VILLAGE OF BEVERLY HILLS

ORDINANCE NO. 49

AN ORDINANCE TO CREATE AND ESTABLISH A RETIREMENT SYSTEM FOR THE PUBLIC SAFETY OFFICERS IN THE EMPLOY OF THE VILLAGE OF BEVERLY HILLS UNDER AUTHORITY GIVEN IN SECTION 4.13 OF THE CHARTER OF THE VILLAGE OF BEVERLY HILLS.

The Village of Beverly Hills Ordains:

Retirement System Established; Effective Date:

Section 1.01. The Beverly Hills Retirement System is hereby created and established by authority given in section 4.13 of the Village Charter. The effective date of the retirement system shall be July 1, 1961.

Definitions:

Section 2.01. The following words and phrases as used in this Chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

(a) "Village" means the Village of Beverly Hills, Michigan.

(b) "Council" means the Council of the Village of Beverly Hills.

(c) "Retirement system" or "system" means the Beverly Hills Retirement System created and established by this Ordinance.

(d) "Board of Trustees" or "Board" means the Board of Trustees provided for in this Ordinance.

(e) "Public safety officer" means any officer or employe in the department of public safety of the Village who holds the rank of patrolman, including probationary patrolman, or higher rank. The term "public safety officer" shall not include (1) any civilian employe in the said department of public safety, nor (2) any person who is temporarily employed as a public safety officer, nor (3) any person who is privately employed as a public safety officer or as a policeman or fireman.

(f) "Member" means any person who is included in the membership of the retirement system.

(g) "Retirant" means any member who retires from the employ of the Village with a pension payable from funds of the retirement system.

(h) "Beneficiary" means any person, except a retirant, who is in receipt of a pension or other benefit payable from funds of the retirement system.

(i) "Service" means service rendered to the Village of a public safety officer in the employ of the Village.

(j) "Credited service" means service credited a member to the extent provided for in this Ordinance.

(k) "Regular interest" means such rate or rates of interest per annum, compounded annually, as the Council shall from time to time determine.

(l) "Accumulated contributions" means the sum of all amounts deducted from the compensations of a member and credited to his individual account in the members deposit fund, together with regular interest thereon.

(m) "Compensation" means the salary paid a member of the Village for personal service rendered by him as a public safety officer. The term "compensation" shall not include any remuneration for overtime services, nor any allowances for clothing, equipment or travel expense.

(n) "Final average salary" means the average of the highest annual compensations paid a member by the Village during any period of 5 consecutive years of his credited service contained within his 10 years of credited service immediately preceding termination of his last employment by the Village as a public safety officer. If he has less than 5 years of credited service his final average salary shall be the average of his annual compensations during his total years of credited service.

(o) "Pension" means an annual amount, payable from funds of the retirement system, throughout the life of a person or for a temporary period, as provided in this Ordinance. All pensions shall be paid in equal monthly installments.

(p) "Pension reserve" means the present value of all payments to be made on account of any pension and shall be computed based upon such mortality and other tables of experience, and regular interest, as the Council shall from time to time adopt.

(q) "Retirement" means a member's withdrawal from Village employment with a pension payable from funds of the retirement system.

(r) "Voluntary retirement age" for a public safety officer means age fifty-five years.

(s) The masculine gender shall include the feminine gender, and words of the singular number with respect to persons shall include the plural number, and vice-versa.

Board of Trustees:

Section 3.01. There is hereby created a Board of Trustees in whom is vested the power and authority to administer, manage, and operate the retirement system, and to construe and make effective the provisions of this Ordinance. The Board shall consist of 5 trustees, as follows:

(a) The President of the Village, to serve by virtue of his office.

(b) A councilman to be selected by the Council to serve at the pleasure of the Council.

(c) A citizen, who is an elector of the Village, and who is not eligible to participate in the retirement system as a member or retirant, to be appointed by the Village President by and with the consent of the Council.

