

# **City of Scottsbluff, Nebraska**

**Monday, March 5, 2018**

**Regular Meeting**

## **Item Resolut.5**

**Council to consider the Resolution authorizing the Amendment to the General City Employees Pension Plan and Trust and authorize the City Manager to execute the Amendment.**

**Staff Contact:**

**CERTIFICATE OF RESOLUTIONS  
OF  
THE CITY OF SCOTTSBLUFF, NEBRASKA**

The undersigned hereby certifies that he is the Mayor of the City of Scottsbluff, Nebraska, and that the following resolutions were duly adopted by the City Council on the 5<sup>th</sup> day of March, 2018.

WHEREAS, the City maintains a retirement plan known as the City of Scottsbluff General City Employees' Pension Plan and Trust (the "Plan"), for the benefit of its eligible employees, and, as the Sponsoring Employer of the Plan, has the authority to amend the provisions of the Plan under Section 9.1 of the Basic Municipal Employees Plan and Trust Agreement for the Plan; and

WHEREAS, the City has determined that the Plan should be amended, for Plan Years beginning on or after January 1, 2018, to eliminate the Hours of Service Method for purposes of eligibility and vesting service under the Plan and instead apply the Elapsed Time Method for purposes of eligibility and vesting service under the Plan.

NOW, THEREFORE, it is:

RESOLVED, that the Plan shall be, and it hereby is, amended in the form set forth in the Amendment to the City of Scottsbluff, Nebraska General City Employees' Pension Plan and Trust, and which is attached hereto and by this reference fully incorporated herein;

RESOLVED FURTHER, that the Mayor and other appropriate officials and officers of the City of Scottsbluff shall be, and they hereby are, authorized to do any and all things, including the execution of the attached Amendment to the Plan, together with any other document or amendment which may be necessary or appropriate to effectuate the amendment of the Plan and any additional action as may be necessary or appropriate to continue the tax qualification of the Plan, as amended, under Sections 401(a) and 501(a) of the Internal Revenue Code of 1986 and the regulations promulgated thereunder.

Executed this 5<sup>th</sup> day of March, 2018.

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MAYOR

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**AMENDMENT TO THE  
CITY OF SCOTTSBLUFF, NEBRASKA  
GENERAL CITY EMPLOYEES' PENSION PLAN AND TRUST**

The City of Scottsbluff, Nebraska General City Employees' Pension Plan and Trust (the "Plan"), as amended and restated January 1, 2004, and as subsequently amended, is hereby further amended, effective as of January 1, 2018, by the amendment of the Adoption Agreement of the Basic Municipal Employees Plan and Trust Agreement, as follows:

**I.**

Section L of the Adoption Agreement to the Plan is hereby amended effective January 1, 2018, to strike selection (1)(a) and eliminate the Hours of Service Method for purposes of Vesting Service and Eligibility Service, and to select selection (2) Elapsed Time Method, (c) and (d) to provide for service credit to be based upon elapsed time for purposes of Eligibility and Vesting.

**II.**

The first paragraph of Section S of the Adoption Agreement to the Plan is hereby amended effective January 1, 2018, to provide as follows:

"Adoption Agreement B(3) & Basic Plan Document 1.1.9 "Eligibility Service"; and Adoption Agreement I(2)(b)(ii) and Basic Plan Document 1.1.44 "Vesting Service":

Effective for Plan Years ending before January 1, 2018, a measure of an Employee's service with the Employer (stated as number of years) shall be equal to the number of computation periods in which the Employee completes 37 or more Hours of Service per week for at least 48 weeks (totaling 1,776 or more Hours of Service).

For Plan Years commencing on or after January 1, 2018, an Employee's service for purposes of determining eligibility to participate in the Plan and vesting in the Participant's Account Balance shall be the aggregate of all time period(s) commencing with the Employee's first day of employment or reemployment with the Employer and ending on the date a Break in Service begins. The first day of employment or reemployment is the first day the Employee performs an Hour of Service. An Employee will also receive credit for any period of severance of less than 12 consecutive months. Fractional periods of a year will be expressed in terms of days."

**III.**

The foregoing amendments shall supersede the existing provisions of the Adoption Agreement of the Plan to the extent those provisions are inconsistent with the provisions of this Amendment. The remaining terms and provisions of the Adoption Agreement of the Plan are hereby confirmed and ratified in all respects except insofar as the foregoing provisions of this Amendment amend the same.

Dated this 5<sup>th</sup> day of March, 2018.

**CITY OF SCOTTSBLUFF, NEBRASKA**

By: \_\_\_\_\_  
Nathan Johnson                      City Manager  
Printed Name                      Title

**UNION BANK & TRUST COMPANY,  
TRUSTEE**

By: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
Printed Name                      Title

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