

ORDINANCE NO. 4284

AN ORDINANCE to amend and reordain Article D (RETIREMENT AND INSURANCE), Chapter 5 (OFFICERS AND EMPLOYEES), Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article D, Chapter 5, Title 2 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is, amended and reordained to read as follows:

ARTICLE D

Retirement and Insurance

Sec. 2-5-51 Retirement plan--adopted for police, fire department and sheriff personnel; effective date; signing of contracts, etc.

- (a) The "defined benefit" retirement and disability income plan known as the "City of Alexandria Pension Plan for Firefighters and Police Officers," as the same may be adopted and amended from time to time by resolution of the city council, is hereby adopted for the personnel of the police and fire departments of the city covered by such plan and first employed before February 13, 1979, unless prior to May 30, 1979, an employee covered under such plan has elected to convert to a "defined contribution" plan set forth below.
- (b) The "defined contribution" retirement plan known as the "City of Alexandria Retirement Income Plan for Firefighters and Police Officers," as the same may be adopted and amended from time to time by resolution of the city council, is hereby adopted for the personnel of the police and fire departments of the city first employed on and after February 13, 1979, and covered by such plan.
- (c) The "defined contribution" retirement plan known as the "City of Alexandria Retirement Income Plan for Deputy Sheriffs and Emergency Rescue Technicians," as the same may be adopted and amended from time to time by resolution of the city council, is hereby adopted for the personnel of the fire department and sheriff covered by such plan.
- (d) The "defined benefit" disability income plan known as the "City of Alexandria Firefighters and Police Officers Disability Income Plan," as the same may be adopted and amended from time to time by resolution of the city council, is hereby

adopted for personnel of the police and fire departments of the city first employed on and after February 13, 1979, and covered by such plan.

- (e) The plans designated in this section shall be administered by the city manager or his designee, or by a board comprised of representatives of the city and the plan participants and appointed by the city council, as provided in the plan documents adopted and from time to time amended by resolution of the city council.
- (f) The city manager is authorized to sign all contracts and papers for and on behalf of the city in connection with the plans designated in this section.

Sec. 2-5-52 Same--adopted for employees other than policemen and firemen; effective date.

The Virginia Retirement System of the Commonwealth of Virginia, as provided by the General Laws of the Commonwealth, is hereby adopted for the eligible employees of the city other than policemen and firemen, to become effective on and after January 1, 1957.

Sec. 2-5-53 Same--when participation mandatory.

All employees on the payroll of the city on July 1, 1956 and January 1, 1957, shall have their choice as to whether or not they wish to participate in the plans adopted in the two (2) preceding sections. All persons employed in the police and fire departments after July 1, 1956, and all persons employed by other city departments after January 1, 1957, shall be required to join and participate in their respective plans.

Sec. 2-5-54 Same--supplemental plan.

- (a) The retirement plan known as the ACity of Alexandria Supplemental Retirement Plan,@ as the same may be adopted and from time to time amended by resolution of the city council, is hereby adopted for the eligible employees of the city other than policemen and firemen. This plan shall be in addition to any other retirement plan now or hereafter adopted. The plan shall be effective August 1, 1970. The city manager is authorized to sign all contracts and papers for and on behalf of the city in connection with such plan.
- (b) Employees on the payroll of the city on the effective date of the plan shall have their choice as to whether or not they wish to participate in the plan. Persons employed by the city after the effective date of the plan shall be required to join in and participate in the plan.
- (c) The city manager, or his designee, shall administer the plan.

Sec. 2-5-55 Group life insurance plan--adopted for all employees; effective date; signing of contracts, etc.

The group life insurance plan , adopted and from time to time amended by or with the approval of the city council is hereby adopted as the life insurance plan for all employees of the city, to become effective July 25, 1956. The city manager is authorized to sign all contracts and papers for and on behalf of the city in connection with such plan. The city manager, or his designee, shall administer the plan.

Sec. 2-5-56 Same--participation.

Employees are not required to participate in the life insurance plan. Participation shall be entirely voluntary.

Sec. 2-5-57 Salary deductions and withholdings for retirement; deferred compensation and insurance plans; payment of city's share to maintain plans.