(d) Two public safety officers to be elected by the public safety officers. The said elections shall be held under such rules and regulations as the Board of Trustees shall from time to time adopt: Provided, that the first such election shall be held under such rules and regulations as the Council shall adopt.

Trustees' Terms of Office:

Section 4.01. For the first Board of Trustees, the term of office of the citizen trustee provided for in Section 3.01 (c) hereof shall expire June 30, 1962; the term of office of the public safety officer trustee receiving the third highest number of votes shall expire June 30, 1963, and the term of office for the public safety officer receiving the next highest number of votes shall expire June 30, 1962. Thereafter the terms of office for the trustees provided for in Section 3.01 (c) and (d) hereof shall be 3 years. Each trustee shall continue to serve as trustee until his successor has qualified.

Vacancy on Board; How Filled

Section 5.01. In the event a trustee provided for in Section 3.01 (a), (b) or (d) hereof ceases to be an officer or employe of the Village, or in the event any trustee provided for in Section 3.01 (c) or (d) hereof shall fail to attend scheduled meetings of the Board of Trustees for 3 consecutive meetings, unless in each case excused for cause by the remaining trustees attending such meetings, he shall be considered to have resigned from the Board and the Board shall by resolution declare his office of trustee vacated as of the date of adoption of such resolution. If a vacancy occurs in the office of trustee, the vacancy shall be filled, for the unexpired portion of the term, in the same manner as the office was previously filled.

Meetings of Board; Quorum; Vote; Proceedings:

Section 6.01. The Board of Trustees shall hold meetings regularly, at least 1 in each quarter year, and shall designate the time and place thereof. Three trustees shall constitute a quorum at any meeting of the Board. Each trustee shall be entitled to 1 vote on each question before the Board and at least 3 concurring votes shall be required for a decision by the Board at any of its meetings. The Board shall adopt its own rules of procedure, and shall keep a record of its proceedings. All meetings of the Board shall be public.

Retirement Services of Officers:

Section 7.01. The Board of Trustees shall designate a chairman and a vice-chairman from its own number.

(a) The Village Treasurer shall be secretary of the retirement system and shall service as its administrative officer.

(b) The Village Treasurer shall be treasurer of the retirement system and the custodian of its funds.

(c) The Board of Trustees shall designate an actuary or actuarial firm who shall be the technical advisor to the Board on matters regarding the operation of the retirement system, and who shall perform such other duties as are required of him under the provisions of this Ordinance.

(d) The Village Attorney shall be legal advisor to the Board of Trustees.

(e) The Board of Trustees shall have the authority to employ such medical and other professional services required to carry out the provisions of this Ordinance. Compensation for such services shall be fixed by the Board subject to the approval of the Council.

Annual Reports:

Section 8.01. The secretary shall keep, or cause to be kept, such data as shall be necessary for an actuarial valuation of the retirement system. The Board of Trustees shall annually, on or before February 1, render a written report to the Council showing the fiscal transactions of the retirement system for the preceding fiscal year. The Board shall furnish the Council such additional information regarding the operation of the retirement system as the Council shall from time to time request.

Adoption of Experience Tables and Regular Interest:

Section 9.01. The Council shall from time to time adopt such mortality and other tables of experience, and a rate or rates of regular interest as are necessary in the operation of the retirement system on an actuarial basis.

Membership:

Section 10.01. (a) The membership of the retirement system shall include all public safety officers who are in the employ of the Village on the effective date, and all persons who become public safety officers after June 30, 1961.

(b) In any case of doubt as to the membership status of any individual the Board of Trustees shall decide the question and its decision shall be final.

Termination of Membership:

Section 11.01. Except as otherwise provided in this Ordinance, should any member leave the employ of the Village as a public safety officer, or die, before becoming eligible for retirement or death, he shall thereupon cease to be a member and his credited service at that time shall be forfeited by him. Should he be re-employed by the Village as a public safety officer he shall again become a member of the retirement system. If his said re-employment occurs within a period of 1 year from and after the date he last separated from Village employment as a public safety officer his credited service last forfeited by him shall be restored to his credit: Provided, that he returns to the members deposit fund the amount he withdrew therefrom together with regular interest from the date of withdrawal to the date of repayment. Upon his retirement or death he shall thereupon cease to be a member.

