



# City of Broken Arrow

## Legislation Details (With Text)

|                      |  |                      |                           |
|----------------------|--|----------------------|---------------------------|
| <b>File #:</b>       | 17-2967  | <b>Name:</b>         |                           |
| <b>Type:</b>         | Ordinance  | <b>Status:</b>       | Passed                    |
| <b>File created:</b> | 11/30/2017   | <b>In control:</b>   | Broken Arrow City Council |
| <b>On agenda:</b>    | 12/5/2017  | <b>Final action:</b> | 12/5/2017                 |
| <b>Title:</b>        | Consideration, discussion, and possible adoption of Ordinance No. 3505, an ordinance adopting an employee retirement system, defined contribution plan for the position of City Manager for the City of Broken Arrow, Oklahoma; providing retirement benefits for eligible employees of City of Broken Arrow, Oklahoma; providing for purpose and organization; providing for definitions; providing for eligibility and participation; providing for employer and employee contributions; providing for accounting, allocation, and valuation; providing benefits; providing for required notice; providing for amendments and termination; providing for transfer to and from other plans; creating a committee and providing for powers duties, and rights of committee; providing for payment of certain obligations; providing for duration and payment of expenses; providing for effective date; providing for vesting schedules; providing for a fund to finance the system to be pooled with other incorporated cities, towns and their agencies and instrumentalities for purposes of administration, management, and investment as part of the Oklahoma Municipal Retirement Fund; providing for payment of all contributions under the system to the Oklahoma Municipal Retirement Fund for management and investment; providing for non-alienation of benefits and loss of benefits for cause; adopting those amendments mandated by the Internal Revenue Code; providing for repealer and severability; and declaring an emergency |                      |                           |

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 12-5-17 Adoption Ordinance for CMO-SI Broken Arrow ORD (2018-03-01).pdf, 2. Joinder Agreement Exhibit A.pdf, 3. DC Master Exhibit B.pdf

| Date      | Ver. | Action By                 | Action   | Result |
|-----------|------|---------------------------|----------|--------|
| 12/5/2017 | 1    | Broken Arrow City Council | adopted  | Pass   |
| 12/5/2017 | 1    | Broken Arrow City Council | approved | Pass   |

**Broken Arrow City Council**

**Meeting of: 12-5-2017**

**To:** Mayor and City Council

**From:** Office of City Manager

**Title:**

**Consideration, discussion, and possible adoption of Ordinance No. 3505, an ordinance adopting an employee retirement system, defined contribution plan for the position of City Manager for the City of Broken Arrow, Oklahoma; providing retirement benefits for eligible employees of City of Broken Arrow, Oklahoma; providing for purpose and organization; providing for definitions; providing for eligibility and participation; providing for employer and employee contributions; providing for accounting, allocation, and valuation; providing benefits; providing for required notice; providing for amendments and termination; providing for transfer to and from other plans; creating a committee and providing for powers duties, and rights of committee; providing for payment of certain obligations; providing for duration**

and payment of expenses; providing for effective date; providing for vesting schedules; providing for a fund to finance the system to be pooled with other incorporated cities, towns and their agencies and instrumentalities for purposes of administration, management, and investment as part of the Oklahoma Municipal Retirement Fund; providing for payment of all contributions under the system to the Oklahoma Municipal Retirement Fund for management and investment; providing for non-alienation of benefits and loss of benefits for cause; adopting those amendments mandated by the Internal Revenue Code; providing for repealer and severability; and declaring an emergency

**Background:**

On September 19, 2017, the City Council approved the Third Amendment to the Employment Agreement with Michael L. Spurgeon to serve as the City Manager for the City of Broken Arrow. The Third Amendment established a defined contribution special incentive plan administered by Oklahoma Municipal Retirement Fund. Beginning next year, funding will be placed into the OMRF defined contribution plan. If Mr. Spurgeon completes the remaining term of his Agreement, he will be entitled to the total sum, plus earnings. If he voluntarily leaves during that period of time, all sums would revert back to the City of Broken Arrow. The attached Ordinance is necessary to establish the plan.

**Cost:** \$18,000.00

**Prepared By:** Jannette McCormick, Human Resources Director

**Reviewed By:** Finance Department  
Assistant City Manager - Administration  
Legal Department

**Approved By:** Michael L. Spurgeon, City Manager

**Attachments:** Ordinance No. 3505  
OMRF Master Defined Contribution Plan  
Joinder Agreement

**Recommendation:**

Adopt Ordinance No. 3505 and approve the emergency clause.