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ANNUAL REPORT  
AND  
JUNE, 2 0 0 6  
ARTICLES OF INCORPORATION  
AND  
BY-LAWS

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Minneapolis  
Firefighters'  
Relief Association  
*Pension Fund*



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June 2006

Board of Trustees  
Minneapolis Firefighters' Relief Association  
2021 East Hennepin Avenue  
360 Hennepin Square  
Minneapolis MN 55413-1830

As Executive Secretary of the Minneapolis Firefighters' Relief Association, a single employer plan providing monthly health and pension benefits, I am pleased to submit this one hundred and fourteenth Annual Report for the fiscal year end December 31, 2005.

To the best of our knowledge and belief, the enclosed data are accurate in all material respects and are reported in a manner designed to present fairly the financial position and results of operations of the various funds of the Minneapolis Firefighters' Relief Association. All disclosures necessary to enable the reader to gain an understanding of the Association's financial activities have been included.

Our Staff in the Pension Offices, Kathy and myself, always look forward to assisting you in any way possible. We believe in what we are doing and the services we provide to you. We will continue to keep this attitude and a commitment to our advancement along with whatever peace of mind we are able to provide to you. If you have any questions about this report, please don't hesitate to contact me.

#### INVESTMENT POLICY AND STRATEGY

The following information is provided in accordance with Minnesota Statutes 356A.06, Subd. 7. The Minneapolis Firefighters' Relief Association employs fourteen Investment Managers. Our purpose for this number of managers is to provide investment of our Fund's assets with diversification across a wide spectrum of investment categories in an effort to protect the assets of our Association during these most difficult and unpredictable times. The managers consist of the following categories: Two Large Cap Value managers (FAF Advisors and Marque Millennium), Two Core managers (Alliance Bernstein and Voyageur), Three Bond managers (River Source, PIMCO and SBI), Two Small Cap managers (Kayne Anderson Rudnick and White Pine Capital), One Natural Resources manager (Ivy Funds), Two International managers (Manning & Napier and Dodge & Cox), One Balanced Tactical (Leuthold Weeden), One Balanced Growth (Mairs & Power), and a Stock Index Fund (State Board of Investment). Our Health Insurance Escrow account is invested with the State Board of Investment Income Share Account. All Fund assets are managed within statutory guidelines, as well as a more restrictive Investment Policy adopted by the Board of Trustees.

The Association also employs an Investment Consultant Firm, Lowery Asset Consulting of Chicago, Illinois, to monitor and evaluate all investment management firm performances and to evaluate suggested investment alternatives in compliance with Minnesota Statute 69.50.

The Minneapolis Firefighters' Relief Association is a defined benefit plan. All benefits are based on a scheduled number of units. A unit is 1/80th of the maximum monthly salary of a first grade Firefighter for the month the benefit is paid. Pensions are fully escalated for all persons receiving a pension benefit. (Note: All active members, regardless of rank, contribute 8% of the maximum monthly salary of a first grade Firefighter to the Special Fund Account).

One of this Association's main initiatives is to always look for ways to bring our level of benefits equal to those of other pension funds in the State and to have the kinds of plan policies in place to assure the safety and advancement of our Association and its Membership. Our Association has been the best performing pension plan in the State of Minnesota for the past 11 years and we intend to stay that way. Providing retirement benefits equal to other pension plans, is not only our right, it's our duty.

### **OTHER INFORMATION**

In compliance with Minnesota Statutes Section 69.50, the Office of the State Auditor performs auditing functions for the Association. As part of its audit, the Office of the State Auditor will issue a management and compliance letter covering its review of the Association's system of internal control and compliance with applicable legal provisions. This letter will in no way modify or affect this report. The Financial Section of this report was provided from the 2005 audit of the Association's financial statements as audited by the Office of the State Auditor. I think you will see that it continues to provide the reader with the necessary information and substance to give you an accurate sagacity of the Association's financial condition. If you so desire, a complete audit is available upon request to the Association Offices Monday - Friday, 8:00 a.m. - 4:00 p.m.

Once again, this year's audit questioned some of our long-standing methods for calculating certain benefits. We feel these methods have stood the test of time and should remain standing. It is our opinion that if the City, Country, and the World in general weren't experiencing difficult financial times some of these issues would have never been addressed, or even questioned. They haven't been questioned for over 11 years. Why now all of a sudden during difficult times?

Our Association is the oldest Firefighter Pension system in the United States. During the 2000 and 2001 Legislative Sessions we passed Legislation that compiles and organizes all the applicable laws relating to the Minneapolis Firefighters' Relief Association. This Statute is 423C. If you are interested in locating Laws governing our Association they will be listed under this Statute.

### **ACKNOWLEDGEMENTS**

This report would not be possible without the efforts of the Association's staff, Kathy Morkrid, under the leadership and direction of the Board of Trustees and myself. We would also like to recognize the Office of the Minnesota State Auditor for their assistance in the matters of book-keeping and policy issues which are suggested to assist us in becoming and remaining a better system for pension asset administration and distribution.

Respectfully submitted,



Walter C. Schirmer  
Executive Secretary

## MEMBER INFORMATION SECTION

### BOARD OF TRUSTEES



**Walter Schirmer**

Elected to the Board in 1986 and has held the position of Executive Secretary since December 1994. Has held prior positions of President and Treasurer. He is a 36 year member of the Minneapolis Fire Department formerly assigned to the Arson Division.



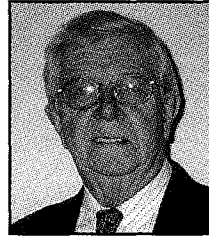
**Arnold Reese**

Elected to the Board of Trustees in December of 2000. He has been active in Local 82 union offices for many years and has always been a willing volunteer at all of our firefighter activities. He was a 27 year firefighter, retired in 2000.



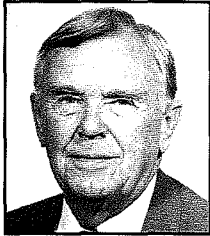
**Frank Boerboon**

Elected to the Board in December 2002. He is a 32 year member of the Minneapolis Fire Department and is a Captain. He was previously President of Local 82 for 12 years.



**Richard Quarnstrom**

Elected to the Board in 1999. Previously served on the Board between 1994 and 1997. He retired as a Battalion Chief in 1992 after 28 years of service on the Minneapolis Fire Department.



**Joseph Quinn**

Elected to the Board in 1993. He retired in 1991 after having served 43 years on the Minneapolis Fire Department.



**Ted Jacobsen**

Elected to the Board in December 2000. Previously served on the Board between December 1997 and April 2000. He retired in 2000 after 25 years of service on the Minneapolis Fire Department.



**John George**

Elected as a Retired Trustee in December 1991. He has been retired since 1976 following a 27 year career with the Minneapolis Fire Department.



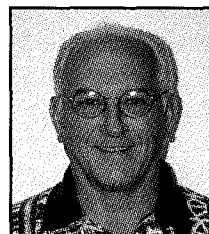
**Robert Wetherille**

Elected to the Board in April 1996. He retired in 1992 after 43 years of service on the Minneapolis Fire Department.



**Wallace Amundsen**

Elected to the Board in 1992. He retired in 1986 following 28 years with the Minneapolis Fire Department.



**David R. Pierson**

Elected to the Board in December 2001 as a Retired Trustee. He retired in 2000 after serving 31 years on the Minneapolis Fire Department.

## BOARD OF TRUSTEES AND STAFF

### ACTIVE ELECTED TRUSTEES

Walter C. Schirmer  
Frank Boerboon

### PERIOD OF SERVICE

December 1986 - December 2008  
December 2002 - December 2008

### RETIRED ELECTED TRUSTEES

Joseph D. Quinn  
Robert E. Wetherille  
John W. George  
Ted H. Jacobsen  
Arnold Reese  
Wallace O. Amundsen  
David R. Pierson  
Richard Quarnstrom

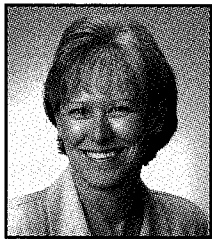
December 1993 - December 2008  
April 1996 - December 2008  
December 1991 - December 2006  
December 2000 - December 2006  
December 2000 - December 2006  
December 1992 - December 2007  
December 2001 - December 2007  
December 1999 - December 2007

### CITY OF MINNEAPOLIS APPOINTED TRUSTEES

Heather Johnston  
Michael Nguyen  
Jack Qvale

November 2005 - December 2007  
July 2003 - October 2005  
July 2003 - December 2007

### STAFF



**Kathy Morkrid**

Hired on June 9, 1988. Kathy is our Administrative Assistant and has been with us for 18 years.

## SUMMARY OF RELIEF ASSOCIATION PLAN

### ADMINISTRATION

The Minneapolis Firefighters' Relief Association (MFRA) governing Board of Trustees comprises twelve members. Two are active members of the Minneapolis Fire Department and eight are retired members of the MFRA. The Minneapolis City Council and Mayor appoint two Trustees. The Board of Trustees elects its Officers at the Annual Meeting in December to serve in each capacity for a two-year term,

with the Executive Secretary functioning as the chief administrative officer of the Association. With Board of Trustee approval, the Executive Secretary develops the annual budget, is responsible for financial information, determines staffing requirements, contracts for professional services, and directs the day-to-day operations of the Association.

## SUMMARY OF RETIREMENT SYSTEM PLAN

### HISTORY AND PURPOSE

The Fireman Association was formed on September 10, 1868. The preamble to the constitution states: "... in order to insure a more efficient and uniform system in the Fire Department of the City of Minneapolis and to provide for the relief of disabled firemen and their families."

The Association was incorporated under Minnesota laws on November 24, 1886.

On July 1, 1879, the volunteer fire department disbanded and the paid department came into being.

A service pension was first authorized in 1897, not to exceed \$40.00 per month. Increases were in 1925 to \$50.00 per month, in 1933 to \$75.00 per month, in 1936 to \$98.00 per month, in 1947 to \$108.00 per month and in 1955 our present escalated system of units was adopted. Although the law allowed for payments of up to 40 units, this amount was not paid until 1965, due to insufficient amounts of income to the Association.

Since then we have paid the maximum amount allowable under the State of Minnesota Statutes.

Pursuant to Minnesota Statutes, Section 423A.01, all eligible employees employed after June 15, 1980, became members of the Minnesota Public Employees Retirement Association (P.E.R.A.) Police and Fire Fund. At the same time, anyone retiring after June 15, 1980 would receive an extra unit per month.

### PENSION BENEFITS - SPECIAL FUND

All benefits are based on a plan of a number of units. A unit is 1/80th of the maximum monthly salary of a Firefighter for the month the benefit is paid. Pensions are fully escalated for all persons receiving a pension benefit. (NOTE: All active members, regardless of rank, contribute 8% of the maximum monthly salary of a Firefighter.)

### DEFINITION OF SALARY

The term "salary" includes the following elements of compensation, to the extent they are payable under a collective bargaining agreement: (a) base wages; (b) Fair Labor Standards Act (FLSA) overtime attributable to the regularly scheduled work period; (c) selection premium pay; (d) the uniform and professional allowance paid to firefighters;

(e) longevity payments; (f) an average of overtime actually worked in excess of FLSA overtime amounts by firefighters with 25 years or more of service, up to a maximum of 136 hours, in the immediately preceding year; and (g) the maximum sick leave and vacation buy-back benefit available to first grade firefighters. Salary shall not include severance payments, worker's compensation payments, and employer-paid amounts used by employees toward the cost of health and medical insurance coverage. Any new item of compensation granted to first grade firefighters in the collective bargaining process after April 15, 1995 may be included in salary by action of the Board of Trustees of the Association, provided that at least 50 percent of all first grade firefighters are eligible to receive the new compensation item. The amount to be included in salary for any such new compensation item shall be the average amount paid to those first grade firefighters who received the compensation item.

### VESTING

A member must have five (5) years of service to be vested in the pension plan, and he must be fifty (50) years of age before he can draw a service pension.

### PENSION RATES

Years	Units	Monthly Amount	Annual Amount
17	27.20	\$2,202.72	\$26,432.64
18	28.80	2,332.29	27,987.48
19	30.40	2,461.86	29,542.32
20	34.00	2,753.40	33,040.80
21	35.60	2,882.97	34,595.64
22	37.20	3,012.55	36,150.60
23	38.80	3,142.12	37,705.44
24	40.40	3,271.69	39,260.28
25	42.00	3,401.26	40,815.12
25 (Single Alt. Svc.)	42.30	3,425.56	41,106.72
Permanent Disability	41.00	3,320.28	39,843.36

### RETURN OF CONTRIBUTIONS

Active and retired members who die without leaving a survivor spouse or dependent child or children entitled to receive monthly pension benefits may have their uncollected member contributions distributed to a designated beneficiary or to their estate.