Credited Service:

Section 12.01. The Board of Trustees shall fix and determine by appropriate rules and regulations, consistent with the provisions of this Ordinance, the amount of service to be credited any member; Provided, that in no case shall less than 10 days of service rendered in any calendar month be credited as a month of service; nor shall less than 10 months of service be credited in any calendar year be credited as a year of service; nor shall more than 1 year of service be credited any member for all service rendered by him in any calendar year.

War Service Credit:

Section 13.01. In the event a member, who while employed by the Village, enters the armed forces of the United States during any period of compulsory military service, and re-enters the employ of the Village as a public safety officer such armed service rendered by him, not to exceed an aggregate of 5 years, shall be credited him as Village service: Provided, that (1) his re-employment by the Village occurs within 6 months from and after termination of such armed service actually required of him, and (2) he pays into the members deposit fund the amount he may have withdrawn therefrom, together with regular interest from the date of withdrawal to the date of repayment. In any case of doubt as to the period to be so credited any member, the Board of Trustees shall have final power to determine such period. During the period of such armed service and until the date of his Village employment his contributions to the retirement system shall be suspended and any balance standing to his credit in the members deposit fund shall be accumulated at regular interest. No credit hereunder shall be given to a member who enlists or volunteers for the armed forces while the United States is not in a state of declared war by Congress or national emergency declared by the President of the United States.

Normal Retirement:

Section 14.01. (a) Any member who has attained or attains the age of 65 years shall be separated from the employ of the Village on the first day of the calendar month next following the month in which he attains age 65 years; Provided, that this paragraph shall be subject to paragraph (b) of this section.

(b) Any member who has attained or attains age 65 years may be continued in Village employment for periods not to exceed beyond his attainment of age 70 years: Provided, that his continuance in Village employment is (1) requested by him in writing, (2) approved by the Director of Public Safety, and (3) approved by the Council.

(c) He shall receive no more retirement system credit after attaining the age of 65.

(d) If, at the time of a member's separation from Village employment, as provided in this section, he has 10 or more years of credited service he shall be entitled to a pension provided for in section 16.01 hereof.

Voluntary Retirement:

Section 15.01. Any member, who has 10 or more years of credited service and has attained or attains his voluntary retirement age, may retire upon his written application filed with the Board of Trustees setting forth at what time, not less han 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired. Upon his retirement he shall receive a pension provided for in Section 16.01 hereof.

Straight Life Pension:

Section 15.01. Upon the retirement of a member, as provided in this Ordinance, he shall receive a straight life pension hereinafter provided in this Section, and he shall have the right to elect an option provided for in Section 19.01 hereof.

(a) In the event a member retires prior to his attainment of age 65 years his straight life pension payable to age 65 years shall be equal to 1.65 percent of his final average salary multiplied by the number of years, and fraction of a year, of his credited service.

(b) Upon his attainment of age 65 years, if he retired prior to age 65 years, or upon his retirement at or after his attainment of age 65 years, his straight life pension shall be equal to 1.1 percent of his final average salary multiplied by the number of years, and fraction of a year, of his credited service.

Straight Life Refund Provision:

Section 17.01. If a retirant dies before he has received in straight life pension payments an aggregate amount equal to his accumulated contributions standing to his credit in the members deposit fund at the time of his retirement, the difference between his said accumulated contributions and the said aggregate amount of straight life pension payments received by him shall be paid from the pension reserve fund to such person or persons as he shall have nominated by written designation duly executed and filed with the Board of Trustees. If there be no such designated person or persons surviving the said retirant such difference, if any, shall be paid to his legal representative. No benefits shall be paid under this section on account of the death of a retirant if he elected option A or B provided for in Section 19.01 hereof.

Deferred Retirement:

Section 18.01. Should any member who has 25 or more years of credited service leave the employ of the Village prior to his attainment of his voluntary retirement age, for reasons except his disability retirement or death, he shall be entitled to a pension provided for in Section 16.01 hereof, provided he does not withdraw his accumulated contributions standing to his credit in the member deposit fund. His said pension shall begin the first day of the calendar month next following the month in which his application for same is filed with the Board of Trustees on or after his attainment of age 65 years.

Pension Options:

Section 19.01. Prior to the effective date of a member's retirement, but not thereafter, he may elect to receive his pension as a straight life pension payable throughout his life, or he may elect to receive the actuarial equivalent, at that time, of his straight life pension in a reduced pension payable throughout his life, and nominate a beneficiary, in accordance with the provisions of option A or B hereinafter set forth below:

Option A. Upon the death of a retirant, who elected Option A, his reduced pension shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board of Trustees prior to the effective date of his retirement.

Disability Retirement:

Section 20.01. Upon the application of a member, or his department head, a member who (1) is in the employ of the Village, (2) has 10 or more years of credited service, and (3) becomes totally and permanently disabled by reason of his duties as a public safety officer, by reason of a personal injury or disease, may be retired by the Board of Trustees: Provided, that after a medical examination of the said member, by or under the direction of a medical committee consisting of 3 physicians, 1 of whom shall be named by the Board, 1 by the said member, and the third physician by the first 2 physicians so named, the said medical committee certifies to the Board, in writing, that (1) the said member is physically or mentally totally disabled for duty as a public safety officer, (2) his disability will probably be permanent, and (3) the said member should be retired. The 10 years of service requirement contained in this section shall by waived in the case of any member whom the Board finds (1) to be totally and permanently disabled as the natural and proximate result of a personal injury or disease arising out of and in the course of his actual performance of duty as a public safety officer in the employ of the Village, and (2) to be in receipt of, or entitled to receive workmen's compensation on account of his said physical or mental disability.

Disability Pension:

Section 21.01. (a) Upon a member's retirement on account of disability, as provided in Section 20.01 hereof, he shall receive a disability straight life pension computed according to the provisions of Section 15.01 hereof, notwithstanding that he might not have attained his voluntary retirement age: Provided, that his said disability straight life pension payable to his attainment of 65 years of age shall not be less than 18.5% percent of his final average salary, nor shall his said disability pension payable after his attainment of age 65 years be less than 11 percent of his final average salary. Upon his retirement he shall have the right to elect an option provided for in Section 19.01 hereof.

(b) Upon termination of his workmen's compensation payments, if any, arising on account of his Village Employment, a disability retirant shall be given service credit for the period he was in receipt of workmen's compensation and his disability pension payable thereafter shall include such additional service credit. In the event he is paid a single sum in lieu of weekly workmen's compensation the period covered by such single sum shall be considered to be the number of weeks determined by dividing the applicable weekly workmen's compensation into the said single sum payment.

(c) Any pensions payable under this section shall be subject to Section 22.01 hereof.

RE-Examination of Disability Retirants:

Section 22.01. (a) At least once each year during the first 5 years following the retirement of a member with a disability pension, and at least once in each 3 year period thereafter, the Board of Trustees may require a retirant's application shall, require disability retirant, who has not attained his voluntary retirement age to undergo a medical examination to be made by or under the direction of a physician designated by the Board. Should the said retirant refuse to submit to such medical examination in any such period, the Board may suspend payment of his disability pension until his withdrawal of such refusal. If such refusal continues for 1 year all his rights in and to a disability pension may be revoked by the Board. If upon such medical examination of the retirant the said physician reports to the Board that the said retirant is physically able and capable of resuming employment with the Village as a public safety officer he shall be returned to active service in the employ of the Village and his disability pension shall terminate. In returning the said retirant to Village employment as provided herein, reasonable latitude shall be allowed the Village in placing him in a position commensurate to the rank or position held by him at the time of his retirement.

