

ORDINANCE NO. 04 - 2014

CITY OF DIAMOND CITY, BOONE COUNTY, ARKANSAS

**AN ORDINANCE TO AMEND ORDINANCE 4-05 OF THE
CITY OF DIAMOND CITY, ARKANSAS IN ITS ENTIRETY
PERTAINING TO AN EMPLOYEE DEFERRED
COMPENSATION PLAN AND THE CITY'S
CONTRIBUTION THERETO.**

WHEREAS, on April 18, 2005, the City of Diamond City decided to provide for a deferred compensation plan through the Arkansas Municipal League Deferred Compensation Plan for qualified employees who wish to participate in the plan according to terms and conditions set forth in Ordinance No. 4-05; and

WHEREAS, following the establishment of the plan, the city changed providers of the plan from the Arkansas Municipal League to Woodmen of the World; and

WHEREAS, it has therefore come to the attention of the City Council of the City of Diamond City that Ordinance No. 4-05 should be amended in its entirety in order to provide for the operation of the deferred compensation plan (the "Plan") through Woodmen of the World, or any such successor to Woodmen of the World selected by the City as a provider in the future in accordance with the terms and provisions of this Ordinance; and

WHEREAS, the City Council of the City of Diamond City feels that it is in the best interests of the citizens of the City of Diamond City that all acts and actions of City Officials to terminate the plan through the Arkansas Municipal League and to provide the plan through Woodmen of the World be now approved and ratified by the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DIAMOND CITY, ARKANSAS:

SECTION 1. The City of Diamond City has established a deferred compensation plan in order to attract and retain qualified employees for the City of Diamond City.

SECTION 2. The plan provider shall be Woodmen of the World, or a successor to Woodmen of the World as determined by authorized officials of the City of Diamond City from time to time.

SECTION 3. The City of Diamond City shall abide by the terms of the Plan, including any amendments to the Plan, as well as all applicable provisions of state or federal law or regulations.

SECTION 4. The City Council of Diamond City hereby authorizes the City to match the 3% gross salary contribution of any City of Diamond City qualified employee who also participates in the plan through a required employee contribution of 3% of their gross salary.

SECTION 5. The plan is a benefit for the employees of the City of Diamond City who choose to participate in the plan, and the City Council of the City of Diamond City may choose at any time to cease the employer contribution to the plan or may cease providing the plan as an employee benefit.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

SECTION 7. RATIFICATION. The City Council of the City of Diamond City hereby adopts and ratifies all past actions by authorized Diamond City officials in terminating the Arkansas Municipal League Deferred Compensation Plan and establishing the plan with a the new provider, Woodmen of the World.

PASSED AND APPROVED this 25th day of March, 2014.

Ayes 6 Nays 0 Abstentions 0 Absent 0

I, the undersigned, hereby certify that the foregoing Ordinance, 04-2014 to amend Ordinance 04-05 was duly adopted by the City Council of Diamond City, Arkansas.

APPROVED:


Shari Marshall
Mayor

ATTEST:


Cheryl Guthrie
Recorder/Treasurer