**SURVIVOR SPOUSE PENSIONS**

A survivor spouse shall be limited to one (1) survivor spouse benefit from this Association at a maximum of the number of units per month as provided in the option chosen by the eligible member qualifying the spouse for benefits, or as otherwise described in the Association By-Laws. To the surviving children under eighteen (18) years of age, 8 units per month, or as otherwise described in the Association By-Laws, but in no case shall the amount paid to the survivor spouse with children exceed the sum of a twenty-five (25) year service pension per month.

**TEMPORARY DISABILITY PENSIONS**

Whenever a member becomes temporarily disabled because of sickness or injury, on or off the job, he will receive a temporary disability pension of 40 units, provided he has expired all his leaves of absence.

**SUMMARY OF PLAN PROVISIONS**

**1. Age & Service Retirement**

**Eligibility:**

5 years of service and 50 years of age.

**Amount**

Amount: 1.6/80 of base pay for each of the first 19 years of service and increased to 1.7/80 for the 20th year of service. For service in excess of 20 years, an additional 1.6/80 is provided for each year up to 25 years of service. An alternative Service Pension for certain qualified 25 year unmarried members amounts to 42.3 units per month.

**Pay Used for Plan Purposes:** "Base pay" means the maximum monthly taxable income salary of a first grade firefighter.

**2. Disability Retirement**

**Eligibility**

Disabled to the extent that no longer able to perform the duties of a firefighter.

**Amount**

41/80 of base pay.

**3. Survivor Eligibility at Member's Death While in Active, Retired or Deferred Status**

**Spouse**

**Eligibility**

**Active Status:** Married to member and residing with the member at time of death. Any active member who dies before afforded the opportunity to make an annuity option choice will be presumed to have chosen the 100% option for his spouse.

**Retired or Deferred Status:** If married less than one (1) year prior to separation from service, or married after retirement, must be married for at least two (2) years

**PERMANENT DISABILITY PENSIONS**

Whenever a member becomes permanently disabled because of sickness or injury, he may be entitled to a permanent disability pension.

If a member is discharged by the Minneapolis Fire Department administration for medical reasons, he will automatically be entitled to a Permanent Disability Pension, if said disability arises from an injury or illness sustained in the line of duty. Compensation will be in lieu of workers compensation and will have tax free status as provided by Federal and State laws regulating. Disability arising from employment other than the Minneapolis Fire Department will cause a member to forfeit his entitlement to a disability pension and Annuity Option.

and residing with member at time of death.

**Optional Annuities:** There are six (6) separate annuity options available to members, 100%-75%-50% each with or without bounce back. This benefit must be **actuarially equivalent** to the annuity provided to a couple of the same age. These calculations will be based on the age differences between the couple and the particular option chosen.

**NOTE:** Currently these options are not available to members who were married less than one (1) year prior to retirement or married after retirement.

**Amount**

22/80 of base pay if no option is chosen

**Child**

**Eligibility:**

Younger than age 18, or if full-time student, younger than age 22.

**Amount**

8/80 of base pay per child. Children's maximum is 20/80 if spouse is receiving or 42/80 if no spouse is receiving.

**4. Vested Deferred:** 5 years of service. Benefit payment is deferred until age 50.

**5. Post-Retirement Adjustments ("Escalator"):** Each time base pay is changed, payments to all benefit recipients are changed simultaneously by the same percent that base pay is changed.

**6. Member Contributions:** 8% of base pay. After 25 years of service, member contributions are paid to a separate health insurance account. Member contributions are non-refundable.



## SUMMARY OF PLAN PROVISIONS (*continued*)

### Post Retirement Benefit:

**102%:** When the Association's actuarial funding level reaches 102% the Retired/Survivor members will receive a post retirement benefit equal to 1 1/2% of the total fund value. Payment of the post retirement benefit shall be made only if the average time weighted total rate of return earned by the fund in the most recent five (5) fiscal years, exceeds by two percent (2%), the average percentage increase in the current monthly salary of a top grade firefighter in the most recent prior five (5) fiscal years. This amount will be calculated and distributed based on the number of units the member is eligible to receive for years of service and number of months retired during the year previous to the funds meeting the required actuarial levels of funding. This benefit will be distributed in a lump sum payment on June 1st of the year following the fulfillment of all requirements connected to this benefit.

**110%:** When the Association's actuarial funding level reaches 110% the 102% benefit is calculated and set aside for distribution. Then the actuarial level is recalculated, minus the 102% benefit amounts, and if the Association is still above 110% after that calculation, any amounts over the 110% are determined and 20% of that overage is distributed to the Retired/Survivor members in the same manner as the 102% benefit except there is no limit to the amount paid out other than the 20% of those funds over 110%.

## ADDITIONAL BENEFITS - GENERAL FUND

### DEATH BENEFIT

Upon the death of any active or former active member on the pension rolls of the Association, the sum of \$1,200 shall be appropriated to his designated beneficiary or estate to defray the expense of his funeral.

### RETIREMENT BENEFIT

Every member of the Association who retires after having completed a period, or periods, on the Minneapolis Fire Department of five (5) years shall be paid upon his retirement from the payroll of said department, out of the

General Fund, the sum of \$8.50 per month for each full month of active service on the department completed after May 1, 1957. More than half a month of service shall be construed as a full month. In case of the death of an active member of this Association, his widow or beneficiary shall receive an amount calculated as provided herein, upon the months of service of the deceased member, but without the requirement of any minimum years of service.

**SCHEDULE OF 2005 ADMINISTRATIVE EXPENSES**

Personnel Expenses		Total Office/Storage Space Rental	<b>\$32,771</b>
Officers' Compensation	68,580	Other	
Staff Salaries	82,407	Board Activities	6,614
Employer Payroll Taxes	10,098	Messenger Service	175
Employer Insurance Premiums	13,826	Equipment	10,135
Employer Parking	1,800	Insurance	35,568
Employer Pension Contribution	8,773	Miscellaneous	1,746
Total Personnel Expenses	<b>\$185,484</b>	Office Supplies	10,018
Professional Services		Parking	49
Accounting	1,395	Mileage	788
Actuary	20,610	Total Other	<b>\$65,093</b>
Audit	23,660	<b>TOTAL ADMINISTRATIVE EXPENSES</b>	<b><u>\$668,027</u></b>
Contractual Services	93,402		
Legal Counsel	188,181		
Total Professional Services	<b>\$327,248</b>		
Communications			
Conferences & Meetings	32,075		
Memberships	1,512		
Postage	6,659		
Printing	9,440		
Telephone	7,745		
Total Communications	<b>\$57,431</b>		

**FINANCIAL SECTION**

**STATEMENT OF PLAN NET ASSETS  
FOR THE YEAR ENDED DECEMBER 31, 2005**

**Assets**

**Cash and deposits**

Cash and deposits in pension account	\$ 2,186,589
Cash and deposits in general account	115,321
Cash and deposits in political account	<u>2,420</u>

**Total cash and deposits** **\$ 2,304,330**

**Receivables**

Accrued interest and dividends	\$ 884,417
Sale of securities	1,781,560
Contributions	284,990
Other	<u>13,880</u>

**Total receivables** **\$ 2,964,847**

**Investments, at fair value**

Certificates of deposit in general account	\$ 637,628
Corporate obligations	7,536,083
Corporate stock	127,110,830
Corporate stock in general account	108,801
Mutual funds	56,022,144
TBA mortgage-backed securities	1,956,902
U.S. government obligations	30,268,690
Investment pools	
Bond market account (State Board of Investment)	11,701,631
Common stock index account (State Board of Investment)	10,425,488
Group trust - real estate	1,683
Short-term cash equivalents	10,735,797
Short-term cash equivalents in general account	<u>39,719</u>

**Total investments, at fair value** **\$ 256,545,396**

**Total Assets** **\$ 261,814,573**

**Liabilities**

Accounts payable	\$ 269,479
Escrow account for health benefits	2,560,862
Security purchases payable	<u>3,656,115</u>

**Total Liabilities** **\$ 6,486,456**

**Net Assets**

Net assets held in trust for pension benefits (a schedule of funding progress is presented on page 12)	\$ 254,424,228
Net assets restricted for general account	901,469
Net assets restricted for political account	<u>2,420</u>

**Total Net Assets** **\$ 255,328,117**

**STATEMENT OF CHANGES IN PLAN NET ASSETS  
FOR THE YEAR ENDED DECEMBER 31, 2005**

<b>Additions</b>	
<b>Contributions</b>	
<b>Employer</b>	
City of Minneapolis	\$ 4,737,705
State of Minnesota	1,913,951
<b>Employee</b>	
Plan members	<u>12,010</u>
<b>Total Contributions</b>	<b>\$ 6,663,666</b>
<b>Investment income (loss)</b>	
Net appreciation (depreciation) in fair value of investments	\$ 11,523,773
Interest and dividends	5,026,379
<b>Total investment income (loss)</b>	<b>\$ 16,550,152</b>
Less: direct investment expense	<u>(1,088,434)</u>
<b>Net investment income (loss)</b>	<b>\$ 15,461,718</b>
Other	\$ (145)
Receipts to general account	70,393
Receipts to political account	<u>33,340</u>
<b>Total Additions</b>	<b>\$ 22,228,972</b>
<b>Deductions</b>	
Benefits and refunds paid to participants	\$ 21,119,776
Administration expenses	668,027
Other - general account	52,487
Other - political account	<u>51,170</u>
<b>Total Deductions</b>	<b>\$ 21,891,460</b>
<b>Net Increase (Decrease)</b>	<b>\$ 337,512</b>
<b>Net Assets - January 1</b>	<u>254,990,605</u>
<b>Net Assets - December 31</b>	<b>\$ 255,328,117</b>

**ACTUARIAL SECTION**

**SUMMARY OF ACCRUED AND UNFUNDED ACCRUED LIABILITIES  
SCHEDULE OF FUNDING PROGRESS (Dollar amounts in thousands)**

<b>Valuation Date December 31</b>	<b>Actuarial Value of Assets</b>	<b>Actuarial Accrued Liabilities</b>	<b>Unfunded Actuarial Accrued Liabilities</b>	<b>Funded Ratio</b>	<b>Annual Active Member Payroll</b>	<b>Unfunded Actuarial Accrued Liabilities as a Percent of Active Member Payroll</b>
1996	\$ 208,969	\$ 252,540	\$ 43,571	82.70%	\$ 12,298	354%
1997	245,306	274,030	28,724	89.50	12,079	238
1998	300,150	284,874	(15,276)	105.4	11,357	(135)
1999	318,043	291,168	(26,875)	109.2	10,040	(268)
2000	315,900	293,802	(22,098)	107.5	7,054	(313)
2001	304,887	293,396	(11,491)	103.9	5,888	(195)
2002	255,194	292,678	37,484	87.2	5,540	676.6
2003	236,991	293,955	56,964	80.6	4,397	1295.5
2004	248,546	275,513	26,967	90.2	3,142	858.3
2005	269,426	312,563	43,137	86.2	2,933	1470.7

**SCHEDULE OF ANNUAL BENEFIT PAYMENT (No Option Chosen)**

<b>December 31</b>	<b>42 Unit Service Pensioners Amount</b>	<b>Post Retirement Benefit</b>	<b>Permanent Disabilitants Amount</b>	<b>Post Retirement Benefit</b>	<b>22 Unit Survivor Spouses Amount</b>	<b>Post Retirement Benefit</b>	<b>Dependent Children Amount</b>	<b>Post Retirement Benefit</b>
2005	\$40,815	\$0	\$39,843	\$0	\$21,379	\$0	\$7,774	\$0

There will not be a Post Retirement Benefit paid in 2006

When qualifying factors have been met by the Association, members receive Post Retirement Benefit units based on the total number of units they received during the previous year of retirement.

