

**NOTICE AND AGENDA OF THE REGULAR MEETING OF THE MARIETTA CITY COUNCIL**

**Tuesday, December 10, 2024 at 6:00 PM**

**Marietta Municipal Building, 700 S. Highway 77, Marietta, Oklahoma 73448**

BUSINESS TO BE CONDUCTED (which may include discussion, consideration, action for approval or disapproval, voting to take any appropriate action, and the revision, amendment and passage of resolutions on the following agenda items):

**CALL TO ORDER.**

**ROLL CALL AND DECLARATION OF QUORUM.**

**INVOCATION.**

**PLEDGE OF ALLEGIANCE.**

**CONSENT AGENDA.**

All matters listed under this sections are considered by the City Council to be routine and will be enacted by one motion and vote. Any council member may, however, remove any item from the consent agenda by request.

- 1. Approval of the agenda as part of the minutes.
- 2. Approval of the minutes of the regular meeting on November 12, 2024,
- 3. Approval of financial reports.
- 4. Approval of purchase orders and expenditures from the following accounts/funds, if any: general fund; sanitation fund; cemetery care fund; expense account; grant fund; police asset forfeiture account; payroll account.

**ITEMS REMOVED FROM CONSENT AGENDA.**

Any matter removed from the consent agenda at the request of a council member will be considered separately.

**CORRESPONDENCE.**

**PUBLIC PARTICIPATION.**

This is an opportunity for citizens to address the city council. Remarks will be addressed to the governing body as a whole. Any issues presented will not be further discussed by the city council or the mayor at this meeting. Comments must be limited to three minutes or less.

**CITY ADMINISTRATOR’S REPORT.**

The City Administrator will provide updates regarding recent and upcoming events and projects, and general operations of the City. No action will be taken.

**REGULAR BUSINESS.**

- 1. Recognition of Council President Destry Rushing as Acting Mayor.

2. Public hearing relating to the creation of a Planned Unit Development at 200 Washington St., with the property also being described as follows:

A tract of land out of the SW/4 of Section 17, Township 7 South, Range 2 East, Love County, Oklahoma, described as follows: Beginning at a point on the center section line running North and South through said Section 17, 1080 feet North of the South Line of said Section 17; thence north 300 Feet on said half section line; thence West at right angles with said half section line 419.4 feet; thence South 300 feet to the North line of Graham Addition to the City of Marietta, Oklahoma; thence East 419.4 feet to the place of beginning.

3. Discussion and possible action relating to the application of John Coffey for a creation of a Planned Unit Development located at 200 Washington St., with the legal description as described in Agenda item #2 above
4. Resolution to declare Martin Luther King Jr. Celebration and Parade a special event and authorize street closures for said event.
5. Consideration and possible action regarding a general election for the purpose of electing officers of the City of Marietta.
6. Consideration and possible action regarding the approval of an ordinance amending the employment retirement system and the approval for the joinder agreement for said plan.
7. Appointment to a vacancy on Marietta Public Works Authority Board of Trustees.
8. Appointment of Terry Vernon to the Planning and Zoning Commission.
9. Consideration and possible action relating to the appointment of Greg Barnard as Municipal Judge, and the hours, duties, compensation, and benefits of said appointee.

#### **NEW/UNFORESEEN BUSINESS.**

Discussion and possible action with respect to any matter not known, or which could not have been reasonably foreseen, prior to the time of posting this notice and agenda.

#### **MAYOR'S COMMENTS.**

The Mayor will provide updates regarding recent and upcoming events and projects, and general operations of the City. No action will be taken.

#### **ADJOURN.**

#### **NOTICE OF POSTING:**

I, the undersigned Clerk of the City of Marietta, certify that the foregoing Notice and Agenda of the Regular Meeting of the Marietta City Council was posted in prominent public view at the Marietta City Hall, located at 700 S. Hwy 77, and online at [www.mariettaok.city](http://www.mariettaok.city), at 5:00 o'clock p.m. on Friday, December 6, 2024.

Scott Chaney, Deputy City Clerk  
Dottie Gwin, City Clerk

*Dottie Gwin*



**NOTICE AND AGENDA OF THE REGULAR MEETING OF THE MARIETTA CITY COUNCIL**

**Tuesday, December 10, 2024 at 6:00 PM**

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**CALL TO ORDER.**

**ROLL CALL AND DECLARATION OF QUORUM.**

**INVOCATION.**

**PLEDGE OF ALLEGIANCE.**

**CONSENT AGENDA.**

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1. Approval of the agenda as part of the minutes.
2. Approval of the minutes of the regular meeting on November 12, 2024,
3. Approval of financial reports.
4. Approval of purchase orders and expenditures from the following accounts/funds, if any: general fund; sanitation fund; cemetery care fund; expense account; grant fund; police asset forfeiture account; payroll account.

**ITEMS REMOVED FROM CONSENT AGENDA.**

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**CORRESPONDENCE.**

**PUBLIC PARTICIPATION.**

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**CITY ADMINISTRATOR’S REPORT.**

The City Administrator will provide updates regarding recent and upcoming events and projects, and general operations of the City. No action will be taken.

**REGULAR BUSINESS.**

1. Recognition of Council President Destry Rushing as Acting Mayor.

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3. Discussion and possible action relating to the application of John Coffey for a creation of a Planned Unit Development located at 200 Washington St., with the legal description as described in Agenda item #2 above
4. Resolution to declare Martin Luther King Jr. Celebration and Parade a special event and authorize street closures for said event.
5. Consideration and possible action regarding a general election for the purpose of electing officers of the City of Marietta.
6. Consideration and possible action regarding the approval of an ordinance amending the employment retirement system and the approval for the joinder agreement for said plan.
7. Appointment to a vacancy on Marietta Public Works Authority Board of Trustees.
8. Appointment of Terry Vernon to the Planning and Zoning Commission.
9. Consideration and possible action relating to the appointment of Greg Barnard as Municipal Judge, and the hours, duties, compensation, and benefits of said appointee.

#### **NEW/UNFORESEEN BUSINESS.**

Discussion and possible action with respect to any matter not known, or which could not have been reasonably foreseen, prior to the time of posting this notice and agenda.

#### **MAYOR'S COMMENTS.**

The Mayor will provide updates regarding recent and upcoming events and projects, and general operations of the City. No action will be taken.

#### **ADJOURN.**

#### **NOTICE OF POSTING:**

I, the undersigned Clerk of the City of Marietta, certify that the foregoing Notice and Agenda of the Regular Meeting of the Marietta City Council was posted in prominent public view at the Marietta City Hall, located at 700 S. Hwy 77, and online at [www.mariettaok.city](http://www.mariettaok.city), at 5:00 o'clock p.m. on Friday, December 6, 2024.

Scott Chaney, Deputy City Clerk  
Dottie Gwin, City Clerk

*Dottie Gwin*



**NOTICE AND MINUTES OF THE REGULAR MEETING OF THE MARIETTA CITY COUNCIL**

**Tuesday, November 12, 2024 at 6:00 PM**

**Marietta Municipal Building, 700 S. Highway 77, Marietta, Oklahoma 73448**

BUSINESS TO BE CONDUCTED (which may include discussion, consideration, action for approval or disapproval, voting to take any appropriate action, and the revision, amendment and passage of resolutions on the following agenda items):

**CALL TO ORDER.**

Meeting called to order at 6:01 p.m.

**ROLL CALL AND DECLARATION OF QUORUM.**

**PRESENT**

- Mayor Kermit McKinney
- Council Member Matt Barber
- Council Member Tommy Kiser
- Council Member Destry Rushing
- Council Member Tambre Sanders
- Council Member Angela Vega
- Council Member Becca Griggs
- Council Member Crystal Cohee - arrived at 6:15 p.m.

**INVOCATION.**

Invocation given by Scott Chaney.

**PLEDGE OF ALLEGIANCE.**

Pledge of Allegiance let by Mayor McKinney.

**CONSENT AGENDA.**

All matters listed under this sections are considered by the City Council to be routine and will be enacted by one motion and vote. Any council member may, however, remove any item from the consent agenda by request.

Motion made by Council Member Barber to approve the Consent Agenda, Seconded by Council Member Rushing.

Voting Yea: Council Member Barber, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member Griggs

Council Member Cohee not present.

1. Approval of the agenda as part of the minutes.

2. Approval of the minutes of the special meeting on October 10, 2024.
3. Approval of financial reports.
4. Approval of purchase orders and expenditures from the following accounts/funds, if any: general fund; sanitation fund; cemetery care fund; expense account; grant fund; police asset forfeiture account; payroll account.

#### **ITEMS REMOVED FROM CONSENT AGENDA.**

Any matter removed from the consent agenda at the request of a council member will be considered separately.

#### **CORRESPONDENCE.**

None.

#### **PUBLIC PARTICIPATION.**

This is an opportunity for citizens to address the city council. Remarks will be addressed to the governing body as a whole. Any issues presented will not be further discussed by the city council or the mayor at this meeting. Comments must be limited to three minutes or less.

Denice Halstied updated the Council on the Main Street Committee.

#### **CITY ADMINISTRATOR'S REPORT.**

The City Administrator will provide updates regarding recent and upcoming events and projects, and general operations of the City. No action will be taken.

City Administrator Chaney stated the tornado sirens are up and operational. Election voting was held at City Hall on November 5 and it went really well. The Dodge cars are acting up again and having overheating issues.

#### **REGULAR BUSINESS.**

1. Introduction and report from Shane Frye - Regional Economic Recovery Manager for Southern Oklahoma Development Association.

Shane Frye addressed the Council regarding Southern Oklahoma Development Association.

2. Discussion and possible action relating to approval of the Our Lady of Guadalupe Parade route put on by the Good Shepard Catholic Church

Tom O'Connor and Raquel Castillo addressed the Council regarding Our Lady of Guadalupe's Mass and Parade.

Motion made by Council Member Kiser approving celebration and agreeing to set up barriers at the streets, Seconded by Council Member Rushing.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member Griggs

- 3. Public hearing relating to turning Gilliam Street into a one-way street.

Public Hearing opened at 6:20 p.m.

City Administrator Chaney read in Open Meeting the letter from Meggan Wilson regarding the closure of Gilliam Street. Mary Kay Thompson, 601 Gilliam Street, Marietta; Doug Barger, 1106 Veterans Avenue, Marietta, Oklahoma; Mistye Barger, 1106 Veterans Avenue, Marietta, Oklahoma; Shari Hallum, 566 Arc Cemetery, Marietta, Oklahoma; Judy Sanchez Fernandez, 90004 Turkey Hatchery Road, Marietta, Oklahoma, Marietta School Board Member; Virgil Barber, 507 Gilliam, Marietta, Oklahoma; Raquel Castillo, 704 Randolph Street, Marietta, Oklahoma and Brandy Naylor, Marietta Superintendent, addressed the Council also.

Motion made by Council Member Sanders to close Public Hearing at 7:07 p.m., Seconded by Council Member Kiser.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member Griggs

- 4. Discussion and possible action to approve an ordinance allowing for the rules and regulations of one-way streets and alleys.

Motion made by Council Member Kiser adopt Ordinance 2024-03 as presented, Seconded by Council Member Sanders.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member Griggs

Motion made by Council Member Barber to declare Ordinance 2024-03 an emergency, Seconded by Council Member Sanders.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member Griggs

- 5. Discussion and possible action relating to a resolution making Gilliam Street a one-way street.

Discussion and no action.

- 6. Ordinance amending Section 90-33 Of Article II and Section 90-56 of Article III of Chapter 90 of the Marietta Code of Ordinances continuing the total excise tax of three percent (3%).

Motion made by Council Member Barber to approve Ordinance 2024-04 as presented, Seconded by Council Member Sanders.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member Griggs

- 7. Consideration and possible action to approve a resolution that will call for an election for the continuance of three percent (3%) sales tax.

Motion made by Council Member Sanders to adopt Resolution 2024-35 as presented,  
Seconded by Council Member Cohee.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member Griggs

8. Consideration and possible action relating to the designation of a Christmas tree lighting organized by the Love County Chamber of Commerce as a special event, and necessary street closures.

Motion made by Council Member Rushing adopt Resolution 2024-36 as presented, Seconded by Council Member Sanders.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member Griggs

9. Consideration and possible action relating to the establishment of City holidays for the calendar year 2025.

Motion made by Council Member Vega adopt Resolution 2024-37 as presented, Seconded by Council Member Griggs.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member Griggs

10. Consideration and possible action relating to notice of regular meetings of the City Council for the calendar year 2025.

Motion made by Council Member Sanders adopt Resolution 2024-38 as presented, Seconded by Council Member Barber.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member Griggs

11. Consideration and possible action relating to holiday bonuses for City employees and volunteers.

City Administrator Chaney addressed the Council and stated where the money will come from two employees who have not been replaced.

Motion made by Council Member Rushing to adopt Resolution 2024-39 as presented, Seconded by Council Member Barber.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member Griggs

12. Discussion and possible action relating to forclosing on certain properties that have leins placed on them by the City of Marietta.

City Administrator Chaney addressed the Council. Attorney Cochran stated he has a conflict on two of the foreclosures.

Motion made by Council Member Sanders to authorize the lots as stated and allow the City Administrator and Mayor obtain the services of outside attorneys for lots Attorney Cochran has conflicts with, Seconded by Council Member Griggs.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council



**NEW/UNFORESEEN BUSINESS.**

Discussion and possible action with respect to any matter not known, or which could not have been reasonably foreseen, prior to the time of posting this notice and agenda.

Due to unforeseen circumstances, this matter could not be place on the agenda.

Motion made by Council Member Kiser to authorize the Mayor to appoint a committee to find a solution for the traffic issue for the School, Seconded by Council Member Sanders.  
Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member Griggs

**MAYOR'S COMMENTS.**

The Mayor will provide updates regarding recent and upcoming events and projects, and general operations of the City. No action will be taken.

Mayor McKinney stated he is battling Melanoma cancer and is asking for prayers.

**ADJOURN.**

Meeting adjourned at 7:49 p.m.

**NOTICE OF POSTING:**

I, the undersigned Clerk of the City of Marietta, certify that the foregoing Notice and Agenda of the Regular Meeting of the Marietta City Council was posted in prominent public view at the Marietta City Hall, located at 700 S. Hwy 77, and online at [www.mariettaok.city](http://www.mariettaok.city), at 5:00 o'clock p.m. on Friday, November 8, 2024.

Scott Chaney, Deputy City Clerk  
Dottie Gwin, City Clerk



**RESOLUTION \_\_\_\_\_**

**A RESOLUTION REGARDING AN APPLICATION FOR THE CREATION OF A PLANNED UNIT DEVELOPMENT AT 200 WASHINGTON STREET, MARIETTA, OKLAHOMA**

**WHEREAS**, John Coffey is the owner of a lot zoned R1, located at 200 Washington Street, Marietta, Oklahoma, otherwise identified as follows:

A tract of land out of the SW/4 of Section 17, Township 7 South, Range 2 East, Love County, Oklahoma, described as follows: Beginning at a point on the center section line running North and South through said Section 17, 1080 feet North of the South line of said Section 17, thence North 300 feet on said half section line; thence West at right angles with said half section line 419.4 feet; thence South 300 feet to the North Line of Graham Addition to the City of Marietta, Oklahoma; thence East 419.4 feet to the place of beginning;

and

**WHEREAS**, said owner has made an application to create a plan unit development on the property pursuant to Section 5-10 of Appendix A to the Code of Ordinances of the City of Marietta; and

**WHEREAS**, public notice was given pursuant to the above-referenced ordinance, and a hearing regarding the application was held before the planning commission on N/A; and

**WHEREAS**, at the conclusion of the public hearing, the Planning Commission adopted Resolution N/A recommending the creation of a planned unit development on the real property; and

**WHEREAS**, the City Council has reviewed this matter and the findings of the City of Marietta Planning Commission;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Marietta that it is in the best interest of the City and the general public that the application, as described above, be

\_\_\_ Approved, pursuant to the provisions outlined in Section 5-10 of Appendix A to the Code of Ordinances of the City of Marietta and all other applicable State laws and City ordinances.

\_\_\_ Denied.

**PASSED BY THE CITY COUNCIL** and **SIGNED** by the Mayor of the City of Marietta this 10 day of December 2024.

CITY OF MARIETTA

ATTEST:

\_\_\_\_\_  
DESTRY RUSHING, ACTING MAYOR

\_\_\_\_\_  
DOTTIE GWIN, CITY CLERK

### PETITION

To the Marietta City Council, we, the undersigned residents of Marietta, strongly oppose the proposed construction plan unit development project at 200 Washington Street. We are deeply concerned about the potential negative impact on our property values due to this project. Our other concerns include water resources, drainage, the poor condition of city roads, traffic congestion, increased crime rates, noise pollution, overcrowding, and disruption to the neighborhood's existing character. Instead, prioritize the protection of our community. While we are not against growth or change, we seek thoughtful development that complements and enhances our community rather than diminishing it. We urge the Marietta City Council to reconsider the proposed project at 200 Washington Street and prioritize the needs and well-being of Marietta residents above all else. Thank you for considering our concerns.

1. Name: Randy Freeman  
 Address: 507 W 3rd Ave  
 Signature: Randy Freeman

2. Name: DAVID + Dolores MILAM  
 Address: 510 N. 3rd Ave  
 Signature: Dolores Milam

3. Name: Kevin Perry  
 Address: 404 Washington St  
 Signature: Kevin Perry

# PETITION

As a community we do not think the City of Marietta has the resources to build eight houses on one lot. The residents of Love County are concerned that we do not have the water source to provide eight more houses on one lot. We are also concerned of the drainage that we have put time and work on, will this reflect on this as well? We also do not have the best roads to drive to this addition. Coffey has done bad on our town before we should not risk another bad decision to reflect on our beautiful small town. Please also join us in the City Council Meeting on Monday, February 12 and Tuesday, February 13 at 6:00 p.m.

Name: Bobby Dean

Address: 205 WASHINGTON

Signature: Bobby Dean

---

Name: Echo Smith

Address: 402 Washington Street

Signature: Echo Smith

---

Name: WANDA Smith

Address: 400 WASHINGTON

Signature: Wanda Smith

---

Name: Nereida Pacheco

Address: 501 Washington St.

Signature: Nereida Pacheco

---

Name: Juan Sanchez

Address: 601 Higgins

Signature: Juan Sanchez

---

Name: Jemie Hice

Address: 607 Higgins

Signature: Jemie Hice

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Name: Tim Powell

Address: 604 Higgins

Signature: 

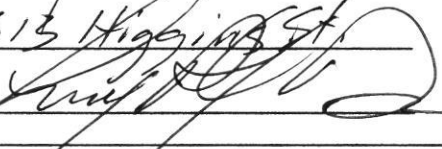
Name: Nelson Powell

Address: 602 Higgins

Signature: Nelson Powell

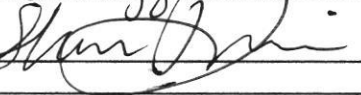
Name: Larry Davis

Address: 613 Higgins St.

Signature: 

Name: Shanna Davis

Address: 613 Higgins St

Signature: 

Name: Daniella Rangel

Address: 702 Higgins St

Signature: 

Name: Emily Gsu

Address: 708 Higgins

Signature: Emily Gsu

Name: Dean Anderson

Address: Dean Anderson 708 Higgins

Signature: Dean Anderson

Name: Royce Willis

Address: 710 Higgins St

Signature: Royce Willis

Name: Brittney + Miseta Salas

Address: 706 Higgins St

Signature: Brittney Salas

Name: Misty McGee

Address: 706 Higgins

Signature: Misty McGee

Name: Espiridión Per

Address: 206-205 +

Signature: \_\_\_\_\_

Name: Chase Mery

Address: 401 Washington

Signature: Chase Mery

Name: Ange Riddle

Address: 403 Washington Street

Signature: Ange Riddle

Name: Ray Willard

Address: 311 Washington

Signature: Ray Willard

Name: Dawn Barnes

Address: 303 Washington St.

Signature: Dawn Barnes

Name: Michael Barnes

Address: 303 Washington St

Signature: *Michael Barnes*

Name: Carla Bolton

Address: 1106 Meadow Park

Signature: *Carla Bolton*

Name: Jovian Black

Address: 506 Washington St.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

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Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_



RESOLUTION \_\_\_\_\_

**DECLARING A MARTIN LUTHER KING DAY CELEBRATION ORGANIZED BY THE LOVE DR. MARTIN LUTHER KING, JR. COMMITTEE A SPECIAL EVENT AND AUTHORIZING STREET CLOSURES TO ACCOMMODATE THE EVENT**

**WHEREAS**, the Dr. Martin Luther King, Jr. Committee is planning a special event to be held within the corporate limits of the City of Marietta on Saturday, January 18<sup>th</sup>, 2025; and

**WHEREAS**, it will be necessary to close various streets within the City of Marietta to accommodate the celebration; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Marietta:

1. The Dr. Martin Luther King, Jr. Committee’s Maritn Luther King Day celebration, scheduled for Saturday, January 18<sup>th</sup>, 2025, is recognized as a special event within the City of Marietta.
2. The City Administrator/Chief of Police may authorize the closure of City streets located adjacent to the event area to provide for safe and effective movement of traffic and pedestrians.

**PASSED** by the City Council and **SIGNED** by the Mayor this 10<sup>th</sup> day of December, 2024.

CITY OF MARIETTA

ATTEST

\_\_\_\_\_  
DESTRY RUSHING, ACTING MAYOR

\_\_\_\_\_  
DOTTIE GWIN, CITY CLERK

\_\_\_\_\_

RESOLUTION \_\_\_\_\_

NOTICE OF ELECTION  
CITY OF MARIETTA, OKLAHOMA

- I. **BE IT RESOLVED** by the governing body of the City of Marietta that for the purpose of electing officers of said City that a general election shall be held on Tuesday, April 1, 2025.
- II. **BE IT FURTHER RESOLVED** that the filing period for electing said officers of the City shall begin at 8:00 a.m. on Monday, February 3, 2025, and end at 5:00 p.m. on Wednesday, February 5, 2025.
- III. **BE IT FURTHER RESOLVED** that the following officers will be elected to the following positions, for the terms as stated:

POSITION	TERM
Mayor	Remainder of Four (4) Year Term
City Clerk	Four (4) Year Term
City Treasurer	Four (4) Year Term
Street Commissioner	Four (4) Year Term
City Marshal	Four (4) Year Term
Council Member for Ward 1 (NW), Place 1	Four (4) Year Term
Council Member for Ward 2 (SW), Place 1	Four (4) Year Term
Council Member for Ward 3 (NE), Place 1	Four (4) Year Term
Council Member for Ward 4 (SE), Place 1	Four (4) Year Term
Council Member for Ward 3 (NE), Place 2	Remainder of (4) Four Year Term
Council Member for Ward 2 (SW), Place 2	Remainder of (4) Four Year Term

- IV. **BE IT FURTHER RESOLVED** that each office shall be filled by voting at large.
- V. **BE IT FURTHER RESOLVED** that each candidate must be a qualified elector by virtue of being a resident and registered voter within the municipality for at least six (6) months prior to filing a declaration of candidacy.
- VI. **BE IT FURTHER RESOLVED** that absentee ballots will be provided in accordance with State law.
- VII. **BE IT FURTHER RESOLVED** that a map of the ward boundaries is attached to this Resolution as "Attachment A."

**PASSED** by the City Council and **SIGNED** by the Acting Mayor this 10<sup>th</sup> day of December 2024.

RESOLUTION \_\_\_\_\_

CITY OF MARIETTA

ATTEST

\_\_\_\_\_  
DESTRY RUSHING, ACTING MAYOR

\_\_\_\_\_  
DOTTIE GWIN, CITY CLERK



October 29, 2024

Scott Chaney  
City of Marietta  
700 S Highway 77  
Marietta, OK 73448-4204

Dear Scott:

The Oklahoma Municipal Retirement Fund (OkMRF) Defined Benefit Master Plan and Joinder Agreement have recently been updated and approved by the Internal Revenue Service (IRS). The IRS requires our members to formally adopt this new plan language as well.

Documents included in this mailing:

- *DB Master and Joinder Plan Summary changes*
- 2 sets Amending Ordinance/Resolution & Joinder Document (Exhibit A) – **ACTION ITEM**
- 1 OkMRF Defined Benefit Master Plan (Exhibit B)

The plan changes are detailed in the *DB Master and Joinder Plan Summary changes*. Some of the changes are required while others provide clarification in the plan language.

Please have both sets of the Amending Ordinance/Resolution & Joinder Document approved, signed, and dated at your next meeting. After the documents are approved, please return to OkMRF:

- One ORIGINAL Ordinance/Resolution
- TWO ORIGINAL Joinders

The DB Master Plan is for you to keep with your other OkMRF documents. Once we receive your signed and approved documents, we will have our board approve and sign. We will return one fully executed Joinder to you for your files.

We are pleased to have you as an OkMRF Member! Providing this legal service to you is just one of the many advantages you receive while participating in Oklahoma’s premiere municipal retirement program!

If you would like digital copies of the documents, please email me at [kbaser@okmrf.org](mailto:kbaser@okmrf.org). We can also provide your Ordinance or Resolution in word format as well. Please feel free to call me at 1-888-394-6673, ext. 104, if you have any questions in regards.

Sincerely,

enclosures

**Kari M Baser**, Distribution & Project Specialist

BOARD OF TRUSTEES

Shaun Barnett Woodward District 8	Donna Doolen Ada District 3	Tamera Johnson Shawnee District 4	Robert Johnston Clinton At-large	Jim Luckett, Jr Thomas District 7	Robert Park Sallisaw District 2	Melissa Reames Stillwater District 5	Tim Rooney Mustang District 6	Ed Tinker Glenpool District 1	George Wilkinson Weatherford Trustee Emeritus
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**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED BENEFIT PLAN FOR THE CITY OF MARIETTA, OKLAHOMA BY ADOPTING A REVISED AND RESTATED RETIREMENT PLAN; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF MARIETTA, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A RETIREMENT COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR REPEALER AND SEVERABILITY; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; AND DECLARING AN EMERGENCY.

