

ORDINANCE RECORD

No. 72 8-REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1134

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO AMEND THE PUBLIC SAFETY EMPLOYEES RETIREMENT PLANS, MEANING THE CITY OF LA VISTA POLICE OFFICERS RETIREMENT PLAN AND TRUST AND THE CITY OF LA VISTA FIREFIGHTERS RETIREMENT PLAN AND TRUST, FOR CHANGES IN APPLICABLE TAX LAWS; TO AUTHORIZE THE MAYOR TO EXECUTE DOCUMENTS AND FURTHER ACTIONS; AND TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Pursuant to Nebraska Statutes, Sections 16-1001 through and including 16-1042, the City maintains the City of La Vista Police Officers Retirement Plan and Trust and the City of La Vista Firefighters Retirement Plan and Trust ("Plans"). The City Council is authorized to amend the Plans and an amendment to each of the Plans has been presented with this Ordinance to comply with the Pension Protection Act of 2006 and subsequent legislation enacted by the United States Congress ("Amendment No. 1").

SECTION 2. The City Council hereby adopts and approves Amendment No. 1 for each of the Plans in form and content presented with this Ordinance.

SECTION 3. The Mayor is hereby authorized to execute said Amendment No. 1 for each of the Plans and the City Administrator or her designee from time to time shall take any and all further actions as determined necessary or appropriate to implement said amendments and carry out the actions adopted and approved herein, obtain a determination from the Internal Revenue Service of the affect of said amendments and any other amendments on the qualified status of the Plans under the Internal Revenue Code, if the decision is made to obtain a determination, and otherwise maintain the qualified status of the Plans under the Internal Revenue Code, including, but not limited to, modifying amendments or adopting such further amendments to the Plans or either of them as the City Administrator determines necessary or advisable.

SECTION 4. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance. The Mayor and City Council hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 6. This Ordinance shall be in force and take effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 4TH DAY OF JANUARY, 2011.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC
City Clerk