**ANALYSIS OF MEMBERS BY CLASSIFICATION**

Total Service Pensioners	385
Deferred	0
Total Disability Pensioners	50
Total Survivor Spouses	164
Total Dependent Children	2
Total Active Members	<u>37</u>
 Total Membership	 <u>638</u>
Unit Value:	
Effective October 14, 2005	\$80.9824

**Members Retired 2005**

**25 Year Service Pension**

William Merrill	Captain	January 18, 2005
Norman Drews	Fire Motor Operator	March 17, 2005
Daniel Wisniak	Fire Motor Operator	March 30, 2005
Alan W. Johnson	Battalion Chief	March 30, 2005
David Soderholm	Fire Motor Operator	March 30, 2005

**Survivor Spouses Placed on Pension 2005**

Veronica English	January 23, 2005
Judy Forslin	March 17, 2005
Ruth I. Johnson	April 20, 2005
Ann Christiansen	August 25, 2005
Blanche DeYoung	September 24, 2005
Elizabeth Stenoien	November 3, 2005
Patricia Athmann	November 23, 2005
Evelyn Klingbile	November 29, 2005

## 2005 IN MEMORIAM

Athmann, Kenneth  
Bartosh, Lawrence  
Brennan, Thomas  
Christiansen, Charles  
DeYoung, Norman  
English, Maurice  
Forsgren, Kenneth  
Forslin, Darrel  
Griffin, Artis  
Griffin, John  
Johnson, Harold E.  
Klingbile, Cecil  
Nimmerfroh, Clarence  
Stenoien, Melford

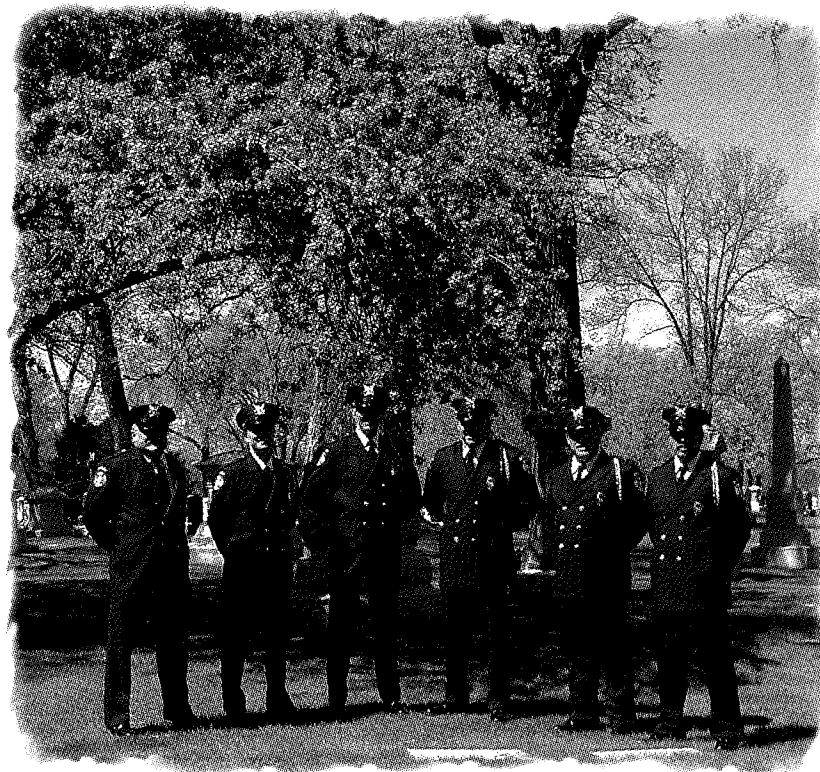


*Minneapolis Fire Department Honor Guard*



## 2005 IN MEMORIAM

Anderson, Yvonne  
Birkeli, Delores  
Cote, Lorraine  
Feehan, Helen  
Fleetham, Bernice  
Gulden, Margaret  
Hinote, Irene  
Johnson, Lillian O.  
Johnson, Ruth C.  
Jordan, Helen  
Lofback, Helmi  
Marshall, Shirley  
Martin, Evelyn  
Maybee, Dorothy  
Nelson, Maxine  
Osmundson, Ruth  
Saxe, Lois  
Schneider, Evelyn  
Swanson, Myrtle  
Williams, Lois



*Minneapolis  
Fire Department  
Honor Guard*

# MINNEAPOLIS FIREFIGHTERS' RELIEF ASSOCIATION

## RESTATED ARTICLES OF INCORPORATION

JUNE 2006

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**CERTIFICATE OF  
RESTATED ARTICLES OF INCORPORATION  
OF  
THE MINNEAPOLIS FIREFIGHTERS'  
RELIEF ASSOCIATION**

The undersigned, President and Executive Secretary of the Minneapolis Firefighters' Relief Association, a Minnesota Corporation, hereby certify that the following Restated Articles of Incorporation were duly adopted, by a vote of the Membership, at duly noticed elections, to replace, supersede, and take the place of those Articles dated November 24, 1886, and as thereafter restated.

**RESTATED ARTICLES OF INCORPORATION  
OF  
THE MINNEAPOLIS FIREFIGHTERS'  
RELIEF ASSOCIATION**

The undersigned, being desirous of Restating the Articles of Incorporation of this corporation and placing the following Articles in place of and superseding those Articles dated November 24, 1886, do hereby associate ourselves as a society incorporated under the Laws of the State of Minnesota regulating the Incorporation of Societies for Benevolent Purposes, and the following Articles, as Restated, replace those of the aforesaid Articles of Incorporation dated November 24, 1886 and as thereafter restated.

**ARTICLE I  
Name and Location**

The name of this corporation shall be THE MINNEAPOLIS FIREFIGHTERS' RELIEF ASSOCIATION ("Association"). The location of its business shall be the City of Minneapolis, in the County of Hennepin and State of Minnesota.

**ARTICLE II  
Purpose and Plan**

The general purpose of said Association shall be to provide relief to sick, injured and disabled members of the Association, their surviving spouses, dependent children and orphans; to provide and pay disability and service pensions to members of said Association; to furnish death benefits; to maintain, preserve and beautify burial lots and grounds owned by the Association for the remains of its deceased members; to erect and preserve monuments on such burial lots and grounds; and to do any and all things necessary or incidental to its general purpose, as the By-Laws prescribe.

The Association will seek to accomplish these purposes by the following plan of operation:

Funds shall be provided by means of dues and assessments to be paid by its members, such appropriations or payments as may be made to said Association by the State of Minnesota or the City of Minneapolis through tax levy or otherwise, and from donations and other legitimate sources. Two Funds shall be secured, established and maintained, each of which shall be kept separate and apart from the other. One shall be known as the Special Fund, and the other as the General Fund.

The Special Fund includes all monies and other assets derived from the State of Minnesota or the City of Minneapolis. The Special Fund shall be expended only for purposes which are, or shall be, authorized and

permitted by the statutes of this State. All of the Special Funds not required for immediate use shall be invested in investments that are lawful investments for the funds of the Minnesota State Retirement System. The Board of Trustees ("Board") may select and appoint investment agencies to act for and in its behalf for the investments of the Special Fund; may contract with a trust company authorized to do business in the State of Minnesota for the investment of its funds in an agency account; or may contract with the State Board of Investment for the investment of funds of the Special Fund.

The General Fund shall contain all monies and other property obtained by the Association from all sources other than the State and the City of Minneapolis. The General Fund may be expended for any purpose authorized by the elected Trustees and permitted by these Articles and by the By-Laws, which shall be adopted pursuant to and in conformity with these Articles. Monies and other assets in the General Fund may be used to invest in, purchase, sell, encumber, and manage real and personal property for the benefit of the Association. However, no such property transactions shall be made nor shall any money belonging to said Association ever be disbursed for any purpose without a majority vote of all the elected members of the Board present in favor of such disbursement or transaction, which shall be taken ayes and nays, and be entered to show how each member voted.

The funds of the Association may be expended as set forth in the By-Laws for the following purposes: Administrative Expenses; Sick Benefits, Funeral, Death, and Survivor Benefits; Pensions; and such other matters as may be prescribed or may be reasonably necessary to accomplish these purposes.

**ARTICLE III  
Membership**

The Association shall consist of active members, retired/survivor spouse members, deferred members, and honorary members, as defined below. Active members, retired/survivor spouse members and deferred members shall each have one vote. Honorary members have no right to vote. Dues shall be assessed against each member as set forth in the By-Laws.

1. **Active Member.** Every City of Minneapolis Firefighter who is eligible for membership in the Association under Chapter 177, Laws of Minnesota, 1933, shall be eligible to apply for membership in the Association. Upon compliance with the requirements of State Law, these Articles, and the By-Laws of this Association, a Firefighter may become a member of the Association. A Firefighter remains an active member as long as the Firefighter remains a member of the Minneapolis Fire Department.

2. **Retired/Survivor Spouse Member.** When an active member of the Association severs connection with the Minneapolis Fire Department, that member shall become a retired member of the Association and continue as such unless reinstated as a member of the Minneapolis Fire Department, in which event the retired person will again become an active member of the Association. Retired/Survivor Spouse members of the Association are those individuals who receive a service or disability pension or a survivor spouse pension.

3. **Deferred Member.** Deferred members are former active members who are no longer members of the Minneapolis Fire Department but are not yet entitled to benefits.

4. **Honorary Member.** Any citizen of the State of Minnesota may be made an honorary member of the Association by the Board. No honorary member shall have the right to vote at any Meeting of the Association, and no such member shall receive any pecuniary benefit or aid from the Association because of that membership.

#### **ARTICLE IV Officers and Trustees**

The officers of the Association may include a President, Vice President, Executive Secretary, Assistant Secretary, Treasurer, and Assistant Treasurer. No person except an active or retired/survivor spouse member of the Association shall be an officer of the Association. The officers shall have those duties and responsibilities as set forth in the By-Laws or as delegated by the Board and shall be compensated as provided in the By-Laws. All officers shall be elected each even numbered year by the Board at the Annual Meeting of the Association and immediately after the commencement thereof shall hold office for the term of two (2) years or until their successors are elected and qualified.

The Treasurer and Executive Secretary shall furnish to the Association a good and sufficient bond in such sum and with such sureties as shall be determined and approved by the Board, conditioned upon the faithful discharge of their duties, and for the safe keeping and paying over, according to Minn Stat 423C.03, subd 4 and 69.051, subd 2, of all monies which come into their possession as Treasurer or Executive Secretary, or such other bond as may be required by the statutes of this State. The Treasurer and Executive Secretary shall be reimbursed for the cost of the bond.

The business and affairs of the Association shall be managed by or under the direction of the Board. The Board shall consist of two persons appointed by the City of Minneapolis as required by Minnesota State Statutes and active and retired/survivor spouse members of the Association elected as hereinafter provided. The Association may have a medical advisor who may be elected from the honorary members.

Trustees shall be elected at the annual elections to be held as provided in the By-Laws. Active Trustees and retired/survivor spouse Trustees shall be elected by a vote of the entire voting membership.

Any member wishing to apply for a Trustee position must present a written request for candidacy to the Minneapolis Firefighters' Relief Association offices. A member shall only be allowed to run for one (1) position and must identify that position in their written request.

The Board of Trustees of the Minneapolis Firefighters' Relief Association is composed of twelve (12) members: two (2) Trustees appointed by the City of Minneapolis and ten (10) Trustees elected by the members from either the active or retired/survivor spouse membership as set forth below.

**Active Trustee Positions.** Beginning in the year 2000, the number of active Trustee positions shall be reduced according to the following schedule. All active Trustees shall be elected to serve three (3) year terms.

(a) When the active membership reaches or falls below twenty-five (25) members on or before August 31st of any year, the active Trustee positions shall be reduced to one (1) position at the next election in December and the Trustee position held by an active member shall be filled by a retired/survivor spouse member; and

(b) As long as there is at least one (1) member on active duty within the Minneapolis Fire Department there shall be at least one (1) Trustee position from the active members. This Trustee position will be from the active members until the last active member of the Association retires, terminates from active service on the Minneapolis Fire Department, or no active member applies for the position of Trustee, at which time this Trustee position shall be from the retired/survivor spouse members.

At each election following December 1999, when the number of active Trustees is decreased, the number of retired/survivor spouse Trustees shall be increased by the same number thereby maintaining ten (10) members elected to the Board. These additional Trustees shall serve three (3) year terms and stand for election every three (3) years thereafter.

#### **ARTICLE V Meetings**

1. **Annual Meeting.** An Annual Meeting of the Association shall be conducted following the Regular Board Meeting in December of each year. Immediately after the commencement of the Annual Meeting of the Association, the Board, including the newly elected members, shall organize and elect all officers to the positions required by these Articles.

2. **Regular Meetings.** The Board shall also hold such Regular Meetings as the By-Laws prescribe.

3. **Special Meetings.** A Special Meeting of the General Membership of the Association may be called by the President or Executive Secretary at any time. In addition, a Special Meeting of the Membership must be called whenever directed by three (3) Board members or requested in writing by ten percent (10%) or more of the voting membership. No Special Meeting of the Association shall be held, except upon written notice by the President or Executive Secretary specifying the object and purpose for which it is called. This Notice shall be posted in a conspicuous place in each location of the Minneapolis Fire Department where active members are assigned and published in the official newspaper of the Association once at least three (3) days prior to the Meeting. No business shall be transacted at any Special Meeting of the Association not referred to in general terms in the notices so posted.