**BE IT ORDAINED BY THE CITY COUNCIL OF MARIETTA, OKLAHOMA:**

**Section 1.** That pursuant to the authority conferred by the laws of the State of Oklahoma, and for the purpose of encouraging continuity and meritorious service on the part of City employees and thereby promote public efficiency, there is hereby authorized created, established, and approved and adopted, effective as of **January 1, 2025**, the amended and restated Plan designated "Employee Retirement System of the City of Marietta, Oklahoma, Defined Benefit Plan," (hereinafter called System), an executed counterpart of which is marked Exhibit "A" (Joinder Agreement) and Exhibit "B" (amended and restated plan) and attached hereto as part hereof.

**Section 2. FUND.** A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the System. All contributions to such fund shall be paid over to and received in trust for such purpose by the City. Such Fund shall be pooled for purposes of management and investment with similar funds of other incorporated cities, towns, and municipal trusts in the State of Oklahoma as a part of the Oklahoma Municipal Retirement Fund in accordance with the trust agreement of the Oklahoma Municipal Retirement Fund, a public trust. The City shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement Fund, as duly authorized and directed by the Board of Trustees. The Fund shall be nonfiscal and shall not be considered in computing any levy when the annual estimate is made to the County Excise Board.

**Section 3. APPROPRIATIONS.** The City of Marietta, Oklahoma, is hereby authorized to incur the necessary expenses for the establishment, operation, and administration of the System, and to appropriate and pay the same. In addition, the City of Marietta, Oklahoma, is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions to maintain the System and the Fund in accordance with the provisions of the Defined Benefit Plan. Any appropriation so made to maintain the System and Fund shall be for deferred wages or salaries, and for the payment of necessary expenses of operation and administration to be transferred to the trustees of the Oklahoma Municipal Retirement Fund for such purposes and shall be paid into the Fund when available, to be duly transferred to the Oklahoma Municipal Retirement Fund.

**Section 4. EXECUTION.** The Mayor and City Clerk be and they are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the System instrument, and to do all other acts and things necessary, advisable, and proper to put said System and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Sections 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart attached hereto as

Exhibit "A" and Exhibit "B", which has been duly executed as aforesaid simultaneously with the passage of this Ordinance and made a part hereof, is hereby ratified and confirmed in all respects.

This Committee is hereby authorized and directed to proceed immediately on behalf of the City of Marietta, Oklahoma, to pool and combine the Fund into the Oklahoma Municipal Retirement Fund as a part thereof, with similar funds of such other cities and towns, for purposes of pooled management and investment.

**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. SEVERABILITY.** If, regardless of cause, any section, subsection, paragraph, sentence or clause of this Ordinance, including the System as set forth in Exhibit "A" and Exhibit "B", 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 7. EMERGENCY.** Whereas, in the judgment of the City Council of the City of Marietta, Oklahoma, the public peace, health, safety, and welfare of the City of Marietta, 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 effective on its passage, approvals and publication.

\*\*\*END\*\*\*

The undersigned hereby certifies that the foregoing Ordinance was introduced before the City Council of the City of Marietta on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and was duly adopted and approved by the Mayor and City Council, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et. seq.).

**City of Marietta**

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

Approved as to form and legality on \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CITY ATTORNEY

**OKLAHOMA MUNICIPAL RETIREMENT FUND  
MASTER DEFINED BENEFIT PLAN  
JOINDER AGREEMENT**

**City of Marietta** [a municipality chartered, incorporated or formed under the laws of Oklahoma], a city, town, agency, instrumentality, or public trust located in the State of Oklahoma, with its principal office at Marietta, Oklahoma, hereby establishes a Defined Benefit Plan to be known as City of Marietta Plan (the “Plan”) in the form of The Oklahoma Municipal Retirement Fund Master Defined Benefit Plan.

Except as otherwise provided herein, the definitions in Article II of the Plan apply.

**1. Dates.**

- This instrument is a new Plan effective \_\_ (the “Effective Date”) [such date may not be earlier than the first day of the Plan Year in which it is executed].
- This instrument is an amendment, restatement and continuation of the Previous Plan, which was originally July 1, 1981. The effective date of this Joinder Agreement is January 1, 2025 (the “Effective Date”) [such date may not be prior to the first day of the Plan Year of the date of adoption], except as otherwise stated in the Plan and the Joinder Agreement.

**2. Employee.**

The word “Employee” shall mean:

- Any person other than a Leased Employee who, on or after the Effective Date, is considered to be a regular full-time employee in accordance with the Employer’s standard personnel policies and practices, and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors or volunteer firefighters. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.
- Any person other than a Leased Employee who, on or after the Effective Date, is considered to be a regular employee in accordance with the Employer’s standard personnel policies and practices (including part-time, seasonal and temporary employees), and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.
- Any person who, on or after the Effective Date, is an employee of the Employer and holds the position of:
- City Manager, City or Town Administrator, President, Chief Executive Officer, General Manager, or District Manager, as applicable.
  - Assistant City Manager  Chief of Police  Fire Chief
  - Department Head or Department Manager  Finance Director or Chief Financial Officer
  - General Counsel or Municipal Attorney  Municipal Judge
  - \_ (specify position) [do not specify the name of the individual or a finite group unless the Plan otherwise provides continuing eligibility to a specified position or group]

The word “Employee” shall **not** include:

- Any person who is currently accruing benefits under any other state or local retirement system.
- Any person in the following position and who is covered under another retirement program of system approved by the City:
- City Manager, City or Town Administrator, President, Chief Executive Officer, General Manager, or District Manager, as applicable.
  - Assistant City Manager  Chief of Police  Fire Chief
  - Department Head or Department Manager  Finance Director or Chief Financial Officer
  - General Counsel or Municipal Attorney  Municipal Judge
  - (specify position) [do not specify the name of the individual or a finite group unless the Plan otherwise provides continuing eligibility to a specified position or group]
- Any person who is \_ [must be definitely determinable]

**3. Eligibility.**

Eligible Employees shall commence participation in the Plan: (Select only one)

- month(s) (any number of months up to twelve consecutive) after the Employee's Employment Commencement Date or the date the individual meets the definition of Employee in Section 2 hereof, provided that the individual has met the definition of Employee in Section 2 hereof throughout such period.
- On the Employee's Employment Commencement Date.

**4. Definition of Compensation.**

Compensation shall exclude the item(s) listed below:

- No exclusions.
- Overtime pay.                     Bonuses.
- Commissions.                     Longevity pay.                     Severance pay.
- Accrued vacation or sick leave paid upon termination of employment and moving expenses.
- Fringe benefits, expense reimbursements, deferred compensation and welfare benefits.
- Other: [must be definitely determinable]

**5. Average Monthly Compensation.**

The considered period for purposes of the definition of "Average Monthly Compensation" in Section 2.1 of the Plan is:

- sixty (60) consecutive months.
- thirty-six (36) consecutive months.

**6. The Employer hereby elects the following Plan design:**

- Mandatory Contribution Option.** A Participant shall be required to contribute to the Plan for each Plan Year the percentage of his Compensation ("Mandatory Contributions") required by the Plan in Section 8 of this Joinder Agreement. Mandatory Contributions shall be made by payroll deductions. A Participant shall authorize such deductions in writing on forms approved by, and filed with, the Committee.

If the Participant's Mandatory Contributions pursuant to the preceding paragraph are to be taxed deferred:

- Pick Up Option.** The Employer hereby elects to have the provisions of Section 3.4 of the Plan apply. The Employer shall pick up and pay the percentage of each Participant's Compensation required to be contributed as of **July 1, 1998** [insert date] in lieu of contributions by the Participant. No Participant shall have the option of receiving the contributed amounts directly as Compensation.
- Non-Contributory Option.** Participants shall not be required nor permitted to contribute to the Plan.

**7. A. Payment Options.** The Employer hereby elects the following minimum number of payments for employees eligible to receive benefits under Article IV of the Plan:

- Sixty (60) monthly payments.
- One hundred and twenty (120) monthly payments.

**B. Plan Options.** The Employer hereby elects the following plan designation and percentage used in calculating benefits under Section 5.1 of the Plan.

- Plan AAA – 3.00% with no maximum Years of Service
- Plan AAA – 3.00% recognizing a maximum of 22 Years of Service
- Plan AA 2.625%                     Plan BB 2.25%                     Plan CC 1.875%
- Plan A 1.50%                         Plan B 1.125%                     Plan C .75%

**C. Normal Retirement Age.** Normal retirement age shall be:

- age 65 with completion of five (5) Years of Service
- The earlier of (i) and (ii) as follows:
  - (i) age 65 with completion of five (5) Years of Service
  - (ii) the later of (a) or (b), where (a) and (b) are as follows:
    - (a)  age 62                     \_\_\_\_\_
    - (b)  the age at which the Participant has completed 30 Years of Service.
    - the age at which the Participant has completed \_\_\_\_\_ Years of Service

**Examples:** An employee hired at age 20 who worked for 30 years and terminated at age 50 would be entitled to unreduced payments at age 62.  
 An employee hired at age 30 who worked for 25 years and terminated at age 55 would be entitled to unreduced payments at age 65.



- Modified Rule of 80:  
The earlier of (i) and (ii) as follows:
  - (i) age 65 with completion of five (5) Years of Service
  - (ii) the later of age 55 and the age at which the sum of the Participant's age in completed years and the participant's number of completed Years of Service in the Fund total 80 or greater. To be eligible, the Participant's age plus Years of Service in the Fund must be at least 80 prior to termination of employment (or, after termination of employment in the case of a Participant who transfers to another Municipality in accordance with Section 8.1(b) of the Plan).

**Examples:**

1. An employee hired at age 30 who worked for 25 years and terminated at age 55 would be entitled to unreduced payments immediately. Age 55 plus 25 years equals 80.
2. An employee hired at age 20 who worked for 30 years and terminated at age 50 would be entitled to unreduced payments at age 55. The employee has age plus Years of Service points at age 50 but the minimum age for payment is 55.
3. An employee hired at age 25 who worked for 25 years and terminated at age 50 would be entitled to unreduced payments at age 65. Age 50 plus 25 years is less than 80, so the Normal Retirement Age is 65.

[Note: The Normal Retirement Age of an employer's plan must comply with the final NRA regulations under Treas. Reg § 1.401(a)-1(b) applicable to governmental pension plans effective for employees hired during plan years beginning on or after the close of the first regular legislative session of the legislative body with the authority to amend the plan that begins on or after the date that is three (3) months after the final regulations are published in the Federal Register.]

**D. Vesting Options.** The Employer hereby elects the following vesting option to determine an Employee's eligibility to receive retirement benefits.

- Ten Year Cliff Vesting Schedule
- Seven Year Cliff Vesting Schedule
- Five Year Cliff Vesting Schedule

**E. Service Credit Prior to Effective Date.** The Employer hereby elects to include the following limitation of service prior to the effective date.

- No limitation
  - For all purposes under the Plan
  - With respect to Service for purposes of vesting and attainment of Normal Retirement Age
- Service credit prior to the effective date shall not exceed years
  - For all purposes under the Plan
  - With respect to Service for purposes of benefit accruals.

**F. Service Buyback.** The Employer hereby elects

- No service buyback pursuant to Section 10.10 of the Plan
- The service buyback provisions of Section 10.10 of the Plan.

**G. Service for Worker's Compensation Period.** If a Participant is on an Authorized Leave of Absence and is receiving worker's compensation during such Authorized Leave of Absence, such Participant

- shall be credited with Service for such period for purposes of vesting only and not for purposes of benefits, but no Employee contributions shall be made with respect to the Participant for such period.
- shall not be credited with Service for such period.

**8. Contributions by Participants.**

If Participants are required to contribute to the cost of providing benefits under this Plan, such contributions shall be based on the plan designation selected in Section 7B above and shall apply to pay periods commencing on and after **July 1, 2006**.

a.  The Participant contribution formula in Section 3.3 of the Plan shall use the following percentage for the Plan Option selected in Section 7B of this Joinder Agreement:

Plan AAA – 6.00%

**Plan AA - 5.25%**      Plan BB - 4.50%      Plan CC - 3.75%

Plan A – 3.00%      Plan B - 2.25%      Plan C - 1.50%

b.  The contribution formula shall be   % [insert number between 0 and twelve] of compensation.

c.  The contribution as annually determined each year shall be shared by the Participant and Employer as follows: Employee portion   %    Employer portion   %  
(Participant plus Employer percentages must total 100%.)

The contribution will be actuarially determined based on Plan assets and liabilities as of January 1 of each year as a percent of payroll, which will then be shared between the Employer and Participant as noted above. These contribution rates will be in effect from July 1 of that year until June 30 of the subsequent year.

**9. Cost-of-Living Option.**

For purposes of adjusting retiree and beneficiary pensions, the Employer hereby elects the following:

No Cost-of-Living Option.

