with or next following ~~his the~~ date of  
88 retirement, pension benefits equal to the benefits computed in accordance with the provisions of

89 section 80-508 on the basis of the employee's service completed prior to actual retirement.

90  
91 **Section 80-508 – Amount of retirement benefits.**

92  
93 *Retirement January 1, 1995, or later.* The amount of retirement benefits payable to a  
94 participant who retires on or after January 1, 1995, shall be computed on the basis of one-fiftieth  
95 of ~~his~~ **the participant's** average actual monthly earnings multiplied by the total number of years  
96 of continuous service. Average actual monthly earnings shall be a participant's base pay plus  
97 scheduled overtime, payment for being on call, except those hours reported for being called out,  
98 and any retroactive pay corrections which involve any one of the mentioned payments during  
99 any period of 36 consecutive months in ~~his~~ **the** final ten years of continuous service which results  
100 in the highest average monthly earnings.

101  
102 If an employee's approved absence is the result of a workers compensation injury, the base  
103 wages that the employee would have earned had ~~he~~ **the employee** not been on workers  
104 compensation leave will be included when determining the highest 36 consecutive months  
105 within ~~his~~ **the employee's** final ten years of continuous service.

106  
107 The value of lost base salary as a result of mandatory furlough shall be added to an  
108 employee's final average compensation and considered in the calculation of the amount of  
109 retirement benefits; if the time period in which the mandatory furlough was required is within  
110 the highest 36 consecutive months or earnings within the final ten years of continuous service.

111  
112 Annual Increase. The retirement income of a retired member of this plan shall be increased  
113 by two percent per annum every January 1. This increase in retirement pay shall be cumulative  
114 and the previous year's increase shall be included in the retired member's retirement income for  
115 the purpose of calculating the annual two percent increase.

116  
117 **Section 80-509 – Form of benefits.**

118  
119 (a) *Normal form.* A monthly benefit shall be payable on the first day of the second month  
120 preceding the date on which **the** application for such benefit is filed. Payment will be  
121 retroactive to the retirement date. Payments of benefits shall be payable monthly thereafter  
122 during ~~his~~ **the participant's** lifetime and terminating with the last payment on the first day  
123 of the month of the death of the participant. **The general employee pension plan board**  
124 **shall be notified of all plan participant retirements.**

125  
126 (b) *Death of participant, etc.* Upon the death of a participant who has retired, or who is eligible  
127 to be retired under any of the provisions of this division, payment shall be made to ~~their~~ **the**  
128 **participant's** eligible survivors in the amount of 50 percent of the monthly payments to  
129 which the participant was or would have been entitled. Upon the death of a participant who  
130 has completed a minimum of ten years of service but is not yet eligible to retire ~~because of~~  
131 **due to** age and/or years of service, payment shall be made to ~~their~~ **the participant's** eligible  
132 survivors in the amount of 50 percent of the monthly payment to which the participant was  
133 or would have been entitled. The pension amount will be based upon section 80-508. There  
134 shall be no reduction in benefits. In no instance shall actual monthly payments be less than  
135 \$200.00, ~~to be~~ effective July 1, 2000. Upon the death of both the participant and eligible

136 survivor, if the benefit payments received in **the** aggregate are less than the member's  
137 contributions, the balance of the member's contributions, plus five percent interest, will be  
138 paid to the surviving beneficiary designated or ~~his to the~~ estate if no designation has been  
139 made and submitted to the general employee pension plan board. The amount of benefit  
140 payments received and the amount of the member's contributions shall be determined from  
141 the record of the pension board. **The city shall request all plan participants to review**  
142 **eligible survivor and surviving beneficiary information annually and revise it as**  
143 **needed.**

144  
145 (c) *Eligible survivor.* An eligible survivor shall be one of the following in the order of  
146 preference listed:

147  
148 (1) *Spouse.* The participant's spouse who was married to the participant for at least one  
149 year. Surviving spouse shall be required to provide supporting documents of marriage.

