

MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 10-101 in the following manner:

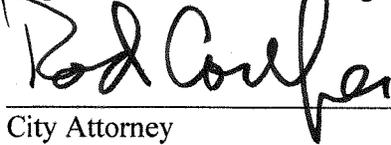
1. On page 1, line 1, strike "an amended and restated version of" and insert in lieu thereof "Amendment No. 2 to".
2. On page 1, line 3, strike the year "2010" and insert in lieu thereof the year "2012".
3. On page 1, line 6, strike the year "2010" and insert in lieu thereof the year "2012".
4. On page 1, line 9 through page 1, line 18, strike the entirety of Section 1 and insert in lieu thereof the following:

Section 1. That Amendment No. 2 to the "City of Lincoln Employees' Retirement Plan," a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, and to be consistent with the provisions of the amended and restated version of the City of Lincoln Employees' Retirement Plan and Trust adopted by Ordinance No. 19371 on April 5, 2010 is hereby adopted and the Mayor of the City of Lincoln is hereby authorized to execute said Amendment No. 2 to the City of Lincoln Employees' Retirement Plan upon the passage of this ordinance.

5. On page 2, line 1 through line 9, strike Section 2 in its entirety.
6. On page 2, line 10, strike 3 and insert in lieu thereof the number "2".

Introduced by:

Approved as to Form and Legality:



City Attorney

Requested by: Law Department

Reason for Request: To change the effective date of the amendment to the City of Lincoln Employees' Retirement Plan for employees in pay ranges prefixed by the letter "N".

**City of Lincoln
Employees Retirement Plan
Amendment #2**

Whereas;

- The City of Lincoln, Nebraska established a defined contribution pension plan (the "Plan") on April 1, 1961 in order to provide retirement and other incidental benefits to Employees who are eligible to participate in the plan;
- Effective as of September 1, 2010, the Sponsoring Employer amended the Plan to comply with the applicable requirements of the Internal Revenue Code of 1986, as amended by the Uruguay Round Agreements Act, the Small Business Job Protection Act of 1996, the Taxpayer Relief Act of 1997, the Uniformed Services Employment and Reemployment Rights Act of 1994, the Internal Revenue Service Restructuring and Reform Act of 1998, the Community Renewal Tax Relief Act of 2000, the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Job Creation and Workers Assistance Act of 2002, and all applicable rulings and regulations thereunder.
- In accordance with the provisions of Article 9 of the City of Lincoln Employees Retirement Plan, Sections 3.1(a) Employer Contributions, Contribution Formula and 3.5(a) Mandatory Employee Contributions, Contribution Formula shall be amended effective September 1, 2012, and shall have the following sections replaced as follows:

3.1 Employer Contributions

- (a) **Contribution Formula:** The Employer's contribution for any Allocation Period for the Benefiting Participants in each eligible class of Participants will be the amount described below with respect to such class of Participants:
- (1) **Contribution for Employees.** The Employer's contribution will be an amount equal to 6.3% of his or her Compensation up to and including \$4800, plus 12% of his or her Compensation in excess of \$4800.
 - (2) **Contribution for Employees in a position and pay range prefixed by the letter "M" hired on or after May 1, 2010.** With respect to an Employee with a position and pay range prefixed by the letter "M" who is hired by the Sponsoring Employer on or after May 1, 2010, the Employer's contribution will be an amount equal to 9% of his or her Compensation.
 - (3) **Contribution for Employees in positions and pay ranges prefixed by the letters "A", "B" and "C" hired on or after September 1, 2010.** With respect to Employees in positions and pay ranges prefixed by the letters "A", "B" and "C" hired by the Sponsoring Employer on or after September 1, 2010, the Employer's contribution will be an amount equal to 9% of his or her Compensation.
 - (4) **Contribution for Employees in positions and pay ranges prefixed by the letters "E" and "X" hired on or after January 1, 2011.** With respect to Employees in positions and pay ranges prefixed by the letters "E" and "X" hired by the Sponsoring Employer on or after January 1, 2011, the Employer's contribution will be an amount equal to 9% of his or her Compensation.
 - (5) **Contribution for Employees in a position and pay range prefixed by the letter "N" hired on or after September 1, 2012.** With respect to Employees in a position and pay range prefixed by the letter "N" hired by the Sponsoring Employer on or after September 1, 2012, the Employer's contribution will be an amount equal to 9% of his or her Compensation.

3.5 Mandatory Employee Contributions

- (a) **Contribution Formula:** Each Participant who is in one of the eligible classes of Participants set forth below must make a Mandatory Employee Contribution for an Allocation Period as follows:
- (1) **Contribution Formula for Employees.** With respect to an Employee, his or her Mandatory Employee Contribution for an Allocation Period will be an amount equal to 3% of his or her

Compensation up to and including \$4800 plus 6% of his or her Compensation in excess of \$4800.

- (2) **Contribution Formula for Employees in a position and pay range prefixed by the letter "M" hired on or after May 1, 2010.** With respect to an Employee in a position and pay range prefixed by the letter "M" hired on or after May 1, 2010, his or her Mandatory Employee Contribution for an Allocation Period will be an amount equal to 7% of his or her Compensation.
- (3) **Contribution Formula for Employees in positions and pay ranges prefixed by the letters "A", "B" and "C" hired on or after September 1, 2010.** With respect to Employees in positions and pay ranges prefixed by the letters "A", "B" and "C" hired on or after September 1, 2010, his or her Mandatory Employee Contribution for an Allocation Period will be an amount equal to 7% of his or her Compensation.
- (4) **Contribution Formula for Employees in positions and pay ranges prefixed by the letters "E" and "X" hired on or after January 1, 2011.** With respect to Employees in positions and pay ranges prefixed by the letters "E" and "X" hired on or after January 1, 2011, his or her Mandatory Employee Contribution for an Allocation Period will be an amount equal to 7% of his or her Compensation.
- (5) **Contribution Formula for Employees in a position and pay range prefixed by the letter "N" hired on or after September 1, 2012.** With respect to Employees in a position and pay range prefixed by the letter "N" hired on or after September 1, 2012, his or her Mandatory Employee Contribution for an Allocation Period will be an amount equal to 7% of his or her Compensation.

IN WITNESS WHEREOF, this Amendment #2 has been executed by the Employer as of _____ day of _____, 2012.

City of Lincoln

By _____