Cost-of-Living Option. This election applies to Sections 5.1 (Normal Pension), 5.2 (Early Pension), 5.3 (Disability Pension), 5.4 (Deferred Vested Pension), 6.2 (Death Prior to Commencement of Pension), 6.3(a) and 6.3(b) (Death After Commencement of Pension), and 6.4 (Spouse’s Pension) and provides annual benefit increases or decreases of the smaller of three percent (3%) or the percentage change in the Consumer Price Index.

The effective date of the Cost-Of-Living Option shall be , the original date that the Employer elected the Cost-Of-Living Option.

**10. Retiree Plan Improvement Option.**

Benefits payable to or on behalf of a former Employee under Article V, Article VI, or Article VII of the Plan, which are due or in the course of payment on or after the Effective Date of this Joinder Agreement, shall

be increased according to the Plan Option elected herein. Such increased benefits shall be reflected in any periodic payments due or paid on or after the Effective Date of the Joinder Agreement. It is not intended for this change to be retroactive and any periodic payments due prior to such date shall not be affected.

be increased by   % effective . Such increased benefits shall be reflected in any periodic payments due or paid after such date. It is not intended for this change to be retroactive and any periodic payments due prior to such date shall not be affected.

not be increased unless such former Employee is subject to Section 10.8 or 10.9 of the Plan, but shall continue to be paid under the terms of the Previous Plan.

**11. Limitations on Optional Benefit Forms.**

Section 7.2 of the Plan provides for a lump sum payment form, an installment payment form that would be payable over a fixed number of years (at which time all payments would cease), or the purchase of an insured annuity. The Employer hereby elects the following:

Optional benefit forms under Section 7.2 of the Plan will not be permitted.

Optional benefit forms under Section 7.2 of the Plan will be permitted, subject to Retirement Committee approval for any such elections by a Participant, subject to the following limitation(s):

(The above election has no effect on the joint and survivor optional benefit forms under Section 7.1).

**12. Defined Contribution Option.**

Not applicable.

Participant shall be entitled to the benefit under this option as described in Sections 3.6 and 6.8 of the Oklahoma Municipal Retirement Fund Master Defined Benefit Plan, in addition to the benefit determined according to Section 7B. Each Participant shall be required to contribute to the Plan \_\_\_% of his or her Compensation. Those contributions shall be picked up and assumed by the Employer and paid to the Fund in lieu of contributions by the Participant. No Participant shall have the option of receiving the contributed amounts directly as Compensation.

This option shall be effective [include the earlier of the date this Option was originally adopted in a Joinder Agreement or the date of adoption in the current Plan Year].

**13. The Employer has consulted with and been advised by its attorney concerning the meaning of the provisions of the Plan and the effect of entry into the Plan.**

IN WITNESS WHEREOF the City of Marietta has caused its corporate seal to be affixed hereto and this instrument to be duly executed in its name and behalf by its duly authorized officers this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

City of Marietta

By: \_\_\_\_\_

Title: \_\_\_\_\_

Attest:

\_\_\_\_\_

Title: \_\_\_\_\_

(SEAL)

The foregoing Joinder Agreement is hereby approved by the Oklahoma Municipal Retirement Fund this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

OKLAHOMA MUNICIPAL RETIREMENT FUND

By: \_\_\_\_\_

Title: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Secretary

(SEAL)

**Required Disclosures.** This Joinder Agreement is to be used only with the Oklahoma Municipal Retirement Fund Master Defined Benefit Plan. Failure to properly complete this Joinder Agreement may result in failure of the Plan to qualify under Code Section 401(a). In accordance with IRS Rev. Proc. 2017-41, the Provider (as defined in Rev. Proc. 2017-41) who has obtained Internal Revenue Service approval of the Oklahoma Municipal Retirement Fund Master Defined Benefit Plan has authority under the Plan document to amend the Plan on behalf of adopting employers for certain changes in the Code, regulations, revenue rulings, other statements published by the Internal Revenue Service, including model, sample or other required good faith amendments. The Provider will inform adopting employers of any such amendments or of the discontinuance or abandonment of the Pre-Approved Plan document. The name, address and telephone number of the Provider are: McAfee & Taft A Professional Corporation, 8th Floor, Two Leadership Square, 211 N. Robinson, Oklahoma City, OK 73102, telephone (405) 552-2231. Any inquiries by the adopting employer regarding the adoption of the Plan, the meaning of Plan provisions, or the effect of the Internal Revenue Service advisory letter on the Pre-Approved Plan may be directed to the Provider.

**Reliance on Sponsor Opinion Letter.** The Provider has obtained from the IRS an Opinion Letter (as defined in Rev. Proc. 2017-41) specifying the form of this Joinder Agreement and the basic plan document satisfy, as of the date of the Opinion Letter, Code §401. An adopting Employer may rely on the Preapproved Plan Sponsor's IRS Opinion Letter only to the extent provided in Rev. Proc. 2017-41. The Employer may not rely on the Opinion Letter in certain other circumstances or with respect to certain qualification requirements, which are specified in the Opinion Letter and in Rev. Proc. 2017-41 or subsequent guidance. In order to have reliance in such circumstances or with respect to such qualification requirements, the Employer must apply for a determination letter to Employee Plans Determinations of the IRS.



8TH FLOOR • TWO LEADERSHIP SQUARE  
 211 NORTH ROBINSON • OKLAHOMA CITY, OK 73102-7103  
 (405) 235-9621 • FAX (405) 235-0439  
 www.mcafeetaft.com

**MEMORANDUM**

TO: Oklahoma Municipal Retirement Fund

FROM: McAfee & Taft A Professional Corporation  
 (John A. Papahronis)

DATE: February 21, 2023

RE: Oklahoma Municipal Retirement Fund Master Defined Benefit Plan and  
 Joinder Agreement—Summary of Material Changes

The following summary compares the current version of the Oklahoma Municipal Retirement Fund Master Defined Benefit Plan and Joinder Agreement with the version recently approved by the Internal Revenue Service:

**A. Master Defined Benefit Plan**

<u>Sec.</u>	<u>Feature</u>	<u>Current Version</u>	<u>Newly-Approved Version</u>
2.1(b)	Definition of Actuarial Equivalent	1983 GAM 83 Mortality Table and Appendix actuarial tables	Pub-2010 Public Retirement Plans Mortality Table and 7.25% interest rate, effective for annuities starting after effective date
2.1(c)	Definition of Aggregate Contributions	Definition of Adjustment Factor	Deletes definition of Adjustment Factor and substitutes definition of Aggregate Contributions
2.1(m)	Definition of Contribution Accumulation	References rate determined by Trustees	Clarified definition to refer to employer contributions pursuant to Section 3.6 of MP and Section 12 of JA; clarifies interest rate as rate earned by the Fund
2.1(n)	Definition of DC Employer Contribution	None	Adds specific definition to relate to the Defined Contribution Option described in new Section 3.6 of MP
2.1(x)	Definition of Hour of Service	None	Adds specific definition
2.1(ll)	Definition of Retirement	Participant must satisfy requirements for a Pension	Adds that participant must also attain age for Early Pension