(b) In the event a disability retirant, who has not attained his voluntary retirement age becomes engaged in a gainful occupation, business or employment paying more than the difference between his annual rate of compensation at the time of his retirement and his disability pension, his disability pension shall be reduced to an amount which together with the amount so earned by him shall equal but not exceed his said annual rate of compensation. Should the said retirant's earnings change the reduction in his disability pension shall be correspondingly adjusted.

(c) A disability retirant who has been or shall be returned to active service in the employ of the Village, as provided, in this section, shall again become a member of the retirement system. His credited service at the time of his retirement shall be restored to full force and effect. He shall be given service credit for the period he was receiving a disability pension provided for in this Ordinance if within such period he was in receipt of workmen's compensaton on account of his Village employment; otherwise he shall not be given service credit for such period.

Non-Duty Death Benefits:

Section 23.01. Any member who continues in the employ of the Village on or after the date he acquires 10 years of credited service and (1) dies while in the employ of the Village, and (2) leaves a widow, or in the case of an unmarried member leaves a father or mother whom he has supported, or a child or dependent upon the said member for at least 50 percent of his or her support, the said widow or dependent father or dependent mother, as the case may be, shall receive a pension computed according to Sections 16.01 and 19.01 hereof, in the same manner in all respects as if the said member had (1) retired the day preceding the date of his death notwithstanding that he might not have attained his voluntary retirement age, (2) elected Option A, and (3) nominated his said widow or dependent father or dependent mother, as the case may be, as beneficiary. In the event of the remarriage of the said beneficiary to whom a pension is being paid, his or her pension shall terminate.

Duty Death Benefits:

Section 24.01. In the event a member with less than 10 years of credited service dies while in the employ of the Village and the Board of Trustees finds (1) his death to be the result of an injury or disease arising out of and in the course of his employment with the Village, and (2) that his eligible dependents are in receipt of workmen's compensation on account of his death, he shall, as of the date of his death, be granted a sufficient number of years of service to give him a total of 10 years of credited service, any provisions of this Ordinance to the contrary notwithstanding.

Subrogation:

Section 25.01. If a person becomes entitled to a pension payable from funds of the retirement system as the result of an accident or injury caused by the act of a third party, the Village shall be subrogated to the right of the said person against said third party to the extent of benefits which the Village pays or becomes liable to pay.

Refund of Member's Accumulated Contributions:

Section 26.01. (a) Should any member cease to be employed by the Village and not be entitled to a pension payable from funds of the retirement system he shall be paid his accumulated contributions standing to his credit in the members deposit fund upon his application therefor filed with the Board of Trustees.

(b) Except as otherwise provided in this Ordinance, upon the death of a member his accumulated contributions standing to his credit in the members deposit fund at the time of his death shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the Board of Trustees. If there be no such designated person or persons surviving the said member his said accumulated contributions shall be paid to his estate.

(c) Refunds of accumulated contributions as provided in this section may be made in a single sum or installments as the Board of Trustees may from time to time determine by appropriate rules and regulations.

Members Deposit Fund:

Section 27.01. The members deposit fund is hereby created. It shall be the fund in which shall be accumulated, at regular interest, the contributions deducted from the compensation of members and from which shall be paid refunds of accumulated contributions, as provided in this Ordinance.

(a) Subject to any eligibility rules established by Section 10.01, a member's contributions to the retirement system shall be the sum of 3 percent of the rate of his annual compensation plus 6 percent of the portion, if any, of his annual compensation in excess of $4800.

