

AN ORDINANCE OF THE CITY OF KREBS & KREBS UTILITY AUTHORITY, OKLAHOMA

ORDINANCE NO. 22-03

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED BENEFIT PLAN FOR THE CITY OF KREBS & KREBS UTILITY AUTHORITY, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF KREBS & KREBS UTILITY AUTHORITY, OKLAHOMA; PERTAINING TO PLAN OPTIONS; PROVIDING FOR CONTRIBUTIONS BY PARTICIPANTS; PROVIDING FOR EMPLOYER PICKUP OF MANDATORY CONTRIBUTIONS; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF KREBS & KREBS UTILITY AUTHORITY, OKLAHOMA.

Section 1. AMENDATORY. The Employee Retirement System, Defined Benefit Plan, of the City of Krebs & Krebs Utility Authority, Oklahoma, is hereby amended as reflected on the attached Exhibit "A", which is incorporated herein and adopted by reference. These amendments shall become effective on July 1, 2022.

Section 2. EXECUTION AUTHORIZATION. The City Clerk and Mayor be and they are hereby authorized and directed to execute the amended Retirement System Plan documents and to do all the other acts necessary to put said amendment into effect and to maintain IRS qualification of the Plan. The executed amended document attached hereto as Exhibit "A" is hereby ratified and confirmed in all respects.

Section 3. SPECIAL INCOME TAX TREATMENT FOR CONTRIBUTIONS UNDER IRC414. The Plan contains provisions which are intended to constitute a pick-up program by the Employer which satisfies the requirements of section 414(h)(2) of the Internal Revenue Code of 1986 (the "Code"); and the Plan, be, and it is, approved and adopted as of the date therein stated; and Mandatory Contributions (as defined in the Plan) are designated "picked-up" by the employer so as to not be included in Plan Participants' gross income for Federal income tax purposes as provided in Section 414(h)(2) of the Code. All Mandatory Contributions are to be paid by the employer in lieu of contributions by the Plan Participant. No Participant in the Plan shall have the option of choosing to receive the amounts of Mandatory Contributions directly in lieu of having such amounts paid by the employer to the Trustees of the Plan.

Section 4. SEVERABILITY. If, regardless of cause, any section, subsection, paragraph, sentence, or clause of this ordinance, including the System as set forth in Exhibit "A" is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

Section 5. REPEALER. Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such

inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 6. EMERGENCY. Whereas, in the judgment of the City Council of the City of Krebs & Krebs Utility Authority, Oklahoma, the public peace, health, safety, and welfare of the City of Krebs & Krebs Utility Authority, Oklahoma, and the inhabitants thereof demand the immediate passage of this ordinance, an emergency is hereby declared, the rules are suspended, and this ordinance shall be in full force and effect on its passage and approval.

END

The foregoing ordinance was introduced before the City of Krebs & Krebs Utility Authority on the 17th day of May, 2022, and was duly adopted and approved by the Mayor and City Council on the 21st day of June, 2022, after compliance with notice requirements of the Open Meeting Law (25 OSA, Section 301, et seq.).

City of Krebs & Krebs Utility Authority

Tommy Ray Walsh
MAYOR

ATTEST:

Heidi Scott
CITY CLERK

Approved as to form and legality on Jun 30, 2022.

Rob [Signature]
CITY ATTORNEY

FILED

AUG 26 2022

TIME 2:22 AM
HOPE TRAMMELL, COUNTY CLERK
PITTSBURG COUNTY
BY [Signature] DEPUTY

AFFP

PO 18274ORD. NO.22-03 \$95.10

Affidavit of Publication

STATE OF OKLAHOMA }
COUNTY OF PITTSBURG } SS

Lexey Lund, being duly sworn, says:

That she is Sales Representative of the McAlester News-Capital, 500 S 2nd in McAlester, OK, a daily newspaper of general circulation, printed and published in McAlester, Pittsburg County, Oklahoma; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

June 25, 2022

That said newspaper was regularly issued and circulated on those dates.

