

THE MANTORVILLE FIRE DEPARTMENT RELIEF ASSOCIATION

Bylaws

Nov 2015



ARTICLE I - MEMBERSHIP

Section 1. Qualifications

Any active firefighter member of the Mantorville Fire Department shall be eligible to apply for membership in this association, legally incorporated as

THE MANTORVILLE FIRE DEPARTMENT RELIEF ASSOCIATION.

Active is defined as being approved by the City Of Mantorville as a firefighter.

No applicant may be excluded except if the member is under eighteen years of age or has some medically determinable physical or mental impairment or condition that would constitute a predictable and unwarranted risk of imposing liability for an ancillary benefit at any age earlier than the minimum age specified for receipt of a service pension. Minors that are members of a youth, civic, or educational organization or program who participate with uninterrupted adult supervision, as allowed by federal law and by Minnesota State Statutes, Section 181A.04, are permitted to perform duties with the Fire Department, but are not eligible for membership in this Association.

Section 2. Process

Written application, ~~accompanied by an application fee of \$5.00~~ and documentation of a completed physical exam for the fire department, may be made at any regular or special meeting of the board of trustees, and then laid over for one month for consideration. During this time, the board of trustees shall conduct an investigation to determine if the applicant, due to some medically determinable physical or mental impairment or condition, would constitute for the association a predictable and unwarranted risk of liability for benefits at an age earlier than the minimum age specified for receipt of a service pension. If no such impairment or condition exists, the board of trustees shall appoint the applicant to membership in the association. ~~If the application is not approved, the application fee shall be returned to the applicant.~~

Section 3. Resignation / Termination

Resignation or expulsion from the Mantorville Fire Department shall terminate the membership of the member so resigning, or expelled, provided, however, that any member who has served as an active firefighter in the Mantorville Fire Department for at least the minimum number of years required by Article VII, Section 7 of these bylaws for vesting of pension rights shall retain membership in this association, regardless of resignation, or expulsion, subject to ~~payment of dues and such other~~ regulations which may be from time to time imposed. Membership shall terminate on the date of payment of a service pension or total disability pension.

Section 4. Dues

None

~~Each member shall pay to the association annual dues of \$2.00. Dues are payable at the beginning of each year and no more than 30 days following the date of the annual meeting (defined in Article IV). Dues may not be paid in advance, to cover multiple years; however, inactive members have a one-year grace period for dues payment. One mailing for the current year and one mailing following the grace period for inactive members, to the last address of record, shall be used to notify members that dues are payable.~~

Section 5. Suspension - unpaid dues

Any member of the association who fails to pay the dues within 30 days of the time when such payment was due, stands suspended from membership and forfeits all rights and benefits there under by such non□ payment without any action by the association, or any officer thereof.

Section 6. Suspension by trustees

Any member who shall, in the opinion of a majority of the members of the board of trustees, fraudulently

claim benefits from, or defraud or attempt to defraud the association in any way, shall be suspended from membership by the board, and shall forfeit all further rights to benefits from the association. Written notice and a statement of charges shall be sent to the member suspended, by the board of trustees. A member suspended by the board of trustees must be given an opportunity to respond to the written charges, which have been presented at least 5 days prior to an association meeting.

Section 7. Reinstatement

Any suspended member can only be reinstated upon application for reinstatement in writing, presented at a regular or special meeting of the association, ~~accompanied by a sum of money equal to the amount which would have been payable during the period of suspension, plus a reinstatement fee of \$25.00.~~ The suspended member shall be reinstated upon the favorable vote of 2/3 of the members present and voting at such meeting, providing that a quorum is present. ~~If the application for reinstatement is rejected, the money accompanying the same shall be returned to the applicant.~~

Section 8. Break in Service

A member unable to perform the duties of a firefighter because of a temporary disability incurred in the line of duty as a firefighter shall be considered to be on active duty. If the member is unable to perform the duties of a firefighter for any other reason, including approved leaves of absence, the member shall be considered to have a break in service and shall not receive service credit in the Association for that period of time. Parts of years may be added together to compute full years. A member, upon the resumption of active service with the Fire Department, shall recommence membership in the Association if the member's break in service was less than 60 days.

