



Legislation Text

File #: 001566, **Version:** 1

001566
SUBSTITUTE 1

THE CHAIR

A substitute charter ordinance to implement the global pension settlement insofar as it relates to the firemen's and policemen's survivorship fund.

The global pension settlement contemplated dissolution of the firemen's and policemen's survivorship fund with the consent of 100% of members of the survivorship fund. As a result of a court supervised process for obtaining consent to the global pension settlement, it was determined that less than 100% of the survivorship fund had consented to the global pension settlement. Thereafter a memorandum of understanding (MOU) was executed by and among the certified collective bargaining agents, Milwaukee Police Association, Milwaukee Police Supervisors' Organization, Association of Retired Employees of the City of Milwaukee, Milwaukee Professional Fire Fighters Association, Local 215, IAFF and the City of Milwaukee, wherein in consideration of the city's waiver of the 100% participation requirement, the parties agreed to use all of their best efforts to obtain court approval of the dissolution of the survivorship fund, notwithstanding that there are members and beneficiaries of the survivorship fund who have not executed consent forms to become members of the combined fund. In the MOU, the parties agreed to investigate a means whereby non-consenting members of the survivorship fund can be provided with survivorship fund benefits and the survivorship fund be dissolved, that will not result in an impairment or diminution of the non-consenting members' rights to such benefits. As a result of a subsequent investigation the parties to the MOU have determined that the objectives of the MOU can be accomplished without the need for court approval. As a consequence, they executed a MOU in which they agreed to the enactment of this charter ordinance and also agreed that in the event of a challenge to the legality and enforceability of this charter ordinance the parties to the MOU would support the legality and enforceability of the charter ordinance.

This charter ordinance directs the annuity and pension board of the employes' retirement system to solicit proposals from reputable life insurance companies to provide survivorship benefits to non-consenting members of the survivorship fund on a single premium basis. The charter ordinance authorizes the board to select a carrier and to enter into an agreement with the carrier to provide such benefits. The charter ordinance authorizes the board to pay the single premium from the assets of the survivorship fund and directs the board to thereafter transfer the remaining assets in the survivorship fund to the combined fund. It provides that all premiums collected from the non-consenting members and the city in the future in order to provide such benefits for non-consenting members shall be deposited in the combined fund.

Whereas, Section 36-05-8-c relating to the survivorship fund entitled "Payments" insofar as pertinent provides as follows:

"The payments of all benefits to any members or their beneficiaries entitled to such payments under this subsection and the maintenance of the reserves required therefore are specifically exempt from the provisions of s. 36-13-4 and the benefit contract contained in s. 36-13-2, and the conditions applicable to such survivorship benefits may be modified."

; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Notwithstanding any provision of ch. 36 the annuity and pension board shall request proposals from reputable insurers to provide firemen's and policemen's survivorship fund benefits specified under s. 36-05-8 for members of the survivorship fund who have not consented to participate in the combined fund. The annuity and pension board shall select a carrier and the employes' retirement system shall enter into a contract with such carrier to provide such benefits on a single premium basis. The single premium under such policy shall be paid from the assets of the survivorship fund and all remaining assets of the survivorship fund, which are not transferred in accordance with the global pension settlement or needed to pay the single premium, shall thereafter be transferred to the combined fund and the survivorship fund shall thereafter be dissolved.

Part 2. All future payments required from non-consenting members of the survivorship fund and the city to provide survivorship benefits shall be paid into the combined fund.

Part 3. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition is filed as provided in s. 66.0101(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

City Attorney

TEH/kef-3/28/01 36962

City Attorney

01149-1

BJZ/cac

3/30/2001