In addition, no Special Meeting of the Board shall be held unless notice thereof is given each member of the Board at least three (3) days prior thereto. The Board shall not transact any unusual or extraordinary business at any Special Meeting unless written notice is given to each Trustee at least two (2) days in advance that such business will be considered and acted upon at such Meeting.

4. **Right to Attend Meetings.** Every active, retired/survivor spouse and deferred member shall have the right to attend any Meeting of the Association and participate in the proceeding thereof in person.

## **ARTICLE VI**

The Association shall have perpetual existence.

## **ARTICLE VII**

The Association shall not afford pecuniary gain, incidentally or otherwise, to its members.

## **ARTICLE VIII**

No member, including officers and Board members, shall be personally liable for any obligations incurred by the Association. Unless a lawsuit involves a suit for benefits, members suing the Association must post a \$20,000 bond for MFRA defense costs. If the suit is unsuccessful, the member(s) will pay the Association's legal fees and other costs incurred. In the alternative, a member may request that any dispute with the Association will be mediated by a process established by the Board.

## **ARTICLE IX**

The Association shall not have any capital stock.

## **ARTICLE X** **Amendments of Articles**

These Articles may be amended as set forth in the By-Laws.

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# MINNEAPOLIS FIREFIGHTERS' RELIEF ASSOCIATION

## BY-LAWS

JUNE 2006

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**BY-LAWS  
of the  
MINNEAPOLIS FIREFIGHTERS'  
RELIEF ASSOCIATION**

**SECTION I  
Membership**

1. All active members shall pay dues to the Association as follows:

(a) The City Finance Officer, or other disbursing officer of the City of Minneapolis shall deduct from the salary of each active member of the Association eight percent (8%) of the maximum rate of salary from which retirement and survivorship credits and amounts of benefits are determined, and pay the same to the Association for credit to the Special Fund of the Association, until the member attains twenty five (25) years of service at which time the Association shall deposit said contribution into that member's special health insurance account.

(b) The City Finance Officer, or other disbursing officer of the City of Minneapolis shall deduct from the salary of each active member of the Association one-half of one percent (1/2%) of the maximum rate of salary from which retirement and survivorship credits and amounts of benefits are determined, and pay the same to the Treasurer of the Association for credit in the General Fund of the Association.

2. The Executive Secretary, or a designated employee of the Association, shall transfer from deductions under Section I, herein, an amount equal to the sum of one tenth of one percent (1/10%) of a maximum monthly first grade Firefighter's salary for each active member of the Association for legislative expenses in connection with legislation pertaining to the Association. Any said amounts not so expended during any such period will be accumulated for expenditure for any period in the future.

3. Any active member of the Association, upon severing connection with the Minneapolis Fire Department, shall cease to be an active member of the Association, and shall be deemed a retired member. Such member who is subsequently reinstated in the Minneapolis Fire Department may again become an active member of the Association by presenting to the Board a written application, along with a certificate from the Chief of the Minneapolis Fire Department, or other satisfactory evidence of reinstatement, and a medical report from the Minneapolis Firefighters' Relief Association medical advisor. Upon approval of an application for reinstatement by the Board, the individual shall again become an active member of the Association.

4. The name of any active member of the Association who ceases for any cause to be a member of the Minneapolis Fire Department shall be stricken from the list of active members.

5. Any individual entitled to become a retired/survivor spouse member of the Association, as set forth in Article III, 2 of the Articles of Incorporation, who wishes to become a retired/survivor spouse member shall present a written, signed application stating the individual's name, age, and residence address, along with satisfactory proof of retired/survivor spouse status.

6. All retired members shall pay to the Association dues as follows:

(a) It shall be the duty of the Executive Secretary to deduct the amount of one twentieth of one percent (1/20%) of a maximum monthly first grade Firefighter's salary from every service and disability retired member's monthly pension check (deferred members are exempt from payment during the period of their deferral) for credit to the General Fund of said Association.

(b) It shall be the duty of the Executive Secretary to deduct the amount of one fifteenth of one percent (1/15%) of a maximum monthly first grade Firefighter's salary from every service and disability retired member's monthly pension check (deferred members are exempt from payment during the period of their deferral); these funds will be deposited into the Political Fund.

7. All survivor spouse members shall pay to the Association the following dues:

(a) It shall be the duty of the Executive Secretary to deduct the amount of one fortieth of one percent (1/40%) of the maximum monthly first grade Firefighter's salary from every survivor spouse member's monthly pension check for credit to the General Fund of said Association.

(b) It shall be the duty of the Executive Secretary to deduct the amount of one thirtieth of one percent (1/30%) of a maximum monthly first grade Firefighter's salary from every survivor spouse member's monthly pension check; these funds will be deposited into the Political Fund.

**SECTION II  
Board of Trustees**

1. The business and affairs of the Association shall be managed by or under the direction of the Board of Trustees ("Board").

2. The Board shall promulgate a travel policy setting forth expense reimbursement to Trustees for attending to Association business. These amounts shall be deducted first from the Special Fund to the extent the expenses have been actually incurred and paid by the Trustee. Amounts not covered by the Special Fund and paid by the Trustee shall be deducted from the General Fund.

3. An Annual Meeting of the Association shall be conducted following the Regular Board Meeting in December of each year. In addition to the Regular Meeting of the Board on the day of the Annual Meeting, there shall be Regular Meetings of the Board at the Relief Association offices every February, May, August and November, commencing at 9:00 a.m., on the 15th of the month. Special Meetings may be called pursuant to Restated Articles of Incorporation, Article V, Meetings, 3. Special Meetings. Should it become necessary to change the date, time, or location of these Meetings it shall be the responsibility of the President, or his designee, to make said changes and to notify the membership and each Trustee as to the new date, time and location of such Meeting at least one (1) day prior thereto.

Special Meetings of the Board may be called at any time in the manner provided by the Restated Articles of Incorporation.

4. The Board shall adopt a set of Rules and Regulations for the government of the Board, officers, and committees of said Association. All Meetings of the Board and committees shall conform to the Minnesota Open Meeting Law.

5. A majority of the Board shall constitute a quorum for the transactions of business, but no motion shall prevail unless a majority of the Trustees present vote in its favor.

6. Any proposed settlement of litigation reached in or out of court shall be reduced to writing and shall be subject to a vote of approval by the Board of Trustees. Unless a lawsuit involves a suit for benefits, members suing the Association must post a \$20,000 bond for MFRA defense costs. If the suit is unsuccessful, the member(s) will pay the Association's legal fees and other costs incurred. In the alternative, a member may request that any dispute with the Association will be mediated by a process established by the Board.

### **SECTION III Officers**

1. The officers of this Association shall consist of a President, Vice President, Executive Secretary, Treasurer, Assistant Secretary, and Assistant Treasurer, and shall be elected by the Board at the Annual Meeting of the Association and immediately after the commencement thereof. Every elected officer of the Association shall take office immediately following election at the even numbered Annual Meeting and hold the office for two (2) years and, until a successor is elected and qualified.

#### **President**

2. The President shall attend and preside at all Meetings of the Association and Board; sign all orders drawn upon the Treasurer and all other documents requiring the President's signature; appoint from the Trustees, at the Annual Meeting of the Board to be effective January 1st of the following year, the several committees of the Association, and the President shall be an ex-officio member of each such committee; receive all bonds of the officers of the Association and, after they have been approved by the Board and recorded in the books of the Association by the Executive Secretary, deposit them in some suitable place for safe keeping; be advised of all Meetings with professional providers, cosign all communications to the entire membership and to perform such other duties as usually appertain to the office. The President shall receive as compensation for services a sum not to exceed ten percent (10%) of the maximum monthly salary of a first grade Firefighter per month and such per diem expenses as may be authorized by the Board.

3. After the annual election of officers and at the Meeting of the Board held for that purpose, the President shall appoint Trustees to standing committees. The Trustees shall serve on the committees for the ensuing year unless they are removed for cause before expiration of the year.

#### **Vice President**

4. The Vice President shall perform the duties of the President in the absence, unavailability, or incapacity of the President and shall receive as compensation for services a sum not to exceed two and one-half percent (2½%) of the maximum monthly salary of a first grade Firefighter per month and such per diem expenses as may be authorized by the Board. In the absence, unavailability, or incapacity of both President and Vice President, the Board shall elect a President Pro Tem to carry out the duties of President.

#### **Executive Secretary**

5. The Executive Secretary, or a designated employee of the Association, shall keep an accurate record of all the Meetings of the Association and the Board and of all business transactions by the Association; turn over all monies received to the Treasurer within five days from the receipt thereof; maintain a list of all members of the Association showing the date when each person became, or ceased to be a member; maintain an account with each member showing the amounts paid to the Association as initiation fees, dues, fines, assessments, or other purposes; and maintain an accurate account of all monies received and disbursed by the Association.

6. The books of the Executive Secretary shall be at all times subject to inspection by any member of the Board, or by the public examiner of the State.

7. The Executive Secretary shall make a written report at each Regular Meeting of the Board, showing the names of all persons who have become members or ceased to be members since the last report; the amount of money received since the last report and from what source, and the amount of money paid out and expended during such time and for what purpose; and such other information as shall show the general condition of the Association.

8. The Executive Secretary, or a designated employee of the Association, shall examine all claims against the Association and ascertain and report to the Board whether or not they are proper and correct before the allowance thereof by the Board.

9. The Executive Secretary shall draw all warrants on the Treasurer and countersign them after they have been signed by the President and perform such other duties as are customary for that office.

10. The Executive Secretary shall furnish a good and sufficient bond, in accordance with the Restated Articles of Incorporation, on the faithful performance of duty and for the turning over of all money that comes into the Executive Secretary's possession to the Treasurer. The cost of the bond shall be paid by the Association. The bond shall be filed with the Treasurer within ten days after the election of the Executive Secretary. The Executive Secretary shall receive as compensation for services a sum not to exceed fifty percent (50%) of the maximum monthly salary of a first grade Firefighter and such per diem expenses as may be authorized by the Board.

11. The Executive Secretary, if other than an active member, shall receive a salary that may not exceed the highest salary currently received by the executive director of the Minnesota State Retirement System, the Public Employees Retirement Association, or the Teachers Retirement Association.

#### **Assistant Secretary**

12. The Assistant Secretary shall assist the Executive Secretary and assume the duties of the Executive Secretary in the event of absence, unavailability, or incapacity of the Executive Secretary and shall receive as compensation for services a sum not to exceed two and one-half percent (2½%) of the maximum monthly salary of a first grade Firefighter per month and such per diem expenses as may be authorized by the Board.

## **Treasurer**

13. The Treasurer shall be responsible for all monies belonging to the Association and maintain them, subject to the order and direction of the Board; be responsible for an accurate account of all monies received and disbursed in books kept for that purpose; be responsible for the maintenance of a separate and distinct account of the two Funds of the Association; have prepared and present to the Board, at each Regular December Meeting thereof and at such other times as the Board shall direct, a complete and detailed statement in writing of the assets of the Association and the amount belonging to each Fund; and collect all interest on certificates of deposit, bonds, and other obligations held and owned by the Association.

14. The Treasurer, or a designated employee of the Association, shall be responsible for depositing all monies received, within five (5) days after receiving the same, in such bank or banks as have been designated by the Board for such purpose in the name of the Association. If a certificate of deposit is issued, it shall be payable to the order of the Association and not to the order of the Treasurer. No monies of the Association shall be paid out or disbursed by the Treasurer, except upon a warrant drawn upon the Treasurer by the Executive Secretary and countersigned by the President, or other officer of the Board, stating the purpose for which the money is paid.

15. No certificate of deposit issued to the Association shall be paid by the bank issuing it, or in any manner transferred, unless endorsed by the Treasurer and attested to by the President and Executive Secretary, or in their absence a combination of two (2) Board officers.

16. The Treasurer, or a designated employee of the Association, shall be the custodian of and responsible for the safe keeping of all bank books, certificates of deposit, notes, bonds, securities, and other obligations for the payment of monies belonging to or held in trust by the Association, and shall deliver the same and all monies and all other properties in the Treasurer's possession belonging to the Association to the Treasurer's successor in office or to any person or committee authorized by the Board of Trustees to receive same.

17. The Treasurer shall furnish a good and sufficient bond, in accordance with the Restated Articles of Incorporation and Minn Stat 69.051, subd 2, and when so executed, deliver the same to the Association.

18. The Treasurer, or a designated employee of the Association, shall furnish to the Executive Secretary from time to time such information as may be required to perform the duties of the office and perform such other duties as are customary for that office, and shall receive as compensation for services a sum not to exceed two and one-half percent (2½%) of the maximum monthly salary of a first grade Firefighter per month and such per diem expenses as may be authorized by the Board.

