

A RESOLUTION
October 22nd, 1959

Whereas the 1959 Legislature of the State of North Dakota did enact House Bill 645, which provided for an alternate firefighter's relief pension and retirement pension program and survivors of deceased firefighters can receive pension payments in lieu of Chapter 18-05 of the North Dakota Revised Code of 1943 as amended; and

Whereas, the members of the Bismarck Fire Department Relief association did hold an election on August 1st 1959, pursuant to the Act in which they voted to adopt the said alternate plan;

Now therefore be it resolved by the Board of Trustees of the Bismarck Fire Department Relief association, that the said Association amend its articles of incorporation to change its name to "Bismarck Firefighter's Relief Association"; and to change its purposes to conform to the adopted Act; and that the Constitution and by-laws be amended as set forth in the copy attached hereto.

Alvin J. Ode, President
Vincent J. Feist, Secretary
Melvin R. Peterson, Vice President
Anton T. Dworshak, Treasure
John S. Hegedus, Trustee

AMENDED CONSTITUTION AND BY-LAWS

Bismarck Firefighter's Relief Association

ARTICLE I.

Section A. Name

This Association shall be known and designated as the Bismarck Firefighter's Relief Association.

Section B. Operation of Association

The Bismarck Firefighter's Relief Association must be organized, operated and maintained in accordance with its articles of incorporation and its by-laws by firefighters who are members of the Bismarck Fire & Inspections Department. The Relief Association may regulate and manage its own affairs and for that purpose has such corporate powers as are necessary and useful, subject to the regulations and restrictions of the laws of this state pertaining to corporations.

ARTICLE II
Requirements of Membership

Section A. Definitions

1. The term “firefighter” means any person who is regularly entered on the payroll of the department serving on active duty and engaged in the hazards of firefighting. The term includes a probationary firefighter but does not include a substitute firefighter or any person employed irregularly by the fire department.
2. For purpose of definition of a “first-class firefighter’s Salary”: this is understood to be the salary of the highest paid firefighter as of January of the current year.
3. An active member is entitled to a voice and a vote in the affairs of the Bismarck Firefighter’s Relief Association; must be entered on the payroll of the Bismarck Fire & Inspections Department; must be current on payment of dues and assessments to the Association.
4. An inactive member is not entitled to a vote in the affairs of the Bismarck Firefighter’s Relief Association and shall not be required to pay dues and assessments. This group of members includes:
 - a. Deferred Pensioner- a member who has elected to be placed on the Deferred Pension Roll according to the rules and requirements of the Association.
 - b. Service and Disability Pensioner- a member who is currently receiving a pension according to the rules and requirements of the Association.
5. Surviving spouses and children who are entitled to benefits from this Association are not members of the Association and acquire rights only through action of the Association.

Section B.

To become a member of the Bismarck Firefighter’s Relief Association the following qualifications must be satisfied:

1. Written application must be made within ninety (90) days after the date the applicant is entered on the payroll of the Bismarck Fire & Inspections Department.

2. The application must be made on a form supplied by the Association, and must be accompanied by the certificate of a physician as required by the Association's by-laws. The application and certificate must be filed with the Secretary Treasurer of the Association.
3. The Membership Investigating Committee shall make an investigation and file its report concerning the application with the Secretary-Treasurer. The Board of Trustees shall then act upon such findings as a body.
4. The Association may deny membership to any applicant who is not physically and/or mentally sound.
5. Should any applicant for membership be a former member of the Association who upon entry into the active military forces of the United States be withdrawn from membership in the Association, such applicant shall comply with Article II, Section B, subsections 1, 2 and 3, and Article XIX, Sections B, D and E, of the Constitution and By-Laws of the Association to again become a member of the Association.
6. Active members of this Association, who have satisfied all requirements to become a member, may remain members of this Association if their job description changes, as long as they remain on the payroll of the Bismarck Fire & Inspections Department.

Section C.

All active members of this Association, as a condition to retaining their membership, shall be assessed and required to pay monthly to the Association an amount equal to seven percent (7%) of the greater of the monthly salary of a first-class firefighter or the member's actual monthly compensation. Under the amended by-laws of this Association, such firefighters who have completed thirty years of service with the department shall not have their assessment reduced. Members shall sign forms furnished by the Association as an authorization to the City of Bismarck, to deduct such assessments from their salary or wages and pay over the same to the Secretary-Treasurer of the Association who shall credit this amount to each firefighter individually.

Section D.

Any member failing to keep assessments current shall be stricken from the records of the Association and shall forfeit all claims to membership and benefits from the Association. Any such member desiring to be reinstated shall pay the sum of the assessments due, provided, however, that any such member shall not be entitled to any benefits from the Association for the purpose for which this Association was formed, for any disability incurred during their delinquency unless such restriction shall be waived by a majority of the members present at a meeting called for that purpose, and provided further that such period of delinquency shall not detract from the total number of years necessary for pension purposes.

Section E.

Any member who is stricken from the books as provided herein shall be notified by Registered Mail, with a return receipt requested, by the Secretary-Treasurer, of such action and the amount necessary for reinstatement.

ARTICLE III
Plan and Purpose of the Association

Section A.

The object and purpose of this Association, pursuant to chapter 18-11 of the North Dakota Century Code or amendments thereto, shall be to provide means for the maintenance of the Bismarck Firefighter's Relief Association, to provide for payment of pensions to retired firefighters or their survivors, and to provide for disability payments.

ARTICLE IV
Officers and Their Duties

Section A.

The officers of the Relief Association shall be the Board of Trustees of the Relief Association.

Section B.

The officers of the Relief Association include a President and a Vice President, both of whom must be elected from among members of the Board of Trustees, a Secretary Treasurer, four trustees, and a finance committee. The President, Vice President and Secretary-Treasurer shall be elected annually at the annual meeting by the voting membership of the Association. At the first annual election, the voting membership of the Association shall elect two trustees-at-large for a term of one year each and two trustees-at-large for a term of two years each. At each succeeding annual meeting of the Association, trustees-at-large shall be elected by the voting membership for a term of two years each to succeed those trustees whose terms are expiring. Any vacancy occurring on the Board of Trustees shall be filled at a special election called for this purpose within 30 days.

Section C.

All officers shall be elected annually at the regular meeting of the Association to be held on the first Tuesday after the first Monday of January of each year. The President, Vice President and the Secretary-Treasurer shall be elected for a term of one year. All officers shall hold their respective offices until their successors shall have been duly elected and qualified. The election of such officers shall be by ballot and no member who is not present at the annual meeting shall be entitled to vote for the election of any officer of the Association; the candidate receiving plurality shall be declared elected. No member shall be nominated or elected to the Board of Trustees unless such member is present at the annual meeting of the Association or has expressed interest, in writing, in election to the Board of Trustees.

Section D.

The President, Vice President and Secretary-Treasurer of the Association shall be the Finance Committee of the Association.

ARTICLE V. Management

The Board of Trustees of the Relief Association shall manage the affairs of the Association, subject however, to the restrictions imposed by Article XII of the Constitution and by-laws.

ARTICLE VI.
Discharging and Resigning from the Department

Section A.

Any member of the Association who shall be discharged from or resign from the Bismarck Fire & Inspections Department, except to be a pensioner or deferred pensioner, shall forfeit their membership and shall be dropped from the roll of membership of the Relief Association and forfeit all claims against the Association, except as provided for in Article XIX, Section A of the Association's Constitution and by-laws.

Section B.

Any member who is suspended shall, if their assessments are kept current, be entitled to benefits of the Association while under such suspension; provided further that such period of suspension shall not detract from the total number of years necessary for pension purposes.

ARTICLE VII.
Meetings and Quorums

Section A.

