

EFFECTIVE
4/1/76
SECTION 4 AMENDED BY
CHARTER ORDINANCE NO 23

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CHARTER ORDINANCE NO. 19

A CHARTER ORDINANCE EXEMPTING THE CITY OF HUTCHINSON, KANSAS, FROM THE PROVISIONS OF K.S.A. 13-14a05, 13-14a07, 13-14a08, AND 13-14a09, ALL PERTAINING TO PENSION AND DISABILITY BENEFITS TO MEMBERS OF THE POLICE AND FIRE DEPARTMENTS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS AND REPEALING CHARTER ORDINANCES NOS. 9 AND 15.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUTCHINSON, KANSAS:

SECTION 1. That the Governing Body of the City of Hutchinson, Kansas, by the power vested in it by Article XII, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and makes inapplicable to it K.S.A. 13-14a05, 13-14a07, 13-14a08, and 13-14a09, pertaining to pensions and disability benefits to members of the police and fire departments and providing substitute and additional provisions as hereinafter provided.

SECTION 2. The amount of money derived from taxes herein levied and all money received from assessments, dues, and donations for the benefit of such fund shall constitute funds to be known and designated, respectively, as the Policemen's Pension Fund and the Firemen's Pension Fund, which funds shall be devoted exclusively to and for the purposes hereinafter enumerated. All monies derived from the taxes so levied and money received from other sources as above enumerated shall be paid into the policemen's Pension Fund or the Firemen's Pension Fund, as the case may be, and shall be accumulative until a reserve of not less than Forty-Thousand Dollars (\$40,000.00) nor more than One-Hundred, Twenty-Five-Thousand Dollars (\$125,000.00) shall be built up for each fund. The amount of each reserve fund over Forty-Thousand Dollars (\$40,000.00) shall be determined by the Governing Body of the City; when each reserve fund, as so determined, shall reach its maximum, further levy shall be made only for the purpose of maintaining each fund at said level.

All monies accumulated under the provisions of this act shall be deposited by the treasurer in the same manner as other City funds; PROVIDED, HOWEVER, the Board of Trustees may, at

their option, invest any of said reserve funds in direct obligation bonds of the United States of America maturing, or redeemable, at par and accrued interest, within three (3) years from the date of purchase, or in bonds of any municipality in the State of Kansas, the total bonded indebtedness of which is less than fifteen percent (15%) of the total assessed tangible valuation of such municipality, which bonds shall mature within five (5) years from the date of purchase.

SECTION 3. (a) If any officer or member of the police or fire department of the City, while in the performance of his duties, be killed or die as a result of injury received, or should die of any disease contracted by reason of his occupation as a policeman or fireman, or should die after having retired and leave a surviving spouse, said surviving spouse, so long as he or she remains a widower or widow, shall receive, monthly, a pension in the amounts as set out in Section 4 hereof; PROVIDED, that if any policeman or fireman should die of heart or lung disease after five (5) years of service with the department, it shall be presumed that said heart or lung disease was contracted by reason of his occupation as a policeman or fireman; PROVIDED, FURTHER, that if such policeman or fireman shall die after his retirement and leave a surviving spouse, such surviving spouse shall not be entitled to such pension unless they were lawfully wedded at the time of his or her retirement. In the event there is no surviving spouse or the spouse remarries, then any child or children of the deceased shall receive, in equal shares, monthly, an amount as set out in Section 4 hereof, said sums to be paid until said child or children shall reach the age of eighteen (18) years, PROVIDED, FURTHER, that if any child is married or marries, he or she shall not be entitled to any such payment.

(b) If any officer or member of such fire department or police department after having become eligible for retirement as is hereafter provided shall be killed while not in the performance of his official duties or dies, then the amount as set out in Section 4 hereof shall be paid to persons classified in Subsection (a) of this Section and for the periods of time fixed in said Subsection (a) and subject to all of the limitations thereof.

SECTION 4. Any officer or member of any such police department or fire department having served twenty-two (22) years or more on such department and having reached the age of fifty (50) years, may make application to be retired, and if such application is made, the respective Board of Trustees shall retire such officer or member and shall pay him monthly payments in the amount as set out herein, or if he be discharged for any reason or if he voluntarily terminates his employment, after having served twenty-two (22) years or more in such department, the respective Board of

Trustees shall order and direct that said person, upon attaining the age of fifty (50) years, be paid monthly payments in the amount of one-half (1/2) the monthly salary at the time of retirement or discharge or voluntary termination, or Three-Hundred Dollars (\$300.00), whichever is more. If any officer or member of any such police or fire department has completed twenty-two (22) years of service and has not reached the age of fifty (50), dies or becomes disabled to the extent that he cannot obtain gainful employment, then he shall be paid out of the respective pension fund a monthly sum as specified in this Section; PROVIDED, HOWEVER, the Board of Trustees of the respective pension fund shall determine if the member is so disabled as to prevent gainful employment and may appoint a physician or physicians or other experts necessary to assist in such determination which determination by the Board of Trustees shall be final.

SECTION 5. Any officer or member of any such police department or fire department who shall while a member of such department and while engaged in the performance of his duties as such be permanently injured or disabled, and upon an examination by a physician or physicians appointed by the Board of Trustees be found to be physically or mentally disabled as a result of such permanent disability or injury so as to render him unfit for the performance of his duties as a policeman or a fireman, shall be entitled to be retired and the Board of Trustees shall thereupon order his retirement, and upon his being retired he shall be paid out of the respective pension funds, monthly, an amount as set out in Section 4 hereof; PROVIDED, that permanent disablement by reason of heart or lung disease of any member with five (5) years of service with his department shall be presumed to have been incurred while said member was engaged in the performance of his duties as a policeman or fireman; PROVIDED, FURTHER, that the Board of Trustees may, when they deem it advisable, call back for re-examination by a physician any officer or member retired by reason of permanent disability under the provisions of this Section, and if such examination discloses that said member is then able to perform his duties in said department, he may be returned to service; and if said member, upon request fails or refuses to return to duty then all payments from said pension fund shall cease; and in the event such officer or member returns to duty, the time lost by reason of such injury or disability shall apply on his retirement time.

SECTION 6. That Charter Ordinances Nos. 9 and 15 be and the same are hereby repealed.

SECTION 7. That this Ordinance shall be published once each week for two (2) consecutive weeks in the official City paper.

SECTION 8. This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication thereof unless a sufficient petition for referendum is filed and a referendum held on the Ordinance, as provided in Article XII, Section 5, Subsection (c), (3), of the Constitution of the State of Kansas, in which case the Ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED BY THE GOVERNING BODY, of not less than two-thirds (2/3) of the members-elect voting in favor thereof, this 20th day of JANUARY, 1976.



John E. Neal, Mayor

Attest:



Milton N. Martin, City Clerk