Breaks in service due to Uniform Service Leave, Minn. Stat. 424.021, Family and Medical Leave Act(FMLA), 29 U.S.C. 2601 et al., or any other periods of inactive service protected by Federal or State law shall be handled in accordance with the relevant law.

Section 9. Return to Service

Any member who has ceased to perform or supervise fire suppression and fire prevention duties for at least 60 days, including former members that have received payment for an accrued pension or benefit, shall be eligible to resume active membership in the Association should the member resume active firefighting duties with the Fire Department.

The member must complete at least 5 (five) years of active service with the Fire Department upon a resumption of active service to accrue any additional service credit with the Association. If the member completes the minimum period of resumption of service specified in this Section prior to a subsequent cessation of firefighting duties, the member shall receive a service pension for all years of active service and months calculated at the benefit level in effect on the date of the member's final cessation of duties, however, no member may be paid a service pension twice for the same period of service. If the member does not complete the minimum period of resumption service specified in this Section prior to a subsequent cessation of duties, the member shall receive a service pension for the member's total years of service calculated at the benefit level in effect upon the member's original cessation of duties.

A firefighter who has been granted an approved leave of absence not exceeding one year by the fire department or by the relief association is exempt from the minimum period of resumption of service requirement of this section.

ARTICLE II - BOARD OF TRUSTEES

Section 1. Definition

The board of trustees shall be composed of 9 persons of whom 6 are to include no less than four active firefighters from the association's membership. Each of these 6 trustees must **have completed probation.** ~~also have been a member of the Relief Association for at least 3 years and also a firefighter after their~~

~~initial probationary period for at least 3 years.~~ The officers are defined as a president, a vice president, a secretary, a treasurer, and 2 general trustees, that shall be elected for a three year term as specified in this Article, or until a successor has been elected and qualified at the annual **at any** meeting of the association. The three municipal trustees must be one elected municipal official and one elected or appointed municipal official who are designated as municipal representatives by the municipal governing board annually and the chief of the municipal fire department.

Section 2. Term of office

The terms of office of the general trustees and the officers shall be paired as follows: the two general trustees; the President and the Secretary; the Vice President and the Treasurer. The terms shall be arranged so that one pair shall be elected at each annual meeting. If a vacancy, other than a vacancy caused by removal for cause of an officer or trustee, occurs during the term of office of any officer or trustee, the remaining members of the board of trustees shall elect a member of the association to serve for the unexpired term of the vacated position.

Section 3. Removal process

A general trustee or officer may be removed for cause. Cause for removal shall include, but shall not be limited to; the breach of the duties as set forth in Articles II and III of these bylaws. One or more of the trustees or officers may be removed at a meeting of the membership which has been called for that purpose by a 2/3 vote of those present and voting at such meeting, provided a quorum is present. Notice of the meeting at which removal is to be considered shall be given to each member and shall include the purpose of the meeting. The general trustee or officer shall be furnished with a statement of the particular charges at least 5 days before the meeting is to be held. At the meeting, the general trustee or officer shall be given an opportunity to be fully heard as to each charge. If a general trustee or officer is removed, a replacement shall be elected at the same meeting, and such replacement shall serve out the unexpired term of the removed general trustee or officer.

Section 4. Duties

It shall be the duty of the board of trustees to prepare modes and plans for the safe and profitable investment of the unappropriated funds of the association, and whenever loans or investments are made, to investigate and pass upon the securities offered and to attend to the drawing up and execution of the necessary papers. The board shall order an audit of the books and accounts of the secretary and the treasurer annually, according to law, and shall submit the completed report of the condition of the association to the members at the following association meeting.

- A. The investment of the retirement funds of the association shall be in the exclusive control of the board of trustees, in conformance with state statutes.
- B. The members of the board of trustees shall act as trustees with a fiduciary obligation to the members of the association, to the City of Mantorville, and to the State of Minnesota.

