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APPLE VALLEY FIREFIGHTERS RELIEF ASSOCIATION
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**BYLAWS
OF THE
APPLE VALLEY FIREFIGHTERS RELIEF ASSOCIATION**

This instrument constitutes the Bylaws of the Apple Valley Firefighters Relief Association adopted for the purpose of regulating and managing the internal affairs of the corporation and shall serve as the written defined benefit pension plan for the relief association.

(Amended H. Res. 1996-36)

**ARTICLE I
NAME**

Section 1 NAME. The name of this relief association is the Apple Valley Firefighters Relief Association. It is a nonprofit organization incorporated under the laws of Minnesota.

Section 2 PURPOSE. The Purpose of the Apple Valley Firefighters Relief Association (Association) is to provide retirement relief and other benefits to its members and dependents. The Apple Valley Firefighters Relief Association is a governmental entity that receives and manages public money to provide retirement benefits for individuals providing the governmental services of firefighting and emergency first response. All benefits issued by this Association are governed by these Bylaws and federal and state laws.

(Amended H. Res. 1996-36; Q. Res. 2007-185)

Section 3 RECORDS. The Association shall keep, at minimum, correct and complete copies of its articles of incorporation and Bylaws, accounting records, records documenting Special Fund transactions, records necessary to determine benefits payable and paid to individual members and their beneficiaries, and minutes of each of its meetings that record the votes of actions taken. The Association's records shall be retained in accordance with the Records Retention Schedule filed with the Minnesota Historical Society.

(Amended W. Res. 2013-35)

**ARTICLE II
MEMBERSHIP**

Section 1 MEMBERSHIP. Any regular or probationary active member of the Apple Valley Fire Department shall be eligible to apply for membership in this Association. Written application may be made at any regular or special meeting of the Board of Trustees, and then laid over for one month for consideration.

(Amended B. Res. 1990-42; T. Res. 2011-26)

Section 2 MEMBERSHIP START DATE. Membership begins on the date of hire by the Apple Valley Fire Department.

Section 3 CLASSES OF MEMBERS. There shall be the following classes of members in the Association:

(a) Active Members. Active members are the members who are serving on active duty as members of the Apple Valley Fire Department.

(1) Active Service Time shall be time served on active duty as a member of the Apple Valley Fire Department other than while on suspension or on Leave of Absence.

(2) Members are considered to be in good standing other than while on suspension or on Leave of Absence from the Association or the Apple Valley Fire Department.

(3) Annually, the Board of Trustees shall receive from the chief of the Apple Valley Fire Department a written certification indicating service time earned for the prior year.

(Amended R. Res. 2009-26; T. Res. 2011-26)

- (b) **Deferred Members.** Deferred members are those members who have separated from service and who have served at least 5 years of active service if commencing active service prior to 1/1/2010 as a firefighter in the Apple Valley Fire Department, or who commenced active service after 1/1/2010 must have served at least 10 years of active service as a firefighter in the Apple Valley Fire Department, and have been members in good standing of the Association at least 5 consecutive years prior to separation from service, other than time on suspension and approved Leaves of Absence from the Apple Valley Fire Department.
- (c) **Retired Members.** Retired members are those members who have received a service pension from the Association.
- (d) **Separated Members.** Separated members are those members who have separated from service as firefighters but have not met the minimum years of service to be vested in the plan.
(Amended **Q.** Res. 2007-185; **T.** Res. 2011-26; **W.** Res. 2013-35)

Section 4 EXCLUSION. Minors, under eighteen years of age, that are members of a youth, civic, or educational organization or program who participate with uninterrupted adult supervision, as allowed by federal law and by Minn. Stat. § 181A.04, are permitted to perform duties with the Apple Valley Fire Department, but are not eligible for membership in this Association.

(Amended **B.** Res. 1990-42; **T.** Res. 2011-26)

Section 5 DUES, FEES, OR ASSESSMENTS. Any dues, fees or assessments collected shall be deposited in the General Fund. Dues and assessments and their method of collection shall be as hereinafter set forth:

- (a) Dues, when paid, are for the annual period (January 1 through December 31) or fraction thereof.
- (b) Active members shall pay the sum of twelve (12) hours of fire pay per annum as dues effective January 1, 2008.
- (c) Annual dues will be collected as a payroll deduction through the City of Apple Valley, from each member's monthly payroll check. One twelfth (8.333%) of the annual dues will be withheld from each monthly check.
- (d) If the annual amount received from the payroll checks is not sufficient to cover the annual dues amount, the Secretary shall forthwith mail a notice of delinquency to the member. If the dues are not paid within 30 days after the notice is mailed, membership in this Association shall automatically be suspended.
- (e) Deferred and retired members shall pay no dues.

(Amended **Q.** Res. 2007-185; **T.** Res. 2011-26; **V.** Res. 2012-67; **W.** Res. 2013-35)

Section 6 SUSPENSION. Any member under suspension from the Association for cause or for failure to pay dues pursuant to Article 1.4 of these Bylaws can only have the member's suspension lifted upon filing a completed application for the lifting of the suspension in writing, which is delivered to the Secretary, accompanied by a sum equal to the amount which would have been payable during the period of suspension and any outstanding dues, plus a reinstatement fee of \$100.00. Upon receipt by the association of the application and proper payment, the suspension is lifted.

(Amended **R.** Res. 2009-26; **V.** Res. 2012-67)

Section 7 LEAVE OF ABSENCE.

- (a) Any member who is granted a leave of absence by the Apple Valley Fire Department shall during such leave be relieved of paying dues to this Association, and during such leave and period of nonpayment of dues, shall only be entitled to aid benefits. If, after expiration of such leave, the member again becomes active in the Apple Valley Fire Department, can be reinstated by payment of dues accrued during the leave of absence.

(Amended **H.** Res. 1996-36)

- (b) Any member who enlists or is drafted to enter the Armed Services of the United States of America shall be relieved of paying dues in this Association during the time of active military service, but shall retain all rights and benefits in the Association.
- (1) Subject to restrictions stated in Minn. Stat. § 424A.021, a volunteer firefighter who is absent from firefighting service due to service in the uniformed services, as defined in United States Code, title 38, section 4303(13), may obtain service credit not to exceed five years, unless a longer period is required under United States Code, title 38, section 4312.
- (a) To be eligible for service credit under this section, the volunteer firefighter must return to firefighting service with coverage by the Association upon discharge from service in the uniformed service within the time frame required in United States Code, title 38, section 4312(e).
- (b) Service credit is not authorized if the firefighter separates from uniformed service with a dishonorable or bad conduct discharge or under other than honorable conditions.
- (c) Service credit is not authorized if the firefighter fails to provide notice to the fire department that the individual is leaving to provide service in the uniformed service, unless it is not feasible to provide that notice due to the emergency nature of the situation.
(Amended H. Res. 1996-36; I. Res. 1997-80; Amended Q. Res. 2007-185)
- (c) Any member who received disability benefits due to a fire related injury, for a period of more than one month in any calendar year shall be relieved of paying dues in this Association during the period of disability, but shall retain all other rights and benefits in the Association.
(Amended H. Res. 1996-36)
- (d) Leave of absence time is not considered active service time towards retirement.
(Amended R. Res. 2009-26)

Section 8 TERMINATION OF MEMBERSHIP. Active members may be expelled from the Association for cause by a 60% vote of all the members at a regular or special Board meeting provided a quorum is present. Notice of the meeting and a written statement of the particular charges shall be given to the member at least 15 days, excluding the date of the meeting, in advance of the meeting. The member shall be given an opportunity to be heard at the meeting. Cause for termination shall include, but not be limited to, resignation or discharge from the Apple Valley Fire Department, failure to account for money belonging to the Association, feigning illness or injury for the purpose of defrauding the Association. Any member who shall, in the opinion of a majority of the members of the Board of Trustees, fraudulently claim benefits from, or defraud or attempt to defraud the Association in any way, shall be suspended from membership by the Board, and shall forfeit all further rights to benefits from the Association.

ARTICLE III BOARD OF TRUSTEES

Section 1 THE POWERS OF THE BOARD OF TRUSTEES. The Board of Trustees (Board) is the governing Board and has exclusive control of the investment of the Association's plan assets in conformance with Federal and State law including, but not limited to, Minnesota statutes and these Bylaws. The members of the Board will act as Trustees, with a fiduciary obligation to the active, deferred, and retired members of the Association, who are its beneficiaries; the taxpayers of the City of Apple Valley, who help to finance the plan; and the State of Minnesota. The Board will invest and reinvest the Association's plan assets, determine benefits, determine eligibility for membership or benefits, determine the amount or duration of benefits, determine the funding requirements or amounts of contributions, oversee the expenditure of plan assets, and select financial institutions and investment products.

Section 2 MEMBERS OF THE BOARD OF TRUSTEES. The Board of Trustees as specified under Minn. Stat. § 424A.04, shall be composed of the following nine (9) persons: a President, a Vice President, a Secretary, a Treasurer, and two (2) general Trustees, each of whom shall be elected for a three-year term as specified in this Article, or until their successor has been elected and qualified, at the annual meeting of the Association from its members, and the statutory members: the Chief of the Apple Valley Fire Department, and one elected municipal official and one elected or appointed municipal official who are designated annually as municipal representatives by the City Council of the City of Apple Valley. Active and deferred members are eligible to be elected as trustees and one of the six trustees may be a retired member receiving a monthly pension who is elected by the membership of the Relief Association.

(Amended E. Res. 1994-55; H. Res. 1996-36; I. Res. 1997-80; P. Res. 2007-55; T. Res. 2011-26)

Section 3 DUTIES OF THE BOARD OF TRUSTEES. It shall be the duty of the Board of Trustees to:

- (a) Prepare modes and plans for the safe and profitable 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 up and execution of the necessary papers;
- (b) Complete required state reports and file with the Office of the State Auditor annually;
- (c) Order an audit of the books and accounts of the Secretary and the Treasurer annually, according to law; and
- (d) Submit a written report of the condition of the Association to the members at the annual meeting.

(Amended W. Res. 2013-35)

- (e) The Board shall have on file a copy of the investment policy of the Association and file a copy of the investment policy, and all changes to the policy, with the Office of the State Auditor.
- (f) The Association shall provide annually to its broker a written statement of investment restrictions from the applicable state laws and the Association's investment policy. The broker must annually submit the Broker Certification form to the Association before the Association enters or continues business with said broker.

(Amended Q. Res. 2007-185)

- (g) No Trustee of the Apple Valley Firefighters Relief Association shall cause the relief association to engage in a transaction if the fiduciary knows or should know that a transaction constitutes one of the following direct or indirect transactions:
 - (1) sale, exchange, or leasing of any real property between the relief association and a board member;
 - (2) lending of money or other extension of credit between the relief association and a board member or member of the relief association;
 - (3) furnishing of goods, services, or facilities between the relief association and a board member; or
 - (4) transfer to a board member, or use by or for the benefit of a board member, of any assets of the relief association. Transfer of assets does not mean the payment of relief association benefits or administrative expenses permitted by law.

(Amended H. Res. 1996-36)

- (h) A fiduciary with this Association shall act in good faith and shall exercise that degree of judgment and care, under circumstances then prevailing, that persons of prudence, discretion, and intelligence would exercise in the management of their own affairs, not for speculation, considering the probable safety of the plan capital as well as the probable investment return to be derived from the assets.
- (i) A fiduciary of a covered pension plan shall make reasonable effort to obtain knowledge and skills sufficient to enable the fiduciary to perform fiduciary activities adequately. At minimum, the Board of Trustees shall develop and periodically revise a program for the

continuing education of any of the board members and any of the chief administrative officers who are not reasonably considered to be experts with respect to their activities as fiduciaries.

Section 4 OFFICERS. The terms of office of the general Trustees and the officers shall be grouped as follows: (President and one Trustee), (Vice President and Secretary), (Treasurer and one Trustee). The terms shall be arranged so that one group shall be elected at each annual meeting. If a vacancy, other than a vacancy caused by removal for cause of an elected officer or trustee, occurs during the term of office of any officer or trustee, the remaining members of the Board of Trustees shall elect a member of the Association to serve for the unexpired term of the vacated position.

(Amended I. Res. 1997-80)

Section 5 PRESIDENT.

- (a) It shall be the duty of the President to:
- (1) Attend and to preside at all meetings of the Association and the Board of Trustees.
 - (2) Enforce the due observance of the Articles of Incorporation and Bylaws and see that the other officers properly perform the duties assigned to them.
 - (3) Sign all documents requiring the signature of the President.
 - (4) Be a member of all committees except the Aid Committee.
 - (5) Exercise careful supervision over the affairs of the Association.
- (b) The President shall receive such salary as may be fixed from time to time by the Board of Trustees, subject to approval of the Association, and payable from the Special Fund of the Association.

Section 6 VICE PRESIDENT.

- (a) It shall be the duty of the Vice President to:
- (1) Perform the duties of the President in the absence of the President. In the absence of both the President and the Vice President, it shall be the duty of the Association to elect a President Pro Tem, who shall perform the duties incident to the office.
 - (2) Assist the President.
 - (3) Be a member of the Aid Committee.
- (b) The Vice President shall receive such salary as may be fixed from time to time by the Board of Trustees, subject to approval of the Association, and payable from the Special Fund of the Association.

(Amended H. Res. 1996-36; CC. Res 2021-215)

Section 7 SECRETARY.

- (a) It shall be the duty of the Secretary to:
- (1) Keep a true and accurate record of the proceedings of all meetings of the Association and of the Board of Trustees.
 - (2) Keep a correct record of all amendments, alterations, and additions to the Articles of Incorporation or the Bylaws in a separate book from the minute books of the Association.
 - (3) Act as custodian of the seal and records of the Association, sign its official papers, and perform such other duties as may be imposed by the Board of Trustees.
 - (4) Cause due notice of all meetings of the Association and of the Board of Trustees to be given.
 - (5) Submit a report in writing at each regular meeting of the Board of Trustees showing the names of all persons who have applied for membership or ceased to be members since the last report, the names of all persons to whom money has been paid, the amount, and the reason therefor, the amount of money received since the last report and the source thereof, the amount of money on hand, and where the same is invested or deposited, and such other information as will show the financial condition of the

Association.

- (6) Keep a roll of membership, with the date of joining, resignation, discharge leaves of absence, dues and assessments paid, and relief or pensions furnished.
- (7) The Secretary's books shall be at all times open to inspection by the Board of Trustees and jointly with the Treasurer prepare and file all reports and statements required by law.
- (b) The Secretary shall receive such salary as may be fixed from time to time by the Board of Trustees, subject to approval of the Association, and payable from the Special Fund of the Association.

Section 8 TREASURER.

- (a) It shall be the duty of the Treasurer to:
 - (1) Receive all funds belonging to the Association and hold them subject to the order of the President or the Board of Trustees.
 - (2) Keep separate and distinct accounts of the Special and General Funds, and shall prepare and present to the Board of Trustees, a full and detailed statement of the assets and liabilities of each fund at each meeting of the Board of Trustees, and prior to the annual meeting of the Association.
 - (3) Deliver to their successor in office, or to any committee appointed by the Board of Trustees to receive the same, all moneys, books, papers and other items pertaining to the office immediately upon expiration of the term of office.
 - (4) Prior to entering upon the duties of the office, give a bond in such amount as required by law, Minn. Stat. § 69.051, Subd. 2, and with such sureties as may be required and approved by the Board of Trustees, conditioned upon the faithful discharge of his trust and the faithful performance of the duties of the office. Such bond shall be paid for from the Special Fund of the Association.
 - (5) Jointly with the Secretary, the Treasurer shall prepare and file all reports and statements as required by law.
- (b) The Treasurer shall receive such salary as may be fixed by the Board of Trustees from time to time, subject to approval of the Association, and payable from the Special Fund of the Association.

(Amended **H.** Res. 1996-36; **Q.** Res. 2007-185)

Section 9 TRUSTEES. It shall be the duty of the Trustees to assist the members of the Board of Trustees with their duties.

Section 10 AID COMMITTEE. There shall be an Aid Committee composed of the Vice President and three other members of the Association, who may or may not be members of the Board of Trustees, appointed by the Board of Trustees. The Vice President shall be the chair of this committee. The duty of the committee shall be to make provisions for the assistance to be rendered to each sick or disabled member, and to the survivors of any deceased member in accordance with the provisions of these Bylaws.

- (a) The Aid Committee shall establish the guidelines by which assistance shall be given and keep a copy of such guidelines filed with the Secretary. Any changes to this guideline must be approved by the membership at the Annual Meeting.
- (b) The Aid Committee members shall be the station rep from each station who shall serve two year terms. The station reps from 1 and 3 shall be elected from their members at the annual meeting during odd years and the station rep from 2 shall be elected from their members at the annual meeting during even years.
- (c) Other duties of the station rep shall be to inform members from their station how to obtain AID, notify the Administrative Assistant of any AID to be sent and maintain the service board at their station.
- (d) Funding shall come from the General Fund.

(Amended W. Res. 2013-35)

Section 11 REMOVAL. A general trustee or officer may be removed for cause. Cause for removal shall include, but shall not be limited to, the breach of the duties as set forth in Articles II and III of these Bylaws. One or more of the Trustees or officers may be removed at a meeting of the membership which has been called for that purpose by a 2/3 vote of those present and voting at such meeting, provided a quorum is present. Notice of the meeting at which removal is to be considered shall be given to each member and shall include the purpose of the meeting. The general trustee or officer shall be furnished with a statement of the particular charges at least 15 days before the meeting is to be held. At the meeting, the general trustee or officer shall be given an opportunity to be fully heard as to each charge. If a general trustee or officer is removed, a replacement shall be elected at the same meeting, and such replacement shall serve out the unexpired term of the removed general trustee or officer.

ARTICLE IV MEETINGS OF THE MEMBERS AND THE BOARD

Section 1 ANNUAL MEETING. The annual meeting of the Association, for the election of officers and trustees, and other business, shall be held on the first Saturday of December or as otherwise set by the Board.

(Amended AA. Res. 2020-171)

Section 2 BOARD MEETINGS. The Board of Trustees shall hold at least four regular meetings during each year. (Preferably more)

- (a) **Place.** A meeting of the Board of Trustees may be held at any place within this state designated by the Board.
- (b) **Notice.** Subject to waiver, notice of every meeting shall be sent or delivered by the Secretary to each Trustee entitled to vote at the meeting at least 5 but not more than 30 days before the meeting, excluding the date of the meeting, which sets forth the time, place, and in the case of a special meeting, purpose. A notice of meetings, including the date, time and location, shall be posted at each fire station and city hall.
- (c) **Act by Majority.** An act of the majority of the Trustees present at a meeting at which a quorum is present is an act of the Board.
- (d) **Quorum.** The presence of a majority of the members of the Board shall constitute a quorum of the Board.

(Amended Q. Res. 2007-185)

Section 3 SPECIAL MEETINGS. Special meetings of the Association or the Board of Trustees may be called by the President, or by 2 members of the Board of Trustees, shall also be called upon written request of 10 or more members of the Association. Members or trustees shall be notified by the Secretary of such special meetings, and the object of the meeting shall be contained in such notice. Special meetings must be held within 10 to 30 days upon request.

Section 4. NOTICE. Notice of the meetings and elections shall be given to all members entitled to vote at the meeting or election. Such notice shall be in writing and state the time, place, and in case of a special meeting, the purpose, and be posted at each fire hall not less than 5 nor more than 30 days before the meeting, excluding the date of the meeting.

Consent by a member to notice given by electronic communication may be given in writing or by authenticated electronic communication. The Association is entitled to rely on any consent so given until revoked by the member, provided that no revocation affects the validity of any notice given before receipt by the corporation of revocation of the consent. Written notice required by the Bylaws may be given as an

electronic notice pursuant to the requirements of this section. The Notice shall be effective when given.

The notice is deemed given:

- (a) If by facsimile communication, when directed to a telephone number at which the member has consented to receive notice;
- (b) If by electronic mail, when directed to an electronic mail address at which the member has consented to receive notice;
- (c) If by posting on an electronic network on which the member has consented to receive notice, together with a separate notice to the member of the specific posting, upon the later of:
 - (1) The posting; and
 - (2) The giving of the separate notice; and
- (d) If by any other form of electronic communication by which the member has consented to receive notice, when directed to the member.

Section 5 QUORUM. The presence of a majority of the Board then serving shall constitute a quorum of the Board.

- (a) Subject to Section 5(c), a quorum is necessary for the transaction of business at a meeting.
- (b) When a quorum is not present, any meeting may be adjourned from time to time for that reason.
- (c) When a quorum has been present at a meeting and members have withdrawn from the meeting so that less than a quorum remains, the members still present may continue to transact business until adjournment.
- (d) A quorum for meetings of members is thirty percent (30%) of the active membership of the Relief Association.

(Amended E. Res. 1994-55; M. Res. 2002-219; R. Res. 2009-26)

Section 6 ORDER OF BUSINESS. At the annual and at all regular meetings the order of business shall be as follows:

- (a) Call to order
- (b) Roll call
- (c) Reading of minutes of previous meeting
- (d) Secretary's report
- (e) Treasurer's report
- (f) Committee reports
- (g) Unfinished business
- (h) Election of officers (annual meeting)
- (i) New business
- (j) Adjournment

(Amended H. Res. 1996-36)

All meetings shall be conducted according to Robert's Rules of Order, as revised. All reports and resolutions shall be submitted in writing, and no report shall be accepted unless it is the report of the majority of a committee, provided however, that the minority shall be permitted to present its view in writing.

Section 7 VOTING. Each active member in good standing shall be entitled to vote on any matter which the members vote upon. All votes, unless specified prior to the vote, shall be conducted by a voice vote. If a majority cannot be determined by voice vote, the Officer in charge of the vote shall ask for a vote by secret ballot. Neither cumulative voting nor voting by proxy shall be allowed.

(Amended E. Res. 1994-55, W. Res. 2013-35, BB. Res. 2021-17)

ARTICLE V
FUNDS

Section 1 FUNDS REQUIRED. The Association shall maintain in its treasury a General Fund and a Special Fund.

- (a) **General Fund.** One fund shall be called the General Fund to which shall be credited all moneys received from dues, fines, initiation fees, entertainment revenues and any moneys or property donated, given, granted or devised by any person for unspecified uses. The General Fund may be used for any purpose authorized by either the Articles of Incorporation or the Bylaws, including but not limited to the following: expenses of entertainment, dinners, dances, games, and flowers for the sick or deceased members, expenses of administering the fund.
- (b) **Special Fund.** The other fund shall be called the Special Fund. The Special Fund shall be credited with all fire state-aid moneys received pursuant to law, all taxes levied by or other revenue received from the City pursuant to law providing for municipal support for the Relief Association, any moneys or property donated, given, granted or devised by any person which is specified for use for the support of the Special Fund, and any interest earned upon assets of the Special Fund. No disbursement shall be made from the Special Fund for any purpose except a purpose for which such Special Fund is held in trust consistent with provisions in the Articles of Incorporation or Bylaws, and administrative expenses as limited by Minn. Stat. §§ 69.80 and 424A.05. All other expenses of the Association shall be paid out of the General Fund.

(Amended H. Res. 1996-36; W. Res. 2013-35)

Section 2 DEPOSITS. All money belonging to this Association shall be deposited to the credit of the association in such banks, trust companies or other depositories as the Board of Trustees may designate. The Board of Trustees shall make deposits in conformance with state statutes, the Bylaws and the investment policy.

(Amended H. Res. 1996-36)

Section 3 DISBURSEMENTS. No disbursement of the funds of this Association shall be issued until the claim to which it relates has been approved by the Board of Trustees. All checks or expenditures drawn by the Treasurer must be countersigned by the President or Vice-President.

(Amended H. Res. 1996-36)

ARTICLE VI
BENEFITS

Section 1 SERVICE PENSIONS.

- (a) **Eligibility Requirements.** To be eligible to receive a service pension, a member must meet all of the following requirements:
- (1) Be at least 50 years of age;
 - (2) Have separated from the Fire Department of the municipality of Apple Valley and ceased to perform or supervise fire suppression duties; unless, as specified in Minn. Stat. § 424A.02, Subd. 1 (d):
 - (a) the person is employed subsequent to retirement by the City of Apple Valley to perform duties within the Apple Valley Fire Department on a full-time basis; and
 - (b) the governing body of the City of Apple Valley has files its determination with the board of trustees of the relief association that the person's experience with and service to the Apple Valley Fire Department in that person's full-time capacity would be difficult to replace;
 - (3) (a) A person commencing active duty prior to 1/1/2010 must have served at least

- 5 years of active duty as a firefighter in the Apple Valley Fire Department;
- (b) A person commencing active duty or a separated member returning to active service after 1/1/2010 must have served at least 10 years of active duty as a firefighter in the Apple Valley Fire Department; and
- (4) Have been an active member of the Association in good standing at least five consecutive years immediately prior to separation from service, other than time on suspension and approved Leaves of Absence from the Apple Valley Fire Department.
- (5) Return to Service:
 - (a) Any firefighter who has a break in service, including former members who have received payment of a service pension or disability benefit and who have waited at least 60 days following receipt of the pension or benefit, will be eligible to resume active membership in the Association should the firefighter resume active firefighting duties with the Fire Department. Active membership in the Association immediately resumes when a member returns to active service with the Fire Department.
 - (b) A firefighter who had not been paid a service pension returns to active Association membership under paragraph (a), who has met the minimum service requirement specified in Section 1(a)(3), and who does meet the minimum service requirement of Section 1(a)(4), upon a subsequent cessation of duties, must have a service pension for the original and resumption service periods calculated by applying the service pension amount in effect on the date of the firefighter's termination of the resumption service.
 - (c) If a former firefighter who has received a service pension returns to active Association membership, the firefighter may qualify for the receipt of a service pension from the Association for the resumption service period if the firefighter meets the minimum service requirements of Section 1(a)(4). A firefighter who previously received payment of a service pension or disability benefit from this Association and who completes at least five (5) years of active service with the Fire Department upon a resumption of active service is fully vested and eligible for a second pension. A retired member collecting an annuity can continue receiving payments during a return to service. No firefighter may be paid a service pension more than once for the same period of service.

(Amended **H.** Res. 1996-36; **M.** Res. 2002-219; **Q.** Res. 2007-185; **R.** Res. 2009-26; **T.** Res. 2011-26; **W.** Res. 2013-35; **DD.** