

by the Village will be added to the amount distributed on a current basis in order to determine total wages, salary, pay or compensation. In the event that the employer agrees to assume and pay Member contributions in lieu of direct contributions by the Member, such contributions shall accordingly be paid into the plan on behalf of the Members. No Member subject to such agreement shall have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer directly to the plan. All such contributions by the employer shall be deemed and considered as part of the Member's accumulated contributions and subject to all provisions of this plan pertaining to accumulated contributions of Members. The intent of this language is to comply with section 414(h)(2) of the Internal Revenue Code.

(c) *Other contributions.* Private donations, gifts and contributions may be deposited to the fund, but such deposits must be accounted for separately and kept on a segregated bookkeeping basis. Funds from these sources may be used only for additional benefits for Members, as determined by the Board, and may not be used to reduce required Village contributions. (Ord. No. 1-83, § 5, 1-13-83; Ord. No. 2010-07, § 7, 5-27-10)

Sec. 2-151. Retirement board, establishment.

(a) There is hereby created a general employees retirement board of the Village which shall consist of five (5) members.

Two (2) members of the Board shall be employees of the Village. The employee members of the Board shall be elected at large by full-time Village employee Members of the Plan. Employees who are elected cannot work in the same departments of the Village. The term of service of employees on the general retirement board shall be three (3) years, unless the employee member of the retirement board is sooner retired, disabled, resigns, terminates Village employment, is removed

for misconduct by majority vote of the employees or the Village Council or is removed for nonparticipation by missing two (2) or more consecutive meetings.

The election to the Board shall be arranged by the Village clerk, who shall give reasonable notice of the election to the eligible voters. Two (2) members of the general retirement Board shall be residents of the Village, selected by the Village Council to serve terms of two (2) years. The terms of the resident members appointed by the Village Council shall commence on May 1st and shall terminate on April 30th. The two (2) employee members of the Board and the two (2) Council-appointed members of the Board shall annually appoint a member of the general public who has never been employed by the Village to serve as the fifth member of the Board. This fifth member shall serve a term of one-year. All members of the Board shall be voting members.

(b) Should a vacancy occur in the position of a member serving as an employee member, the Village employees shall, within thirty (30) days, hold an election and elect a successor to serve. Should the member appointed by Village council resign or relinquish his duties on the general retirement board, his successor shall be appointed by the Village council within thirty (30) days to serve the remainder of the term or as otherwise determined by the Village Council. Should a vacancy occur in the position of the fifth member, the Board shall appoint a replacement within thirty (30) days.

(c) The retirement Board hereby created shall perform all duties and enjoy all rights and powers vested by law or ordinance, and the village attorney may give advice and legal assistance to said retirement board in all matters pertaining to the performance of their duties, whenever requested and may prosecute and defend all suits which may be instituted by or against it; provided, however, the retirement Board may, in its discretion, employ independent legal counsel for such purposes.

(d) The retirement Board shall have full authority to administer all the provisions of this division and shall cause all disbursements and

receipt for all monies received by the fund through the office of the Village finance director or a custodian bank if one is employed. The retirement Board shall appoint a secretary who shall keep a complete record of all actions and proceedings by the Board.

(e) The retirement Board shall continue to exist exclusively for the purpose provided by this division and related legislation, and the responsibility for the administration and proper operation thereof and for effectuating the provisions of the law relating thereto, is vested in the retirement Board.

(f) The Retirement Board shall have the authority to employ such professional, technical or other advisers as required to carry out the provisions of this Ordinance.

(g) The Board shall have the power and authority to recommend an increase or decrease in the benefits payable hereunder, through the adoption of an amendment to this article but provided such action is based on an actuarial review by an enrolled actuary who is a member of the Society of Actuaries.

(h) The Board shall discharge its duties solely in the interest of the participants and beneficiaries for the exclusive purpose of providing benefits to participants and their beneficiaries and defraying reasonable expenses of administration. (Ord. No. 1-83, § 6, 1-13-83; Ord. No. 2006-14, § 1, 7-27-06; Ord. No. 2010-07, § 8, 5-27-10; Ord. No. 2017-02, § 2, 1-12-17)

Sec. 2-152. Additional rules and regulations authorized.

The retirement Board shall have the power to adopt rules and regulations, not inconsistent with the provisions of this division, governing its activities and providing for the certification of the sum to be paid a retired Member from the general retirement fund. (Ord. No. 1-83, § 7, 1-13-83; Ord. No. 2010-07, § 9, 5-27-10)

Sec. 2-153. Investing funds; custodian of securities.

(a) The retirement Board shall have the power and authority to retain the services of an investment advisor registered under the Investment

Advisors Act of 1940 to invest and reinvest the assets of the general retirement fund in a manner consistent with laws and statutes governing the investment of the Fund. Legal title to the funds shall remain at all times in the name of the Fund.

(b) The Village, or its designated funding agent, shall be the custodian of all securities, and the accretion thereof shall become a part of the general retirement fund. All funds and securities of the general retirement fund shall be deposited with the Village finance director who shall keep them in a separate fund, and shall be liable for the safekeeping of the same under the bond given to the Village and shall be liable in the same manner and to the same extent as is liable for the safekeeping of the funds of the Village as provided for by law. All funds now held by the Village for this retirement system are hereby transferred to the fund established by this division. The Board may in its discretion chose to retain services of a custodian bank. (Ord. No. 1-83, § 8, 1-13-83; Ord. No. 11-85, § 1, 7-11-85; Ord. No. 2010-07, § 10, 5-27-10)

Sec. 2-154. Oaths of office; meetings; quorum.

Before entering upon their duties as members of the Board, each member shall take and subscribe to the oath of office required by the Village Charter, which oath shall be filed with the Village clerk. The Board shall meet as often as necessary or upon the call of the chairman or any member thereof or upon request of the Village clerk. All Board meetings shall be held at Village hall. A majority of the Board shall constitute a quorum for the transaction of any business. Notice of meetings shall be given to council and the public at least seven (7) days in advance. (Ord. No. 1-83, § 9, 1-13-83; Ord. No. 06-2002, § 2, 2-28-02; Ord. No. 2010-07, § 11, 5-27-10)

Sec. 2-155. Repeal or termination of system.

(a) This division establishing the system and fund, and subsequent ordinances pertaining to the system and fund, may be modified, terminated or amended in whole or in part; provided that if