

ORDINANCE NO. 4865

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO TITLE 2 “MANAGEMENT AND FINANCE” AND AMENDING SECTIONS 2.32.040 AND 2.32.160, AND REPEALING SECTION 2.32.200, OF THE ELLENSBURG CITY CODE.

WHEREAS, Ordinance No. 3281 established a deferred compensation plan and trust to provide deferred compensation as a benefit for eligible employees and their beneficiaries; and

WHEREAS, Ordinance No. 3281 also established a deferred compensation plan committee to administer the deferred compensation plan; and

WHEREAS, the Ellensburg City Code does not reflect the City’s current deferred compensation agent list; and

WHEREAS, language regarding definitions of “funds” has changed over the years; and

WHEREAS, all sums deferred from the compensation of participants in the plan, and from which all authorized disbursements shall be made, are held in trust by the agents of the plan;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

Section 1. Section 2.32.040 of the Ellensburg City Code, as last amended by Ordinance 4166, is hereby amended to read as follows:

2.32.040 Approved.

The deferred compensation plan and trust, attached to the ordinance codified in this chapter as Exhibit A, and by this reference incorporated herein, is recognized and approved as a deferred compensation plan and trust to provide deferred compensation to qualified employees of the city of Ellensburg, herein referred to as the employer. The deferred compensation plan and trust is established with the city of Ellensburg named as trustee, and shall be maintained for the exclusive benefit of eligible employees and their beneficiaries. No part of the corpus or income of the trust shall revert to the employer or be used for or diverted to purposes other than the exclusive benefit of participants and their beneficiaries. A copy of the deferred compensation plan and trust shall be maintained in the office of the city clerk for use and examination by the public. The deferred compensation plan committee, as referred to in ECC 2.32.160, shall appoints ~~Great West Life Assurance Company and ICMA Retirement Trust as~~ the administrative agents for the plan. [Ord. 4166, 1998; Ord. 3281 § 1, 1980.]

Section 2. Section 2.32.160 of the Ellensburg City Code, as last amended by Section 4 of Ordinance 3281, is hereby amended to read as follows:

2.32.160 Committee – Established.

There is established a deferred compensation plan committee which shall consist of three persons appointed by the city manager, which committee members shall serve for such periods as shall be determined by the city manager and shall be subject to removal and replacement as the city manager shall determine from time to time. The committee shall administer the deferred compensation plan, ~~and the deferred compensation plan fund, created in ECC 2.32.200,~~ and shall have the duties as defined in said plan. [Ord. 3281 § 4, 1980.]

Section 3. Section 5 of Ordinance 3281, codified as Section 2.32.200 of the Ellensburg City Code and as last amended by Ordinance 4166, is hereby repealed in its entirety.

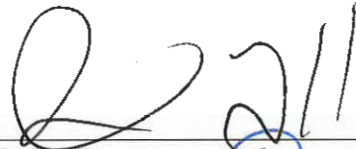
Section 4. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

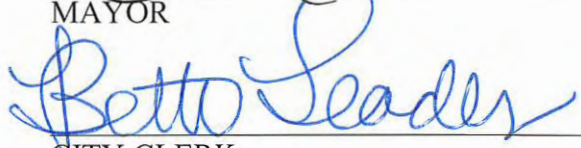
Section 5. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 7th day of December, 2020.

ATTEST:


MAYOR

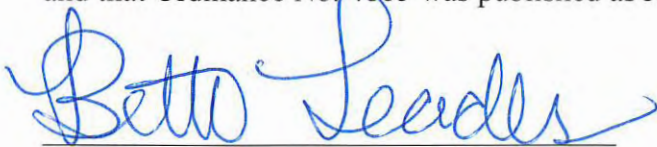

CITY CLERK

Approved as to form:


CITY ATTORNEY

Publish: 12-10-2020

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4865 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4865 was published as required by law.


BETH LEADER