150  
151 ~~(2) *Children, unmarried.* Child or children of participant.~~

152  
153 a. The surviving **child or** children, biological or legally adopted, of the participant,  
154 who have not attained ~~their 18<sup>th</sup> birthday~~ **18 years of age.**

155  
156 b. ~~If said~~ **Said surviving child or children of the participant** ~~is~~ attending school on  
157 a full-time basis and ~~provides~~ **providing** proof of attendance each year of  
158 eligibility; **who have not attained 26 years of age. Benefits shall cease** with the  
159 payment due for the month in which ~~he the child or children~~ ceases to attend  
160 school on a full-time basis or with the payment due for the month in which ~~his~~  
161 ~~22<sup>nd</sup> birthday shall occur~~ **age 26 is attained**, whichever shall occur first.

162 (d) *Commencement of payment.* Benefits payable to eligible survivors shall commence on  
163 the first day of the month following the date of the participant's death.

164  
165 (e) ~~Benefits~~ **Cessation of benefits payable.** Benefits payable to eligible survivors shall cease:

166 (1) *Spouse.* With respect to an eligible survivor who is a spouse, with the payment due  
167 for the month in which ~~their~~ remarriage or death shall occur, whichever occurs  
168 first.

169 (2) ~~Children~~ **Surviving child or children.** With respect to ~~an~~ eligible survivors who ~~is a~~  
170 ~~child(ren)~~ **are children** with the payment due for the month in which ~~his 18<sup>th</sup> birthday~~  
171 **age 18 is attained** or death shall occur, whichever shall occur first **unless the child**  
172 **or children attend school full-time and have not attained 26 years of age.**  
173 Payments shall be made in accordance with subsections (2)a. and b.

174  
175 (f) *Eligibility for benefits.* The eligibility of any person or persons to receive payment of  
176 benefits as an eligible survivor shall be determined conclusively by the general employee  
177 pension plan board based on **the** application of such person or persons and any other  
178 information which the pension board deems to be appropriate.  
179

180 **Section 80-510 – Total and permanent disability.**

181  
182 (a) Definition. As used in this division, a participant shall be deemed to be "totally and  
183 permanently disabled" when the general employee pension plan board, on the basis of a medical  
184 examination by a physician or physicians selected by the pension board, finds the employee:

185  
186 (1) Work generally. To be totally and permanently prevented from engaging in any occupation  
187 or employment for remuneration or profit as a result of bodily or mental injury or disease,  
188 whether occupational or nonoccupational in cause; or

189  
190 (2) Employment. To be totally and permanently prevented from continuing in their capacity  
191 as an employee as a result of bodily or mental injury or disease, whether occupational or  
192 nonoccupational in cause.

193  
194 ~~(b) Exclusions. Total and permanent disability, within the terms of this division, shall exclude~~  
195 ~~disability resulting from or consisting of chronic alcoholism, addiction to narcotics, engaging in~~  
196 ~~a felonious criminal act for which they are found guilty, or a willful effort on their part to bring~~  
197 ~~about the injury or illness to themselves or any other person or service in the armed forces of~~  
198 ~~any foreign country.~~

199  
200 **Section 80-511 – Early retirement due to permanent disability.**

201  
202 Any employee who has completed a minimum of ten consecutive years of service and  
203 sustains an injury or experiences a permanent health impairment to the extent of total and  
204 permanent disability shall be eligible for retirement upon application and certification by  
205 the general employee pension plan board that all of the criteria have been met. The pension  
206 amount will be based upon section 80-508. There shall be no reduction in benefit.

207  
208 **Section 80-512 – Commencement of disability benefits.**

209  
210 (a) *Removed from payroll.* A participant who files for a disability pension shall not work and  
211 be kept on the active payroll and receive credited service from the inception of the disability  
212 to the end of the first full calendar month following the date of application.

213  
214 (b) *Change in compensation; leave.* During the application period above, the participant's  
215 compensation shall not be increased.