The annual meeting of the Association shall be held on the first Tuesday after the first Monday in January of each year; the meeting of the Board of Trustees shall be held on call of the President.

Section B.

Should an alarm of fire occur while any meeting of the Association, or its Board of Trustees is in session, the meeting shall stand adjourned, subject to call of the President and, when reassembled, shall be deemed a continuation of the meeting so adjourned with full authority to complete and do any business which might have been lawfully transacted had no adjournment occurred.

Section C.

Special meetings of the Association and the Board of Trustees shall be called at any time by the Secretary-Treasurer upon the order of the President or upon the Written and signed petition of thirty percent (30%) of all active members; such petition must be filed with the Secretary-Treasurer at least five (5) days prior to the proposed meeting date of such special meetings and such notice shall specify the object of such meeting. No business shall be transacted at any special meeting of the Association or Board of Trustees except the business for which such meeting is called.

Section D.

A majority of the Board of Trustees shall constitute a quorum for the transaction of business, and thirty percent (30%) of all active members of the Association shall constitute a quorum of business of the Association at a regular or special meeting.

ARTICLE VIII.
Amendments

The by-laws or Articles of Incorporation of this Association may be amended at any regular or special meeting, called for the purpose, by a two-thirds (2/3) vote of the members present, provided, however, in either case, notice of any proposed amendment shall be given at least thirty (30) days prior to the date of any said meeting. Notices prescribed in this Article, or bylaws, may be waived by the members individually

ARTICLE IX
President's Duty

It shall be the duty of the President: To attend and preside at all the meetings of the Association and of the Board of Trustees, enforce the due observance of the Constitution and by-laws and see that the officers and committees properly perform the duties assigned to them, and sign all papers requiring the President's signature. The President must be a member of the Board of Trustees, and preside over all other committees, and shall exercise careful supervision over the affairs of the Association. The President shall appoint a Membership Investigation Committee consisting of three members of the Board of Trustees, whose terms shall be for one year, respectively. The president shall appoint a Funeral and Cemetery Committee consisting of the members of the Association whose terms shall be for one year respectively. The President may order the Secretary-Treasurer

to call a special meeting of the Board of Trustees or of the Association stating the purpose for which such special meeting is called. The President may be paid a monthly fee not to exceed ten percent (10%) of a first-class firefighter's monthly salary on January 1st of the year in which the fee is paid. The Board of Trustees shall set the monthly fee.

**ARTICLE X.
Vice President's Duty**

It shall be the duty of the Vice President to perform the duties of the President in the absence of the President. In the absence of both, it shall be the duty of the Board of Trustees to elect a President Pro-Tem who shall perform the duties incident to the office. The Vice President shall be paid a ten dollar (\$10.00) fee for each meeting attended.

**ARTICLE XI.
Secretary-Treasurer's Duty**

It shall be the duty of the Secretary-Treasurer: to keep a true and accurate record of the proceedings of all meetings of the Association, Board of Trustees and Membership Investigating Committee. The Secretary-Treasurer shall keep a correct record of all amendments, alterations and additions to the Constitution and by-laws or order of business in a book separate from the minutes of the meetings, keep a roll of membership, with date of joining, registration and discharge, assessments, and salary deduction paid, and disability and/or service pension received. The Secretary-Treasurer shall keep a distinct account of the "Association State Fund". Prior to February first of each year, the Secretary-Treasurer shall, or notify the Trust Agent to do so, prepare an itemized report of all assets, receipts and expenditures of the State Fund for the preceding year which shall be presented to the Board of Trustees at each annual meeting. The Secretary-Treasurer shall receive all monies due and belonging to the Association and hold them subject to the order of the Board of Trustees and the officers of the Association, shall cause a notice to be given of all special meetings of the Association, Board of Trustees and Membership Investigating Committee, and shall make all payments as authorized by the Board of Trustees, or notify trust agent to do so. The Secretary-Treasurer's books and accounts shall at all times be open to the inspection of the Board of Trustees. The Secretary-Treasurer shall inform anyone who is eligible for any claim against the Association and furnish such application as may be necessary, shall keep a permanent record of deceased members as to location of burial lots, information for such records to be furnished by the Funeral and Cemetery Committee. The Secretary-Treasurer shall deliver up to a duly elected successor or any committee appointed by the Board of Trustees to receive same, all monies, securities, books and papers pertaining to this office immediately upon the expiration of this term of office. Prior to entry upon the duties of this office, the

Secretary-Treasurer shall furnish a corporate bond to the Association for the faithful performance of the Secretary-Treasurer's duties in an amount to be determined by the Board of Trustees. Such surety bond shall be conditioned for the faithful discharge of paying over, according to law, of all monies and securities which come into the hands of the Secretary-Treasurer. The premium on the bond must be paid by the Association. The Secretary-Treasurer of the Association shall deliver this bond to the President of the Association. The Secretary-Treasurer may be paid a monthly fee not to exceed Twenty percent (20%) of a first-class firefighter's monthly salary on January 1st of the year in which the fee is paid. The Board of Trustees shall set the monthly fee.

ARTICLE XII.
Duties of the Board of Trustees

Section A.

The Board of Trustees shall be the Board of Directors of the Association, and shall manage the affairs of the Association. It shall be the duty of the Board of Trustees to devise modes and plans for the profitable and safe investment of the unappropriated funds of the Association, and whenever investments are made, to investigate and pass upon the securities offered, and to attend to the drawing and execution of the necessary papers.

Section B.

The monies received by the Association must be kept in a fund known as the "Association State Fund", and may be expended only for the purposes set forth named in Section 18-11-14 of the North Dakota Century Code. The Relief Association shall manage and control all monies that come into its possession. Monies in the fund may be invested in bonds of the United States of America, bonds of the State of North Dakota or any other state, in certificates of indebtedness of the State of North Dakota, in any bonds or certificates of indebtedness of any political subdivision of the State of North Dakota which constitute the general obligations of the issuing tax authority, or the Bank of North Dakota or any other bank or savings and loan association which is insured by the United States of America. The Board of Trustees may also invest all or part of the monies in the fund in other investments by selecting a funding agent or agents and establish an investment agreement contract. The contract must authorize the funding agent or agents to hold and invest those monies for the board. The monies must be placed for investment only with a firm or firms whose primary endeavor is money management, and only after a trust agreement or contract has been executed.

Section C.

The amounts paid into the Relief Association by the state, city, employee's salary contributions, donations, and monies now due and hereafter to become due or maturing and set aside in the Association State Fund must be appropriated and disbursed only for:

1. The payment of disability or service pensions to members of the Association.
2. Pensions to surviving spouses and children or orphans of members or retired members.
3. The payment of the fees of the President and Secretary-Treasurer and the premiums on the bond of the Secretary-Treasurer and the premiums on the bond of the Secretary-Treasurer or any other officer.
4. Funeral payments.
5. Cost of the state audit.
6. Essential postage, office supplies, and equipment.
7. Actuarial study.
8. Return of contributions to those qualified under section 18-11-20 of the North Dakota Century Code.
9. Investment contract fees.
10. Legal and accounting fees.
11. The indemnification of members of the Board of Trustees pursuant to section 18-11-18 of the North Dakota Century Code.
12. Any other expenditure related to the general principles of which chapter 18-11 of the North Dakota Century Code is established.

Section D.

The Board of Trustees shall consider all claims and bills, and no payments are to be made on same until approved and authorized by the Board of Trustees.

Section E.

The Board of Trustees shall act upon all applications for pensions and funeral benefits, and no payments shall be made until approved and authorized by the Board of trustees.

Section F.

The Board of Trustees shall act upon all applications for membership into the Association within ninety (90) days of the filing with the Secretary-Treasurer of

the Association. All information gained from an applicant by the Membership Investigating Committee and Board of Trustees shall be strictly confidential.