2.1(oo)	Definition of Spouse	Lengthy and wordy definition that follows US Supreme Court decision	Simplified to refer to federal tax law
2.1(mm)(6)	Definition of Service	For participant 100% vested in another Municipality's plan, include prior service	Clarified that prior service counts regardless of Break in Service
3.3	Contributions by Participants	Allows employees an ongoing ability to elect to participate in the plan	Deletes ongoing ability to elect to participate. Employee must elect to participate upon eligibility
3.6	Defined Contribution Option	Brief provision in Item #12 of JA	Full description of Defined Contribution Option which can be elected by employer in #12 of JA
4.1	Normal Pension	Participant eligible for Normal Pension	Participant's Normal Pension is non-forfeitable upon attainment of Normal Retirement Age
4.2	Early Pension	Doesn't address rehired employees	Early Pension not suspended for retired employee in ineligible classification
4.3	Disability Pension	Participant is disqualified if due to injury in military service and obtains a veteran's disability pension	Eliminates the exclusion. Makes clear that Normal Pension will recommence upon reaching Normal Retirement Age
6.1	Severance Benefit	Upon termination prior to retirement, participant can elect to receive Severance Benefit, or if after participant met the requirements for Deferred Vested Pension	Upon termination, participant can elect to receive Severance Benefit, or after Normal, Early, Disability or Deferred Vested Pension, he receives his pension unless he elects return of Aggregate Contributions
6.4(a)(1)	Spouse's Pension; In-Service Death	Eligibility requirement includes participant had not retired or begun pension	Deleted that requirement
6.8	Defined Contribution Option	None. Brief language in Joinder Agreement	New full description of Defined Contribution Option
7.1	Joint and Survivor Options	Includes description of reduction for contingent pensioner	Changes references from "contingent pensioner" to "survivor pensioner." Deletes description of reduction
7.2	Other Forms of Payment	Option D – Insured annuity & Option E – Periodic Installments	Changed to Convert Defined Contribution Option to Pension
			New Option F – Partial Lump Sum
		Calculations based on actuarial tables in Appendix I and interest rate of 7 ½%	Deletes reference to Appendix and rate

		Includes references to distribution notice time periods	Deleted – not necessary
7.3	Restrictions on Optional Forms	Describes when election of Optional Form can occur	Deletes reference that Participant can elect an option without approval of Authorized Agent within six months of plan by employer
		Election becomes operative if no contingent pensioner is surviving upon participant's death	Change to surviving upon the date payments are to commence after participant's retirement
7.6	Rollover to Another Plan or IRA	Definitions of Eligible Rollover Distribution, Eligible Retirement Plan and Distributee	Updates definitions for IRS requirements
8.3	Notice of Transfers	Notice of transfer must be given immediately after transfer	Deletes reference to "immediately"
9.5	Benefits Payable to Incompetents	Committee has discretion to make payments due to incompetents or minors to parent, spouse, relative or legal representative	Deletes Committee discretion. Payments will be made to power of attorney or court appointed legal guardian
10.6	IRS Limit on Benefits (§415) – Year of Service	Fractional credit for Year of Service	Deleted
10.7	Participant Limitation – Defined Contribution Option	Section 415 limitation on contributions to Defined Contribution Option	Includes additional IRS required language
10.8	Re-employment of Former Employees	Reemployed participant receives credit for prior period if no distribution	Participant will receive service after satisfying vesting requirement. If a Break in Service occurs and employer has established a new hire retirement plan, participant is enrolled in new hire retirement plan
10.9(a)	Re-employment of Retired Participants – Deferred Vested Participants	After retired employee's termination, pension will be based on compensation and service during rehire but if formula is reduced during absence, pension shall be based on prior and subsequent compensation and service	Simplifies to say pension will be based on Average Monthly Compensation and Service
12.3	Authority of Volume Submitter Practitioner	Describes adopting employer reliance and Practitioner's ability to adopt standard interim amendments	Updates language for IRS current requirements

13.2	Liquidation of Fund	Describes order of liquidation upon termination of plan	Clarifies that Contribution Accumulation is first, Aggregate Contributions second
14.9	Incorporation of Trust Agreement	Incorporates provisions of Trust	Adds IRS required language that the provisions of Plan override any conflicting provisions of the Trust or custodial documents
Signature Page		Practitioner information	Deleted
Appendix I		Actuarial factors	Deleted

**B. Joinder Agreement**

<u>Sec.</u>	<u>Feature</u>	<u>Current Version</u>	<u>Newly-Approved Version</u>
2	Definition of Employee	Contains exclusions and provides a fill in option	Excludes volunteer firefighters. Adds definitely determinable restriction to fill in option
5c	Normal Retirement Age	Two alternatives: (i) age 65, or (ii) earlier of age 65 or the later of age 62 or 30 years of service	Adds 5 years of service requirement to age 65 option; adds fill in for age and service of second option. IRS requested caveat that definition must comply with IRS final regulations when issued
9	Cost of Living Option (COLA)	Addresses COLA increases	Adds possibility of COLA decreases
11	Limitation on Optional Benefit Forms	Lists the optional forms of benefit and allows Retirement Committee discretion	Cross references to Master Plan and deletes discretion
12	Defined Contribution Option	Very brief description of Defined Contribution Option	Cross references to a full provision in the Master Plan
Sig. page	Reliance on Sponsor Opinion Letter	None	Includes new IRS required language describing ability of adopting employers to rely on IRS approval of plan document



# Marietta Public Works Authority

Marietta, Oklahoma 73448

303 West Main Street

Phone 580-276-2181

December 3, 2024

Mayor Destry Rushing and  
City Council of Marietta  
700 S. Hiway 77  
Marietta, Oklahoma 73448

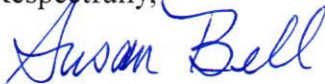
Re: Vacancy

The Board of Trustees of the Marietta Public Works Authority of Marietta, hereby advises you that the position of Board Member held by Doug Barger will expire effective January 1, 2025.

Accordingly there is a vacancy on the Board of Trustees of the Marietta Public Works Authority.

It should be noted that according to the Declaration of Trust, Doug Barger will continue to serve on the Board of Trustees until his successor is appointed and seated. Further notation is that Mr. Barger has expressed his willingness to serve another tenure on the Board of Trustees.

Respectfully,



Susan Bell  
Office Manager  
MPWA

C: Delivered to City Office 12/03/2024