

POLICE AND FIRE RETIREE HEALTH CARE INSURANCE BOARD BY-LAWS

ARTICLE I. Powers and Duties.

The powers and duties of the Police and Fire Retiree Health Care Insurance Board as established by the Battle Creek City Commission shall be those as set forth in Resolution 103 as approved by the City Commission on May 1, 2007, and as may be amended from time to time.

ARTICLE II. Members.

Section 1. The Police and Fire Retiree Health Care Insurance Board (Board) shall consist of the following members: five regular members who shall be appointed to staggered three-year terms whose initial terms shall commence June 1, 2007, which shall continue until a successor is appointed; and one non-voting liaison member for a single two-year term expiring May 31, 2009 who shall be permitted to participate in any deliberation by the Board.

Section 2. The Mayor shall appoint, with approval of the City Commission, the following persons as regular members to the Board:

- a. A City Commissioner for an initial term of one year;
- b. A currently employed City firefighter with at least 10 years of service, for an initial term of two years;
- c. A City resident for initial term of two years;
- d. A currently employed City police officer with at least 10 years of service for an initial term of three years; and
- e. A City resident for an initial term of three years.

Section 3. The City resident appointees shall be registered City electors and shall not be a City police or fire department retiree or the spouse, child or grandchild of a City police, or fire department retiree.

Section 4. The non-voting liaison member appointee, shall be a retiree of the City police or fire departments who receives \$22,500 or less in annual pension benefit from the City prior to any adjustment for an eligible domestic relations order.

Section 5. Members of the Board are eligible to be appointed to successive terms.

Section 6. Members of the Board may, after public hearing, be removed by the City Commission for cause, including but not limited to malfeasance, misfeasance or nonfeasance in office.

ARTICLE III. Officers.

Section 1. The members of the Board shall elect from its regular members a Chairperson and Assistant Chairperson to hold office from June 1st of each year to May 31st of the following year.

Section 2. The Chairperson shall preside at all meetings or hearings of the Board and shall have and perform the duties usually incident to the office of Chairperson. He or she shall decide, subject to these by-laws, all questions of order and procedure and shall have the privilege of discussing and voting on all matters coming before said Board.

Section 3. The Assistant Chairperson shall act for the Chairperson in his or her absence.

Section 4. If both the Chairperson and the Assistant Chairperson are absent, the remaining regular members may, by majority vote of those present, elect one of their members to preside in any meeting where both the Chairperson and Assistant Chairperson are absent.

Section 5. The City Clerk or the appointee of the City Clerk shall serve as Secretary to the Board. He or she shall keep a record of the decisions, transactions, findings and determinations of the Board, which record shall be a public record. The City Clerk shall prepare, under the supervision of the Chairperson, the agenda for all regular and special meetings of the Board, shall provide notice of all meetings of the Board and shall perform such other duties as are usually incident to the office of Secretary.

ARTICLE IV. Meetings.

Section 1. All meetings of the Board shall conform to and be conducted in accordance with the Open Meetings Act, Public Act 267 of 1967 as amended, being MCL 15.261 et seq.

Section 2. All writings and documents prepared for, in possession of, or retained by the Board for use by its members in deliberations and in making its decisions or in the performance of an official function shall be available to the public subject to the Freedom of Information Act, Public Act 442 of 1976, as amended, being MCL 15.231 et seq.

Section 3. The Board shall hold at least one regular meeting on a quarterly basis; however, in the event that there are no matters to be heard, the Chairperson of the Board may cancel said meeting and the City Clerk shall notify all Board members of the cancellation.

Section 4. Regular meetings of the Board shall be held at City Hall or other City facility duly noticed to the public.

Section 5. The presence of three regular members of the Board shall be necessary to constitute a quorum, provided, however, the concurring vote of three regular members shall be necessary for the Board to take action except as otherwise provided by these By-laws.

Section 6. A Board member who is a pecuniarily or personally interested in a matter presented for action by the Board shall not discuss nor vote on that matter in his or her capacity as a Board member.

Section 7. Special meetings of the Board may be called by the Chairperson and written notice of the time, place and purpose of any special meeting shall be given to each Board member by the City Clerk over the signature of the Chairperson, not less than five (5) business days in advance of such special meeting.

Section 8. The business considered or transacted in any special meeting shall be restricted to that stated in the public notice of the meeting.

ARTICLE V. Order of Business.

Section 1. The order of business at meetings of the Board shall be as follows except when otherwise determined by the Chairperson with the approval of the Board:

- (a) Call to Order;
- (b) Approval and Corrections of Minutes of Previous Meeting or Meetings;
- (c) Correspondence;
- (d) Presentations;
- (e) Unfinished Business;
- (f) New Business;
- (g) Public Comments;
- (h) Board Member Comments;
- (i) Adjournment.

Section 2. During the Public Comments portion of the meeting a speaker may address the Board once, for up to three minutes. This Section shall not be construed to limit the Board in adopting rules governing the ability of speakers to present facts and opinions on specific matters or issues being heard by the Board.

Section 3. Insofar as *Robert's Rules of Order* are not inconsistent with any applicable State laws or City ordinances, said Rules shall govern the proceedings of this Board except as amended and adopted by the Board.

ARTICLE VI. Jurisdiction and Powers.

Section 1. The Police and Fire Retiree Health Care Insurance Board shall have the power, consistent with any decisions of the City Commission, to make such funds available to adopt policies governing the further allocation of any funds that may be available pursuant to Section 401(h) of the Internal Revenue Code through the levy of the millage authorized by Act 345 of the 1937, as amended.

Section 2. Decisions of the Board allocating any available funds to classes of retirees or their surviving spouses shall be made on the basis of demonstrated need, hardship, equity or other similar grounds.

Section 3. Decisions of the Board are quasi-judicial in nature and only reviewable by writ of certiorari.

Section 4. All deliberations of the Board shall occur in public and conclude with a statement which provides the factual basis for its decision. These findings of facts must support conclusions that the standards and conditions imposed by the City Commission in forming the Board have been met.

ARTICLE VII. Amendments.

These By-laws may be amended from time to time by 4/5 vote of the regular members of the Board, insofar as such amendments are consistent with State law and the guidelines and decisions of the City Commission. Any proposed amendments must be presented for review at least one meeting prior to the meeting at which the vote is taken on the amendment.