

BYLAWS OF THE MAPLE GROVE FIREFIGHTERS RELIEF ASSOCIATION

ARTICLE I

Name

The name of this association shall be the Maple Grove Firefighters Relief Association, a nonprofit organization incorporated under the laws of the State of Minnesota.

ARTICLE II

Purpose

Section 1. This instrument constitutes the Bylaws of the Maple Grove Firefighters Relief Association, hereinafter referred to as "Association", adopted for the purpose of regulating and managing the internal affairs of the corporation and shall serve as the written pension plan for the Relief Association. The Association is a governmental entity that receives and manages public money to provide retirement benefits for individuals providing the governmental services of firefighting. The Association is a defined contribution relief association subject to Minn. Stat. §§ 424A.015 and 424A.016. The objectives of the plan shall be to provide service pensions and ancillary benefits to members and beneficiaries of the Maple Grove Municipal Fire Department, hereinafter referred to as "Fire Department". All benefits issued by this association shall be governed by these bylaws and Federal and State laws. The bylaws are hereby amended and restated generally **effective December 16, 2018.**

Section 2. If the State of Minnesota or a court of competent jurisdiction determines that these amendments do not qualify for State Aid, a service pension shall be provided to members under the terms of the bylaws as they existed immediately prior to this amendment and restatement.

ARTICLE III

General Definitions

Section 1. Definitions. Whenever used in these bylaws, the following terms shall have the respective meanings set forth below, unless the context clearly requires otherwise.

Section 2. "Defined Contribution Relief Association." Volunteer firefighters' relief association that provides a service pension based solely on a member account balance rather than a specified annual lump sum or monthly benefit service pension amount.

Section 3. "Member Account" means the record of the amounts credited to an individual under these bylaws, including amount allocated as of December 31, 1996, pursuant to Article X, plus contributions, forfeitures and investment earnings allocated under Article X.

Section 4. "Allocation Date". The dates on which member's accounts are revalued, or on which contributions are made to the accounts.

Section 5. "Accounting Date". For the purposes of valuing assets to disburse funds from a member's account, the Association shall have four quarters during the fiscal year ending 3/31, 6/30, 9/30, and 12/31.

Section 6. “Beneficiary” means such person or persons who at any particular time shall be entitled to receive a survivor benefit from the Association in the event of the death of an Active, Deferred, Disabled, or Retired Member. For purposes of a survivor’s benefit, the benefit will be paid in accordance with Minn. Stat. § 424A.016, subd. 7(d). A member shall be allowed to designate a beneficiary if there is no surviving spouse, child, or children. A trust created under chapter 501B may be a designated beneficiary. If no beneficiary is designated, survivor benefits shall be paid to the estate of the deceased member.

Section 7. “Surviving spouse” means any person who was the legally married dependent spouse of a deceased active member or retired former member living with the member at the time of the death of the active member or retired former member for at least one year prior to the date on which the member terminated active service and membership. Minnesota Statute 424A.001, Subdivision 6.

Section 8. “Trustees” are the individuals designated as such by Minnesota Statute 424A.04 and by virtue of elected office.

Section 9. “Domestic Relations Order” (DRO). Any judgment, decree, or order (including approval of a property settlement agreement) that complies with the provisions of Minnesota Statute 518.58, 518.581.

Section 10. “Fiscal Year” means the twelve (12) month period which begins on Jan. 1 and ends on Dec. 31.

Section 11. “Valuation or value” A determination made by an investment manager, CPA, actuary or other professional as designated by the Board. A valuation shall include a calculation that determines the fair market value of the total assets. The fair market value shall be determined based on the value at which the investments could be sold on an open market. The Board of Trustees will determine the market value of any assets for which there is no readily determinable market value, upon consultation with the same designated professional. Where appropriate, the Board of Trustees shall have the discretion to use an independent appraiser to value the investments. The determination as to fair market value of investments shall not include selling those investments merely to determine their salable value, any transaction that shall result in churning of the account or other fraudulent activity, in order to conduct the valuation is prohibited. The professional shall not sell assets during the valuation process unless specifically directed to do so by the Board. This definition also applies to revaluing member’s accounts and any other appropriate sections of these Bylaws where assets or member’s accounts are “valued”. The Board shall have the discretion to value the assets or to conduct a valuation at any time during the year but shall determine a schedule of valuation dates in the Association policy manual.

ARTICLE IV **Membership**

Section 1. Membership Generally. All voluntary paid on-call members of the Maple Grove Fire Department are eligible for membership in the Association. Full-time Fire-Department members participating in the “Public Employees Retirement Association (PERA)” are not eligible to be members in the Relief Association.

In order to be entitled to any service pension or ancillary benefits from the Relief Association, the voluntary paid on-call firefighter must be a member of the Relief Association.

Section 2. Membership Status

- a. **“Active Service” Member** is a member of the Association who is serving on “active duty” as a paid on-call firefighter as defined in Maple Grove Fire Department Personnel Policy and has been approved by the City Council, and has had their application approved by the Board of Trustees. Members not on active duty are not eligible to accrue City and State pension benefits; however, their whole balance will share in market gains and losses of the Special Fund as it relates to any vested and unvested allocations.
- b. **“Deferred Member”** is a member who has separated from “active duty” with the Maple Grove Fire Department after having served at least five (5) years of active service as a firefighter with the Fire Department, and who has been a member in good standing of the Association for at least five (5) years prior to separation. A “Deferred” member type is also assigned to a person named in a domestic relations judgment, decree, or order (including approval of a property settlement agreement) that complies with the provisions of Minnesota Statute 518.58, 518.581, or 518.611. These members shall be subject to the same considerations as “Deferred Members”.
- c. **“Retired Member”** is a former member of the Association who has received a service pension from the Association.
- d. **“Disabled Member”** is a member of the Association who is permanently disabled from active service in the Fire Department because of a service-related disability and is eligible to receive a disability benefit in lieu of retirement.
- e. **“Leave of Absence (LOA) Member”** is an active Member of the Association on a Break in Service pursuant to a temporary leave of absence granted by the Maple Grove Fire Chief in accordance with Maple Grove Fire Department Personnel Policy. LOA members are not on “active duty,” but they will continue as active members of the Relief Association and continue to pay dues. LOA members are ineligible to receive City and State pension benefits unless the Break in Service is a result of “active duty” with the Maple Grove Fire Department, or until such time as they return to active duty, as determined by the Fire Chief.
- f. **“Inactive Member”** is a member of the Association who has terminated employment in the Fire Department; and who has an account balance that is 0% vested but which has not yet been forfeited pursuant to Article X, Section 4, Subsection C.
- g. **“Military Leave Member”**. Subject to limitations stated in Section 16 in this article, a member on a Break in Service due to service in the uniformed services, as defined in 38 USC § 4303 (13), may receive an allocation as though the person was an active member for the period of the uniformed service, not to exceed five years, unless a longer period is required under the United States Code, 38 U.S.C § 4312.

