

Notice is hereby given that a Public Hearing and Special Town Meeting will be held on November 28th, 2018 7:30 PM, Town Large Conference Room, 400 Main Street, Ridgefield Connecticut to consider the following changes in Ridgefield Code under Chapter 19. Boards, Commissions and Committees. Underline and bold italics represents addition to existing language; brackets and strikethrough ~~{strikethrough}~~ indicates deletion of text.

Article II: Pension Commission

§ 19-3. Establishment.

There is hereby established a Pension Commission for the Town to be known as the "Ridgefield Pension Commission."

§ 19-4. Composition; ***appointment; terms of office.***

The Pension Commission created by this article shall consist of seven resident electors.

The members of the Pension Commission shall be appointed by the Board of Selectmen for staggered terms of service each beginning June 1, such that the regular terms of no more than three members shall conclude in any Town fiscal year. Each member shall serve for a term of three years. Upon written resignation of a member, or upon removal of a member by the Board of Selectmen, the Board of Selectmen shall select and appoint a successor who shall serve for the balance of the original member's regular term.

~~{§ 19-5 Appointments; terms of office.~~

~~The members of the Pension Commission shall be appointed by the Board of Selectmen as follows: two for a term of one year, two for a term of two years and three for a term of three years; thereafter each shall serve for a term of three years and until his successor shall have been appointed and qualified. Appointments to the~~

Commented [CC1]: No change to concept, but substantial changes to prior language including correction of the term start date. Also previous articles 19-4 and 19-5 have been merged into one.

Commented [CC2]: Board of selectmen said that members need to be resident electors. Therefore current wording is retained.

Commented [CC3]: Combined with Article 19-4

~~Pension Commission shall be made effective July 1 each year. }~~

Commented [CC4]: The Town Charter says June 1st. New Article 19-4 now agrees with the Charter.

§ 19-~~{6}~~5. Minority representation.

No more than five members of the Pension Commission shall be from the same political party.

§ 19-~~{7}~~6. Oath required.

Each member of the Pension Commission shall be sworn to the faithful performance of his duties.

§ 19-~~{8}~~7. **Officers.**

The Pension Commission shall ~~{annually in July}~~ elect a Chairman and a Secretary from its members ***annually in July, or if no meeting is held in July, at the next subsequent meeting.***

Commented [CC5]: No change in substance. Minor change to existing language regarding election of officers. Selection of officers may be done in July or later, so as to not mandate a July meeting

~~§ 19-9~~ **Bond.**

~~If required by the Board of Selectmen, each member of the Pension Commission shall furnish a bond to the Town, the cost thereof to be paid by the Town.~~

Commented [CC6]: Moved to article 19-11

§ 19-~~{10}~~8. Meetings and records.

The Pension Commission shall meet at least quarterly and shall keep written records of its meetings. A special meeting of the Pension Commission may be called by the Chairman or a majority of the members at any time.

§ 19-~~{11}~~9. **Quorum *and decision making.***

A majority of the Pension commission shall constitute a quorum. ***Members may participate in commission meetings in person or by telephone. All formal actions by the Pension Commission shall require***

Commented [CC7]: Language has been added to specify that members may participate in meetings by telephone as well as in person. A threshold of four members' approval has been established to take formal action.

the approval of at least four members attending the meeting.

~~{§ 19-12 Annual report.~~

~~The Pension Commission shall annually report to the Board of Selectmen, which report shall be included in and published by the Selectmen in the Annual Report of the Town.}~~

Commented [CC8]: Covered in more detail in new Article 19-14

~~{§ 19-13. Pension plan~~

~~The Pension Commission shall provide a pension plan for the appointed employees of the Town which may include, but not be limited to, annuity purchase guarantees and such other benefits and methods of funding which the trustees shall deem appropriate for the continuing operation of the pension plan. No employee now a member of the State Teachers' Retirement Fund shall be eligible to participate in the plan.}~~

Commented [CC9]: Covered in new Article 19-10

§ 19-10. Pension and other post-employment benefit plan trusts.

The Board of Selectmen may establish pension plans and other post-retirement benefit plans for the benefit of Town employees and elected officials. The assets for each such plan shall be held in one or more trusts, annuity contracts, guaranteed investment contracts, or similar funding vehicles, pursuant to written agreements adopted by the Board of Selectmen.

An {No} employee who is {now} currently earning or accruing benefits in the State Teachers' Retirement Fund shall not be eligible to concurrently participate in and earn or accrue benefits in any defined benefit pension plans of the Town.

Commented [CC10]: Board of Selectman asked that we define active participant. Rather than add a definition we replaced the word "active participant" with its definition.

~~{§ 19-14 Authority to enter into agreements, invest funds and employ personnel.~~

~~The Pension Commission is authorized to enter into appropriate agreements with life insurance companies and banks for the purpose of~~

Commented [CC11]: New Articles 19-10 and 19-12 describe the responsibilities of the Commission.

providing such pension and annuities, to invest such funds as are appropriated to it as it deems most expedient, and, subject to appropriations made by the Board of Finance and the Town Meeting, to employ agents and other personnel.}

Commented [CC12]: David Ulmer agreed with the new wording which does not mention the Board of Finance

§ 19-11. Pension Commission as Trustee for certain trusts: management and oversight

The Pension Commission shall serve collectively as Trustee of the trust(s) established by the Town to hold the assets of any defined benefit pension plans, any money purchase pension plans, and any other post-employment benefit (OPEB) plans for the municipal employees and elected officials of the Town. The Town may also, by ordinance or written resolution of the Board of Selectmen, assign to the Pension Commission responsibility for other pension plans and other retirement-related benefit plans.