## **Assistant Treasurer**

19. The Assistant Treasurer shall assist the Treasurer and assume the duties of the Treasurer in the event of absence, unavailability, or incapacity of the Treasurer and shall receive as compensation for services a sum not to exceed two and one-half percent (2½%) of the maximum monthly salary of a first grade Firefighter

per month and such per diem expenses as may be authorized by the Board.

## **Non Officer Trustees**

20. All other elected Trustees shall receive as compensation for services a sum not to exceed two and one-half percent (2½%) of the maximum monthly salary of a first grade Firefighter per month and such per diem expenses as may be authorized by the Board.

## **SECTION IV Definition of a Unit**

1. A unit, as referred to in these By-Laws, shall be one eightieth (1/80) of the maximum monthly salary of a first grade Firefighter on the first day of the month in which the pensions provided for in the Restated Articles of Incorporation and By-Laws of this Association are paid.

## **Definition of Salary**

2. The term "salary" includes the following elements of compensation, to the extent they are payable under a collective bargaining agreement: a. base wages; b. FLSA overtime attributable to the regularly scheduled work period; c. selection premium pay; d. the uniform and professional allowance paid to Firefighters; e. longevity payments; f. an average of overtime actually worked in excess of FLSA overtime amounts by Firefighters with 25 years or more of service, up to a maximum of 136 hours, in the immediately preceding year; and g. the maximum sick leave and vacation buy-back benefit available to first grade Firefighters. Any new item of compensation granted to first grade Firefighters in the collective bargaining process after April 15, 1995 may be included in salary by action of the Board of Trustees of the Relief Association, provided that at least 50 percent (50%) of all first grade Firefighters are eligible to receive the new compensation item. The amount to be included in salary for any such new compensation item shall be the average amount paid to those first grade Firefighters who received the compensation item. Salary shall not include severance payments, worker's compensation payments, and employer-paid amounts used by employees toward the cost of health and medical insurance coverage.

Any reference to the term top grade or first grade Firefighter shall have the same meaning.

## **SECTION V Temporary Disability Pension**

Whenever any active member of the Association, in good standing, becomes incapacitated from performing the duties of an active member in the Minneapolis Fire Department, by reason of sickness or accident, the member shall be paid from the Special Fund of the Association at month's end a temporary pension not to exceed 40 units per month, said pension to take effect from the time the member is dropped from the City payroll on account of the expiration of that member's leave of absence with pay. No such benefits shall be paid in full until the member has made an application to the Association office thereof, which application shall be in writing, duly verified by the applicant and accompanied by a certificate from a qualified medical personnel, stating the nature and cause of the disability; when it commenced; how long it continued; and other such facts as will enable the Board to act intelligently upon the same. In no event shall a temporary disability benefit be paid for any period

during which the member is on the city payroll, including periods which the member is on the payroll for purposes of utilizing vacation, sick leave or compensatory time donated to the member by other employees pursuant to any sick leave donation program.

## **SECTION VI Survivor, Dependent and Death Benefits**

1. Upon the death of any vested member of this Association, in good standing, there shall be allowed and appropriated out of the General Fund of this Association the sum of One Thousand Two Hundred Dollars (\$1,200) to defray or assist the family of the deceased with the funeral expenses of the deceased.

2. No person shall be interred in the cemetery lots owned and controlled by the Association, except an active member of the Association in good standing at the time of death, or a former active member on pension at the time of death.

3. Upon satisfactory proof of the death of an active member or a retired member of the Association leaving a survivor spouse or a child or children who is entitled to a pension, pursuant to the provisions of the Restated Articles of Incorporation of the Association, the Board shall allow a pension to be paid out of the Special Fund of the Association as follows:

(a) To the survivor spouse of an active member, at the time of death, a monthly amount equal to the number of units representing a 100% survivor spouse option choice.

(b) To the survivor spouse of a retired or deferred member who retires with less than twenty (20) years of service and for reasons other than disability, the sum of one (1) unit per month for each active year of service up to nineteen years that the deceased member shall have earned, provided, however, that to receive this benefit the survivor spouse must have been legally married to the Firefighter at least one (1) year immediately preceding retirement from the Minneapolis Fire Department, or be married two (2) years after retirement from the Minneapolis Fire Department, and must have been married to and residing with the Firefighter at the time of the Firefighter's death.

(c) To the survivor spouse of a retired or deferred member who retires with twenty (20) years or more of active service and for reasons other than disability, a monthly sum equal to the amount of units provided by the option chosen by the eligible member. However, to receive this benefit the survivor spouse must have been legally married to the Firefighter at least one (1) year immediately preceding retirement from the Minneapolis Fire Department, or married two (2) years after retirement from the Minneapolis Fire Department, and must have been married to and residing with the Firefighter at the time of the Firefighter's death.

(d) To the survivor spouse of a retired member who was placed on a disability pension, a monthly sum equal to the amount of units provided, by the option chosen by the eligible member. However, to receive this benefit, the survivor spouse must have been legally married to the Firefighter prior to his retirement from the Minneapolis Fire Department, or married two (2) years after disability retirement from the Minneapolis Fire Department, and must have been married to and residing with the Firefighter at the time of the Firefighter's death.

In accordance with Chapter 269, Section 2, Minnesota Session Laws of 1991, any subsequent marriage of a survivor spouse, shall not disqualify that survivor spouse from receiving the survivor benefit she was previously qualified to receive. However, a survivor spouse shall be limited to one (1) survivor spouse benefit from this Association at a maximum of the number of units per month as provided in the option chosen by the eligible member qualifying the spouse for benefits.

(e) To each child under eighteen (18) years of age of a retired or deferred member who retires with less than twenty (20) years of service, the sum of four tenths (.4) of a unit per month for each year of service of the deceased member not to exceed eight (8) units per child, provided, however, upon approval by the Board, such a child who is a full time student may be entitled to this benefit so long as that child is a full time student and has not reached twenty-two (22) years of age. If the student becomes married and is no longer a dependent of the survivor spouse, the person shall not be entitled to any such benefits.

(f) To each child under eighteen (18) years of age of a retired or deferred member with twenty (20) or more years of service or a disability pensioner, the sum of eight (8) units per month, but in no case shall the amount paid to the survivor spouse with children exceed the sum of a twenty five (25) year service pension per month, provided, however, upon approval by the Board, such a child who is a full time student may be entitled to this benefit so long as that child is a full time student and has not reached twenty-two (22) years of age. If the student becomes married and is no longer a dependent of the survivor spouse, the person shall not be entitled to any such benefits.

(g) To each child under eighteen (18) years of age of a deceased active member, the sum of eight (8) units per month, but in no case shall the amount paid to the survivor spouse with children exceed the sum of a twenty five (25) year service pension per month, provided, however, upon approval by the Board, such a child who is a full time student may be entitled to this benefit so long as that child is a full time student and has not reached twenty-two (22) years of age. If the student becomes married and is no longer a dependent of the survivor spouse, the person shall not be entitled to any such benefits.

(h) In the event of the death of both parents leaving a minor child or children entitled to a pension under the Restated Articles and By-Laws of this Association, the Board shall pay a pension in such sums as may be necessary for the care and education of such child or children as in the discretion of the Board may be necessary, but not to exceed the sum of a twenty five (25) year service pension per month, to the children of any one family.

The pension due to any minor child or children shall be paid to the legal guardian of such child or children.

4. A survivor spouse of a member on the permanent disability pension rolls shall receive a monthly amount equal to the number of units provided by the survivor spouse option chosen by the eligible member. A survivor spouse shall be limited to one (1) survivor spouse benefit from this Association.

5. Each child under eighteen (18) years of age shall receive the sum of eight (8) units per month, provided, however, upon approval by the Board, such a child who is a full time student may be entitled to such pension so long as that child is a full time student and has not reached twenty-two (22) years of age. If the student becomes married and is no longer a dependent of the survivor spouse, the person shall not be entitled to any such benefits. However, in no case shall the amount paid to any survivor spouse with children exceed the sum of a twenty-five (25) year service pension per month. In the event of the death of a survivor spouse leaving minor children, the Board shall pay the pension to which the minor children are entitled, to their legal guardian. Any child receiving a pension under these By-Laws, shall cease to draw said pension after that child reaches the age of eighteen (18) years, except as provided herein for a full time student.

6. If a member or former member of the Minneapolis Fire Department becomes married after placement on the pension roll, neither the survivor spouse of such marriage, nor any children of said marriage, shall participate in or be entitled to any of the benefits or pension accruing from the Association upon the death of the retired member. However, a surviving spouse of a deceased service pensioner, disability pensioner or deferred pensioner, who is otherwise not qualified, may receive a benefit if the surviving spouse was legally married to the decedent for a period of two (2) years and was residing with the decedent at the time of death. The surviving spouse benefit is the same as that provided under Section VI, 3 and 4, except that if the surviving spouse is younger than the decedent, the surviving spouse benefit must be actuarially equivalent to a surviving spouse benefit that would have been paid to the member's spouse had the member been married to a person of the same age or a greater age than the member's age prior to retirement. A benefit paid under this paragraph may be less than 17 units, notwithstanding the 17 unit minimum established by Minnesota Statute 69.48.

7. For the purposes of these By-Laws, a full time student is defined as an individual who is in full time attendance as a student at an educational institution. Whether or not the student is in full time attendance will be determined by the Board in light of the standards and practices of the school involved. Specifically excluded is a student who is paid by the student's employer while attending school at the request of that student's employer. Benefits may continue during any period of four (4) calendar months or less in any twelve (12) month period in which a person does not attend school, if the person shows to the satisfaction of the Board the intention to continue in full time school attendance immediately after the end of the period. An educational institution is defined so as to permit the payment of benefits to students taking vocational or academic courses in all approved, accredited, or licensed schools, colleges, and universities. The Board shall make the final determination of eligibility for benefits if any question arises concerning the approved status of the educational institution that the student attends or proposes to attend.

8. In the event that a dependent child who is receiving a pension as provided above shall marry before reaching the age of twenty-two (22) years, the pension

shall cease as of the date of the marriage, if the person is no longer a dependent of the survivor spouse.

9. (a) A member who is unmarried and has no child or children eligible to receive a pension may name anyone as beneficiary, to receive a death benefit.

(b) If an active, deferred, or retired member of the Association dies and no survivor benefit is payable, the designated beneficiary of the decedent or, if none, the legal representative of the estate of the decedent is entitled, upon application, to a refund. The refund shall be an amount equal to the member contributions to the credit of the decedent, plus interest on those contributions at an annual compound rate of five percent (5%) from the first day of the month following the date of the contribution to the first day of the month following the date of death of the decedent, reduced by the sum of any service pension or disability benefit previously paid by the Fund to the decedent excluding any Post Retirement Benefit payments.

## SECTION VII Pensions

1. Whenever any active member of the Association shall, by reason of sickness or accident become so disabled as to be unable to perform firefighting duties on the Fire Department, said member shall, from the time of retirement from the Fire Department, be entitled to receive from the Association during such disability, the pension hereinafter stated, providing that no allowance for such disability shall be made unless notice of such disability and application for benefits on account thereof shall be made, in writing, by or on behalf of the disabled member to the Association office within ninety (90) days after the beginning of such disability.

2. Should the inability to perform duties, or the disability, result from accidental injuries arising out of and in the course of employment other than as a member of the Minneapolis Fire Department, no disability pension shall be allowed.

3. In all cases where the employment of a member of the Minneapolis Fire Department has been terminated by order of the administrative authority having final jurisdiction, after a hearing, upon the ground that such member is disabled, and that such physical or mental disability renders the member permanently unable to perform firefighting duties on the Minneapolis Fire Department, that member shall be entitled to be placed on the pension rolls as a retired disabled member. Should any such disability be of a permanent nature, and directly related to any incident while actively engaged in the line of duty work as a firefighter, the member, upon examination by medical professionals and completion of the application process as established by the MFRA Board of Trustees, may present the facts of his disability to the Board of Trustees for a determination as to the granting of a tax free permanent disability status as provided for by the State and Federal governments at the established MFRA permanent disability rate. In all matters related to line of duty injuries and diseases the service related presumption for heart, cardiovascular diseases, and cancer set forth in Minnesota Statute, §176.011, subdivision 15, shall be applied to any application for service related disability retirement when accompanied by a certificate from a qualified expert setting forth the permanent nature of the disability or disease. The presumption shall be rebuttable as provided by law.

