

Morgantown Employees' Retirement and Benefit Fund  
Rules and Regulations

1. Scope and application. These Rules and Regulations (the “**Rules**”) govern the administration of the Morgantown Employees' Retirement and Benefit Fund (the “**Fund**”) authorized by *W. Va. Code* §§ 8-22-2 through -15 (the “**Pension Act**”) and established by an ordinance enacted by Morgantown City Council on July 7, 1987, entitled “An ordinance amending an ordinance at the second reading thereof entitled ‘An ordinance amending an ordinance repealing, amending and re-enacting an ordinance adopted January 10, 1956, and likewise repealing, amending and re-enacting an ordinance adopted March 1, 1960, entitled ‘An ordinance amending an ordinance of the Council of The City of Morgantown establishing and providing for the maintenance of an employees' retirement and benefit fund in accordance with the provisions of Chapter 8, Article 15, of the Code of West Virginia, 1955, as amended.’, to effectuate the provisions of Chapter 8, Article 22, of the Code of West Virginia.” (the “**Establishing Ordinance**”). The members of the Fund, and the Board of Trustees of the Fund, shall follow these Rules in the performance of their duties with respect to the Fund. These Rules will be administered by the City Manager, and any question as to application or interpretation of the Rules will be decided by the City Manager. These Rules are adopted consistent with the authority of the City Council pursuant to *W. Va. Code* § 8-22-4 to make any and all rules and regulations pertaining to the Fund not inconsistent with the provisions of *W. Va. Code* § 8-22-2 through -15, or with the Constitution and laws of the State of West Virginia.

2. Definitions. Terms used in these Rules, unless specifically defined otherwise in the Rules, have the meanings supplied in the Pension Act and the Establishing Ordinance.

3. Appointment of the Board of Trustees. Appointments to the Board of Trustees (the “**Board**”) are made by the City Manager with the consent of a majority of the members of the Fund. When a vacancy on the Board exists or is anticipated, the City Manager will notify the members of the Fund of the nominee for the vacancy either by electronic mail to the member's work electronic mail address, by notification through an intranet or similar system to which employees have access, by posting notice in a publicly-accessible place at City Hall, or by any combination of these methods. The notice shall be dated and shall identify the nominee by name and employment position. Any member of the Fund may notify the City Manager that they do not consent to the nomination by delivering written notice to the City Clerk within seven days of the notice of nomination. The member notification must include the member's name, department, and reason for declining consent. If, after the notice period, the City Clerk has not received notice from a majority of the members of the Fund that they do not consent to the nomination, the nominee will become a member of the Board as of that date or as of the date the vacancy will occur, whichever is later.

4. Membership of the Board. Members of the Fund include employees of The City of Morgantown, Morgantown Utility Board, and Morgantown Parking Authority (“**Member Entities**”). The Board consists of four appointed positions in addition to the City Manager. No more than two employees of any one of the Member Entities may hold any of the appointed board positions at any time.

5. Conduct of Business by the Board. The Board will meet at a regular place and time each month to ensure the efficient conduct of business and timely consideration of applications for pension benefits, such place and time to be determined by the Board. The Board may meet at such

other times as determined appropriate consistent with the procedures in *W. Va. Code* § 8-22-4. The meetings of the Board will be held consistent with the West Virginia Open Governmental Proceedings Act, *W. Va. Code* § 29B-1-1 *et seq.*, and any policies of The City of Morgantown governing public meetings of the Board. A quorum for the conduct of business shall be a majority of the members of the Board then in office, and the Board may take action by majority vote of all members of the Board then in office.

6. Payment of benefits. Benefits payable from the Fund pursuant to an award authorized by the Board, or as otherwise required by law, will be delivered by the City Finance Department or payroll manager, from the account(s) they may establish for such purposes, in accordance with their established practices and procedures, which may include requiring delivery of payments by direct deposit to a recipient’s bank account, in accordance with information provided by the recipient, or by deposit to a pay card.

Adopted this \_\_\_ day of \_\_\_\_\_, 2022

The Common Council of The City of Morgantown, West Virginia

\_\_\_\_\_  
By: Jenny Selin  
Its: Mayor

Attest:

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Christine Wade  
City Clerk