Section 5. COMPENSATION

Trustees of the Association identified in Attachment A may be paid a salary out of the Special Fund. The amount paid in salary is limited to the amount listed in Attachment A, paid annually, and prorated by month, where greater than 16 days of service counts as a full month.

ARTICLE III - DUTIES OF OFFICERS

Section 1. President

It shall be the duty of the President to attend and to preside at all meetings of the association and the board of trustees. The President shall:

- A. Enforce the due observance of the Articles of Incorporation and the bylaws and see that the other officers properly perform the duties assigned to them.
- B. Sign all papers which require the President's signature
- C. Be a member of all committees.
- D. Exercise careful supervision over the affairs of the association.

~~The President may receive such salary as may be fixed from time to time by the board of trustees, subject to approval of the association, and payable from the General Fund^[i] of the association.~~

Section 2. Vice President

It shall be the duty of the Vice President to perform the duties of the President in the President's absence. In the absence of both the President and the Vice President, it shall be the duty of the association to elect a President Pro Tem, who shall perform the duties incident to the office.

Section 3. Secretary

It shall be the duty of the Secretary to:

- A. Keep a true and accurate record of the proceedings of all meetings of the association and of the board of trustees.
- B. Keep a correct record of all amendments, alterations and additions to the Articles of Incorporation or the bylaws.
- C. Cause due notice of all special meetings of the association and of the board of trustees to be given.
- D. Keep a roll of membership, with the date of joining, resignation, discharge, leaves of absence, dues and assessments paid, and relief or pensions furnished.
- E. Jointly with the Treasurer, prepare and file all reports and statements required by law.

The Secretary's books shall be at all times open to inspection by the board of trustees. Prior to entering upon the duties of the office, the Secretary may be given a bond in such amount and with such sureties as may be required and approved by the board of trustees, conditioned upon the faithful discharge of the trusts and the full performance of the duties of the office. Such bond may be paid by the City of Mantorville using their normal bonding agent or from the General Fund¹ of the association. ~~The Secretary may receive such salary as may be fixed from time to time by the board of trustees, subject to approval of the association, and payable from the General Fund¹ of the association.~~

Section 4. Treasurer

It shall be the duty of the Treasurer to:

- A. Receive all funds belonging to the association and hold them subject to authorized distribution as defined by these bylaws.
- B. Keep separate and distinct accounts of the Special and General Funds.
- C. Prepare and present to the board of trustees a full and detailed statement of the assets and

liabilities of each fund as requested by the board of trustees, and prior to the annual meeting of the association.

- D. Jointly with the Secretary, the Treasurer shall prepare and file all reports and statements required by law.

For failure to perform the duties of the office, the Treasurer may be impeached and expelled from the association. The Treasurer shall deliver to a successor in office, or to any committee appointed by the board of trustees to receive the same, all money, books, papers and other items pertaining to the office immediately upon expiration of the term of office. Prior to entering upon the duties of the office, the Treasurer shall be given a bond in such amount as required by law, and with such sureties as may be required and approved by the board of trustees, conditioned upon the faithful discharge of the trust and the faithful performance of the duties of the office. Such bond may be paid by the City of Mantorville using their normal bonding agent or from the General Fund¹ of the association, if city bonding is not available.—The Treasurer may receive such salary as may be fixed by the board of trustees from time to time, subject to approval of the association, and payable from the General Fund¹ of the association.

ARTICLE IV - MEETINGS

Section 1. Annual meeting

The annual meeting of the association, for the election of officers and trustee, shall be held 30 minutes prior to the first fire department general meeting in January of each year. The board of trustees may set an alternate date (~~during the month of January~~) with a minimum of 15 days notice to all members of the association.

Section 2. Trustee Meetings

- A. The board of trustees shall schedule at least 4 regular meetings during each year. A trustee quorum requires at least 4 of the elected trustees; if less than a quorum, the meeting is adjourned to a future time.
- B. Special meetings of the board of trustees may be called by the president, or 2 members of the board of trustees, and shall also be called upon written request of 6 or more members of the association. Trustees shall be notified by the secretary of such special meetings, and the object of the meeting shall be contained in such notice.