(b) The officer or officers responsible for making up the payroll shall cause the contributions provided for in this section to be deducted from the compensations of each member on each and every payroll, for each and every payroll period, from the date of his entrance in the retirement system to the date of his retirement or prior separation from Village employment. The members' contributions provided for herein shall be made notwithstanding that the minimum compensation provided by law for any member shall be thereby changed. Every member shall be deemed to consent and agree to the deductions made and provided for herein and payment of his compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by said person during the period covered by such payment, except as to benefits provided by this Ordinance. Each of said amounts shall be deducted by the Village Treasurer and when deducted shall be paid to the retirement system and shall be credited to the members deposit fund account of the member from whose compensation said deduction was made.

(c) In addition to a member's contributions, as hereinbefore provided, a member shall deposit in the members deposit fund, by a single contribution or by an increased rate of contribution, as approved by the Board of Trustees, the amounts he may have previously withdrawn therefrom and not repaid thereto, together with regular interest from the date of withdrawal to the date of repayment. In no case shall any member be given credit for service rendered prior to the date he withdraw his accumulated contributions until he repays to the members deposit fund all amounts due the said fund by him.

(d) Upon the retirement of a member his accumulated contributions shall be transferred to the pension reserve fund. At the expiration of a period of 5 years from the date a member ceases to be a member any balances standing to his credit in the members deposit fund, unclaimed by the said member or his estate, shall be transferred to the pension reserve fund: Provided, that no other disposition of the said balance is specifically provided for in this Ordinance.

Pension Reserve Fund:

Section 28.01. The pension reserve fund is hereby created. It shall be the fund in which shall be accumulated contributions made by the Village to the retirement system, and from which shall be paid pensions as provided in this Ordinance. Upon the basis of such mortality and other tables of experience, and regular interest, as the Council shall from time to time adopt, the actuary shall annually compute the pension reserve (1) for pensions being paid retirants and beneficiaries, and (2) for service rendered and to be rendered by members. The portions of the said pension reserves which are not financed by members' contributions shall be financed by annual appropriations to be made by the Village. The said Village appropriations shall be determined according to paragraphs (a), (b) and (c) of this section.

(a) The appropriation for members' current service shall be a percent of their annual compensations which will produce an amount which if paid annually by the Village during their future service will be sufficient to provide the pension reserves, at the time of their retirements or deaths, for the portions of the pensions, not financed by the members' contributions, to be paid them based upon their future service; and

(b) The appropriation for members' accrued service shall be a percent of their annual contributions which will produce an amount which if paid annually by the Village over a period of years, to be determined by the Council, will amortize, at regular interest, the unfunded pension reserves for the accrued service portions of the pensions to which they may be entitled; and

(c) The appropriation for pensions being paid retirants and beneficiaries shall be a percent of the annual compensations of members which will produce an amount which if paid annually by the Village over a period of years, to be determined by the Council, will amortize, at regular interest, the unfunded pension reserve liabilities for pensions being paid retirants and beneficiaries.

(d) In the event the amounts appropriated in the budget in any year are insufficient to pay in full the amounts due in said year to all retirants and beneficiaries, the amount of such insufficiency shall thereupon be provided by the appropriating authorities of the Village.

(e) Should a disability retirant return to employment with the Village the pension reserve, at that time, for the portion of his pension which was financed by his accumulated contributions, at the time of his retirement, shall be transferred to the members deposit fund and shall be credited to his individual account therein.

Expense Fund:

Section 29.01. The expense fund shall be the fund to which shall be credited all moneys provided by the Village to pay the administrative expenses of the retirement system, and from which shall be paid all expenses necessary in connection with the administration of the system.

Investment of Moneys:

Section 30.01. (a) The Board of Trustees shall be the trustees of the assets of the retirement system and shall have full power to invest and re-invest such assets, subject to the terms, conditions, limitations, and restrictions imposed by the State of Michigan upon domestic life insurance companies in the making and disposing of their investments: Provided, that notes, bonds or other obligations of the Village shall not be subject to said conditions, limitations or restrictions; and provided further, that no funds of the system shall be invested in the stock of any company, association, or corporation. The Board shall have the power to purchase notes, bonds, or other obligations of the Village at any legally conducted public or private sale, with or without advertising for bids. The Board shall have the power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the moneys of the system have been invested, as well as the proceeds of the said investments and any moneys belonging to the system.

