

CHAPTER 23**POLICE RETIREMENT SYSTEM**

23.01 SYSTEM ESTABLISHED. A fund, to be known as the police pension fund, is hereby created, from which fund pensions shall be paid to retired or disabled police officers, as herein provided. Such fund shall include all money received from the following sources:

1. A tax, not to exceed one-eighth mill, to be levied by the City.
2. Membership fees and assessments to be paid by members of the Police Department as herein provided.
3. All gifts, devises or bequests which may be made to the fund and accepted by the Board of Trustees.
4. All rewards in moneys, fees, gifts or emoluments of every kind or nature that may be paid or given to the Police Department, or any member thereof.
5. All fines and penalties imposed upon members of the Police.
6. Money from any other source which may be lawfully paid into the fund.

(Code of Iowa, 1995, Chap. 410)

23.02 BOARD OF TRUSTEES. The management of the police pension fund shall be in the Board of Trustees composed as follows: The Chief of the Police Department, who shall be president of the Board; The City Treasurer, who shall be Treasurer of the Board; and the City Attorney.

1. It shall receive all money which may be paid into the fund, and shall make disbursements from the fund as shall be necessary and proper to carry out the purposes of the fund, and to pay the necessary and proper expenses of managing said fund.
2. It shall invest any surplus left in the fund at the end of each fiscal year, as shall be permitted by the law, except that such funds as are received from taxation shall be used for no other purpose than the payment of pensions.
3. It shall receive applications from members of the fund, and their dependents, for retirement and pension, and shall determine the eligibility of all applicants for the pensions provided for herein, and the amount of such pension to be paid in each instance. The Board shall grant to each applicant a hearing, at which the applicant or any interested party may present arguments for or against the application. Notice of

such hearing, stating its time, place, and purpose, shall be delivered to the applicant, either in person or by mail at the applicant's last known address, and a copy of such notice shall be posted in a conspicuous place in the City Hall. The Board shall adopt necessary rules for the conduct of such hearings.

(Code of Iowa, 1995, Sec. 410.2, Sec. 410.3, Sec. 410.16)

23.03 MEMBERSHIP. All members of the Police Department receiving a monthly salary from the City as a police officer, including the Chief of Police, shall be members of the police pension fund. Each such member shall pay to the fund a membership fee of five (5) dollars, which shall be deducted from the first salary payment of each such member which shall be made after the effective date of this Subchapter. Each member shall pay annually a membership assessment equal to one (1) percent of his gross annual salary paid to him, which assessment shall be deducted and retained in equal monthly installments out of such salary.

(Code of Iowa, 1995, Sec. 410.5)

23.04 ENTITLEMENT TO PENSION - CONDITIONS. Any member of the Police Department who shall have served twenty-two (22) years or more in such Department, and shall have reached the age of fifty (50) years, or who shall while a member of such Department become mentally or physically permanently disabled from discharging his duties, shall be entitled to be retired, and upon such retirement shall be paid out of the police pension fund a monthly pension equal to one-half (1/2) the amount of salary received by him monthly at the date he actually retires from such Department. If any such member shall have served twenty-two (22) years in said Department, but shall not have reached the age of fifty (50) years, he shall be entitled to retire, but no pension shall be paid while he lives until he reaches the age of fifty (50) years. After any member shall become entitled to be retired, he shall not lose or forfeit such right for any reason except conviction for felony.

(Code of Iowa, 1995, Sec. 410.6)

23.05 DISABILITY. Any member who has served less than five (5) years in the Police Department shall not be entitled to be retired and paid a pension as provided herein unless he has contracted a disability while engaged in the performance of his duties for the City. The question of disability shall be determined by the trustees upon the concurring report of at least two out of three physicians designated by the Board of Trustees to make a complete physical examination of the member. Any member retired by reason of disability may be assigned to light duties in the Police Department commensurate with his abilities.

(Code of Iowa, 1995, Sec. 410.8)

23.06 DEATH. Upon the death of any acting or retired member of the police department, leaving a spouse or a dependent child or children, or dependent father or mother surviving the member, there

shall be paid out of the police pension fund as follows:

1. To the surviving spouse, so long as said spouse remains unmarried, a sum equal to one-half (1/2) of the deceased member's final active duty compensation, but in no event less than seventy-five (75) dollars per month.
2. If there be no surviving spouse, or upon the death or remarriage of such spouse, then to the member's dependent father and mother, or the survivor of them, if any, thirty (30) dollars per month.
3. To such dependent child, or his or her guardian, twenty (20) dollars per month for each child until the child shall reach the age of eighteen (18) years.
4. The word dependent, as used herein, shall be as defined by the United States Internal Revenue Service.

(Code of Iowa, 1995, Sec. 410.10)

23.07 ANNUAL MEETING OF BOARD. The Board of Trustees shall meet each year at a time or times selected by the President of the Board. The Board shall determine the amount which will be paid into the police pension fund each year, the amount which the Board will be called upon to pay out during each year, and the expected deficit for each year, if any. Such deficit will be reported to the Treasurer, who shall, with the approval of the Council, transfer such amount into the police pension fund from the funds received by the City from the state treasurer by virtue of Section 123.53 of the Code of Iowa 1995. Pensions payable shall be adjusted pursuant to Code of Iowa Section 410.6.

(Code of Iowa, 1995, Sec. 410.6)

23.08 RULES. The Board of Trustees shall formulate such rules as it shall in its discretion deem necessary for the proper administration of the police pension fund. The rules shall be presented to the Council for approval, and adoption, and after such adoption shall be incorporated as part of this Chapter. The Board of Trustees shall, without Council approval, establish such rules as are necessary to govern all of its proceedings and hearings.