



# City of Grand Island

Tuesday, February 19, 2013

Study Session/Special Meeting

## Item I1

### **#2013-46 - Consideration of Authority of the Police Pension Committee**

*This Item relates to the aforementioned Request and Referral Item H-1.*

Staff Contact: Robert J. Sivick, City Attorney

## RESOLUTION 2013-46

WHEREAS, Article 10 of Chapter 16 of the Nebraska Revised Statutes sets forth the laws governing the pensions of police officers of First Class Cities; and

WHEREAS, Section 16-1014 of the Nebraska Revised Statutes states in part, *A retirement committee shall be established to supervise the general operation of the retirement system established pursuant to sections 16-1001 to 16-1019. The governing body of the city shall continue to be responsible for the general administration of such retirement system unless specific functions with regard to the administration of the retirement system are delegated, by ordinance, to the retirement committee. Whenever duties or powers are vested in the city or the retirement committee under such sections or whenever such sections fail to specifically allocate the duties or powers of administration of the retirement system, such powers or duties shall be vested in the city unless such powers or duties have been delegated by ordinance to the retirement committee.*; and

WHEREAS, Section 16-1017 of the Nebraska Revised Statutes sets forth specific ministerial duties of the Grand Island Police Pension Committee confined to providing information and reports to participants in the Grand Island Police Retirement System and certain governmental officials of the State of Nebraska; and

WHEREAS, the Grand Island City Council as the governing body of the City of Grand Island has never delegated any authority to the Police Pension Committee beyond that set forth in Section 16-1017 of the Nebraska Revised Statutes; and

WHEREAS, the authority of the Police Pension Committee is subordinate to the authority of the City Council; and

WHEREAS, the members of the Police Pension Committee are obligated by law and specifically Section 16-1014 of the Nebraska Revised Statutes to implement, adhere to, and obey the policies and directives of the City Council in the administration of the City's Police Retirement System; and

WHEREAS, on January 17, 2013 the City Council approved Resolution 2013-17(A) setting forth the directive to the Police Pension Committee that police pension benefits be calculated on a straight life annuity basis; and

WHEREAS, on February 5, 2013 the City Council approved Resolution 2013-26(B) setting forth the directive to the Police Pension Committee that police pension benefits be determined using a straight life annuity calculated on a basis specific to the gender and age of the retiree; and

WHEREAS, during meetings of the Police Pension Committee held on January 24, 2013 and February 8, 2013 certain members of that Committee expressed their belief the Committee was not bound by the directives of the City Council as set forth in Resolutions 2013-17(A) and 2013-26(B); and

WHEREAS, during the meeting of the Police Pension Committee held on

Approved as to Form	□ _____
February 15, 2013	□ City Attorney

February 8, 2013 the Committee approved the retention of outside legal counsel; and

WHEREAS, the Grand Island City Attorney has been appointed by the Mayor and approved by the City Council pursuant to Section 16-308 of the Nebraska Revised Statutes and Section 2-30 of the Grand Island City Code; and

WHEREAS, the City Attorney serves as the legal counsel for the City and all City officers pursuant to Section 16-319 of the Nebraska Revised Statutes and Section 2-40 of the Grand Island City Code; and

WHEREAS, pursuant to Section 2-40 of the Grand Island City Code, the City Attorney is authorized to retain outside counsel in the event he lacks expertise or has a conflict of interest in a matter; and

WHEREAS, the City Attorney has not expressed a belief he lacks expertise or has a conflict of interest which would impair his ability to serve as legal counsel for the Police Pension Committee,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA,

That the Grand Island City Attorney has, does, and shall continue to serve as legal counsel for the Police Pension Committee.

That the Police Pension Committee is not authorized to retain legal counsel or other professional experts, enter into contracts, expend funds, or assume authority not specifically stated in Section 16-1017 of the Nebraska Revised Statutes nor specifically delegated to it by an Ordinance approved by the City Council pursuant to Section 16-1014 of the Nebraska Revised Statutes.

That any contracts entered into by the Police Pension Committee either by individual members or the Committee as a whole, without the prior approval of the City Council, are null and void and will not be recognized or honored by the City of Grand Island.

Adopted by the City Council of the City of Grand Island, Nebraska, February 19, 2013.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk