

MANHATTAN BEACH POLICE ASSOCIATION
RETIREE MEDICAL TRUST
ESTABLISHED JANUARY 1, 1997
MANHATTAN BEACH, CA.

BY LAWS OF THE TRUST PLAN

ARTICLE 1

THIS TRUST SHALL BE KNOWN AS THE MANHATTAN BEACH POLICE ASSOCIATION RETIREE MEDICAL REIMBURSEMENT TRUST.

ARTICLE II

OBJECTIVE:

THE OBJECTIVE AND PRIMARY PURPOSE OF THIS TRUST IS TO PAY A PORTION OR ALL OF THE COST FOR COVERAGE IN CERTAIN QUALIFIED HEALTH AND WELFARE BENEFITS FOR CERTAIN RETIRED MEMBERS, SURVIVING SPOUSES AND QUALIFIED SURVIVING DEPENDENTS OF THE MANHATTAN BEACH POLICE OFFICERS ASSOCIATION WHO MEET THE QUALIFICATIONS AND THE ELIGIBILITY REQUIREMENTS OF THE PLAN AS SET FORTH IN THE TRUST DOCUMENT.

ARTICLE III

CONTRIBUTIONS:

THE CITY OF MANHATTAN BEACH SHALL, PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT WITH THE MANHATTAN BEACH POLICE OFFICERS ASSOCIATION, DELIVER PERIODIC PAYMENTS TO THE BOARD OF TRUSTEES OF THE TRUST THAT ARE CONTRIBUTED BY OR ON BEHALF OF ELIGIBLE PARTICIPANTS OF THE PLAN AND IN ACCORDANCE WITH THE FUNDING POLICY DETERMINED BY THE BOARD OF TRUSTEES. THE BOARD OF TRUSTEES SHALL BE ACCOUNTABLE FOR ALL DELIVERED CONTRIBUTIONS.

ARTICLE IV

MEMBERSHIP IS LIMITED TO MEMBERS OF THE MANHATTAN BEACH POLICE OFFICERS ASSOCIATION, SURVIVING SPOUSES, AND QUALIFIED DEPENDENTS AS OF MAY 1, 1997 AND ALL MEMBERS THEREAFTER.

ARTICLE V

OFFICERS:

1. THE EXECUTIVE AND ADMINISTRATIVE POWER OF THE TRUST SHALL BE VESTED IN A BOARD OF TRUSTEES WHICH WILL CONSIST OF A CHAIRPERSON, SECRETARY, TREASURER AND TWO (2) TRUSTEES.
2. THE BOARD OF TRUSTEES SHALL MEET AT LEAST QUARTERLY

FOR THE PURPOSE OF ADMINISTERING THE AFFAIRS OF THE TRUST.

3. THE BOARD OF TRUSTEES SHALL HAVE FULL POWERS TO ACT FOR THE TRUST IN ALL MATTERS.
4. SPECIAL MEETINGS OF THE TRUSTEES MAY BE CALLED BY THE CHAIRPERSON.
5. A QUORUM SHALL CONSIST OF FOUR (4) TRUSTEES.
6. ANY VACANCIES THAT SHALL OCCUR SHALL BE FILLED FROM THE GENERAL MEMBERSHIP BY A VOTE OF THE GENERAL MEMBERSHIP.
7. OBLIGATIONS MAY BE INCURRED AND DISBURSEMENTS MADE ONLY UPON A MAJORITY APPROVAL OF THE TRUSTEES.
8. THE TRUSTEES SHALL BE NOMINATED BY THE GENERAL MEMBERSHIP AT A REGULAR MEETING OF THE ASSOCIATION OR AT A SPECIAL MEETING CALLED FOR THAT PURPOSE. ELECTIONS SHALL BE HELD TWO MONTHS PRIOR TO THE EXPIRATION OF THE TERM AND SHALL BE SECRET.
9. THE BOARD OF TRUSTEES SHALL CONSIST OF FIVE (5) TRUSTEES, TWO (2) WHICH ARE ELECTED TO THREE YEAR TERMS AND THREE (3) WHICH ARE ELECTED TO TWO YEAR TERMS. THERE ARE NO TERM LIMITS.
10. THE BOARD OF TRUSTEES SHALL ELECT A CHAIRPERSON, A SECRETARY, AND A TREASURER. THEIR TERM SHALL BE FOR ONE YEAR, WITHOUT A TERM LIMIT.
11. ANY TRUSTEE WHO MISSES THREE (3) CONSECUTIVE MEETING DATES MAY BE ASKED TO RESIGN THEIR POSITION ON THE BOARD OF TRUSTEES.

CHAIRPERSON:

THE CHAIRPERSON SHALL PRESIDE AT ALL MEETINGS OF THE TRUST AND CALL TO ORDER ALL MEETINGS; SIGN AND EXECUTE ALL CONTRACTS IN THE NAME OF THE TRUST WHEN AUTHORIZED TO DO SO BY THE BOARD OF TRUSTEES; COUNTERSIGN CHECKS ISSUED BY THE TREASURER; AND PERFORM ALL THE DUTIES INCIDENTAL TO THE OFFICE.

TREASURER:

THE TREASURER SHALL HAVE THE DUTY OF CARE AND CUSTODY OF ALL THE FUNDS AND SECURITIES OF THE TRUST AND SHALL DEPOSIT THE SAME IN THE NAME OF THE TRUST IN THE FINANCIAL INSTRUMENTS DESIGNATED BY THE BOARD OF TRUSTEES. THE TREASURER SHALL SIGN ALL CHECKS, NOTES, AND ORDERS FOR

THE PAYMENTS OF MONEY. THE TREASURER SHALL, AT REASONABLE TIMES, PROVIDE BOOKS AND ACCOUNTINGS TO THE MEMBERS OF THE TRUST WHO REQUEST SUCH, IN WRITING. THE TREASURER SHALL ALSO BE RESPONSIBLE FOR THE SAFEKEEPING OF ALL MONETARY FILES OF THE TRUST. THE TREASURER SHALL PREPARE YEARLY STATEMENTS FOR EACH MEMBER, AND KEEP A CURRENT ROSTER OF ALL MEMBERS. QUARTERLY AND ANNUAL STATEMENTS SHALL BE POSTED.

SECRETARY:

THE SECRETARY SHALL KEEP TRUE AND ACCURATE MINUTES OF ALL TRUST MEETINGS. A TRUE AND CORRECT COPY OF THE MINUTES SHALL BE POSTED WITH THE ORIGINAL FILED IN A MINUTES BOOKLET. THE SECRETARY SHALL ALSO ATTEND TO ALL CORRESPONDENCE OF THE TRUST AS DIRECTED BY THE TRUSTEES CHAIR.

ARTICLE VI

REQUIRED REPORTS AND RETURNS:

THE TRUSTEES SHALL APPOINT, HIRE OR CONTRACT WITH AN ACCOUNTANT AND/OR ATTORNEY TO FILE ALL NECESSARY TAX RETURNS AND OTHER DOCUMENTS AS MAY BE REQUIRED BY LAW. COPIES OF ALL FILINGS AND CORRESPONDENCE PERTAINING TO SUCH FILINGS SHALL BE KEPT BY THE TRUST.

ARTICLE VII

MEETINGS:

REGULAR MEETINGS SHALL BE HELD AT LEAST ON A QUARTERLY BASIS AND SHALL BE CALLED BY THE CHAIRPERSON. ALL VOTES SHALL BE TAKEN BY A SHOW OF HANDS, UNLESS A SECRET BALLET IS APPROVED BY THE BOARD OF TRUSTEES AT THE REQUEST OF A TRUSTEE. MEETINGS SHALL BE CONDUCTED PURSUANT TO ROBERTS' RULES OF ORDER (AMENDED) OR OTHER SPECIFIC PROCEDURES AS MAY APPEAR IN THESE BY-LAWS.