Section G.

The Board of Trustees shall reserve the right to call in any member drawing a disability pension for an examination of such disability by a doctor or doctors of the Board's choice, as often as they deem it necessary, the examination to be paid for by the Association. If the amount of the service pension would be equal to or greater than the disability pension, such examinations will not be necessary.

Section H.

The Board of Trustees shall reserve the right to require a member of the Association to submit to an examination by a physician of its selection and at Association expense, where the Board of Trustees has a reason to suspect that the health of a member is being abused by member's habits of living. As a condition to continued membership, such persons shall comply with all reasonable requirements and recommendations of said physician.

Section I.

The Board of Trustees may not disburse monies for any purpose not herein provided unless authorized by a majority of the Association.

Section J.

All negotiable securities owned by the Association shall be stamped "Not payable unless endorsed by the President and the Secretary-Treasurer of the Bismarck Firefighter's Relief Association" and the Board of Trustees shall provide a safe depository for the keeping of all securities. Entry to such depository shall require the presence and signature of both the President and Secretary-Treasurer of the Association.

Section K.

The Trustees shall be paid a ten dollar (\$10.00) fee for each meeting attended.

ARTICLE XIII
Duty of the Membership Investigating Committee

The Membership Investigating Committee shall be the Board of Examiners of the Association. All applications for membership into the Association shall be referred to the Membership Investigating Committee. They shall review all physical examinations of applicants to the Association. If they deem it necessary, they may require the applicant to furnish further proof of physical fitness by consulting a specialist in the field of inquiry. The Committee shall inquire into an applicant's prior military and civilian service record and into the amount of disability, if any, and the reason for such disability. They shall reserve the right to inquire into the applicant's personal habits insofar as it affects the Association, they have the right to inquire into the reason for the applicant's visit to any doctor in the five years preceding his application for membership into the Association. The Committee shall report its findings in all applications to the Secretary-Treasurer. The Board of Trustees shall then act upon such findings as a body. These duties shall be carried out in accordance with the City Ordinance #9-07-11 requiring membership in this Association, and in accordance with Bismarck Fire & Inspections Policy Section 3-K which addresses the hiring of fire suppression personnel. It shall be the duty of the Membership Investigation Committee to administer the Physical Agility Test of the Bismarck Fire & Inspections Department. A minimum of two members of the committee shall administer the test with the assistance of on duty personnel.

ARTICLE XIV.
Duty of the Funeral and Cemetery Committee

Section A.

It shall be the duty of the Funeral and Cemetery Committee to assist survivors of deceased members in obtaining such benefits as they are entitled to from the Association.

Section B.

The Funeral and Cemetery Committee shall furnish information to the Secretary-Treasurer, for the Association's record as to location of burial lots of deceased members.

ARTICLE XV.
Pension, Pre-retirement Death and Disability Benefits

All provisions pertaining to the pension, pre-retirement death, and disability benefits provided to members are maintained in the Bismarck Firefighter's Relief Association Pension Fund Plan Document. Any amendment to the Plan Document shall be treated as an amendment to the by-laws and shall comply with Article VIII.

ARTICLE XVI.
Miscellaneous

Section A.

Any notice sent by mail to the last known address shall be sufficient effort by the Association to inform members of the Association's activity.

Section B.

Robert's Rules of Order shall prevail in all matters of procedure and parliamentary procedure not covered by the Articles of Incorporation and the Constitution and by-laws. The North Dakota Statutes governing corporations shall be the authority in all matters not set out herein.

ARTICLE XVII.
Order of Business

1. Call to Order
2. Roll Call
3. Reading of Minutes of Preceding Meeting
4. Communications and Bills
5. Propositions or Membership
6. Report of Standing Committees
7. Unfinished Business
8. Election of Officers
9. New Business
10. Receipts
11. Adjournment