To be eligible for an investment return allocation under this section, the volunteer firefighter must return to firefighting service with coverage by this relief association or its successor upon discharge from service in the uniformed service within the time frame required 38 U.S.C. § 4312(e).

An allocation of any fire state aid, any municipal contributions and any investment return is not authorized if the firefighter separates from uniformed service with a dishonorable or bad conduct discharge or under other than honorable conditions. Any investment allocation is not authorized if the firefighter fails to provide notice to the fire department that the individual is leaving to provide service in the uniformed services, unless it is not feasible to provide that notice due to the emergency nature of the situation.

Section 3. Service Requirements

- a. **“Active Duty”** is the active performance of fire suppression duties or the supervision of fire suppression duties required by the Fire Department, Maple Grove City Ordinance §18-32. The Fire Department certifies the members serving on “active duty” for the purposes of computing benefits or service pensions payable.
- b. **“Month of Active Service”** is for the purposes of computing service pensions and ancillary benefits, or calculating vesting requirements. A “month of active service” is defined as a calendar month in which the member completed at least 16 days of active duty.
- c. **“Year of Active Service.”** For the purposes of computing benefits or service pensions payable, a year of service shall be defined as twelve (12) full months of "active service" in the Fire Department.
- d. **Break in Service.** If a member is unable to perform the duties of a firefighter for any reason, including an approved leave of absence, the member will be considered to have a break in service and will not receive credit in the Association for that period of time, except that the resumption service requirements of this Section do not apply to leaves of absence or breaks in service made available by Federal or State statute, such as the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), Minn. Stat. § 424A.021, and the Family and Medical Leave Act (FMLA), 29 U.S.C. § 2601, et al. Active membership in the Association immediately resumes when a member returns to active service with the Fire Department, if the member’s break in service was less than 60 days.
- e. **Return to Service.** Any firefighter who has ceased active duty for at least 60 days, *will be eligible* to resume Active Service membership in the Association should the firefighter resume active duty with the Fire Department.

If the firefighter has not received payment of a service pension or disability benefit, the firefighter may be eligible for a service pension or benefit if the firefighter meets the vesting requirements defined in these bylaws based on the original and resumption years of service. The service pension will be calculated to include allocations credited to the firefighter’s member account during the original and resumption periods of service and deductions for administrative expenses, if applicable, less any amounts previously forfeited based on these bylaws. Amounts forfeited under Article VI, Section 3 of these bylaws before a resumption of active service and membership remain forfeited and may not be reinstated upon the resumption of active service.

Section 4. Application. Applications for membership shall be made in writing on the form supplied by the Secretary. Each application shall be referred to the Board of Trustees for approval. The Board shall approve the applicant for membership if, at its discretion, the applicant meets the qualifications set forth in Section 1 above. The Board shall act upon the application within thirty (30) days. If the application is rejected, the Board shall return the application (with entrance fee) to the applicant. Thereafter, the applicant shall be given the opportunity to appear before the full Board, within the next thirty (30) days, to support his/her claim for membership. When an application is approved, the applicant shall receive a certificate of membership signed by the President and Secretary of the Association.

Section 5A. General Fund Dues and Assessments. Active Service and LOA members shall pay dues as determined annually by the Association to be one hour of Firefighter pay per month for the purpose of supporting the General Fund. Dues may be collected by the City through a payroll deduction and paid to the Association on a Quarterly basis. When Pay Rates are updated annually, the Secretary of the Association will contact the City to update the Dues deduction. Any member whose dues are not paid on time shall be mailed a notice of his/her delinquency by the Secretary. If the dues are not paid within thirty (30) days after this notice is mailed, his/her membership in this association shall be automatically terminated. A member so dropped may be reinstated upon the payment of the delinquent dues and a fine of five dollars (\$5.00).

Section 5B. Exceptions to General Fund Dues and Assessments. Deferred, Inactive, Military, and Disabled members do not meet the definition of “Active Service” and therefore are not responsible for General Fund membership dues.

Section 6. Termination of Membership. At a regular or special meeting, Active Service Members may be expelled from the Association for cause by a two-thirds vote of (2/3) of all Active Service members. Notice of the meeting and a written statement of the particular charges shall be given to a member at least five (15) days, excluding the date of the meeting, in advance of said meeting. Cause for termination shall include, but not be limited to, resignation or discharge from the Maple Grove Fire Department, failure to account for money belonging to the Association, and feigning illness or injury for the purpose of defrauding the Association.

ARTICLE V

Board of Trustees

Section 1. The Powers and Duties of the Board of Trustees. The Board of Trustees (Board) is the governing board and has exclusive control of the investment of the Association’s plan assets in conformance with Federal and State law including, but not limited to, Minnesota statutes and these bylaws. The members of the Board will act as Trustees, with a fiduciary responsibility to the Active, Deferred, and Inactive members of the Association, who are its beneficiaries; the taxpayers of the municipality, who help to finance the plan; and the State of Minnesota, which established the plan.

The Board will exercise all powers attendant to management of the Association’s plan, assets, and benefit determinations as outlined in these Bylaws.

Pursuant to Minnesota Statutes, Section 69.051, Sub. 1, as amended, the Board, shall annually prepare an Annual Financial Report of the Association’s receipts, disbursements, and balances in its special and general funds for the preceding calendar year ending December 31. In addition, the Board will submit this Annual Financial Report of the Association to the members at a regular meeting each year.

Section 2. Members of the Board of Trustees. The Board consists of nine members (Trustees); six General Trustees elected from the membership by the membership and three Municipal Trustees drawn from officials of the City of Maple Grove. Of the three Municipal Trustees, one must be an elected official and one must be an elected or appointed municipal official, and both must be designated annually by the Maple Grove City Council. The third municipal Trustee must be the fire chief.

Section 3. Qualifications of the General Trustees. General trustees shall be Active Service members of the Association in good standing.

Section 4. Election and Terms of Office. A General Trustee shall hold office for the term of two years or until his/her successor has been elected and has qualified, or until he/she has resigned or been removed pursuant to Article V, Section 8. The President, Vice-President, Secretary, and Treasurer will be elected from among the elected Trustees by the Association membership for 2 year terms. In no event will any Trustee hold more than one Officer position at any one time. In no event will any municipal Trustee hold an Officer position. The election of the Trustees will be staggered. In odd numbered years, the Vice President, Secretary and one (1) general trustee shall be elected to a term of two (2) years. In even numbered years, the President, Treasurer and one (1) General Trustee shall be elected for the term of two (2) years. Terms of office commence on January 1 of any given year and end on December 31.