ORDER OF BUSINESS:

1. ROLL CALL
2. MINUTES OF PREVIOUS MEETING
3. TREASURERS REPORT
4. COMMITTEE REPORTS
5. OFFICERS REPORTS
6. UNFINISHED BUSINESS
7. NEW BUSINESS

ARTICLE VIII

COMITTEES:

COMITTEES SHALL BE APPOINTED BY THE CHAIR OR THE BOARD AS DEEMED NECESSARY TO CARRY OUT THE BUSINESS OF THE TRUST. THESE COMITTEES SHALL ONLY RECOMMEND ITEMS TO THE BOARD OF TRUSTEES AND MAY NOT TAKE ACTION WHICH IS BINDING UPON THE TRUST OR TRUSTEES WITHOUT A VOTE OF THE TRUSTEES AND APPROVED.

ARTICLE IX

AMENDMENT:

THESE BY-LAWS MAY BE AMENDED AT A REGULAR MEETING OF THE MEMBERS OF THE TRUST AND APPROVED BY A TWO-THIRDS VOTE OF THOSE MEMBERS PRESENT. THE PROPOSED AMENDMENT MUST HAVE BEEN SUBMITTED IN WRITING TO THE MEMBERSHIP AT THE LAST REGULAR MEETING AND SHALL HAVE BEEN POSTED IN CLEAR VIEW.

**Manhattan Beach Police Association Retiree Medical Reimbursement Plan and Trust
Board of Trustees
Resolution**

Whereas the Manhattan Beach Police Association ("MBPOA") has established the Manhattan Beach Police Association Retiree Medical Reimbursement Plan and Trust (the "Plan"),

Whereas Plan Section 8.1 vests in the Board of Trustees the power to amend the Plan by majority vote,

Whereas the Board of Trustees has administered the Plan since its' inception on January 1, 1997 and observed the financial burden Plan contributions place upon some newly hired MBPOA members,

Whereas the Board of Trustees has concluded it is in the interest of all Plan Members to amend the Plan,

Now Therefore the Board of Trustees hereby adopts **Plan Amendment Number 1** as follows:

Section 2.1 Eligibility and Participants is, effective January 1, 2000, replaced in its' entirety to read as follows:

2.1 Eligibility and Participation

An **Eligible Employee** of the City of Manhattan Beach Police Department as provided in Section 10 shall become a **Plan Member** upon enrollment in the **Trust**, but not before January 1, 1997.

6. "Pre 1997 MBPOA members"

Participation in the **Trust** is voluntary for members of the MBPOA as of December 31, 1996. If a "Pre 1997 MBPOA member" elects to join the **Trust** at a future date, after electing not to participate at the inception of the **Trust**, he/she will be allowed to participate only after meeting the following conditions: 1) he/she will be required to make **Trust** contributions at or above the minimum rate then in effect for new hires and 2) he/she will pay a flat penalty equal to \$50 per month from January 1, 1997 to the date of entry into the **Trust**. He/she will not receive **Vested Percentage** credit for payment of this penalty.

7. "Pre 2000 MBPOA members"

All **Eligible Employees** hired on or after January 1, 1997 and before January 1, 2000 will automatically become **Plan Members**.

8. "Post 1999 MBPOA members"

All **Eligible Employees** hired on or after January 1, 2000 will automatically become **Plan Members**. "Post 1999 MBPOA members" may elect in writing to defer becoming **Plan Members** and making contributions for a period not to exceed 24 months following the date they first become an **Eligible Employee**.

All **Plan Members**, except those who have achieved a 100% **Vested Percentage**, must contribute an amount at least equal to the Minimum Payroll Contribution currently in effect.

Executed this _____ day of _____, 2001.

Chairperson

Date

Trustee

Date

Trustee

Date

Trustee

Date

Trustee

Date