

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.64 (CITY EMPLOYEES' PENSION FUND), SECTION 2.64.190 (CONTRIBUTIONS), SUBSECTION (A) OF THE EL PASO CITY CODE, TO ALLOW THE CITY TO MAKE THE REQUIRED EMPLOYEE PARTICIPANT CONTRIBUTIONS ON BEHALF OF THE CITY MANAGER AS AGREED TO BY CONTRACT.**

**WHEREAS**, on October 7, 2022, the City Manager and the City of El Paso executed the Second Amendment to the Amended and Restated Employment Agreement (the "Second Amendment"); and

**WHEREAS**, paragraph 4 of the Second Amendment requires that the City amend the provisions of the Pension Plan to cause the City to make the mandatory employee participant contributions to the Pension Plan that the City Manager would otherwise be required to make, up to the maximum extent allowed by law; and

**WHEREAS**, it is required that City Code section 2.64.190(A) be amended to allow the Pension Plan amendment agreed upon by the parties to the Second Amendment.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**Section 1** That Title 2 (Administration and Personnel), Chapter 2.64 (City Employees' Pension Fund), Section 2.64.190 (Contributions), Subsection (A) be revised to read as follows, and subsection (A)(1) shall remain unchanged:

**Chapter 2.64 – CITY EMPLOYEES' PENSION FUND**

**2.64.190 – Contributions.**

(A) Beginning on the first full pay period after May 1, 2007, every person who is a fund participant shall contribute thereto, on a pre-tax basis, 7.75 percent of his salary or wages. The city and all other employers whose employees are permitted to participate in the fund, shall contribute an amount equal to 11.65 percent of the salary or wages of their respective employees who contribute to the fund, subject to subsection A.1. of this section. Provided however, for each of the four consecutive city fiscal years beginning with Fiscal Year 2012 starting on September 1, 2011, participant contributions of their salaries or wages shall increase annually by 0.30 percent, and the contributions of the city and of other permitted employers shall increase annually by 0.60 percent. Such increases shall begin with the first full pay period after September 1<sup>st</sup> of each applicable year, and thereafter, shall remain at the level reached in September 2014. Notwithstanding the other provisions of this subsection A,

pursuant to the terms of a certain agreement executed by the city and an executive on October 7, 2022, and effective as of the date set forth in such agreement, and so long as the agreement is in effect, the executive shall be relieved of the obligation to make employee participant contributions to the fund, and the employee participant contributions the executive would have otherwise been obligated to make shall instead be made by the city on the executive's behalf and shall be subject to all other plan provisions that apply to such employee participant contributions, excepting only the provisions of Section 2.64.500. The provisions of the prior sentence shall not affect the executive's entitlement to additional city contributions made under the second sentence of this subsection A.

**Section 2.** Except as expressly herein amended, Title 2 (Administration and Personnel), of the El Paso City Code shall remain in full force and effect, including but not limited to Subsections 2.64.190(A)(1) and 2.64.190 (B) through (F).

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.


**THE CITY OF EL PASO**

**ATTEST:**

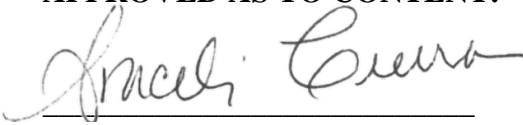
\_\_\_\_\_  
Oscar Leeser  
Mayor

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kristen L. Hamilton-Karam  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Araceli Guerra, Managing Director  
Human Resources Department