Section 5. Vacancies. A vacancy in the position of any non-municipal Trustee may be filled by a majority of the remaining Trustees at any regular or special board meeting. The member selected to fill the vacancy holds office only until the next special or annual meeting of the Association membership when a successor must be elected by the membership.

Section 6. Standard of Performance. A General Trustee shall discharge his/her duties in good faith and with the diligence and care which an ordinarily prudent person, in a like position and under similar circumstances, would exercise. General Trustees will attend annually, a minimum of 66% of scheduled meetings. Failure to attend the minimum number of meetings may result in the removal of a General Trustee. An Active Service Member serving as a General Trustee may remain on the Board if he/she becomes a LOA Member, provided that Trustee assumes Active Service status within 60 days. Failure to return to Active Service status is grounds for removal as a Trustee.

Section 7. Fiduciary responsibility. In the discharge of their respective duties, the officers and trustees shall be held to the standard of care enumerated in Minnesota Statute 11A.09. In addition, the trustees must act in accordance with Minnesota Statute 356A. No trustee of the Association shall cause the Relief Association to engage in a transaction, if the fiduciary knows or should know that a transaction constitutes one of the following direct or indirect transactions:

1. Sale or exchange or leasing of any real property between the Relief Association and the Board Member;
2. Lending of money or other extension of credit between the relief association and a Board Member or member of the Relief Association;
3. Furnishing of goods, services, or facilities between the Relief Association and the Board Member; or
4. Transfer to a Board Member, or use by or for the benefit of a Board Member, or any assets of the Relief Association. Transfer of assets does not mean the payment of Relief Association benefits or administrative expenses permitted by law.

Section 8. Removal. A General Trustee, elected from the membership, may be removed for cause. Cause for removal shall include, but not be limited to, the breach of the duties and responsibilities described in Sections 1, 6, and 7 of this Article. At a meeting of the members which is called for that purpose, one or all of the general trustees may be removed by a majority vote of those entitled to vote at election of officers and general trustees. Notice of the meeting at which removal is to be considered shall be given to each member entitled to vote and shall include the purpose of the meeting. The General Trustee shall be furnished with a statement of the particular charges at least five (5) days before the meeting. At the meeting he/she shall be given the opportunity to be fully heard as to each charge.

Section 9. General Trustees Salaries and Reimbursement. The General Trustees shall receive an annual salary, the amount to be approved by the general membership of the Relief Association. This salary can be paid from the General Fund. For all Trustees, itemized expenses eligible for reimbursement are limited to those expenses incurred as a result of fulfilling responsibilities as administrators of the Special fund.

Section 10. Continuing Education. The Board of Trustees shall develop and periodically revise a plan for continuing education for all members and officers of the Board of Trustees in order to ensure that the trustees keep abreast of their fiduciary responsibilities. New trustees shall be required to complete twelve (12) hours of continuing education in the trustee's first year of office. Thereafter, trustees shall comply with the Board's plan for continuing education (per State Statute).

Section 11. Books and Records. The Association will keep, at minimum, correct and complete copies of its articles of incorporation and bylaws, accounting records, records documenting Special Fund transactions, records necessary to determine benefits payable and paid to individual members and their beneficiaries, and minutes of its meetings that record the votes of actions taken, in accordance with the Records Retention Schedule adopted by the Relief Association.

ARTICLE VI

Officers

Section 1. Qualifications. Each officer provided for in the Articles of Incorporation shall be an Active Service Member or LOA Member of the Association in good standing.

Section 2. Election. Unless otherwise provided, each officer shall be elected by the members of the Association at the regular annual meeting. Further provisions regarding the election of officers may be found in Article VII, Section 10 of these bylaws.

Section 3. Term. Unless otherwise provided, each officer shall hold office for the term of two (2) years and until his/her successor has been elected and has qualified, or until he/she resigned or has been removed pursuant to Section 5 of this Article.

Section 4. Serve as a General Trustee. Each officer shall also serve as a General Trustee on the Board of Trustees and must meet the obligations, responsibilities, and performance standards described in Article V, Sections 1, 6 and 7.

Section 5. Removal. An officer may be removed in the same manner as a General Trustee. (See Article V, Section 8 of the bylaws).

Section 6. Authority and Duties. Officers have the authority and duties in the management of the business of the Association as outlined herein.

Section 7. President's Duties.

- a. It shall be the duty of the President to attend and preside over all meetings of the Association and of the Board of Trustees. The President will actively manage the business of the Association. The President will enforce the due observance of the law, including Minnesota statutes, the Articles of Incorporation and the Bylaws of the Association. The President will ensure that the officers properly perform the duties assigned to them and that the orders and resolutions of the Board are

carried into effect. The President shall be a member of all committees, and he/she shall exercise a careful supervision over the affairs of the Association. The President may sign all checks issued by the Treasurer, all other checks issued from Association-related accounts, and all other papers requiring the President's signature. The President will perform other duties as prescribed by the Board.

- b. Salary. The President shall receive an annual salary, the amount to be determined by the Association at an annual meeting. This salary shall be allocated from the Special Fund.

Section 8. Vice President's Duties.

- a. It shall be the duty of the Vice-President to assist the President. He/she shall perform the duties of the President in his/her absence. In the absence of both, it shall be the duty of the Association at an Association meeting or the Board at a Board meeting to appoint a president pro tem from the body that is meeting, who shall perform the duties incident to the office.
- b. Salary. The Vice-President shall receive an annual salary, the amount to be determined by the Association at an annual meeting. This salary shall be paid from the General Fund.

Section 9. Secretary's Duties.

- a. It shall be the duty of the Secretary to give the required notice of all meetings of the Association and of the Board of Trustees. He/she shall keep a true and accurate record of the proceedings of all meetings of the Association and of the Board of Trustees. The Secretary will keep a correct record of all amendments, alterations, and additions to the bylaws in a book separate from the minute books of the Association.
- b. The Secretary will prepare all paperwork and obtain signatures required for benefits due. The books of the Secretary will be at all times open to the Board.
- c. The Secretary may sign checks issued by the Treasurer.
- d. He/she act as custodian of the seal and records of the Association, sign its official papers, give such notices that may be required, and perform such other duties as imposed by the Board of Trustees.
- e. At each meeting of the Board of Trustees, the Secretary shall submit a report in writing, showing the names of all persons who have applied for membership or ceased to be members since his/her last report, the names of all persons to whom money has been paid, the amount and the reason therefore the amount of money on hand, and where it is invested and/or deposited, and such other information as will show the financial condition of the Association.
- f. Salary. The Secretary shall receive an annual salary, the amount to be determined by the Association at an annual meeting. This salary shall be paid from the Special Fund.