Section 3. Association Members Meeting

- A. A brief association members meeting may be held on the same night as the scheduled fire department meetings to timely handle items requiring membership approval, providing a quorum is present and there is business to be handled.
- B. Special meetings of the association membership may be called by the president, or 2 members of the board of trustees, and shall also be called upon written request of 6 or more members of the association. Members shall be notified by the secretary of such special meetings, and the object of the meeting shall be contained in such notice.

Section 4. Quorum Definition - Association Members Meeting

A quorum, for an association membership meeting, requires at least two of the elected trustees and at

least 51% of the currently active firefighter members. The required trustees may be included in the percentage, if they qualify as active firefighters. If less than a quorum, the meeting is adjourned to a future time.

Section 5. Change process

All reports and resolutions affecting retirement benefits or investments of the special fund shall be documented by the secretary.

Section 6. Meeting process

All meetings shall be conducted according to Robert's Rules of Order, as revised. If the president, vice president is not present, one of the elected trustees will be the presiding person and assure that meeting minutes are recorded and filed with the secretary.

ARTICLE V - FUNDS

Section 1. General Fund Receipts

The funds received by the association from dues, fines, application fees, entertainments, and other miscellaneous sources shall be kept in the General Fund of the association on the books of the Treasurer, and may be disbursed for any purpose reasonably related to the welfare of the association or its members.

Section 2. General Funds Disbursements

All disbursement of General Funds of this association shall be made by checks drawn by the Treasurer and countersigned by the President. Disbursement authorization will be as follows:

- A. Expenditures for the benefit of any Fire Department members, community related relief or member activities totaling no more than \$250.00 may be authorized by a majority vote of the elected members of the board of trustees.
- B. Expenditures directly related to member activities, fund raisers or member benefits that have been pre-approved by a 2/3 vote at an association membership meeting are approved for payment.
- C. Major expenditures or donations in excess of \$250.00 and any income derived from charitable gambling activities require a 2/3 approval vote at an association membership meeting.

Section 3. Special Fund Receipts

All funds received by the association from any tax sources, and all funds or property donated or granted to the association for benefits, shall be kept in the Special Fund on the books of the Treasurer and shall not be disbursed for any purpose except those specifically authorized by law.

Section 4. Special Fund Disbursements

- A. All retirement, disability and death benefit disbursements from the association shall be made by the financial advisor as a rollover to a federal tax approved IRA account in the name of the retiree. Distribution requires approval at a trustee meeting documenting the approval as well as the earliest distribution date, which is set by the trustees.
or the Minnesota deferred compensation plan if:
 - 1) *the firefighter participates in the Minnesota deferred compensation plan at the time of retirement; and*
 - 2) *the applicable retiring firefighter requests in writing that the relief association do so.*
- B. Financial advisor fees are directly deducted from the special fund account, based on the annual percentage rate approved by the trustees.

Section 5 Depository

All money belonging to the association shall be deposited to the credit of the association in such banks, trust companies, savings and loan associations, or other depositories as the board of trustees may designate. General funds and special funds must be kept in separate accounts.

ARTICLE VI - APPLICATION FOR BENEFITS

Section 1. Forms

All applications for relief or pension benefits shall be made in writing on forms furnished by the Secretary.

Section 2. Disability

All applications for disability benefits shall be submitted to the board of trustees at a regular or special meeting of the board. The application shall be accompanied by a certificate from the attending physician or surgeon setting forth the nature of the illness or injury, the cause and duration thereof, the length of time the applicant has been unable to perform any of the duties connected with the applicant's regular occupation and those of a firefighter, and an estimate of the time at which the applicant will be able to return to his or her regular occupation and to perform the duties of a firefighter.

Section 3. Pensions

All applications for pensions shall be submitted to the board of trustees at a regular or special meeting of the board. Applications shall be verified by an oath of the applicant and shall state the age of the applicant, the period or periods of service in, and the date of retirement from, active duty in the Mantorville Fire Department, the length of time of membership in the association, and such other information as the board of trustees may require.