216  
217 (c) *Commencement of benefits.* The eligibility for payment of disability benefits under this  
218 division shall commence, if approved, on the first day of the month following the application  
219 period set forth in subsection (a).

220  
221 **Section 80-513 – Termination of employment.**

222  
223 (a) *Forfeiture of participation.* Any participant whose employment is terminated prior to the  
224 date ~~he becomes eligible~~ **of eligibility** for retirement benefits shall forfeit ~~his~~ status as a  
225 participant in the pension plan and all accumulated credit for continuous service.

226



- 227 (b) *Ten years' service.* Any participant with a minimum of ten years of continuous service and  
228 whose employment is terminated prior to ~~the date he becomes~~ **becoming** eligible for  
229 retirement benefits under sections 80-504—Normal retirement, 80-505—Early retirement,  
230 80-506—Later retirement or ~~80-510~~ **80-511**—Early retirement due to permanent disability,  
231 **shall become vested and** upon attaining the age of 65 years, shall be eligible for pension  
232 benefits under the provisions of section 80-508—Amount of retirement benefits, upon  
233 application to the pension board of trustees. The form of the benefit will be based on the  
234 formula which was in effect at the time of termination.  
235
- 236 (c) *Layoffs.* ~~Upon recall, any~~ **Any** participant ~~whose employment is terminated due to a layoff~~  
237 ~~and is recalled~~ **who is laid off and then rehired** within five years ~~of layoff~~, may apply to  
238 the **general employee pension plan** board to have their previous service credits restored  
239 immediately. ~~If they have withdrawn~~ **Participants who withdrew** their contributions, ~~they~~  
240 must repay them as calculated by the city's actuary. ~~A~~ **Upon approval by the general**  
241 **employee pension plan board**, returning **employee participants** must ~~make an election~~ to  
242 return previously refunded amounts, plus calculated interest, within 30 days. ~~of approval of~~  
243 ~~the general employee pension plan board.~~ Contributions will be reimbursed based on the  
244 gross amount received. Participants who are laid off and not ~~recalled~~ **rehired** within five  
245 years shall forfeit ~~their~~ status as a participant in the pension plan and all accumulated credit  
246 for continuous service.  
247
- 248 (d) *Request for refund.* When an employee leaves ~~the employment of the~~ city **employment** and  
249 is entitled to withdraw ~~his~~ contributions, ~~with interest thereon~~ **a written notarized request**  
250 **for a refund of contributions must be submitted before payment is made. Refunds will**  
251 **be issued 90 days from the date the notarized request is received. Interest on the**  
252 **contributions**, at the rate of five percent per annum, **shall be** compounded annually from  
253 the last day of the plan year in which such contribution was made to the earlier of the date  
254 of commencement of retirement income or the date on which contributions are payable  
255 pursuant to the provisions of the plan. ~~, then he shall submit a written notarized request for a~~  
256 ~~refund of these contributions before payment shall be made. Refunds will be issued 90 days~~  
257 ~~from the date when the notarized request is received.~~ Contributions will automatically be  
258 refunded five years from **the** date of separation.  
259

260 **Section 80-514 – Cessation of disability pension benefits.**  
261

- 262 (a) A participant shall cease to qualify for disability pension benefits:  
263
- 264 (1) *Recovered.* At the time that the general employee pension plan board determines,  
265 **based** on ~~the basis of~~ a medical examination by a physician or physicians selected by  
266 the pension plan board, that a participant is no longer totally and permanently disabled  
267 or has sufficiently recovered, but refuses to resume ~~their~~ regular occupation as an  
268 employee or to be reemployed by the city in some other **suitable** position ~~for which~~  
269 ~~they are suited or~~ which is appropriate to ~~their~~ **the participant's** training and  
270 experience;  
271
- (2) *Refuses examination.* When the participant refuses to undergo a medical examination

272 requested by the general employee pension plan board; or

273

274 (3) *Age 65 years.* On the first day of the month following the participant's 65<sup>th</sup> birthday.