(b) There shall be kept on deposit available cash not to exceed 10 percent of the total assets of the retirement system. All assets of the system shall be held for the sole purpose of meeting disbursements for pensions and expenses and administering this Ordinance and shall be used for no other purpose whatsoever.

(c) The description of the various funds of the retirement system, namely, the members deposit fund, the pension reserve fund, and the expense fund shall be interpreted to refer to the accounting records of the system and not to the actual segregation of moneys in the said funds of the system.

Trust Agreement:

Section 31.01. The Board of Trustees is authorized, with the prior approval of the Council, to establish a retirement trust in order to finance the benefits to be provided under the retirement system created and established by this Ordinance, and in so doing, to execute a legal document, with the consent of the Council, establishing such retirement trust. Such trust indenture shall include reasonable rules and regulations consistent with this Ordinance in order to provide for any administrative procedures not covered by this Ordinance, including procedures to be used if all or a portion of the funds are to be invested with an insurance company. Such trust indenture may include other provisions deemed necessary for the satisfactory administration of the retirement system created and established by this Ordinance.

Allowance of Regular Interest:

Section 32.01. All interest and other earnings on moneys and investments of the retirement system shall be credited to an investment income account. At the end of Trustees shall, at the end of each fiscal year, allow and credit regular interest computed on members' individual balances in the members deposit fund at the beginning of such fiscal year; and on the mean balance in the pension reserve fund. Any excess interest earnings may be used to provide contingency reserves or may be credited to the pension reserve fund, as the Board shall determine.

Method of Making Payments:

Section 33.01. All payments from moneys of the retirement system shall be made by the Village Treasurer in accordance with Charter provisions governing payments from the Village's general fund: Provided, that such payments shall be made only upon authorization signed by persons designated by the Board of Trustees. No such authorization for payment shall be executed unless the payment was previously approved by a specific or continuing resolution adopted by the Board.

Assignments Prohibited:

Section 34.01. The right of a person to a pension, to the return of accumulated contributions, the pension itself, any optional benefit, any other right accrued or accruing to any member, retirant, or beneficiary under the provisions of this Ordinance, and the moneys belonging to the retirement system shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable, except as is specifically provided in this Ordinance: Provided, that should a member be covered by a group insurance or prepayment plan participated in by the Village, and should he be permitted to, and elect to, continue such coverage as a retirant, he may authorize the Board of Trustees to have deducted from his pension the payments required of him to continue such group insurance or prepayment plan; provided further, that the Village shall have the right of setoff for any claim arising from embezzlement by or fraud of a member, retirant or beneficiary.

Errors:

Section 35.01. Should any change or error in the records of the Village or the retirement system result in any person receiving from the system more or less than he would have been entitled to receive had the records been correct, the Board of Trustees shall correct such error and as far as practicable shall adjust the payment in such manner that the actuarial equivalent of the benefit to which such person was correctly entitled shall be paid.

Penalties:

Section 36.01. Whoever with intent to deceive shall make any statement of a material fact required under this Ordinance which is untrue, or shall falsify or permit to be falsified the records of the retirement system, or shall otherwise violate the provisions of this Ordinance, with intent to deceive, shall be deemed guilty of a misdemeanor and fined not to exceed $100 or shall be imprisoned for 90 days, or both, in the discretion of the Court, together with payment of costs of prosecution.

Validity:

Section 37.01. If any provision in this Ordinance is for any reason held to be invalid by any Court of competent jurisdiction, such decision shall not affect the remaining provisions of this Ordinance, or the Ordinance in its entirety.

Effective Date:

Section 38.01. This ordinance shall take effect 10 days after its publication.

Made and passed by the Village Council of the Village of Beverly Hills, Michigan, on this 5th day of September, 1961.

MARVIN B. CLINE, President

FANNIE ADAMS, Village Clerk

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