Section 4. Processing

The benefit payment will be a lump-sum distribution which can be delayed up to one year from the initial application for pension benefits and up to six month for sickness and disability or the death benefit to allow the trustee's time to assure minimum impact on the documented investment policy. The application for pension benefits may be submitted up to one year in advance of the anticipated retirement date or birthday whichever qualifies the applicant for benefits. No less than 90 days before becoming eligible to receive a lump sum benefit, the applicant must confirm their retirement date.

No benefits or pensions shall be paid until the application therefore has been approved by a majority vote of the board of trustees. Decisions of the board shall be final as to the payment of such benefits or pensions. No other benefits shall be paid to or on behalf of any member who has received a service pension.

ARTICLE VII - BENEFITS

Section 1. Service Computation

For purposes of computing benefits or pensions, a "year of service" shall be defined as a period of twelve (12) full months of active duty in the Mantorville Fire Department, beginning on the date when the member first became an active firefighter in said fire department. If a member's period of active service has not been continuous, parts of years shall be added together to compute full years. If the final period of a member's active service is less than a year, payment shall be made for such a partial year at one-twelfth (1/12) of the rate in effect at the end of the last full year of service for each additional full month served. A "month" is a calendar month in which the member completed at least 16 days of active service. Notwithstanding any other provisions, all benefit payments except for death benefits shall be calculated at the rate in effect on the date of separation.

Section 2. Defined Distribution Rate (referenced as § vii.2)

All benefits including Disability, Death, full term and early vested pension are based on \$1,200.00 per year of active service or one-twelfth (1/12) of this amount when defined for pro-rating on a monthly basis. An individual's benefit is defined in the following sections of this article.

Section 3. Disability Benefits

A member who is permanently disabled, by a fire service related injury, from being an active firefighter in the Mantorville Fire Department may be eligible for a disability benefit in lieu of retirement benefits. Upon approval of the Board of Trustees pursuant to this section the disability benefits will apply. A member who is permanently disabled with a service related disability shall be eligible to collect a disability benefit in an amount equal to his/her full years of active service on the Mantorville Fire Department multiplied by the yearly lump sum service pension rate as specified under these bylaws plus one-twelfth (1/12) of the defined distribution rate (§ vii.2) for each additional month served. See (§ vii.2). There are no minimum service years or association membership years requirements. The member shall be eligible to receive the disability benefit upon approval of the Board of Trustees.

The Board of Trustees may defer payment for up to six (6) months to minimize the financial impact on the investments of the special fund.

The benefit will be paid as a distribution to an IRA

- 1) Any such disability benefit paid in accordance with this section shall be in lieu of all rights to further service pension and survivor benefits.
- 2) Disability is defined as the inability to engage in performance of his/her duties as a firefighter by reason of a medically determinable physical or psychological impairment arising out of an act of duty which can be expected to be permanent or can be expected to result in death that was incurred in the line of duty.
- 3) Reports Required. No member shall be paid a disability benefit except upon the written report of a physician or chiropractor of the member's choice. This report shall set forth the diagnosis and prognosis of the disability, disease or injury of the member. Each such report shall be filed with the association.
- 4) Procedure. All applications for disability benefit shall be made within six (6) months after such applicant has ceased to be an active member of the fire department. Written application shall be made to the Board of Trustees setting out the nature and cause of such disability. The application shall include a written opinion by a physician or chiropractor of the member's choice, describing the diagnosis and prognosis of the applicant's disability and its probable duration or permanence. The Board of Trustees has the discretion to request that another doctor, selected by the board, examine the applicant. Final determination of disability will be based on the reports of at least one doctor and by a 2/3 majority vote of a quorum of the Board of Trustees present at the subsequent Board of Trustees meeting.
- 5) An applicant shall not be considered under a disability unless he/she furnishes adequate proof of the existence thereof. An applicant's statement as to pain or other symptoms will not alone be conclusive evidence of disability as defined in this section.
- 6) Grievance Procedure. If the applicant for disability benefits feels he/she has been aggrieved by any action of the Board, he/she shall, within sixty (60) days from notice of such action of the Board, file written objections and the reasons thereof with the Board and shall be allowed to appeal the determination at a meeting of the Board of Trustees to be held within thirty (30) days of receiving the written objections.

