

ORDINANCE 2013-20.

AN ORDINANCE AMENDING SECTIONS 4.04.100 (EMPLOYER CONTRIBUTIONS FOR PROVO CITY EMPLOYEE RETIREMENT PROGRAMS) AND 4.04.110 (MUNICIPAL COUNCIL MEMBERS COMPENSATION, EXPENSES AND BENEFITS) OF THE PROVO CITY CODE TO CERTIFY THE STATUS OF CITY ELECTED OFFICIALS WITH REGARD TO THE UTAH RETIREMENT SYSTEM. (13-034)

WHEREAS, recent changes to Utah State Code regarding the Utah Retirement System require that the City certify whether Provo City elected officials are considered full-time or part-time employees; and

WHEREAS, elected officials that are considered full-time employees may participate in the Utah Retirement System, but elected officials that are considered part-time employees may not participate, unless they were already participating prior to the recent State Code changes; and

WHEREAS, it is proposed that Sections 4.04.100 and 4.04.110, Provo City Code, be amended to declare that the Mayor is considered a full-time employee and the members of the Municipal Council are considered part-time employees for purposes of the Utah Retirement System; and

WHEREAS, on June 4, 2013, the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts are found in the meeting record; and,

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds (i) Sections 4.04.100 and 4.04.110 should be amended as set forth below, and (ii) such action reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Sections 4.04.100 and 4.04.110 of the Provo City Code is hereby amended as follows:

4.04.100. Employer Contributions for Provo City Employee Retirement Programs.

...

(6) For purposes of participation eligibility in the Utah Retirement System, the Mayor shall be certified as a full-time elected official, and the members of the Municipal Council shall be certified as part-time elected officials, and contributions to that System shall be made in accordance with the Utah State Retirement and Insurance Benefit Act.

4.04.110. Municipal Council Members Compensation, Expenses and Benefits.

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46 (4) Each Council member may:

47 (a) elect to participate in the ~~retirement plan~~, employee cafeteria benefits plan, and
48 healthcare reimbursement arrangement in the same manner as a full-time City employee, and

49 (b) have access to the employee assistance plan, wellness programs, and voluntary group
50 benefits that may be available to City employees.

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52 PART II:

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54 A. If a provision of this Ordinance 2013-20 conflicts with a provision of a previously adopted
55 ordinance concerning the same title, chapter, and/or section number amended herein, the
56 provision in this Ordinance shall prevail.

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58 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be
59 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the
60 remainder of the ordinance shall not be affected thereby.

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62 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
63 updated to reflect the provisions enacted by this ordinance.

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65 D. This ordinance shall take effect immediately after being posted or published as required
66 by law.

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68 END OF ORDINANCE.