275

276 (b) Upon the occurrence of the earliest of the above events, disability pension benefits shall  
277 cease, except that, if the event of subsection (a)(3) of this section occurs, payment of the  
278 normal retirement benefits shall commence on that date, in the same amount as the  
279 disability pension benefits.

280

281 **Section 80-515 – Effect of state workers’ compensation on disability benefits.**

282

283 Any disability pension benefits received by a participant under the terms of this division  
284 as the result of an injury or illness compensable under the workers' compensation laws of the  
285 state shall be reduced by the amount of the workers' compensation payments actually received  
286 by the participant.

287

288 **Section 80-516 – Benefits to cease upon reemployment; exceptions.**

289

290 The Internal Revenue Code has provided guidance that to be considered retired for  
291 purposes of prohibitions against "in-service distributions," one must have an at least six-month  
292 break before returning to employment with the same employer and that such a return cannot be  
293 pre-planned at the time of retirement. If the individual is under the normal retirement age of 65,  
294 the individual will be subject to an annual earnings limit of \$30,000.00.

295

296 Any employee of the city who is receiving, or who shall receive, benefits under this  
297 division, and who is thereafter reemployed by the city or appointed to any position by the mayor  
298 or council bearing remuneration, shall cease to draw benefits during the period of reemployment.  
299 Upon termination of the reemployment, the benefits shall be restored. The provisions of this  
300 section shall not apply to any employee who receives remuneration as a result of being elected  
301 or appointed to an elective or appointed office in the city, nor to any employee reemployed by  
302 the city in a casual/seasonal capacity, not to exceed 180 calendar days. Employees would be  
303 eligible to return to casual/seasonal status immediately following retirement.

304

305 Casual/seasonal employees may be employed by the city on a temporary basis in order to  
306 provide assistance for the following situations:

307

308 (a) *Casual assistance.* Employee is needed on a sporadic or on-call basis where hours  
309 cannot be predetermined and vary greatly from week to week. Such employees may be  
310 used as needed.

311

312 (b) *Seasonal assistance.* Employee is needed for peak operating seasons.

313

314 (c) *Project assistance.* Employee performs duties related to a specific project that has  
315 defined objectives and an established time period of completion that does not exceed  
316 180 calendar days.

- 317
- 318 (d) *Primary incumbent replacement.* Employee is needed to fulfill the job responsibilities
- 319 of the primary incumbent who is unable to perform such responsibilities for an
- 320 extended period of time. Such employees may be used for a maximum of 180 calendar
- 321 days or the length of time the incumbent is unable to perform the job responsibility,
- 322 whichever is less.
- 323
- 324 (e) *Contracting.* Any individual participating in the plan who contracts with the city or
- 325 represents any private enterprise that has a contract with an employer participating in
- 326 the plan must have a six-month separation from ~~their~~ the effective date of retirement if
- 327 the individual is under 65. The city shall maintain, in a form prescribed by the human
- 328 resources director, a certification of the worker's status. The certification will be used
- 329 for a determination of the individual meeting the definition of eligible employees under
- 330 this section.
- 331

332 **Section 80-517 – Benefit assignment, transfer, etc.**

333

334 No participant or beneficiary under the plan shall assign, transfer, hypothecate, encumber,

335 commute, or anticipate any interest ~~he may have~~ in payments, funds, or contracts under this plan.

336 No interest shall in any way be subject to any legal process, levy of execution, attachment, or

337 garnishment proceedings for the payment of any claim against the participant or any beneficiary

338 under the plan, nor shall any such interest be subject to the jurisdiction of any bankruptcy court

339 or insolvency proceedings.

340

341 **Section 80-518 – Contributions.**

342

343 (a) *Payroll deductions.*

344

- 345 (1) *Amount.* For each year, while a participant of the plan, a participant shall contribute,
- 346 by payroll deductions, an amount equal to 3½ percent of ~~his~~ the participant's average
- 347 actual monthly earnings as described in section 80-508—Amount of retirement
- 348 benefits (effective May 1, 1994). **The city shall provide the plan participants with**
- 349 **an annual statement of individual contributions.**
- 350
- 351 (2) *Employer contributions.* The city, pursuant to the provisions of section 414(h)(2) of the
- 352 United States Internal Revenue Code (26 USC 414(h)(2)), shall pick up and pay the
- 353 contributions which would otherwise be payable by the employee under this section.
- 354 The contributions so picked up shall be treated as employer contributions for purposes
- 355 of determining the amounts of federal income taxes to be withheld from the employee's
- 356 compensation.
- 357
- 358 (3) *Employee contributions picked up by city.* Employee contributions picked up by the
- 359 city shall be paid from the same source of funds used for the payment of compensation
- 360 to an employee. A deduction shall be made from each employee's compensation equal
- 361 to the amount of the employee's compensation picked up by the employer. This
- 362 deduction, however, shall not reduce the employee's compensation for purposes of
- 363 computing benefits under the retirement system pursuant to this ~~\*~~division.



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(4) *Employee contributions credited.*

- a. Employee contributions shall be credited to a separate account within the employee's individual account so that the amount contributed prior to the effective date for the pickup of ~~the~~ employee's contributions may be distinguished from the amounts contributed on or after the effective date.
- b. The contributions, although designated as employee contributions, are being paid by the employer in lieu of the contributions by the employee. The employee will not be given the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the retirement system.

(b) *City contributions.* The city shall make such contributions as necessary to meet the requirements of the plan. Effective May 1, 1994, the city shall pick up the employee contributions by a reduction in current earnings. Such picked-up contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code; however, the contributions so picked up shall be included in earnings for purposes of the plan. Participant contributions which are picked up shall be treated, for all purposes of this plan, in the same manner as participant contributions made prior to May 1, 1994.

(c) *Other contributions.* The general employee pension plan board shall receive all appropriations, contributions, and interest allowances as may be received from time to time by the city from the state or any other source, and designated specifically for employee pensions.

(d) *Withdrawal from plan.* A member who withdraws from the general employee pension plan for any reason, other than retirement, death, or disability, may request ~~their~~ **that the** accumulated contributions, plus five percent interest, be paid to them after such date of withdrawal; provided, however, ~~their~~ **the** contributions shall not be refunded to them earlier than 90 days after receipt of ~~their~~ **the** notarized application for the same.

(e) *Death of ineligible member.* Upon the death of a member not eligible to retire under any provision of this division, ~~their~~ **the** employee contributions shall be payable in a single sum to ~~their~~ **the participant's** designated beneficiary or ~~their~~ **the participant's** estate if no designation has been made.

**Section 80-519 – City paramedics transferred to county.**

Notwithstanding any other provision of this division, all persons employed by the city as paramedics, who are transferred to the county emergency medical services department and who make a written election to remain in the city general employee pension plan, shall continue to be considered eligible employees within the meaning of the pension plan as long as ~~they~~ **the paramedics** are employed by the county emergency medical services department. All benefits for any such paramedic shall be calculated as if the paramedic had remained a city employee ~~during his employment~~ **while employed** with the county emergency medical services department.

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**Section 80-520– General employee pension plan board; established; duties.**

There is hereby established a general employee pension plan board, the duties of which shall be to manage the general employee pension plan.

**Section 80-521– Composition.**

The general employee pension plan board shall consist of the following persons:

- (1) *Manager.* The city manager.
- (2) *City officials.* Two elected city officials who shall be appointed by the council president, subject to confirmation of a voting majority of the city council at its annual meeting.
- (3) *Participants.* ~~Three~~ **Four** participants; ~~or active,~~ retired, ~~or vested~~ participants of the **general employee pension** plan who shall be elected by the **active, retired, or vested** participants ~~and retired participants~~ of the plan.
- (4) *Controller/treasurer.* The city controller/treasurer.
- (5) *Election.*
  - (a) Such election shall be for three-year staggered terms, beginning July 1 and ending June 30 three years later. A regular election for filling these positions will be held the third week of June each year.
  - (b) In the first week of April of each year, the city clerk shall notify those eligible to vote of the exact time and place of the election. ~~Any general employee pension plan member that is eligible to vote and appears on the listing of qualified voters who will be unable to appear at the polling place on the date and time of the election may cast his or her vote by absentee ballot in the general employee pension plan election for the following reasons: 1) armed forces, 2) public service, 3) occupation, 4) sickness, 5) disability, 6) religion, 7) vacation, or 8) residency outside of the Dover area which makes it infeasible to vote in person.~~ **Any active, retired, or vested member of the general employee pension plan who wishes to fill an expiring term or vacancy must submit their name to the city clerk’s office by the deadline determined by the city clerk.**
  - (c) **Any general employee pension plan member that is eligible to vote and appears on the listing of qualified voters who will be unable to appear at the polling place on the date and time of the election may cast his or her vote by absentee ballot in the general employee pension plan election for the following reasons: 1) armed forces, 2) public service, 3) occupation, 4) sickness, 5) disability, 6) religion, 7) vacation, or 8) residency outside of the**

457 **Dover area which makes it infeasible to vote in person. Participants wishing**  
458 **to vote by absentee ballot must request an affidavit for absentee voting from**  
459 **the city clerk’s office. Once the affidavit is returned, the city clerk shall send**  
460 **the participant an absentee ballot which must be completed and returned to**  
461 **the city clerk’s office. Both the affidavit and the completed absentee ballot**  
462 **must be returned by the deadline determined by the city clerk.**  
463

464 **(d) Persons appearing to vote shall present proof of identity. The identification**  
465 **shall be 1 or more of the following items that show the identity of the person:**  
466 **(1) A current driver’s license or ID card; (2) A uniformed service ID card;**  
467 **(3) Another current photo ID issued by a government agency, the voter’s**  
468 **employer, high school, or higher education institution. The Election Officer**  
469 **shall then check the person’s name against the voter list. If the Election**  
470 **Officer determines that the person is not eligible to vote in the election, the**  
471 **Election Officer shall refer the person to the city clerk. The city clerk, after**  
472 **hearing and considering evidence, shall determine whether to permit the**  
473 **person to vote. Upon making the decision, the city clerk shall appropriately**  
474 **annotate the voter list.**  
475

476 **Section 80-522 – Term of office of members.**  
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478 The term of office of each member of the general employee pension plan board, except the  
479 city controller/treasurer, city manager, and elected city officials, shall commence on the first day  
480 of the month following their election and continue for a period of three years or until their  
481 successor shall be elected and qualified.  
482

483 **Section 80-523 – Officers and ex officio members.**  
484

485 **The At its first meeting after** each regular general employee pension plan board **election,**  
486 **the board** shall elect a **chairperson and a vice chairperson who shall serve in the absence of**  
487 **the chairperson. The Committee Chair's responsibilities include chairing general employee**  
488 **pension plan board meetings, setting agendas, and facilitating communication with the**  
489 **board as needed.** The city controller/treasurer shall be the pension fund treasurer and ~~their~~ **the**  
490 **treasurer’s** bond shall cover all monies deposited with them.  
491

492 **Section 80-524 – Vacancies.**  
493

494 If a vacancy occurs in the offices of the general employee pension plan board, the vacancy  
495 shall be filled for the unexpired term within 60 days and in the same manner as the office was  
496 originally filled. Should a member of the pension plan board cease to be in the employ of the  
497 city, other than by retiring **or being vested** in accordance with this division, ~~their~~ **the** office **as**  
498 **a member of the board** shall be declared vacant.  
499

500 **Section 80-525 – Compensation of members.**  
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502 Members of the general employee pension plan board shall serve without compensation.

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**Section 80-526 – Meetings.**

The general employee pension plan board shall make all rules as to the time and place of meetings; and a majority of its membership shall be required to transact pension board business. **The board shall meet on a quarterly basis to review investment performance but may meet more frequently if needed. Meetings may be called by the chairperson, vice chairperson, or three members of the board. The board will follow Robert’s Rules of Order as its parliamentary authority. The rules contained in the current edition of Robert’s Rules of Order Newly Revised shall govern the pension board in all cases to which they are applicable and in which they are not inconsistent with any special rules of order the board may adopt.**

**Section 80-527 – Powers.**

The general employee pension plan board, in administering the pension plan, shall have the following powers in carrying out the purposes thereof:

- (1) *Payment of funds.* To pay funds to those entitled to receive them. The controller/treasurer shall sign all vouchers for the disbursements of the funds and shall report to the general employee pension board all financial transactions ~~on an annual basis~~. **Monthly cash receipts and expenditure reports will be delivered on a quarterly basis. The quarterly reports shall be provided in writing seven days in advance of the quarterly meeting.**
- (2) *Purchase annuity contracts.* To purchase and pay the costs of group annuity contracts from any insurance company for the benefit of participants;
- (3) *Employment of agents, employees, etc.* To employ agents, employees, or experts to assist the pension board in carrying out the provisions of this division, including an agent to advise and make recommendations concerning the investment of funds, and to pay reasonable compensation for those services, and the compensation may be paid from income or corpus of the pension fund or by direct appropriation by the city council as the pension board and the city council may determine;
- (4) *Investments.* To invest and reinvest money in the pension fund, without any limitation, in United States or state municipal bonds or group annuity contracts. Money in the pension fund may also be invested and reinvested in other types of bonds, stocks, and securities to the extent the pension board may deem best and as is not prohibited by any law now or hereafter in force limiting the investments of the trustees. The pension board may from time to time change the investments of the fund and, to this end, may make sales of any investment privately, without advertisement and without the necessity of any court order, upon the terms that the pension board deems proper. The funds and investments may also be from time to time turned over to and placed in the custody of any fiscal agent designated by the pension board;
- (5) *Contracts.* To generally contract in matters relevant to effectuating and achieving the

550 purposes of this plan;

551

552 (6) *Pension benefits.* To receive and pay out pension benefits in accordance with the  
553 provisions of this division, or designate a fiscal agent to receive and pay out the pension  
554 benefits;

555

556 (7) *Rules and regulations.* To make rules and regulations as may be necessary to effectuate  
557 this subdivision.

558

559 **Section 80-528 – City solicitor to render legal services.**

560

561 The city solicitor shall render whatever legal service the general employee pension plan  
562 board shall require.

563

564 **Section 80-529 – Appeals.**

565

566 Any employee dissatisfied with the action of the general employee pension plan board shall  
567 have the right to appeal to the city council within 30 days from the date of formal notification of  
568 that action.

569

570 ADOPTED: \*

571

572 **SYNOPSIS**

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574 The amendments make gender-neutral edits; suggests review of beneficiary information by plan  
575 participants; removes total and permanent disability exclusions; requires the city to provide the plan  
576 participants with an annual statement of individual contributions; changes the number and makeup of the  
577 general employee pension plan board; provides additional direction with regard to the pension board  
578 election; clarifies that a chairperson and a vice chairperson shall be elected annually; clarifies the  
579 responsibilities of the chairperson; clarifies when the board can meet and who can call a meeting; adopts  
580 Robert's Rules of Order as its parliamentary authority; requires that the board be provided monthly cash  
581 receipts and expenditure reports and that quarterly reports shall be provided in writing and presented at the  
582 quarterly meetings.

583

584 Action History

585 07/22/2024 – Scheduled for First Reading – City Council

586 07/09/2024 – Introduction – Legislative, Finance, and Administration Committee

587 06/04/2024 – Pension Board review and recommendation

588 04/19/2024 – Pension Board considered amendments proposed by the sponsors and staff, sought legal  
589 assistance

590 04/09/2024 – Introduction at Council Committee of the Whole – Legislative, Finance, and  
591 Administration (Remanded back to the Pension Board and for legal review)

592 02/08/2024 – Pension Board considered and recommended adoption, as revised by the Board