Section 4 Death Benefit (Active Firefighter)

Upon the death of any member who is an active firefighter, the association shall pay a death benefit in this order:

- 1) Surviving spouse (as defined in Minnesota Statute Chapter 424A.001 Subdivision 6.).
- 2) Surviving children.
- 3) Defined beneficiary . A designated beneficiary may be a trust created under Chapter 501B if the survivor benefit will be distributed as a one-time lump sum payment.
- 4) If none, to the estate of the deceased firefighter.

If the death occurred in the line of duty, the death benefit is the sum of the defined distribution rate (§ vii.2) for each year that the deceased member served as an active firefighter in the Mantorville Fire Department, plus one-twelfth (1/12) of the defined distribution rate (§ vii.2) for each additional month served. There are no minimum service years or association membership years requirements.

If the death occurred outside of the line of duty, the pension earned to date (if any), shall be paid.

The Board of Trustees may defer payment for up to six (6) months to minimize the financial impact on the investments of the special fund

The benefit will be paid as a distribution to an IRA

Section 5. Pension Benefit (20 years of service)

Upon approval of a valid application, the association shall pay to each member who has served as an active firefighter in the Mantorville Fire Department for a period of twenty(20) years or more prior to resignation from said fire department, and who has reached the age of fifty(50) years or more, and who has been a member of the association for at least ten(10) years, the sum of the defined distribution rate (§ vii.2) for each year served as an active firefighter in said fire department, plus one-twelfth(1/12) of the defined distribution rate (§ vii.2) for each additional month served.

Section 6. Deferred Pension (for age requirement)

A member of the association who has served as an active firefighter in the Mantorville Fire Department for at least twenty(20) years, but has not reached the age of fifty(50) years, may retire from said fire department and be placed on the deferred pension roll. Upon reaching the age of fifty (50) years, and provided that membership in the association has been maintained for at least ten (10) years, upon approval of a valid application therefore, such member shall be paid such amount for each year of active service in said fire department as was payable at the time of retirement from active service in said fire department. A member who is on the deferred pension roll shall continue to pay the annual dues, and will not be eligible to receive any of the Disability benefits defined in Section 3 of this article.

Section 7. Early Vested Benefits (Inactive Firefighter)

A member who has served for more than ten(10) years, but less than twenty(20) years, as an active firefighter in the Mantorville Fire Department, and has been a member of the association for at least ten(10) years, may retire from said fire department and be placed on the early vested pension roll. Upon reaching the age of fifty (50) years, such member shall, upon application therefore, be paid in the following manner:

- A. Benefits are based on the defined distribution rate (§ vii.2) in effect at the end of the last full year of service or the individual's portion of the defined contribution account for those vested under previous bylaws. There is no interest accrual on any benefits for members that may qualify for

early vested benefits.

- B. For active duty of more than ten(10) years, but less than eleven(11) years, 60% of the amount per year of active service in effect at the time when the member retired from active service.

For individuals on the prior "Defined Contribution Plan", 60% of the individuals accounts is payable for ten (10) years, but less than eleven (11) years of service.

- C. For active duty of more than eleven(11) years, but less than twenty(20) years, 4% of the amount per year of active service in effect at the time when the member retired from active service, shall be added to all years of active service for each additional year of active service between eleven(11) and twenty(20) years.

For individuals on the prior "Defined Contribution Plan", 4% of the individuals accounts shall be added for each additional year of service between eleven (11) and twenty (20) years.

- D. Any member who is on the early vested pension roll shall continue to pay the annual dues, and will not be eligible to receive any of the Disability benefits defined in Section 3 above. Pensions payable to members on the early vested pension roll shall be based on the amount payable per year of service in effect at the time of such early-retirement.

- E. If a member who is on the early vested pension roll dies before becoming eligible to receive the pension, a death benefit shall be paid in this order:

- 1) Surviving spouse (as defined in Minnesota Statute Chapter 424A.001 Subdivision 6.)
- 2) Surviving children
- 3) Defined beneficiary. A designated beneficiary may be a trust created under Chapter

501B

if the survivor benefit will be distributed as a one-time lump sum payment.

- 4) If none, to the estate of the deceased firefighter.

The death benefit is the amount of pension earned as defined above Section 7, items A – C.

Section 8. Supplemental Benefits

The following supplemental benefits will be paid from the retirement special fund.

- A. Non death supplemental benefit - A supplemental benefit will be paid to individuals who receive a lump sum distribution of pension or retirement benefits for service performed as a volunteer firefighter at the time the lump sum benefit is paid. The supplemental benefit is calculated as ten(10) percent of the regular lump sum distribution, but not to exceed \$1,000 .
- B. Death supplemental benefit – Upon the payment of a lump sum survivor benefit of a deceased active or deceased deferred member, a supplemental survivor benefit will be paid to the legally married surviving spouse, or if none, to the surviving minor child or minor children, or if none, the designated beneficiary. The survivor supplemental survivor is calculated as twenty(20) percent of the survivor benefit distribution, but not to exceed \$2,000.
- C. An individual may receive a supplemental benefit under paragraph (A) or under paragraph (B), but not both with respect to one lump sum volunteer firefighter benefit.

The Board of Trustees may defer payment for up to six (6) months to minimize the financial impact on the investments of the special fund.

The benefit will be paid as a distribution to an IRA

ARTICLE VIII - AMENDMENTS

Section 1. Process

The bylaws of this association may be amended at any regular or special meeting of the association by a favorable vote of two-thirds(2/3) of the members present and voting, providing a quorum is present; and provided further that notice of any proposed amendment or amendments shall be given by reading the same at a regular or special meeting not more than forty-five(45) days next preceding the date upon which such amendment or amendments are to be acted upon, or by mailing a copy of the proposed changes with the required meeting notice to each member at the member's last known address not less than ~~ten~~(10) days prior to the scheduled date of such meeting; and provided further, that if such amendment or amendments shall change the amount of benefits or pensions, approval of the City Council of Mantorville must be obtained, as required by law, before such amendment or amendments shall become effective.

ATTACHMENT A – COMPENSATION

Effective January 1, 2015

<u>TRUSTEE</u>	<u>SALARY</u>
President (Officer)	\$500.00
Secretary (Officer)	\$400.00
Treasurer (Officer)	\$600.00

Change History

Initial "Defined Distribution" approved by the members on July 26, 1995.
"Defined Distribution" Approved by the city council on July 10, 1995.

1996 Amended Bylaws:

Approve a change to the bylaws to pair up the terms of President with the Secretary and Vice President with the Treasurer.

Amended ARTICLE II Section 2 January 3, 1996, approved by members.

Amended Bylaws approved by city council January 15, 1996.

1997 Amended Bylaws

Amended ARTICLE VI - Section 4 Processing. Add paragraph 1 defining distribution as lump-sum and payment of benefits delay of up to 6 month in case of death and up to 1 year for retirement, following initial written application.

Amended ARTICLE VII - Section 2 Benefit defined Distribution Rate to \$ 400.00.

Approved by the membership at the annual meeting January 8, 1997.

Approved by the City Council on May 12, 1997.

1999 Amended Bylaws

Amended ARTICLE VII - Section 2 Benefit defined Distribution Rate to \$ 480.00.

Approved by the membership at the annual meeting January 20, 1999.

Approved by the City Council on January 25th, 1999.

2000 Amended Bylaws

Amended ARTICLE VII - Section 2 Benefit defined Distribution Rate to \$ 800.00.

Approved by the membership April 26, 2000

Approved by the City Council on July 24, 2000.

2002 Amended Bylaws

General updates to reflect actual association practice, clarify quorum requirements from active members, fund disbursements and benefit payments to beneficiaries. The following footnotes are referenced:

1 Retirement funds (the "Special Fund") is restricted to retirement benefits and direct fund management expenses. It has been a policy to this date that only "General Funds" be used for general operating expenses.

2 Retirement fund are distributed by the financial advisor (currently *USbancorp Piper Jaffray*) to assure retiree tax liabilities are correctly managed. With current tax law, a rollover to an Individual Retirement Account relieves the association of handling federal and state tax situations.

Approved by the membership January 9, 2002

Approved by the City Council of Mantorville January 28, 2002

[i] Refer to the January 2002 amendment notes regarding use of the general fund; deletes option to use "Special Fund".

li Refer to January 2002 Footnote 2. Special funds are disbursed only by the associations Financial Advisor

2005 Amended Bylaws

Disability Benefit only payable as the result of injury in the line of duty.
Clarified order of payee for Death benefit
Clarified Surviving Spouse definition
Miscellaneous wording changes
Expanded description and procedures for Disability Benefits
Removed Aid Committee

Approved by the membership on April 6, 2005
Approved by the City Council on April 25, 2005

January 2006 Amended Bylaws

Added requirement for trustees to be member of Relief and non-probation firefighter for at least 3 years.
Changed annual meeting to be first Wednesday in January, instead of second.
Changed who municipal trustees are based on change in state statute 424A.04 Volunteer relief associations; board of trustees.

Approved by the membership on January 4, 2006

October 2007 Amended Bylaws

Addition of supplemental death benefit that was permitted with changed in state statute in 2007 (Minnesota Statutes 2006, section 424A.10, subdivision 1 amended); Article VII, Section 8 added.

Approved by the membership on October 3, 2007
Approved by City Council on October 22, 2007

January 2009 Amended Bylaws

Article V section 2, removed disbursements approval and replaced with reference to Operating Procedures document.

Approved by the membership on 1/7/2009
Approved by City Council on 2/9/2009

July 2009 Amended Bylaws

Article VII, Section 1 change pension rate to be rate in effect on date of separation rather than end of last full year.

Approved by the membership on 7/1/2009
Approved by City Council on 8/10/2009

August 2009 Amended Bylaws

Article I, section 1 - add exclusion of minors
Article I, section 8,9 added - resumed service provisions
Article VII, section 1 - added definition of a "month"
Article VII, section 4 & 7 - added estate if no beneficiary, added trust as a Defined beneficiary

Approved by the membership on September 3, 2009
Approved by City Council on September 14, 2009

March 2011 Amended Bylaws

Article I, section 9 added paragraph about one year leave of absence
Article V, Section 4, added to paragraph on Special Fund Disbursements to allow transferring to Minnesota deferred compensation plan

Approved by the membership on March 2, 2011
Approved by the city council on April 11, 2011

February 2013 Amended Bylaws

Article I Section 9. To comply with change in state law (statute 424A.01 Subd 6) for return to service benefit amount.

If resumption of service less than minimum for vesting, then benefit amount for all years of services is the amount in effect at time of original cessation of duty.

Approved by the membership on February 6, 2013
Approved by the city council on February 11, 2013

May 2013 Amended Bylaws

Retirement benefit changed to \$900

Approved by the membership on May 1, 2013
Approved by the city council on May 13, 2013

Sep 2014 Amended Bylaws

Retirement benefit changed to \$1,200

Approved by the membership on Sep 3, 2014
Approved by the city council on Sep 8, 2014

Nov 2015 Amended Bylaws

Article I

Section 2 - remove payment of \$5 fee with application

Section 3 – remove dues statement.

Section 4 – remove annual dues payment

Section 7 - remove fee for reinstatement

Article II

Section 1 - change requirement for Trustee to just require, member has completed probation.

Change that election of trustees is at any meeting, not just annual meeting.

Section 5 - added for payment of Trustees.

Article III

remove statements about salary and General fund, section 1,3,4

Article IV

remove wording about election of trustees required in January to be consistent with Article II, section 1

Attachment A- added (Trustee salary schedule)

Approved by membership on Dec2, 2015

Approved by city council on