4. Retired members on a disability pension shall be those members who, through injury or sickness, have become so disabled as to be unable to perform Firefighting duties on the Minneapolis Fire Department. They shall be placed on the pension roll and receive a pension of 41 units per month.

5. All applications for pensions shall be made in writing to the Association office within ninety (90) days after the applicant has ceased to be a member of the Fire Department and shall be accompanied by the affidavit of the applicant, stating the cause and nature of the disability, the length of time the disability has existed, and the amount of relief he has drawn from the Association for the disability. The application shall not be acted upon until after the applicant has been examined by the Association medical advisor and a report received from the medical advisor. After the report of the medical advisor has been received, the Board shall, if it considers the applicant disabled, place the applicant's name on the pension roll or may order the applicant to appear before the Board of Examiners and a hearing on the application at a time and place to be fixed by the Board. In addition, the Board shall have the power at any time to order an examination and a hearing thereon, at which hearing the applicant or his legal representative shall be present and to drop the retired member from the pension roll if the disability is removed. If any applicant or retired member feels aggrieved by any action of the Board, that person shall, within ninety (90) days from the notice of such action of the Board, file written objections and the reasons thereof with the Board, and the Board may order the objecting applicant or retired member to appear before said Board for further examination.

6. Any member of the Association who has served or is serving, in the paid Minneapolis Fire Department, shall be placed on the service pension roll, upon application and compliance with the following conditions: The member shall have completed active duty for a period of five (5) years or more; shall have arrived at the age of fifty (50) years or more; and shall have been or shall be entitled to be retired from service in the Minneapolis Fire Department. However, no pension shall be paid to any person who remains a member of the Minneapolis Fire Department. When a benefit is properly paid, in accordance with the laws governing the MFRA, the dollar amount cannot be reduced by any collective bargaining efforts between the City and/or the Firefighter's bargaining units. All persons placed on the pension roll under provisions of this section shall receive, as a pension, the following sum:

length of credited service	service pension payable
20 years	34.0 units
21 years	35.6 units
22 years	37.2 units
23 years	38.8 units
24 years	40.4 units
25 years	42.0 units
25 years (single)	42.3 units

7. Any member of the Minneapolis Fire Department who retires from service after serving five (5) years or more and has not arrived at the age of fifty (50) years shall be placed on the roll of deferred pensioners. Upon

reaching the age of fifty (50) years, the person shall be entitled to receive the pension authorized under Section VII, 6, of these By-Laws; but such person shall not be entitled to receive any sick or accident benefits authorized in Section VII, 1, of these By-Laws. Such member shall not be required to pay any dues or assessments to the Association. In the event of the death of such person who retired on a service or deferred pension, leaving a survivor spouse to whom the decedent was legally married at least one (1) year before retirement, or two (2) years after retirement, from the Minneapolis Fire Department and with whom the decedent was residing at the time of death, the survivor spouse, and any minor children, shall be entitled to be placed on the pension roll pursuant to the provisions of Section VI, 3, of these By-Laws. Note: The Minnesota State Legislature, the Minneapolis City Council and the Association have approved Laws 2000, Chapter 461, Article 17, Section 6 to provide a pension to an individual who otherwise did not qualify for the benefit provided in this paragraph and Section VI, paragraph 3, 4 and 6 of these By-Laws.

8. If any applicant for a service pension who, subsequent to entry into the service of the Minneapolis Fire Department, leaves the active service of the Minneapolis Fire Department to serve in the military forces of the United States in any war or national emergency, or having, during such war or emergency, left the active service of the Minneapolis Fire Department to enter the employment of the government of the United States and in such service rendered fire protection services during such war or emergency and has returned after honorable discharge from such service, and within six months after such discharge either applied for reinstatement in or resumed active duty in the Minneapolis Fire Department, the period of absence in such service of the United States shall be counted in computing the period of service provided in the By-Laws. However, during such period of military or fire prevention service, the person shall not be considered an active member of this Association. No member of this Association shall be granted credit toward a service pension for military or fire prevention service rendered to the United States government subsequent to July 1, 1961, except as follows:

(a) Credit shall be granted for such service rendered subsequent to July 1, 1961, but such credit shall not exceed six (6) calendar years.

(b) No credit shall be granted for such service rendered subsequent to July 1, 1961, if such service credit for service rendered prior to July 1, 1961, equals or exceeds six (6) calendar years. If such service credit for service prior to July 1, 1961, is less than six (6) calendar years, credit for service subsequent to July 1, 1961, shall be added to such prior service, but in no case shall such total service credit exceed six (6) calendar years.

9. A retired, deferred or disabled member may elect an optional retirement annuity, within 60 days of the effective date of this section, instead of the normal retirement pension. A member who retires or becomes disabled after the effective date of this section may elect an optional retirement annuity prior to the receipt of any benefits. The optional retirement annuity may be a 50 percent (50%), a seventy five (75%), or a 100 percent (100%) joint and survivor spouse annuity with or without reinstatement in the event of the designated

beneficiary predeceasing the member. An optional retirement annuity must be actuarially equivalent to the service pension and automatic survivor coverage otherwise payable to the retiring member and the member's beneficiaries. Once selected, the optional annuity is irrevocable.

10. A retired member submitting an application for a service pension who was not legally married on September 1, 1997, and remained unmarried on October 25, 2001, may, if the member had obtained 25 years of service credit on or before October 25, 2001, select a service pension of 42.3 Units in lieu of a service pension under MN Statutes 423C.05 subdivision 2. Should a member marry after receiving this additional benefit of .3 units, the spouse of the member is not eligible for a pension until the additional amount of money paid to the member, plus interest at 5% per annum, is repaid to the Fund. The surviving spouse, if otherwise qualified, shall be then entitled to a pension in accordance with the provisions of the Laws and By-Laws governing the Association.

### **SECTION VIII Post Retirement Benefit**

1. The Association shall pay an annual post retirement payment to all eligible members, survivor spouses, dependent children, or orphans in an amount not to exceed five tenths of one percent (.5%) of the assets of the Fund, except when the actuarial value of assets of the Fund is greater than one hundred and two percent (102%) of its accrued liabilities in which case the amount of the post retirement payment may not exceed one and one half percent (1½%) of the total assets of the Fund. Payment of the annual post retirement payment shall be in a lump sum amount on or about June 1 following the determination date in any year. Payment of the annual post retirement payment shall be made only if the average time weighted total rate of return earned by the Fund in most recent prior five (5) fiscal years exceeds by two percent (2%) the average percentage increase in the current monthly salary of a first grade Firefighter in the most recent prior five (5) fiscal years. Payment to each eligible member shall be calculated by dividing the total number of pension units to which eligible members, survivor spouses, dependent children, or orphans are entitled in that calendar year into the excess investment income available for distribution to members, survivor spouses, dependent children, or orphan's annual post retirement payment. When the Fund's actuarial value of assets is less than 102% of its actuarial accrued liabilities, payment to each eligible member, survivor spouse, dependent child, or orphans shall not exceed an amount equal to the total monthly benefits that the eligible member, survivor spouse, dependent child, or orphan was entitled to in the prior year under the terms of the pension Plan. When the actuarial value of assets of the Fund are greater than one hundred and two percent (102%) of its accrued liabilities, payment to each eligible member must not exceed the member's proportionate share of one and one half percent (1½%) of the assets of the Fund.

2. The Association shall pay an annual additional post retirement payment based on the "net excess assets" of the Fund to all eligible members, survivor spouses, dependent children, or orphans. The payment of this benefit is dependent on the Fund having "total excess assets." Total excess assets exist if the market value of the

Fund's assets exceeds 110% of actuarial accrued liabilities of the Fund based on the most current actuarial report. The total amount available for distribution to members in any year is twenty percent (20%) of the total excess assets of the Fund times the ratio, expressed as a percentage, of the number of units active members have accrued to the total number of units all members have accrued as of December 31st of the preceding year, i.e. the "net excess asset amount". The payment of net excess asset amount may be made in a lump sum amount on or about June 1 following the determination date in any year, disbursed to eligible members in 12 equal installments, or disbursed in any other manner as determined by the Board. Payment of this benefit shall be made only if the most recently completed actuarial report indicates that a total excess asset amount and a net total excess asset amount exist. The payment to each eligible member shall be determined as follows: the total number of pension units to which all eligible members, survivor spouses, dependent children, or orphans were entitled in the preceding calendar year shall be divided into the net excess asset amount available for distribution, thereby resulting in a per unit amount; the per unit amount shall then be multiplied by the number of units each eligible member, surviving spouse, dependent child, or orphan received in the preceding calendar year. When the Fund's actuarial value of assets is less than 110% of its actuarial accrued liabilities, no payment to each eligible members, survivor spouse, dependent child, or orphans shall be made.

### **SECTION IX Retirement Benefit**

Every member of the Association who retires after having completed a period or periods of service on the Minneapolis Fire Department totaling five (5) years shall be paid, upon retirement from the payroll of said department, out of the General Fund, the sum of Eight and 50/100ths Dollars (\$8.50) per month for each full month of active service on the department completed after May 1, 1957. More than half a month of service shall be construed as a full month. In case of the death of an active member of the Association, the survivor spouse or other beneficiary shall receive an amount calculated as provided herein upon the months of service of the deceased member, but without the requirement of any minimum years of service. An active member who retires because of disablement before completing five (5) years of service shall nevertheless be entitled to the payment, upon retirement, of the amounts provided herein.

### **SECTION X Special Health Insurance Account**

The Association will collect all employee Special Fund dues from the City, and it shall be the duty of the Association to deposit the dues of those with twenty-five (25) or more years with the Minneapolis Fire Department into a Special Health Insurance Account for distribution upon retirement to the qualifying member.

The Board shall annually determine the maximum monthly health insurance allotment from members' accounts based on the prevailing health care costs. Upon retirement, disability, (temporary or otherwise), or such later date as directed by the member, the member may request amounts and withdrawals within the annual limits set by the Board of Trustees. This amount shall be considered part of their pension. The payment shall continue until an individual's account is exhausted.

Payments from the Special Health Insurance Account to deferred pensioners need not be delayed until they begin receiving monthly pension benefits from the Association.

When a participating active or retired member dies, the survivor spouse or other beneficiary will receive a lump sum payment equal to the balance of the individual account balance, unless the survivor spouse or other beneficiary is entitled to receive a monthly survivor benefit from the Association. If so, they may elect a lump sum payment or the continuance of payments of the monthly amount determined by the Board.

In case of medical necessities, a retired or disabled participant may submit a request to the Board to be granted a portion of or the entire balance in the person's account, which the Board may, in its discretion, grant in whole or part or deny.

### **SECTION XI Annual Report**

The Board shall, at its Regular Meeting in December of each year, authorize and direct the Executive Secretary to have printed an Annual Report. The report shall contain such information as shall show clearly, in detail, the general condition of the Association. A copy of the report shall be furnished to the members.

Each member of the Board shall annually file a statement of economic interest with the Association office and the State of Minnesota Ethical Practices Board. The Executive Secretary of the Association shall annually disclose, in writing, the recipients of investment business with respect to investments made by the Association and placed with commercial banks, investment brokers, brokerage organizations, or other investment managers. This disclosure shall be available for inspection during the regular business hours of the Association and will be filed with the proper State and municipal offices.

### **SECTION XII Voting**

1. Nominations for elected Trustees shall be open for two weeks prior to the first Friday in October of each year. Any member who wishes to be a candidate shall provide written notice of the single Trustee position sought to the Association offices no later than 12:00 noon on the Friday nominations close. A member may file for candidacy for one position only.

Each candidate and finalist for a Trustee position may submit an 8 1/2 x 11 position paper to the MFRA office for a combined mailing to all MFRA members, at MFRA expense. Candidates' position papers will be mailed on the second Monday of October and are due no later than Noon on the preceding Friday. Finalists' position papers will be mailed on the third Monday of November and are due no later than Noon on the preceding Friday. Candidates and finalists shall supply the required number of copies to the MFRA office for this mailing.

If only one candidate for an elected Trustee position is nominated, the Board shall declare that candidate elected to the position being sought at the next Regular Board Meeting, and no Primary or General Election shall be deemed necessary. If there are more than two nominated candidates for any one elected Trustee position, a Primary Election will be held. Ballots for the

Primary Election will be mailed to all voting members' homes on the third Monday in October of each year. Executed ballots must be received in the Post Office Box, no later than 9:00 A.M. on Tuesday, fifteen days later to be valid and counted. The names of the two candidates for each elected Trustee position receiving the highest number of votes in the Primary Election shall be placed on the ballot for the General Election.

General Election ballots will be mailed to all voting members' homes on the fourth Monday in November. Executed ballots must be received in the Post Office Box, no later than 9:00 A.M. on Tuesday, fifteen days later to be valid and counted.

