



## Legislation Text

File #: 15-0657, Version: 1

An Ordinance to Amend Sections 1:748 of Chapter 21, Retiree Health Benefits Plan and Trust, Title I of the Code of the City of Ann Arbor to Implement a Change in Board Composition Consistent with the Pension Ordinance, Chapter 18, Employees Retirement System (Ordinance No. ORD-15-11) The language of the Chapter 21, Retiree Health Benefits Plan and Trust, provides that the Board of Trustees for the Trust shall be the same elected and appointed individuals as serve on the Retirement System Board of Trustees. Because the composition of the Retirement System Board of Trustees is being changed by ordinance amendment, as a result of a change in the Charter language and collective bargaining, a similar change is being proposed for the composition of the Board of Trustees for the Retiree Health Benefits Trust. This amendment makes clear that the two Boards of Trustees will have the same membership.

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Stephen K. Postema, City Attorney  
Approved by: Steven D. Powers, City Administrator  
ORDINANCE NO. ORD-15-11

First Reading: June 1, 2015                      Approved: June 15, 2015  
Public Hearing: June 15, 2015                  Published: June 22, 2015  
Effective: July 2, 2015

### RETIREE HEALTH BENEFITS PLAN AND TRUST

AN ORDINANCE TO AMEND SECTIONS 1:748 OF CHAPTER 21, RETIREE HEALTH BENEFITS PLAN AND TRUST, TITLE I OF THE CODE OF THE CITY OF ANN ARBOR TO IMPLEMENT A CHANGE IN BOARD COMPOSITION CONSISTENT WITH THE PENSION ORDINANCE, CHAPTER 18, EMPLOYEES RETIREMENT SYSTEM.

The City of Ann Arbor Ordains:

Section 1. That Section 1:748 of Chapter 21 of Title 1 of the Code of the City of Ann Arbor be amended to read as follows:

#### **1:748. - Board of Trustees.**

The general administration, management and responsibility for the proper operation of the Trust and for making effective and construing the provisions of the Trust shall be vested in the Board of Trustees established by this section, consistent with applicable state and federal laws and regulations. A Trustee or other fiduciary under the Trust shall discharge his or her duties with respect to the Trust solely in the interest of the participants and qualified beneficiaries for the exclusive purpose of providing benefits to Participants and qualified beneficiaries and paying reasonable expenses of administering the Trust. A Trustee shall discharge his or her duties **and act** with the care, skill, **prudence** and caution **diligence** under the circumstances then prevailing, which a prudent person, acting in a like capacity and familiar with those matters, would use in the conduct of **a similar enterprise with similar aims**.an activity of like character and purpose.

The Board of Trustees shall consist of 9 Trustees, which shall be the same elected and appointed individuals that serve on the City of Ann Arbor Employees' Retirement System Board of Trustees., as follows:

- (1) The City Administrator and the Finance Director to serve by virtue of their respective offices.
- (2) Three Trustees appointed by the Council to serve at the pleasure of the Council.
- (3) Two Trustees elected by the general City members from their own number (general City members being members other than police or fire members).
- (4) One Trustee elected by the fire members from their own number.
- (5) One Trustee elected by the police members from their own number.

Each Trustee shall be a fiduciary and have fiduciary responsibilities under applicable law and shall act prudently and in the best interests of the Trust.

Section 2: In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 3: This Ordinance shall take effect ten days after passage and publication.

### **CERTIFICATION**

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of June 15, 2015.

Jacqueline Beaudry, City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the Ann Arbor City Clerk's web page on June 22, 2015

Jacqueline Beaudry, City Clerk