Commented [CC13]: New Article 19-11 defines the role of the Pension Commission.

The Pension Commission shall be responsible for the management and oversight of those trust funds assigned to its purview under these ordinances, and is authorized to engage in all powers and authorities for the management and administration of those trust funds as may be provided in the trust agreements establishing such trusts.

If required by the Board of Selectmen or by the terms of any underlying benefit plans under its purview, the members of the Pension Commission shall be covered by a bond or equivalent insurance to the benefit of the Town in a coverage amount of at least \$5 million or 10% of aggregate trust assets under its control, whichever is smaller, the cost thereof to be paid by the Town.

§ 19-12. Other contractual arrangements.

The Town may also engage trust companies, banks, and other authorized financial institutions to provide and manage defined-contribution pension plans or such other employee benefit plans as may be established by the Town. The Pension Commission shall have no authority or responsibility for such plans.

Commented [CC14]: New Article 19-12 specifies for which plans the Commission does NOT have responsibilities.

§ 19-~~15~~13. Disbursement of funds *appropriated and contributed to the trusts.*

All funds appropriated by the Town for **the pension {purposes} and the OPEB plan trusts, and all funds contributed by participants to such plans**, shall be disbursed, **as directed by the Pension Commission, in a timely manner**, by the Treasurer ~~{upon written direction and order of the Chairman and Secretary of the Commission.}~~

Commented [CC15]: New Article 19-13 amends current Article 19-15 to include both pension and OPEB trusts and to recognize that employees make contributions too. Direction must be given by the entire Commission – not just the Chairman and Secretary.

§ 19-~~12~~14. Annual Reports and Audits.

The Pension Commission **shall provide an annual accounting of the financial activity of each trust under its control, summarizing the asset holdings and values, estimated liabilities, receipts, investment income, benefit payments and other disbursements, in such detail and on such time schedule as is required to support the production of the Town's regular financial reports. The Pension Commission may, at its discretion, retain third-party providers to produce any or all such accountings, and any costs incurred in producing these accountings shall be charged to the appropriate trust. The Pension Commission shall also periodically obtain and review actuarial valuations of each trust, as are appropriate for their prudent financial management and the timely determination of Town funding levels. The Pension Commission shall participate as needed in any audits authorized by the Town, for the production of the audited financial reports by the**

Commented [CC16]: Provides more detail about what the Commission will provide than old Article 19-12

Commented [CC17]: We corrected the typo by replacing "changed" with "charged"

Town.**§ 19-15. Plan administrators.**

The Board of Selectmen shall designate one or more plan administrators for the Town's defined benefit pension plans and money purchase plan. The Board of Selectmen and the Board of Education shall designate one or more plan administrators for the Other Post-Employment Benefit plans which cover Town employees and Board of Education employees, respectively. The Pension Commission shall be notified in writing of each such designation, including any changes in such designations.

Commented [CC18]: New Article to have a Plan Administrator (PA) named for both pension and OPEB. If PA not named, then BOS is the PA

§ 19-16. Review.

The Pension Commission shall review the provisions of this Article II (Sections 19-3 to 19-16 inclusive) concurrent with the Town's review of its Charter, but no less frequently than every five years, and shall recommend amendments, if any, to the Board of Selectmen for its consideration.

Commented [CC19]: As requested by the Board of Selectmen, the Board of Education will name the Plan Administrator for the OPEB Plan.

Commented [CC20]: As proposed by the Board of Selectmen, we have included this Article which requires the Ordinances to be reviewed regularly.

{§ 19-16. Amending Trust Agreement.

~~The Selectmen of the Town are hereby authorized to modify or amend, on behalf of the Town, a certain trust agreement dated May 21, 1964, between the Town as employer and the Pension Commission as trustees, in accordance with the following procedure:~~

~~A-~~

~~At least 30 days prior to the adoption of such modification or amendment, the Selectmen shall deliver to the Pension Commission notice of their intention to make such modification or amendment.~~

~~B-~~

~~After the expiration of such thirty-day period but not later than 45 days thereafter, the Selectmen shall have the power to make such modification or amendment in accordance with the terms of Article X, § 10.01 of the~~

Commented [CC21]: Cohen & Wolf agrees that this section is not needed. The trust agreement itself describes how the trust agreement may be amended.

~~trust agreement. Such modification or amendment shall become effective 30 days after such modification or amendment has been published in a newspaper having a circulation in the Town.~~

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~~If, within 30 days after publication of such modification or amendment, the Selectmen shall receive an application in accordance with § 3-6 of the Town Charter for the purpose of repealing, in whole or in part, such modification or amendment, then such modification or amendment shall not become effective at the expiration of such thirty-day period, but such modification or amendment, or so much thereof as is not repealed by the Town Meeting called in accordance with this subsection, shall become effective immediately upon the adjournment of such Town Meeting.~~

~~[Amended 3-17-2010]]~~