

CITY OF PONTIAC POLICE AND FIRE RETIREMENT SYSTEM

Adopted: July 28, 2011

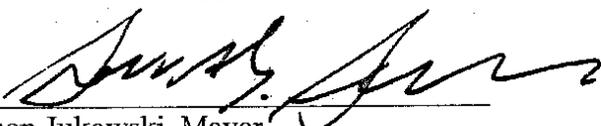
Re: Approving Proposed Ordinance Amendment

WHEREAS, The Board of Trustees is vested with the general authority and fiduciary responsibility for the proper administration, management and operation of the Retirement System, and

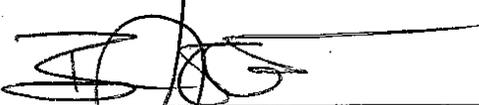
WHEREAS, The City of Pontiac Police and Fire Retirement System Trustees desire to request an amendment to the Retirement System Ordinance to expand the class of eligible Trustees to include those retirees and deferred vested members who are willing to serve from the Police Department and Fire Department; and

WHEREAS, The Trustees having consulted with each of the respective unions regarding this language; and, each union having indicated its approval to the amendment to the Trustees; therefore, be it

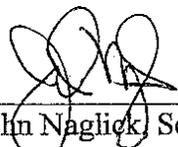
RESOLVED, That the Board of Trustees approve the attached proposed Ordinance Amendment regarding Board Composition and direct legal counsel to immediately submit the amendment to the Emergency Manager's attorney so that the Emergency Manager can enact his proposed Executive Order approving the Ordinance Amendment, effective August 1, 2011.



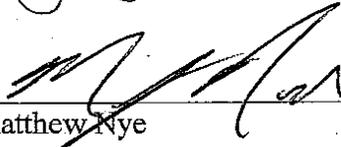
Leon Jukowski, Mayor



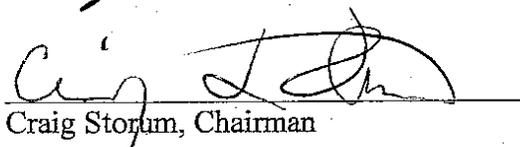
Brian Lee, Vice Chair



John Naglick, Secretary



Matthew Nye



Craig Storum, Chairman

Attachment
W1034292-2

PROPOSED ORDINANCE AMENDMENT

SECTION 18

MANAGEMENT - POLICY DIRECTION

The System created by this Chapter shall be construed to be a trust, separate and distinct from all other entities. The System is intended to qualify as a pension plan and trust meeting the requirements of Sections 401 and 501 of the Internal Revenue Code, as now in effect or hereafter amended, and shall be administered so as to fulfill this intent. The responsibility for the direction and operation of the System, and for making effective the provisions hereof, are hereby vested in a Board of Trustees. The Board shall consist of five (5) members, as follows:

(a) Two (2) Members representing the City, who shall be the Mayor and Director of Finance of the City.

(b) One (1) Policeman and one (1) Fireman, each having at least five (5) years of credited service, who shall be active Members of the System, from the respective occupational groups according to rules of election to be adopted by the Board. If there are no active members from either occupational group in the System willing to serve, then the Board shall include one (1) Policeman and one (1) Fireman who are vested members of the System, from their respective occupational groups according to rules of election to be adopted by the Board.

Until elections for Trustee are held, the City Council shall appoint two (2) temporary Trustees meeting the foregoing qualifications from among the Policemen and Firemen who shall hold office until permanent Trustees are elected but the terms of such temporary Trustees shall not extend for more than six (6) months.

The original elected Trustees shall serve for the following terms:

One representing Policemen for a term of two (2) years and one representing Firemen for a term of three (3) years.

The Trustees so elected shall take office upon their election and shall succeed the temporary Trustees appointed by the City Council. Their terms of office shall terminate on June 30th of the second and third year following the election as the case may be. The Trustees elected to succeed the original elected Trustees shall serve for terms of three (3) years.

(c) One (1) Member who shall be selected by the remaining four (4) Members of the Board. The initial Member so selected shall serve until June 30, 1963. The successors in such office shall serve for terms of three (3) years.

(d) A Trustee shall continue in office until his successor is elected or appointed, and has qualified. ~~Any Trustee who is a Policeman or Fireman shall be disqualified to serve in that capacity upon termination of service with the City.~~ If a vacancy occurs in the office of elective

Trustee, a successor shall be elected for the unexpired term of office at the next regular annual election under the rules of the Board. If a vacancy occurs in the office of an appointive Trustee, such vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

(e) Each Trustee shall take an oath that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the Board, and that he will not knowingly or willfully permit to be violated any of the provisions of the Chapter applicable to the System. Such oath shall have been filed.

(f) Subject to the limitations prescribed herein, the Board shall, from time to time establish rules and regulations for the administration of the System and to implement the provisions of this Chapter as may be required. The Board shall be a quasi-judicial body, and its actions shall be reviewable as set forth in Section 14 herein. It shall hold regular meetings at least quarterly in each year and such special meetings as may be deemed necessary. All meetings shall be open to the public. A record of proceedings of all meetings shall be kept by the Board.

(g) Each Trustee shall be entitled to one (1) vote on the Board, and the concurrence of three (3) Trustees shall be necessary for a decision at any regular or special meeting.

W0989738-5/PPF/115999