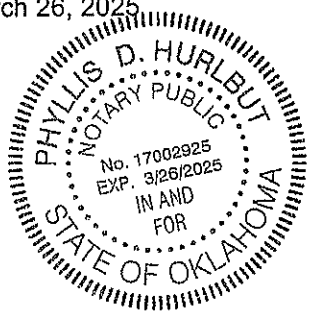
SIGNED:

Lexey Lund
Sales Representative

Subscribed to and sworn to me this 25th day of June 2022.

Phyllis D. Hurlbut
Phyllis D. Hurlbut, Notary, Pittsburg County, Oklahoma

My commission expires: March 26, 2025



03100079 00039337

KREBS, CITY OF (LI)
P.O. Box 156
KREBS, OK 74554

(Published in the McAlester News-Capital June 25th, 2022.)
AN ORDINANCE OF THE CITY OF KREBS & KREBS UTILITY AUTHORITY, OKLAHOMA
ORDINANCE NO.22-03
AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED BENEFIT PLAN FOR THE CITY OF KREBS & KREBS UTILITY AUTHORITY, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF KREBS & KREBS UTILITY AUTHORITY, OKLAHOMA; PERTAINING TO PLAN OPTIONS; PROVIDING FOR CONTRIBUTIONS BY PARTICIPANTS; PROVIDING FOR EMPLOYER PICKUP OF MANDATORY CONTRIBUTIONS; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.
BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF KREBS & KREBS UTILITY AUTHORITY, OKLAHOMA.
Section 1. AMENDATORY. The Employee Retirement System, Defined Benefit Plan, of the City of Krebs & Krebs Utility Authority, Oklahoma, is hereby amended as reflected on the attached Exhibit "A", which is incorporated herein and adopted by reference. These amendments shall become effective on July 1, 2022.
Section 2. EXECUTION AUTHORIZATION. The City Clerk and Mayor be and they are hereby authorized and directed to execute the amended Retirement System Plan documents and to do all the other acts necessary to put said amendment into effect and to maintain IRS qualification of the Plan. The executed amended document attached hereto as Exhibit "A" is hereby ratified and confirmed in all respects.
Section 3. SPECIAL INCOME TAX TREATMENT FOR CONTRIBUTIONS UNDER IRC414. The Plan contains provisions which are intended to constitute a pick-up program by the Employer which satisfies the requirements of section 414(h)(2) of the Internal Revenue Code of 1986 (the "Code"); and the Plan, be, and it is, approved and adopted as of the date therein stated; and Mandatory Contributions (as defined in the Plan) are designated "picked-up" by the employer so as to not be included in Plan Participants' gross income for Federal income tax purposes as provided in Section 414(h)(2) of the Code. All Mandatory Contributions are to be paid by the employer in lieu of contributions by the Plan Participant. No Participant in the Plan shall have the option of choosing to receive the amounts of Mandatory Contributions directly in lieu of having such amounts paid by the employer to the Trustees of the Plan.
Section 4. SEVERABILITY. If, regardless of cause, any section, subsection, paragraph, sentence, or clause of this ordinance, including the System as set forth in Exhibit "A" is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.
Section 5. REPEALER. Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.
Section 6. EMERGENCY. Whereas, in the judgment of the City Council of the City of Krebs & Krebs Utility Authority, Oklahoma, the public peace, health, safety, and welfare of the City of Krebs & Krebs Utility Authority, Oklahoma, and the inhabitants thereof demand the immediate passage of this ordinance, an emergency is hereby declared, the rules are suspended, and this ordinance shall be in full force and effect on its passage and approval.
END

The foregoing ordinance was introduced before the City of Krebs & Krebs Utility Authority on the 17th day of May, 2022, and was duly adopted and approved by the Mayor and City Council on the 21st day of June, 2022, after compliance with notice requirements of the Open Meeting Law (25 OSA, Section 301, et seq.).
City of Krebs & Krebs Utility Authority

/s/Tommy Ray Walker
MAYOR
ATTEST:
/s/W Kay Scott
CITY CLERK
Approved as to form and legality on June 21, 2022.
/s/Pat Layden
CITY ATTORNEY