Section 10. Treasurer's Duties.

- a. The Treasurer will keep accurate financial records of the Association. It shall be the duty of the Treasurer to receive and keep all money belonging to the Association from whatever source derived and to promptly enter in a book provided for the purpose an account of all money received and disbursed by him/her, showing the source and objects thereof with the date of each transaction. He/she shall pay out money only upon checks signed by him/herself and countersigned by the President, or the Secretary. Such checks, when paid and canceled, he/she

shall retain as his/her vouchers. Such accounts and vouchers shall be exhibited to the Board of Trustees upon request.

- b. The Treasurer will perform other duties as prescribed by the Board.
- c. The Treasurer will keep separate and distinct accounts of the Special Fund and the General Fund and will prepare and present to the Board a full and detailed statement of the assets and liabilities of each fund separately, prior to the annual meeting of the Association, and upon request of the Board.
- d. At each meeting of the Board of Trustees the Treasurer shall make a report showing the balances and receipts on his/her books.
- e. Pursuant to Minnesota Statutes, Section 69.051, Subd. 2, as amended, before the Treasurer may enter upon his/her duties, he/she shall give the Association a good and sufficient bond in an amount equal to at least 10% of the assets of the Association; however, the amount of the bond need not exceed \$500,000 for the faithful discharge of his/her duties according to the law.
- f. The Treasurer will prepare and file all reports and statements required by law, including reports to be filed with the Office of the State Auditor.
- g. Salary. The Treasurer shall receive an annual salary, the amount to be determined by the Association at an annual meeting and allocated in like manner as the Secretary's.

Section 11. Vacancies. Any vacancy occurring in the position of an officer shall be filled according to the provisions of Article V, Section 5.

ARTICLE VII

Meeting of Members and the Board

Section 1. Meeting place. Meetings of the Association members may be held at a designated place within the City of Maple Grove, Minnesota.

Section 2. Annual meeting.

- a. Time. The membership shall hold an annual meeting for the election of General Trustees and Officers and for the transaction of any other business in December each year.
- b. Notice. Notice of each annual meeting of the Association's members will be provided to each member entitled to vote at the meeting at least five days before the date of the meeting and not more than 60 days before the date of the meeting. Notice will contain the date, time, and place of the meeting.

Section 3. Special Meetings.

- a. A special meeting of the Association's members may be called at any time upon the written order President, Secretary, and one additional Trustee, or of 10 percent of the members of the Association. The Order will be filed with the Secretary.
- b. Notice. Notice of each special meeting of the Association's members will be provided to each member entitled to vote at the meeting at least five days before the due date of the meeting and not more than 60 days before the date of the meeting. Notice will contain the date, time, and place of the meeting. The Secretary will give due notice of each special meeting, specifying the object of said meeting, and no business will be transacted at any special meeting except the business for which the meeting was called.

Section 4. Board Meetings.

- a. Time and Place. The Board of Trustees shall meet at the minimum, at least four (4) times a year at any place within this State as designated by the Board, to discuss the investments, finances, benefits, and records of the Association. A Trustee may call a Board meeting by giving five days' notice to all Trustees of the date, time, and place of the meeting. These meetings will be open to any member of the Association and to the public.
- b. Notice. Notice requirements of the Minnesota Open Meeting Law will be followed for all Board Meetings. A schedule of the Board's regular meetings will be kept on file at the Board's primary office.
- c. Special Meetings. For special meetings (including any regular meeting held at a time or place different from the time or place stated in the schedule of regular meetings), the Board will post written notice of the date, time, place, and purpose of the meeting on the Board's principal bulletin board, or if the Board has no such bulleting, on the door of its usual meeting room. The notice will also be mailed or delivered to each person who has filed a written request for notice with the Board. The notice will be posted and mailed or delivered at least three days before the date of the meeting.
- d. Recessed/Continued Session. If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

Section 5. Quorum for Annual and Special Meetings.

- a. Ten percent of the Active Service and LOA members of the Association will constitute a quorum for the transaction of business at the annual or any special meeting of the Association which requires a vote by membership.
- b. Subject to Clause (c) below, a quorum is necessary for the transaction of business at a meeting.
- c. When a quorum has been present at a meeting and members have withdrawn from the meeting so that less than a quorum remains, the members still present may continue to transact business until adjourned.
- d. In the absence of a quorum, a majority of the Board of Trustees present may adjourn a meeting from time to time until a quorum is present.

Section 6. Quorum for Board Meetings. A simple majority of the Trustees will constitute a quorum for the transaction of business at the meetings of the Board.

Section 7. Order of Business. All meetings shall be conducted according to Robert's Rules of Order.

Section 8. Voting at Annual and Special Meetings. Each Active Service or LOA member of the Association present is entitled to one vote. Voting by proxy is prohibited. All votes, unless specified prior to the vote, will be conducted by a voice vote. If a majority cannot be determined by voice vote, the officer in charge of the vote will ask for a vote by roll call or by ballot. Effective August 2019, during the July Charitable Gambling Distribution, only members who have attended at least two (2) monthly membership meetings from the previous August through June (excluding December) will be allowed to vote on distribution matters.

Section 9. Voting at Board Meetings. The Board has a responsibility to vote on the investment and reinvestment of Association assets, the determination of benefits, the determination of eligibility for benefits, the determination of the amount or duration of benefits, the determination of funding requirements or the

amounts of contributions, the maintenance of membership and financial records, the expenditure of Association assets, the selection of financial institutions and investment products, and on any other matter related to the business or affairs of the Association. An act of the majority of the Trustees present at a meeting at which a quorum is present is an act of the Board. Trustees are entitled to one vote and each has equal rights. Voting by proxy is not permitted. All votes, unless specified prior to the vote, will be conducted by a voice vote. If a majority cannot be determined by voice vote, the officer in charge of the vote will ask for a vote by roll call or by ballot.

Section 10. Elections. Self-Nominations for officers and trustees must be received in writing by the Secretary by December 1, prior to the annual meeting. Nominations of candidates by other members may be made from the floor at the annual meeting or any special meeting called for the purpose of electing any officer or trustee.

ARTICLE VIII **Investments**

Section 1. Standard of Fiduciary Conduct. Trustees owe a fiduciary duty to the active, deferred, and retired members of the Association, who are plan beneficiaries; to the taxpayers of the municipality, who help finance the plan; and to the State of Minnesota, which established the plan. The Trustees will act in good faith and exercise that degree of judgment and care, under circumstances then prevailing, that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, considering the probable safety of plan capital as well as the probable investment return to be derived from the assets.

Section 2. Duty to Invest. The Board will approve an investment policy, and will investigate and prepare for the safe and profitable investment of the Association funds. The investment of the funds of the Association shall be in the exclusive control of the Board of Trustees, in conformance with state statutes, the bylaws, and the investment policy. The Board of Trustees shall meet with the Investment Committee. The Special Fund assets will be invested only in securities that are authorized by Minn. Stat. §§ 424A.095; 356A.06, subd. 6; and 356A.06, subd. 7 (if the Association qualifies to use the expanded list). The Board shall order an audit of the books and accounts of the Secretary and Treasurer annually, according to law, and shall submit a written report of the condition of the Association to the members at the annual meeting. The Board will have on file a copy of the investment policy of the Association. The Board will file a copy of the Association's investment policy, and all changes to the policy, with the Office of the State Auditor.

Section 3. Investment Committee. The Board of Trustees may designate two or more Association members to sit on an investment committee. The Treasurer, the President and an ex-officio member (or his designee) shall sit on the committee. The investment committee shall investigate and make recommendations to the board of suitable investments for Association funds among those permitted by Statute, the bylaws and the investment policy.

Section 4. Broker's Certification. The Board of Trustees shall comply with Minnesota Statutes 356A.06, Subd. 8b that requires the Relief Association to provide annually to any brokers, a written statement of investment restrictions pursuant to statute or the investment policy that applies to the Special Fund. Upon receipt of the written statement of investment restrictions, each broker handling investments of the Association shall acknowledge, in writing annually the receipt of the investment restrictions. The acknowledgment shall contain a statement of the broker's agreement to handle the Association's investments pursuant to the written restrictions. This certification must be completed by January 1 of each year.

ARTICLE IX
Funds

Section 1. Association Funds. All money received by the Association shall be kept in two separate funds. The Association will establish and maintain a Special Fund and a General Fund. Disbursements from the funds shall be in accordance with Minnesota Statutes and Rules and the Bylaws of the Relief Association.

Section 2. General Fund. Money received from miscellaneous sources, such as fundraising activities, resale, dues, fines, entertainment, may be deposited into the General Fund. Funds may be disbursed by the Board for any purpose permitted by law and reasonably related to the welfare of the Association or its members, as authorized by a majority of the members present and voting at any annual, regular or special meeting of the members. All association expenses not specifically authorized by State statute to be paid out of the Special Fund must be paid out of the General Fund.

The Treasurer is the custodian of the assets of the General Fund and the recipient on behalf of the General Fund of all revenues payable to it. The Treasurer will maintain adequate records documenting any transactions involving the financial activities of the General Fund.

All income and expenses related to sales, inventory, and maintenance of pop machines will be funded through the General Fund and all monies reconciled on a monthly basis. Reports on all resale activities will be provided at all monthly Board Meetings.

The Association will accept cash, check, or electronic forms of payment for resale items, registration fees, and any other Board approved purposes. All income will be deposited to the General Fund and all monies reconciled on a monthly basis. Reports on all income activities will be provided at all monthly Board Meetings.

The financial records of the General Fund must be open for inspection by any member of the relief association at reasonable times and places.

Section 3. Special Fund.

- a. All public funds, such as state fire aid, municipal contributions, and supplemental benefits reimbursements, moneys or property donated, given, granted or devised excluding fund-raiser proceeds, by any person which is specified for the use for the support of the Special Fund, any interest earned on the assets of the Special Fund, received by the Association will be deposited in the Special Fund.
- b. The Treasurer is the custodian of the assets of the Special Fund and the recipient on behalf of the Special Fund of all revenues payable to it. The Treasurer will maintain adequate records documenting all transactions involving the financial activities of the Special Fund.
- c. The financial records of the Special Fund are public.
- d. Any tax sources and other money which may be directly donated or transferred to said fund, shall be kept in a separate account on the books of the Treasurer known as the Special Fund and shall be disbursed for the following purposes:
 1. Payment of member's service pension benefits in accordance with these bylaws.
 2. Payment of ancillary benefits in accordance with these bylaws.
 3. Administrative expenses as limited by Minnesota Statute § 69.80.

All other expenses shall be paid out of the General Fund.

- e. Each member account balance must be credited with net investment gains and losses at the rate actually earned by the Association on the investment of special fund assets. The service pension benefit is governed by state and federal law, the articles of incorporation, and the bylaws applicable on the date on which the member separated from active service with the fire department and active membership in the association. All members bear the full investment risk.

Section 4. Disbursements. No disbursements shall be made from the Special Fund except as authorized by Minn. Stat. §§ 69.80 and 424A.05, subd. 3. No disbursement of funds of this Association shall be made except with checks or electronic fund transfers drawn by the Treasurer and countersigned by the President or Secretary. Disbursements from the General Fund may be made for items approved by the Board of Trustees annually as represented in the General Fund Budget. Disbursements from the General Fund primary checking account shall be made drawn by the Treasurer and countersigned by the President or Secretary.

Section 5. Deposits and Investments. All money belonging to this Association shall be deposited to the credit of this Association in such banks, trust companies, savings and loan associations, or other depositories as the Board of Trustees shall designate. The Board of Trustees shall make deposits in conformance with State Statutes, the bylaws and the investment policy.

ARTICLE X

Defined Contribution Accounts

Section 1. Type of Benefit. The exclusive pension provided by the Association for persons who become Active Service Members of the Fire Department for the first time after December 31, 1996, and for persons who are Active Members of the Association as of December 31, 1996, is a defined contribution lump sum service pension governed under these bylaws and Minnesota Statutes §§ 24A.015, 424A.016, and 424A.092..

Section 2. Initial Balances of Active Members on December 31, 1996. The initial allocation to the accounts of active members on December 31, 1996, in lieu of the defined benefit service pension accrued under the bylaws in effect prior to December 31, 1996, shall be a dollar amount equal to the product of the number of full months of service as a firefighter in the Fire Department completed by the member through December 31, 1996 multiplied by \$300.00.

Section 3. Member Account Valuation

- a. Contributions. An equal share of any amounts of state fire aid received by the Association, any amounts of municipal contributions received by the Association, and any amounts forfeited from member accounts as provided in this Article will credit to each active member account. Only Active Service member accounts will be credited with contributions.
- b. Allocation rule. Each individual who was an eligible Active Service Member at any time during the fiscal year is eligible to share in the allocation of contributions for such fiscal year, based on the number of full months the individual is credited with service as a firefighter in the Fire Department during the fiscal year as compared to the total number of full months of credited service of all members as certified to the Association by the Fire Chief.
- c. Allocation Rule LOA Exception: Leave of Absence (LOA) members are ineligible to receive City and State pension benefits during the LOA unless the LOA is a result of active duty with the Maple Grove Fire Department, or until such time as they return to active duty as determined by the Fire Chief.

- d. Annual Municipal Contribution. The City will make an annual contribution to the Special Fund based on the number of eligible firefighters in the Special Fund. Such payment will be made in December of each year and will be calculated on the completed number of full months of active service for all eligible firefighters in the special fund for the year ending December 31. Starting with the 1997 plan year the City contribution shall be computed on the amount of \$125 per full month of service during the fiscal year for each firefighter in the Special Fund. For each subsequent year, the city contribution will be increased by a percentage amount equal to the average annual increase for all bargaining units in the city. For purposes of this section, the annual increase will be the annual percentage increase in wages. The Fire Chief shall submit a written certification that contains the completed months of service for each member of the Fire Department, to the Secretary of the Relief Association by January 15 of the following year.
- e. Payment of State Aid. The City of Maple Grove will make payment to the Special Fund of any fire state aid received as a result of Minnesota Statute § 69.011. Such payment will be made within thirty (30) days after receipt by the City.
- f. Annual Reports. A member shall be entitled to inspect their member account balance and transactions in the Fund as of the most recent accounting date by giving reasonable notice to the Secretary of the request. At least annually, the Secretary will provide each member with a written report of the member's account balance and vesting level as of the most recent accounting date and any account transactions from the Fund (such as distributions, contributions, and forfeitures) during the prior plan year.

Section 4. Periodic Adjustment of Accounts.

- a. Accounting Date Adjustments. As of the Accounting Date, the account of each Active, Deferred, Disabled, Retired, or Military Leave Member or Beneficiary shall be revalued. As of the Accounting Date, the Trustees shall value the assets of the Special Fund at their fair market value and determine the net investment gain or loss of such assets since the preceding Accounting Date. In determining the net investment gain or loss (i) the accrual basis of accounting shall be used (unrealized appreciation or depreciation shall be taken into account), and (ii) contributions and other non-investment income received by the special fund and payments or distributions from the special fund to pay expenses or provide benefits for members and beneficiaries shall not be considered as investment gains or losses of the special fund. Any investment return on the assets of the Special Fund will be credited in proportion to the share of the assets of the Special Fund to the credit of each active member account. Each deferred member account is credited with any investment return on the assets of the Special Fund in the same manner that any investment return is credited to an Active Service Member account.
 - 1. After the close of the quarterly accounting date, the net investment gain or loss for said quarter year shall be credited or debited to the respective member accounts containing such assets and which are existing on said Accounting Date in proportion to the value of each such account on the preceding Accounting Date, but reduced by forfeitures or distributions from said account made during the quarter year.
 - 2. The value of each member account, as adjusted by the preceding provisions of this Clause (a), increased by contributions and forfeitures allocated to such account and reduced by distributions or forfeitures from such account for the quarter year, shall be the value of said account on the Accounting Date for that quarter.

- b. Adjustment on Direction. A valuation of the Special Fund shall be made quarterly for the purposes of calculating a retired member pension amount. A valuation of the Special Fund shall also be made as of any other date specified by the Board of Trustees. Any valuation of the Special Fund for the purposes of calculating a retired member pension amount, other than the quarter-end date, shall be at the expense of the requesting member, unless so decided by the Board of Trustees.
- c. Forfeitures. The unvested account balance of any Inactive Member whose Length of Service is less than five (5) years when the member terminates from the Fire Department and who has not returned within five (5) years of the date of departure or retirement is forfeited. The unvested portion of the member account balance of a member who separates from active service with the Fire Department before meeting the minimum service requirements specified for full vesting in Article XII, Section 2, of these Bylaws (i.e. the member is partially vested) is forfeited after the member does not return to active service with the Fire Department within five (5) years. The unvested balance will be reallocated as of December 31 in the calendar year containing the last day of the five-year period, to the accounts of members who are eligible to share in the allocation of contributions as determined on each of the four quarterly Accounting dates during the calendar year. Forfeitures are allocated in the same manner as municipal and state contributions, as per Article X, Section 3a.

Section 5. Administrative Expenses. Administrative Expenses payable from the Special Fund to be deducted in equal shares from all member accounts are: (1) the Special Fund Administration Fee; and (2) Other administrative Expenses authorized by state law.

ARTICLE XI

Application for Benefits

Section 1. Forms. Applications for service pension benefits must be made in writing on the forms furnished by the Secretary.

Section 2. Applications for Service Pensions. Applications for service pensions must be submitted to the Secretary who shall submit the application to the Board of Trustees at a regular or special meeting of the Board of Trustees on or before the end of the quarter of the requested distribution of funds. An application for service pension shall be considered a valid notice of intent to retire. Upon receipt of the application for service pension or in conjunction therewith, the Secretary shall provide any notices to the applicant as required by state or federal law, including IRS rules and regulations, with respect to pension or benefit payments.

Applications must state the following:

1. The age, date-of-birth, and social security number of the applicant.
2. The length of service in the Fire Department, verified by the Fire Chief.
3. Date of retirement, verified by the Fire Chief.
4. The length of time the applicant has been a member of the Association.
5. Any additional information pertinent to retirement that the Board of Trustees may require.

Section 3. Application Approval. Applications for service pensions must be submitted to the Secretary prior to the Board Meeting scheduled for the end of the quarter in which the applicant retires. The Secretary shall submit the application to the Board of Trustees at a regular or special meeting of the Board of Trustees prior

to the final accounting date for that quarter for the applicant's account. It shall be the duty of the Board to approve applications for service pensions if the applicant meets all of the eligibility requirements set forth in these bylaws. It shall also be the duty of the Board not to approve the application if any of the eligibility requirements are not met. No service pension, including any deferred service pension, or ancillary benefit will be paid until the Application for Distribution has been approved by a majority vote of the Board. If an application is not approved, the Board shall return the application to the applicant within 30 days, noting thereon, with particularity, which requirements the applicant does not meet. Thereafter, the applicant shall be furnished with the opportunity to be heard by the full Board, pursuant to the procedure for review, in these bylaws. If the application is approved, the service pension shall be paid in the manner requested by the applicant, pursuant to Article XIV, Timing and Modes of Distribution.

Section 4. Governing Benefit Plan Provision. All service pensions, deferred service pensions, and ancillary benefits payable by the Association are governed by and must be calculated based on the State law, the Association bylaws provisions, and the Association articles of incorporation that are in effect on the date that the member separates from active service with the Fire Department and active membership in the Association.

ARTICLE XII

Distribution of Benefits

Section 1. Service Pensions. Upon the member's meeting the requirements in Section 2 of this Article and following the submission and approval of an Application for Distribution, the Association will pay the member out of the Special Fund a service pension equal to the value of the member's account as determined on the accounting date at the end of the quarter in which the member retires.

Section 2. Pension Benefit Eligibility. In order to be entitled to receive a distribution of the member's vested account balance, the member must:

1. Terminate affiliation with the Fire Department (Separate from Active Service as defined in Minn. Stat. § 424A.001, subd. 9), and terminate membership in the Association;
2. Be at least 50 years of age;
3. Be partially vested by having completed at least 5 years of active service with the Fire Department, or be fully vested by having completed at least 15 years of active service with the Fire Department;
4. Have at least 5 years of membership in the Association; and
5. Make written application to the Board of Trustees for payment of the benefit.

Section 3. Pension Benefit Distribution. The benefit application will be reviewed by the Board of Trustees at the meeting following the receipt of the application and, if approved, payment will be made based on the accounting date at the end of the quarter in which the member retires, not later than 60 days after the requested "as-of" date following approval by the Board.

If a distribution is requested to be paid with an "as of" date other than the next quarter-end date, the retiring member will be responsible for any additional expenses incurred by the Association for services related to calculating the individual member account balance.

Section 4. Special Circumstances. Notwithstanding the foregoing, the Account of a member whose membership with the Association and with the Fire Department terminates at any time due to a fire-related disability or death caused while performing active service as a firefighter shall become fully vested and

immediately payable upon written application of the Beneficiary or Disabled Member. The written application of a Beneficiary or Disabled member shall include a certified copy of the member's death certificate or proof of disability.

Section 5. Deferred Pension Benefit. A member who has otherwise met the eligibility requirements defined in Section 2 of this Article but who has not reached the age of 50 may not collect a service pension at the time of separation from active service. The member will be placed on deferred status and be entitled to receive the service pension upon reaching the age of 50 and following submission and approval of an Application for Distribution. The deferred service pension is governed by and must be calculated based on the State law, the Association bylaw provisions, and the Association articles of incorporation that are in effect on the date that the deferred member separates from active service with the Fire Department and active membership in the Association. The entire vested balance of that Deferred Member's Account will be credited with net investment gains or losses at the rate actually earned by the Association on the investment of Special Fund assets, in accordance with Article X, Section 4.

Section 6 – Supplemental Benefit. Contingent upon and consistent with the program outlined in Minn. Stat. § 424A.10, a supplemental benefit will be paid out of the Special Fund to individuals who receive a lump-sum distribution of a service pension. The amount of the supplemental benefit is ten percent of the regular lump-sum distribution, excluding any interest that may have been earned during the period of deferral, but not to exceed \$1,000.

ARTICLE XIII **Ancillary Benefits**

Section 1. Survivor Benefit Upon the death of a member of the Association and following the submission and approval of an Application for Distribution, a survivor benefit will be paid out of the Special Fund to the member's surviving spouse; if there is no surviving spouse, to the member's surviving children; if there is no surviving spouse and there are no surviving children, to the member's designated beneficiary. If no beneficiary has been designated and if the deceased member was active or deferred, the survivor benefit will be paid as a death benefit to the estate of the deceased member.

If there are no surviving children, the member's surviving spouse may waive, in writing, wholly or partially, the spouse's entitlement to a survivor benefit, so that the survivor benefit may be paid directly to the member's designated beneficiary.

A trust created under Chapter 501B may be a designated beneficiary if the survivor benefit will be distributed as a one-time lump-sum payment. If a trust was created and is payable to the surviving children and there is no surviving spouse, the survivor benefit will be paid to the trust.

For all **active service** members if, upon death, the member had not yet separated from active service, a survivor benefit equal to the vested and non-vested amount of the member's account will be paid.

For **deferred members**, a survivor benefit equal to the vested amount of the member's account will be paid.

Section 2. Supplemental Survivor Benefit. Contingent upon and consistent with the program outlined in Minn. Stat. § 424A.10, a supplemental survivor benefit will be paid out of the Special Fund when a lump-sum survivor benefit is paid to the surviving spouse or, if none, to the surviving child of a deceased active or

deferred member. The amount of a supplemental survivor benefit to be paid is 20 percent of the survivor benefit, but not to exceed \$2,000.

Section 3. No Additional Financial Relief. Except for the relief expressly identified for survivors in these bylaws, a member of former member's surviving spouse, child or children, designated beneficiary, and/or estate are not entitled to any other or further relief or benefits from the Association.

Section 4. Disability Benefit. An Active Service member who is permanently disabled from active duty with the Fire Department with a service-related disability, as determined by the Fire Department, is eligible for a disability benefit in lieu of their service pension benefit. The member who is permanently disabled with a service-related disability shall be eligible to collect a disability benefit in an amount equal to the full account balance (vested and non-vested amount) as of the last allocation date prior to the date on which the member stopped meeting the active duty requirements of the Fire Department. The member shall be eligible to receive the disability benefit immediately upon approval of the Board of Trustees of an Application for Distribution. Any such disability benefit paid in accordance with this section shall be in lieu of all rights to further service pension and survivor's benefit.

- a. Procedure. All applications for disability benefits shall be made within six months after such applicant has ceased to be an active member of the Fire Department. Written application shall be made to the Board setting out the nature and cause of such disability, and include documentation of the disability by the Fire Department.
- b. Grievance Procedure. If the applicant for disability benefits feels that he/she has been aggrieved by any action of the Board, the member shall, within sixty (60) days from the notice of such action of the Board, file written objections and the reasons thereof with the Board and shall be allowed to appeal the determination pursuant to the review procedures in these bylaws.

Section 5. Payment Options. The recipient of an ancillary benefit may elect, by making a written request, the manner of payment of the ancillary benefit. Options are listed in Article XIV, Section 1.

ARTICLE XIV **Timing and Modes of Distribution**

Section 1. Because of varying circumstances in each member's retirement planning, optional benefit payment methods are offered. Selection should occur after the consultation with a tax consultant, insurance and/or estate planner, or an attorney. The retiring member may elect, by making a written request, the manner of payment of the service pension. Options include:

- a. A single lump-sum payment payable to the retiring member (subject to current income tax withholding requirements).
- b. A direct transfer on an institution-by-institution basis of the retiring member's lump-sum payment to the member's individual retirement account (IRA).

Section 2. Method of Disbursement of Account. All benefits payable as a result of attaining age 50 and retiring, or as a result of death or disability shall be distributed pursuant to the method chosen from the optional payment methods listed in this Article. The member's account shall be eligible to share in the allocation date for the year in which the member retires, becomes disabled or deceased. The first payment shall be payable within 60 days after the last day of the quarter in which the member retired, became disabled or deceased. The disbursement shall be based on the member's vested account balance as of the last day of

the quarter in which the member retired from the Fire Department or the most recent prior Accounting Date. The member or beneficiary shall receive a second disbursement check that includes the balance of the member's account, within 90 days of the final Audit Date for the year in which the member retired, became disabled or died.

ARTICLE XV
Partial Vesting Provision

Section 1. Partial Vesting Schedule. If an individual's membership with the Association and the Fire Department is terminated prior to attaining a length of Service of 15 years or more for any reason other than death or a fire-related disability, the association will pay a percentage of the member account balance to the retiring member. The reduced service pension may be paid when the retiring member meets the minimum age and service requirements of Article XII, section 2. The non-forfeitable percentage of pension amounts are increased upon a member achieving each full year of service as follows:

Length of Service	Vested Percentage
Less than 5	0%
5	40%
6	46%
7	52%
8	58%
9	64%
10	70%
11	76%
12	82%
13	88%
14	94%
15 or More	100%

Section 2. Combined Service Pensions. A member with credit for service as an active firefighter in more than one relief association is entitled to a prorated service pension from each relief association if:

- a. the articles of incorporation or bylaws of the other relief association(s) provide;
- b. A member receiving a prorated service pension must have a total combined amount of service credit from the two or more relief associations of ten years or more, unless the bylaws of every affected relief association specify less than a ten-year service vesting requirement, in which case, the total amount of required service credit is the longest service vesting requirement of the relief associations. The member must have one year or more of service credit in each relief association. The prorated service pension must be based on the member's individual account balance on the date on which active service covered by that relief association terminated.
- c. To receive a prorated service pension, the member must become a member of the second or succeeding association and must give notice of membership to the prior association within two years of the date of termination of active service with the prior association. The second or subsequent relief association secretary must certify the notice.
- d. the member otherwise qualifies.

See Minnesota 2019 424A.015 Subd. 7.

ARTICLE XVI
Procedure for Review

Section 1. In the event that the Board of Trustees denies an application for a service or ancillary pension benefit, the member shall be entitled to the right to appeal the determination.

Section 2. If an application is not approved, the Board shall return the application to the applicant within 30 days, noting thereon, with particularity, which requirements the applicant does not meet. Thereafter, the applicant shall be furnished with the opportunity to be heard by the full Board, on the question of whether the applicant meets all of the eligibility requirements. The member shall indicate that the member intends to appeal by furnishing the Board with a written intent to appeal that is filed with the Secretary of the Association within 30 days of receiving an adverse determination. The intent to appeal shall be certified by the member.

Section 3. Upon receipt of the written intent to appeal, the Board of Trustees shall hold a special meeting within 60 days or receipt of the written intent to appeal. Timely notice of the meeting shall be given to the member at least 15 days prior to the special meeting. The member shall have the reasonable opportunity to be heard by the Board of Trustees at the special meeting with regard to the negative determination. The Board reserves the right to engage the services of an arbitrator or mediator, acceptable to both parties, at any time during the appeal. The mediator or arbitrator shall be selected from professional lists including the Rule 114 Supreme Court Roster. The cost of the mediator or arbitrator shall be split in half among both parties.

ARTICLE XVII
Limits on Benefits

Section 1. Domestic Relations Order. A qualified domestic relations or domestic relations order shall be accepted by the plan administrator if in compliance with state and federal law. No benefits shall be paid under a domestic relations order which requires the plan to provide any type or form of benefit, or any option, not otherwise provided under the plan or under state law.

Section 2. Non-Assignability of benefits. Benefits paid or payable from the Special Fund are not subject to garnishment, judgment, execution, or other legal process, except as provided in Minn. Stat. §§ 518.58; 518.581; or 518A.53. Benefits paid or payable may not be assigned for any purpose.

Section 3. No person entitled to a service pension or ancillary benefits from the special fund of a relief association may assign any service pension or ancillary benefit payments, nor shall the Association have the authority to recognize any assignment or pay over any sum which has been assigned.

ARTICLE XVIII
Unclaimed Benefits

Section 1. Unclaimed Benefits. In the event that the Association is unable with reasonable effort to locate a member or a survivor of a member entitled to payment or distribution under these bylaws or by State law, the benefit distributable to such member or survivor of such member will be forfeited and will be credited to the Special Fund. Efforts to locate a member or survivor must be documented. Forfeiture will occur no earlier

than thirty-six (36) months after the Board concludes the Association is unable to locate such member or survivor despite reasonable efforts to locate them.

Article XIX **Amendments**

Section 1. General Rule. These bylaws may be amended, altered or repealed by a two-thirds vote of the active members present at an annual or special meeting, provided that written notice of intent to amend, alter, or repeal the bylaws has been given to each Active Member or mailed to each Active Member at their last known address at least 30, but no more than 45 days prior to the date set for such a meeting.

Section 2. Suspension of General Rule. The general rule requiring posting of amendments at least 30 days prior to the date set for voting on the amendments may be suspended or modified on a prospective basis by a two-thirds vote of the members present at an annual meeting or special meeting with respect to specific amendments under consideration by the Association. Any action taken by the members under this Section 2 shall expressly describe the scope of any amendments covered by such action and the manner in which any notice of the amendments shall be given to Active Members prior to the meeting at which they will be considered. This provision shall be effective immediately upon its approval by a two thirds (2/3) vote of the Active Members present at an annual or special meeting.

The Association will file a revised copy of these bylaws with the Office of the State Auditor upon the adoption of any such amendments.

ARTICLE XIX **Effective Date**

These amended and restated bylaws are effective on January 17, 2018. The provisions of this restatement, shall apply only to individuals who are Active Members of the Association on or after January 17, 2018. An individual shall not be considered a member of the Association after receiving a final distribution of his/her account. The Association converted from defined benefit to defined contribution on December 31, 1996. Members who were deferred at the time continue to participate in investment gains or losses subject to Article XII, Section 2. Accounts were established for all Active and Deferred members. This restatement does not affect that conversion except where expressly designated.

ARTICLE XX **Miscellaneous**

Section 1. Construction of Terminology. Whenever the terms “man”, “men” or their related pronouns appear in the Articles or Bylaws of this Association, either in words or parts of words, they shall be construed in their generic sense, that is, to include all humankind, both male and female.

Section 2. Amendments. Amendments to the Bylaws may be made according to the provisions of Minnesota Statutes, Section 317A.181 and 424A.016, subd. 8 as amended.

Adopted by the Board of Trustees of the Maple Grove Firefighters' Relief Association at its meeting on the 16th day of December, 2018.

Board of Trustees

Attested:

By: _____
President

Secretary

The 2017 codification of the aforesaid Bylaws was approved by the City Council of the City of Maple Grove on the 16th day of January, 2018. No change in Benefit Level was proposed in the 2018 codification and no City Council action required.