The director of finance is hereby authorized to deduct, withhold and remit employees' contributions, either voluntary or mandatory, for the plans adopted in this article and health insurance plans for city employees authorized by law. The director of finance is further

authorized to expend the share of the city toward maintaining or contributing on its behalf or on behalf of its employees to these plans, subject to appropriation of necessary funds by the city council.

Sec. 2-5-58 Deferred compensation plan --adopted for city and for all employees; signing of agreements; voluntary participation.

The deferred compensation plan, known as the AICMA Retirement Corporation 457 Plan,[©] as the same may be adopted and from time to time amended by or with the approval of the city council, is hereby adopted for the City of Alexandria, Virginia, and for all employees thereof. The city manager is authorized and directed to execute on behalf of the city all necessary documents in connection with the said plan. No employee of the city shall be required or directed to participate in the plan.

Sec. 2-5-59 Same--administration; signing of joinder agreements; contributions by city.

The city manager or his designee is hereby authorized and directed to administer the deferred compensation plan adopted in section 2-5-58 of this code, to do all things necessary by way of supervision, administration and implementation of the plan, and to contract with private corporations or institutions for services in connection therewith. The director of personnel may execute on behalf of the city joinder agreements with any employee of the city and all other agreements necessary for the said person's participation in the plan; except, that any such agreement which provides for the participation in the plan of the director of personnel shall be executed on behalf of the city by the city manager. No funds shall be contributed by the city to the plan on behalf of any employee, except as and to the extent the city council shall direct.

Sec. 2-5-60 Same--Standards.

The plan shall at all times comply with the standards for the tax treatment of deferred compensation plans required by Section 51.1-604 of the Code of Virginia (1950), as amended.

Sec. 2-5-61 Reserved.

Sec. 2-5-62 Reserved.

Sec. 2-5-63 Same--city liability limited.

The city as employer shall make the deferred compensation plan established by section 2-5-58 of this code available to its employees as an employment benefit and shall make such payroll deductions as any individual employee shall direct, related to the plan. Beyond the administrative expense and responsibility for performing (a) deductions; (b) remittance of all funds to investment media selected by the employees from the options made available by the plan administrator; and (c) benefit distributions in accordance with employee instructions, the city, its officers, agents and/or employees shall bear no other responsibility or liability. It shall further be understood and by appropriate documentation it shall be made clear and binding upon employee participants that the city does not make any warranties or guarantees with respect to the plan and the city will bear no liability for the program other than as set forth above. Thus, by this section, express disclaimer and otherwise, the city shall bear no liability, other than as set forth above, for any compensation deferred under the plan and/or any investment vehicle, product, security and/or the performance thereof under the plan.

Sec. 2-5-64 Same--other retirement, pension, etc., systems not affected.

The deferred compensation plan established by section 2-5-58 of this code shall exist and serve in addition to all other retirement, pension or other benefit systems available to any city employees and shall not supersede, make inoperative or reduce any benefits provided by any other retirement, pension or benefit program established by law.

Sec. 2-5-65 Alteration, amendment or repeal of plans.

The city council reserves the right to alter, amend or repeal any provision of the plans adopted and established by this article; provided, however, that the amount of benefits which at the time

of such alteration, amendment or repeal shall have accrued for participants or beneficiaries shall not be affected thereby. If the city council repeals the plan, it shall continue to be administered in accordance with its terms and provisions and those of the aforesaid sections of this code for the sole benefit of the then participants, any beneficiaries then receiving retirement allowances or benefits and any future persons entitled to receive benefits in accordance therewith who are so designated by any of the said participants.

Sec. 2-5-66 Reserved.

Section 3. That any actions taken by the city counsel, city manager, director of finance, director of personnel services, or their designees, with respect to the adoption, amendment or administration of the several retirement, disability, insurance and deferred compensation plans described in Article D, Chapter 5, Title 2 of the Code of the City of Alexandria, 1981, as amended, prior to the effective date of this ordinance be, and the same hereby are, ratified, approved, confirmed and continued in force and effect as of and from the date any such actions were taken.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction:	12/10/02
First Reading:	12/10/02
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