2. All voting shall be by secret ballot, and each active, retired, deferred and survivor spouse member of the Association shall be entitled to one vote. A double envelope procedure shall be used for the return of all executed ballots; an external envelope identifying the eligible voter and an internal envelope containing only the executed ballot without any markings identifying the voter. Only ballots received in the Post Office Box by the required dates and times will be valid and counted.

3. Replacement ballots may be obtained from the Association Executive Secretary or the Secretary's designee in cases of a voting member being away from home during the voting process or a ballot not being received at the voting member's home. Should any voting member submit more than one ballot, the tellers shall disallow all ballots cast by that member.

4. The Board shall appoint one (1) head teller who shall appoint a minimum of two (2) other tellers. They shall supervise all Primary and General Elections. The tellers shall be responsible for the mailing, safeguarding, opening, and counting of the ballots. The Executive Secretary shall provide the tellers with a complete list of all active or retired/survivor spouse and deferred voting members. The tellers shall place a check after the name of each member who has voted. Upon certifying the validity of all ballots received, the tellers shall present the election results to the Board. Each teller may be paid an expense allowance in an amount to be determined by the Board.

5. The Restated Articles of Incorporation and By-Laws may be amended by a majority vote of active, retired, survivor spouse and deferred members voting. Any member, including an elected Trustee, may propose an amendment to the Restated Articles of Incorporation and By-Laws by submitting the proposed amendment to the Chair of the By-Laws Committee or the Executive Secretary. The By-Laws Committee shall review the proposed amendment to ensure the proposed amendment is consistent with State Law and is properly worded to accomplish the change the member intends. Unless the member who proposed the amendment withdraws the amendment, the amendment will be submitted to the membership for a vote. The Board of Trustees may advise the membership of their recommendation in favor of or against any proposed amendment. Proposed amendments will be mailed to all voting members' homes at least twenty (20) days prior to the day the Board designates as the date of the count. Mailed notice of the proposed amendment shall be given by the President by designating any and all amendments proposed by number and a brief statement referring to the subject matter of such amendment, providing that no



amendment or alteration to the membership shall be adopted except upon written notice of the proposed amendment or alteration, setting forth its provisions.

6. Members of the Association may recall and have a special election of any Trustee(s) at any time. In order to have a recall and special elections, a petition must be signed by more than half (50%+) of the voting members of the Association. The petition must specify which Trustee(s) is/are to be recalled. Upon receipt of a valid petition (validity to be determined within twenty (20) days of receiving the petition), the Board will then terminate the term of office of any Trustee(s) so designated in the petition the day the petition is validated. Balloting for the vacant position will be done as provided in this section of the By-Laws, with the Primary Election (if necessary) immediately following the nominations and the balloting for the entire special election (Primary included) to be completed in the forty (40) day period following the nominations. Any qualifying member, including any Trustee(s) being recalled, may be nominated and/or apply for the special election position in question. The newly elected Trustee(s) from this special election will serve the remainder of the original terms of office of the Trustee(s) being recalled.

7. If a Trustee dies, resigns or otherwise vacates an elected Trustee position from the Board prior to the completion of a term, the remaining members of the Board shall appoint an eligible member, preferably a member with previous MFRA Board experience, to serve in the position until the next regularly scheduled general election, at which time the members will elect a person to serve the remainder of the unexpired term of the position which was vacated. The election will be held pursuant to the requirements of Section XII.

### **SECTION XIII Authorized Administrative Expenses**

1. The payment of the following necessary, reasonable, and direct expenses of maintaining, protecting and administering the Special Fund, when approved by the Board, in accordance with the provisions of these By-Laws, shall constitute authorized administrative expenses. Any other expenses of this Association shall be paid from the General Fund.

(a) Office expense including but not limited to rent, utilities, equipment, supplies, postage, periodical subscriptions, furniture, fixtures, and salaries of administrative personnel;

(b) Salaries of the President, Executive Secretary and Treasurer of the Association, or their designees and any other official of the Association to whom a salary is payable under these Articles of Incorporation and By-Laws in effect on January 1, 1986, and their itemized expenses incurred as a result of fulfilling their responsibilities as administrators of the Special Fund;

(c) Tuition, registration fees, organizational dues, and other authorized expenses of the officers or members of the Board incurred in attending educational conferences, seminars, or classes relating to the administration of the Association;

(d) Audit, actuarial, medical, legal, investment, and performance evaluation expenses;

(e) Reimbursement to the officers and members of the Board, or their designees, for reasonable and necessary

expenses actually paid and incurred in the performance of their duties as officers or members of the Board; and

(f) Reasonable compensation for services of qualified medical personnel, as determined by the Board, for purposes of assisting the Board in making determinations regarding disability and other matters required by these By-Laws.

(g) Premiums on fiduciary liability insurance and official bonds for the officers, members of the Board, and employees of the Association.

2. Any expense that is directly related to the purposes for which the General and Special Funds were established. The payment of that expense shall be apportioned between the two Funds on the basis of the benefits derived by each Fund.

### **SECTION XIV Articles and By-Laws**

The Restated Articles of Incorporation, By-Laws and Rules and Regulations of the Association shall be transcribed in a booklet. If there are any conflicts with State Law, State Law will prevail.

### **SECTION XV Laws, State of Minnesota**

Chapter 177, Session Laws of Minnesota for 1933, entitled "An Act Relating to Firemen's Relief Associations in Cities of the First Class, and Repealing Inconsistent Acts," is hereby adopted and made part of these By-Laws as of the date of its approval April 8, 1933.

Chapter 348, Session Laws of Minnesota for 1947, entitled, "An Act Relating to Firemen's Relief Associations in Cities of the First Class, Amending Minnesota Statutes 1945, Section 69.36," is hereby adopted and made a part of these By-Laws as of the date of its approval March 27, 1947.

Chapter 383, Session Laws of Minnesota for 1947, entitled "An Act Relating to Firemen's Relief Associations in Cities of the First Class; Amending Minnesota Statutes 1945, Section 69.44 and 69.45," is hereby adopted and made part of these By-Laws as of the date of its approval March 27, 1947.

Chapter 573, Session Laws of Minnesota for 1949, entitled, "An Act Relating to Firemen's Relief Associations in Cities of the First Class; Amending Minnesota Statutes 1945, Sections 69.44, 69.45 and 69.48," is hereby adopted and made part of these By-Laws as of the date of its approval April 21, 1949.

Chapter 557, Minnesota Session Laws of 1951, "An Act Relating to Firemen's Relief Associations of the First Class; Amending Minnesota Statutes 1959, Sections 69.27, 69.44 as amended, Section 69.45 as amended, and 69.48 as amended," is hereby adopted and made part of these By-Laws as of the date of its approval April 20, 1951.

Chapter 80, Minnesota Session Laws of 1953, entitled, "An Act Relating to Firemen's Relief Associations in Cities of the First Class; Amending Minnesota Statutes 1949, Section 69.44 and 69.45 as amended and repealing Section 5, Laws of 1951, Chapter 577," is hereby adopted and made part of these By-Laws as of the date of its approval March 4, 1953. Pertains to pension benefits.

Chapter 358, Minnesota Session Laws of 1955, entitled, "An Act Relating to Firemen's Relief Associations in Cities of the First Class; Amending Minnesota Statutes 1953, Section 69.41, 69.42, 69.44, 69.45 and 69.48," is hereby adopted and made part of these By-Laws as of the date of its approval April 6, 1955. Provides for the basing of pensions on units and defines a unit.

Chapter 590, Minnesota Session Laws of 1957, entitled, "An Act Relating to Firemen's Relief Associations in Cities of the First Class; Amending Minnesota Statutes 1953, Sections 69.36, 69.361, as amended," is hereby adopted and made part of these By-Laws as of the date of its approval April 24, 1957. Provides for increase in mill levy and increase in members' contribution.

Chapter 180, Minnesota Session Laws of 1957, entitled, "An Act Relating to Firemen's Relief Associations in Cities of the First Class; Amending Minnesota Statutes 1953, Section 69.29 as amended," is hereby adopted and made part of these By-Laws as of the date of its approval March 20, 1957. Provides for the retirement of members reaching age 65.

Chapter 213, Minnesota Session Laws of 1959, entitled, "An Act Relating to Maximum Age of Firemen Entering Into Fire Department Employment in the City of Minneapolis," is hereby adopted and made a part of these By-Laws as of the date of its approval April 10, 1959.

Chapter 491, Minnesota Session Laws of 1959, entitled, "An Act Relating to Eligibility of Firemen over the age of 35 Years for Membership in the Minneapolis Fire Department Relief Association," is hereby adopted and made part of these By-Laws as of the date of its approval April 24, 1959.

Chapter 670, Minnesota Session Laws of 1961, "An Act Relating to the Waiver of Pension, Retirement or Other Benefit Payments Available to Governmental Employees or Their Beneficiaries," is hereby adopted and made part of these By-Laws as of the date of its approval April 20, 1961.

Chapter 109, Minnesota Session Laws of 1961, "An Act Relating to and Limiting Service Credit for Military Service for Members of the Minneapolis Fire Department Relief Association," is hereby adopted and made part of these By-Laws as of the date of its approval March 16, 1961.

Chapter 521, Minnesota Session Laws of 1963, "An Act Relating to Payment Increases in Pension, Annuities, and Retirement Payments Heretofore or Hereafter Authorized," is hereby adopted and made part of these By-Laws as of the date of its approval May 6, 1963.

Chapter 318, Minnesota Session Laws of 1963, "An Act Relating to a Tax Levy in the City of Minneapolis for the Firemen's Relief Association," is hereby adopted and made part of these By-Laws as of the date of its approval April 24, 1963. Provides for increase in millage and member contribution.

Chapter 519, Minnesota Session Laws of 1965, "An Act Relating to the Firemen's Relief Association in the City of Minneapolis in Hennepin County, Providing for Certain Pensions for Widows and Children of Certain Deceased Members of Such Association and for Certain Other Benefits Therefore," is hereby adopted and made part of these By-Laws as of the date of its approval May 20, 1965.

Chapter 578, Minnesota Session Laws of 1965, "An

Act Relating to a Tax Levy in the City of Minneapolis for the Firemen's Relief Association, Amending Laws 1963, Chapter 318, Section 1," is hereby adopted and made part of these By-Laws as of the date of its approval May 21, 1965. Provides for increase in millage and member contribution.

Chapter 819, Minnesota Session Laws of 1967, "An Act Relating to the Firemen's Pension Fund in the City of Minneapolis, Amending Laws 1965, Chapter 519, Section 1," is hereby adopted and made part of these By-Laws as of the date of its approval May 24, 1967. Provides for retention of child on pension after obtaining 18 years of age, provided such child is a full time student and has not reached 22 years of age.

Chapter 824, Minnesota Session Laws of 1967, "An Act Relating to a Tax Levy in the City of Minneapolis for the Firemen's Relief Association; Amending Laws 1963, Chapter 318, Section 1, As Amended," is hereby adopted and made part of these By-Laws as of the date of its approval May 24, 1967. Provides for increase in millage and member contribution.

Chapter 123, Minnesota Session Laws of 1969, "An Act Relating to the Firemen's Relief Association and the Firemen's Pension Fund in the City of Minneapolis; Amending Laws 1965, Chapter 519, Section 1 As Amended; Repealing Laws 1965, Chapter 519, Section 2," is hereby adopted and made part of these By-Laws as of the date of its approval April 11, 1969. Provides for additional unit for widows and rescinds one additional unit for payment of hospital and welfare insurance plans.

Chapter 223, Minnesota Session Laws of 1969, "An Act Relating to Police and Firemen's Relief Associations; Prescribing Conditions for the Use of Public Funds in Connection Therewith," is hereby adopted and made part of these Articles of Incorporation and By-Laws where applicable, as of the date of its approval April 28, 1969. Provides for increase of member contributions, minimum obligation of governmental subdivision, requirements for actuarial survey and investment of funds.

Chapter 287, Minnesota Session Laws of 1969, "An Act Relating to a Tax Levy in the City of Minneapolis for the Firemen's Relief Association and Providing for Investment of the Funds Thereof; Amending Laws 1963, Chapter 318, Section 1, As Amended, And Laws 1963, Chapter 318, By Adding A Section Thereto." Provides for increase in millage of pay normal cost of pension Plan and three percent annual interest on the unfunded accrued liability of the Association; and requires that the funds of the Special Fund be invested in investments that are lawful investments for the funds of the Minnesota State Retirement System.

