



COUNTY ADMINISTRATOR
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TO: Rolland Sizemore, Chair
Board of Commissioners

THROUGH: Robert E. Guenzel
County Administrator

FROM: Diane M. Heidt
Human Resources / Labor Relations Director

Monica L. Boote
Human Resources Operational Director /
Retirement Administrator

DATE: November 18, 2009

SUBJECT: An ordinance amending and restating the provisions of the
Washtenaw County Employees' Retirement System to incorporate
accumulated changes, remove obsolete material, and to conform
to applicable provisions of State and Federal Law.

Board Action Requested:

It is requested that the Board of Commissioners approve a resolution amending and restating the Washtenaw County Employees' Retirement System (WCERS) to incorporate accumulated changes, remove obsolete material, and to conform to applicable provisions of State and Federal Law.

Background:

The Washtenaw County Employees' Retirement System Board of Trustees is vested with the fiduciary responsibility for the administration, management and operation of the Retirement System and has the authority to make rules and regulations necessary for the proper conduct of the pension trust fund. The Retirement System is intended to be and has been administered as a qualified governmental pension plan under Section 401 of the Internal Revenue Code, as amended ("IRC" or "Code") and is a tax-exempt organization under IRC § 501.

Discussion

The Washtenaw County Employees' Retirement System (WCERS) was established by Resolution effective February 1, 1948 and restated by Ordinance effective January 1, 1994 and June 7, 2006. As such the Board of Trustees of the Washtenaw County Employees Retirement System has further updated the plan document in order to comply with current collective bargaining agreement provisions, as well as State and Federal Law. Further the proposed amendments allow the Retirement Office to provide consistent policy and procedural application for all active, deferred and retired members of WCERS, through reference to an accurate and comprehensive plan document.

Impact on Human Resources:

None

Impact on Budget:

None

Impact on Indirect Costs:

None

Impact on Other County Departments or Outside Agencies:

None

Conformity to County Policies:

None

Attachments/Appendices:

None

A RESOLUTION ADOPTING AMENDMENTS AND RESTATING PROVISIONS OF THE WASHTENAW COUNTY EMPLOYEES RETIREMENT SYSTEM TO INCORPORATE ACCUMULATED CHANGES, REMOVE OBSOLETE MATERIAL, AND TO CONFIRM TO APPLICABLE PROVISIONS OF STATE AND FEDERAL LAW

WASHTENAW COUNTY BOARD OF COMMISSIONERS

November 18, 2009

WHEREAS, the Washtenaw County Board of Commissioners previously established the Washtenaw County Employees Retirement System effective February 1, 1948 under authority of Section 12(a) of Act No. 156 of the Public Acts of 1851, as added by Act No. 249 of the Public Acts of 1943, being MCLA 46.12a, as amended, and

WHEREAS, the Board of Trustees of the Washtenaw County Employees Retirement System has prepared a proposed Restated Retirement System Ordinance which incorporates the current retirement system provisions, as well as relevant provisions of the collective bargaining agreements as may be applicable, and

WHEREAS, said Restated Retirement System Ordinance includes standard proof reading notations associated with the proposed amendments, and

WHEREAS, said Restated Retirement System Ordinance incorporates and includes relative provisions of the Internal Revenue Code, and

WHEREAS, the Board of Trustees of the Washtenaw County Employees Retirement System has forwarded said Restated Retirement System Ordinance to the Washtenaw County Board of Commissioners for review and consideration, and

WHEREAS, the Washtenaw County Board of Commissioners has reviewed said Restated Retirement System Ordinance, therefore

NOW THEREFORE BE IT RESOLVED that

Section 1. The Washtenaw County Board of Commissioners hereby adopts and approves the amendments to the Washtenaw County Employees Retirement System Ordinance as contained in the Restated Retirement System Ordinance (a copy of which is attached hereto and made a part hereof).

Section 2. If this Ordinance amendment or any portion thereof is held to be invalid by any court of competent jurisdiction, said decision shall not affect the validity of the remaining provisions.

Section 3. This ordinance shall take effect immediately upon its final passage by the Board of Commissioners of the County of Washtenaw.

ORDINANCE NO. _____

AN ORDINANCE AMENDING AND RESTATING THE PROVISIONS OF THE WASHTENAW COUNTY EMPLOYEES RETIREMENT SYSTEM TO INCORPORATE ACCUMULATED CHANGES, REMOVE OBSOLETE MATERIAL, AND TO CONFORM TO APPLICABLE PROVISIONS OF STATE AND FEDERAL LAW.

WHEREAS, the Washtenaw County Board of Commissioners previously established the Washtenaw County Employees Retirement System effective February 1, 1948 under authority of Section 12(a) of Act No. 156 of the Public Acts of 1851, as added by Act No. 249 of the Public Acts of 1943, being MCLA 46.12a, as amended, and

WHEREAS, the Board of Trustees of the Washtenaw County Employees Retirement System has prepared a proposed Restated Retirement System Ordinance which incorporates the current retirement system provisions, as well as relevant provisions of the collective bargaining agreements as may be applicable, and

WHEREAS, said Restated Retirement System Ordinance incorporates and includes relative provisions of the Internal Revenue Code, and

WHEREAS, the Board of Trustees of the Washtenaw County Employees Retirement System has forwarded said Restated Retirement System Ordinance to the Washtenaw County Board of Commissioners for review and consideration, and

WHEREAS, the Washtenaw County Board of Commissioners has reviewed said Restated Retirement System Ordinance, therefore

BE IT ORDAINED BY THE WASHTENAW COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. The Washtenaw County Board of Commissioners hereby adopts and approves the amendments to the Washtenaw County Employees Retirement System Ordinance as contained in the Restated Retirement System Ordinance (a copy of which is attached hereto and made a part hereof).

Section 2. If this Ordinance amendment or any portion thereof is held to be invalid by any court of competent jurisdiction, said decision shall not affect the validity of the remaining provisions.

Section 3. This ordinance shall take effect immediately upon its final passage by the Board of Commissioners of the County of Washtenaw.

Made and passed by the Board of Commissioners of the County of Washtenaw, Michigan on this _____ day of _____, 2009.

Chair, Board of Commissioners

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman	X			Ouimet	X			Schwartz	X		
Gunn	X			Peterson	X			Sizemore	X		
Irwin	X			Ping	X			Smith	X		
Judge	X			Prater	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY

ROLL CALL VOTE: TOTALS

11 0 0

STATE OF MICHIGAN)

COUNTY OF WASHTENAW)SS.

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on November 18, 2009, as it appears of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 19th day of November, 2009.

LAWRENCE KESTENBAUM, Clerk/Register

BY: _____

Deputy Clerk



Res. No. 09-0217