Chapter 962, Minnesota Session Laws of 1969, "An Act Relating to Retirement; Providing for the Use of Funds of Firemen's Relief Associations of Certain Cities of the First Class; Amending Minnesota Statutes 1967, Section 69.40," is hereby adopted and made part of these By-Laws as of the date of its approval June 4, 1969. Provides for payment from the Special Fund of administrative expenses of the Association directly related to the operation of the pension Fund.

Chapter 542, Minnesota Session Laws of 1971, "An Act Relating to Firemen's Relief Association of Minneapolis; Setting Service Pension Rates," is hereby adopted and made part of these Articles of Incorporation and By-Laws as of the date of its approval May 26, 1971. Provides for the payment of 3 additional units for a 25 year service pension for members retiring after June 1, 1971, reducing the number of years of active service

required to be completed for the maximum service pension of 40 units from 28 years to 25 years.

Chapter 574, Minnesota Session Laws of 1971, "An Act Relating to Firemen's Relief Associations, Revising the Time for Determination of Units for Retirement Pension Purposes; Amending Minnesota Statutes 1969, Section 69.45," is hereby adopted and made part of these Articles of Incorporation and By-Laws as of the date of its approval May 27, 1971. Provides for changing the effective date on which the value of the unit is set.

Chapter 56, Minnesota Session Laws of 1975, "An Act Relating to Retirement; Uses of Funds of Firemen's Relief Association in Certain Cities; Amending Minnesota Statutes 1974, Section 69.40," is hereby adopted and made part of these Articles of Incorporation and By-Laws as of the date of its approval May 1, 1975. Provides for payment from the Special Fund of administrative expenses of the Association directly related to the operation of the pension fund, including necessary travel.

Chapter 57, Minnesota Session Laws of 1975, "An Act Relating to the Firemen's Pension Fund in the City of Minneapolis; Amending Laws of 1965, Chapter 519, Section 1, As Amended," is hereby adopted and made part of these Articles of Incorporation and By-Laws as of the date of its approval of the City Council of Minneapolis, June 13, 1975. Provides that in the case the remarriage of a widow terminates for any reason, she shall again be entitled to a pension as the By-Laws of the Association provide: effective June 26, 1975.

Chapter 121, Minnesota Session Laws of 1976, "An Act Relating to Sex Discrimination; Amending Minnesota Statutes 1974, Section 69.41; 69.48; and Minnesota Statutes 1975 Supplement, Section 69.40," is hereby adopted and made part of these Articles of Incorporation and By-Laws as of the date of its approval April 3, 1976. Provides for the removal of various sexual distinctions contained in laws regarding members and survivors.

Chapter 164, Minnesota Session Laws of 1977, "An Act Relating to the Cities of St. Paul, Minneapolis, and Duluth; Firefighter's Survivor Benefits; Amending Laws of 1955, Chapter 375, Section 25, As Amended; Laws of 1965, Chapter 519, Section 1, As Amended," is hereby adopted and made part of these Articles of Incorporation and By-Laws as of the date of its approval May 19, 1977. Provides that a member has to be married one year before his retirement to have that widow receive survivor benefits.

Chapter 690, Minnesota Session Laws of 1978, "An Act Relating to Retirement; Local Police, Salaried Firefighters' and Volunteer Firefighters' Relief Associations; Specifying Allowable Administrative Expenses; Amending Minnesota Statutes 1976; Section 69.41." Also adding Minnesota Statute 69.80, is hereby adopted and made part of these Articles of Incorporation and By-Laws as of the date of its approval March 28, 1978. Provides for allowable administrative expenses by the Relief Association.

Chapter 607, Minnesota Session Laws of 1980, Art. XV, Sections 8 and 9, "An Act Modifying Public Employee Pension Provisions and Funding Mechanisms, Adding Minnesota Statute 423A.01 and 423A.04," is hereby adopted and made part of these Articles of Incorporation and By-Laws, as of the date of its approval April 23, 1980. Provides that the city and state amortize the Relief Association Fund, to make it fully funded by the year 2010, that active member dues be raised from 6% to 8%, and further provides for an extra unit for members retiring after June 15, 1980.

Chapter 261, Minnesota Session Laws of 1985, "An Act Relating to Retirement; Amended Minnesota Statutes 1984, 69.26," is hereby adopted and made part of these Articles of Incorporation and By-Laws as of the date of its approval May 30, 1985. Provides for the Relief Association to place a retired member on its Board of Trustees.

Chapter 372, Minnesota Session Laws of 1987, "An Act Relating to Retirement; Article 9, Section 36, is hereby adopted and made part of these By-Laws as of the date of its approval June 2, 1987, ratified by the Minneapolis City Council at its regular Meeting held on April 1, 1988. (Resolution 88-R-117) Provides for five year vesting.

Chapter 319, Minnesota Session Laws of 1989, "An Act Relating to Retirement; is hereby adopted and made part of these Restated Articles of Incorporation and By-Laws as of the date of its approval June 1, 1989. Authorizes payment of a Thirteenth Check to Minneapolis Fire Department Relief Association recipients and defines fiduciary responsibilities of the Board of Trustees.

Chapter 589, Minnesota Session Laws of 1990, "An Act Allowing Certain Survivor Benefits; Establishing a Health Insurance Account for Certain Minneapolis Police and Fire Department Relief Association Contributions." Continues survivors benefits for specified remarried surviving spouses of deceased members and allows for members with more than 25 years to have their Special Fund contributions placed in a special account to help defray their medical insurance costs after retirement.

Chapter 269, Section 2, Minnesota Session Laws of 1991, adding Minnesota Statute 423A.17; "An Act to Grant Authority to Relief Associations to implement the Continuation of Surviving Spouse Benefits Upon Remarriage," is hereby adopted and made part of these By-Laws as of the date of its approval November 27, 1991, and ratified by the Minneapolis City Council at its regular Meeting held on February 7, 1992. Grants authority to restore surviving spouse benefits to persons who had such benefits discontinued by virtue of remarriage.

Chapter 290, Minnesota Session Laws of 1991, entitled "An Act Relating to Retirement," is hereby adopted and made part of these By-Laws as of the date of its approval June 1, 1991, subject to ratification by the Minneapolis City Council. Minnesota Statute 423A.18 provides that if a member of the relief Association dies and no survivor benefit is payable, the designated beneficiary of the decedent is entitled to a refund.

Chapter 454, Section 2, Laws 1965, chapter 519, section 1, as amended By-Laws 1967, chapter 819, section 1; Laws 1969, chapter 123, section 1; Laws 1975, chapter 57, section 1; and Laws 1977, chapter 164, section 2, is hereby adopted and made part of these By-Laws as of the date of its approval, and is implemented on January 1, 1993. "Providing for the addition of one (1) unit, raising the Surviving Spouse benefit level from 21 units to 22 units."

Chapter 125, Sections 1 and 2, Minnesota Session Laws of 1993, "An act relating to retirement; the Minneapolis Fire Department Relief Association; setting service pension rates; amending Minnesota Statutes 1992, Section 353B.07, Subdivision 3," is hereby adopted and made part of these By-Laws as of the date of its approval, January 20, 1994. Provides for changes to the vesting schedule.

Chapter 438, Article 4, Sections 7, 9, 12 and 13 and

Article 10, Sections 1 and 2, Minnesota Session Laws of 1996, "An act relating to retirement." Provides for expanded lists of authorized investments, redirection of state pension aids to certain first class city teacher's funds, five year averaging in determining eligibility to provide the post retirement payment and amends Trustee reporting disclosures, is hereby made a part of these By-Laws as of the date of approval, April 3, 1996.

Chapter 448, Article 2, Section 3, Subd. 1, 3, 4, 5 and 6, Minnesota Session Laws of 1996, "An act relating to retirement, subject to ratification by the Minneapolis City Council." Provides for elected Trustee salaries, five year averaging, clarifies entitlement to a Post Retirement Benefit, is hereby adopted and made a part of these By-Laws as of the date of its approval April 11, 1996, and ratified by the Minneapolis City Council on June 28, 1996.

Chapter 233, Minnesota Session Laws of 1997, "An Act Relating to Retirement, increasing certain pension benefits, amending Post Retirement Benefit amounts, providing benefits for certain surviving spouses who married a member following his retirement and providing optional retirement annuities for active and retired members."

Chapter 159, Article 2, Section 40.41, Minnesota Session Laws of 1998, "Would provide continued health insurance coverage for certain peace officers or Firefighters disabled in the line of duty. Would also provide continued health insurance coverage for dependents(s) of peace officers or Firefighters killed in the line of duty."

Minnesota Statutes 1998, 299A.46 and 299A.465, subd. 2. Amended to allow certain changes related to Chapter 159, Article 2, Section 40.41, Minnesota Session Laws of 1998. Are hereby adopted and made part of these By-Laws and would allow certain changes related to health care coverage for survivors of Firefighters killed in the line of duty. And would allow continued dependent health coverage without the requirement of having been covered by a policy of dependent coverage at the time of death.

Chapter 222, Article 6, Section 2, Minnesota Session Laws of 1999, (Continuation of Board). Is hereby adopted and made part of these By-Laws and provides that notwithstanding Minnesota Statutes, section 423A.01, subdivision 2, or any other law to the contrary, the Board of Trustees of the Minneapolis Firefighters' Relief Association shall continue to govern its affairs until there are fewer than 100 benefit recipients. The Special Fund thereafter must become a Trust Fund in accordance with Minnesota Statutes, section 423A.01, subdivision 2.

Chapter 461, Article 17, Sections 7 to 10. Minnesota Session Laws 2000 (110% Legislation) is hereby adopted and made part of these By-Laws which provides for an additional benefit to members when the fund has an actuarial funding ratio of greater than 110% and provides for certain adjustments to the City of Minneapolis' contributions to the Fund.

Chapter 461, Article 17, Section 6, Minnesota Session Laws 2000 (Remarriage after retirement) is hereby adopted and made part of the By-Laws which provides for an exception to a five year marriage after retirement requirement.

Special Session 2001, Section 423C Recodification of Laws related to MFRA Articles of Incorporation, By Laws and General Operating procedures initiated into State Laws.

Statutes 2001 Supplement, Section 423C.05, subdivision 7 is hereby adopted and made part of the By-Laws and provides that the 5 year marriage requirement for a surviving spouse pension has been reduced to a 2 year marriage requirement.

Statutes 2001 Supplement, Section 423C.05, subdivision 9 is hereby adopted and made part of the By-Laws and provides that certain retired single members may submit an application for a 42.3 Unit pension in lieu of a 42 Unit service pension under subdivision 2.

On January 15, 2002 the Board of Trustees approved a motion to accept and institute a vote of the membership to increase the Funeral Benefit to \$1,200 and the Retirement Benefit to \$8.50 per month retroactive to April 16, 2001.

Chapter 12, Article 11, Section 1 Subdivision 3 Minnesota Special Session 2003 Amended Minnesota Statutes 2002, Section 423C.03 to address changes to the salary of the Executive Secretary, effective September 1, 2002 and to make corrections to the dues calculation formula for deceased members not receiving their full benefits before deceasing, effective September 25, 2001.

Statutes 2004, Chapter 267, Article 13, Section 1 Minnesota Statutes 2003 Supplement, section 423C.03, subdivision 3 (d) amended to read, If the Executive Secretary is not an active member, the Executive Secretary's salary may not exceed the highest salary currently received by the Executive Director of the Minnesota State Retirement System, the Public Employees Retirement Association, or the Teachers Retirement Association. Chapter 267 provides that the Board of Trustees has the ability to set the salary of any person employed as the Executive Secretary, limited to the maximum of one of the three funds listed and only applies to a person who is not an active Firefighter at the time.

House File 44, 2005 First Special Session, Chapter 8, Article 11, Section 13, Subdivision 2, sections 14 & 15, amended to correct the service pension tables, prohibit the recompilation of disability benefits and to provide that when a benefit has been properly paid the dollar amount cannot be reduced by any collective bargaining agreement between the City and/or the Firefighter's collective bargaining unit.

On February 14<sup>th</sup> 2006 the Legislative Commission on Pensions and Retirement (LCPR) passed a request, by the MFRA, to update the MFRA's Mortality Tables from the current tables based on UP84 mortality to the 1983 GAM Table with a 2 year set forward for females. This new Mortality Table will be effective with the 2005 Actuarial Report.

## **SECTION XVI Order of Business**

1. Call to Order
2. Roll Call
3. Adoption of Agenda
4. Approval of Minutes of previous Meetings
5. Legislative Report
6. General Counsel Report
7. Approve Applications for Pension Benefits
8. Approve Trustee educational requests
9. Approve authorizing claims register
10. Approve authorizing Special Fund custodial accounts transactions
11. Old Business
12. New Business
13. Schedule next Monthly or Special Board Meeting
14. Adjournment

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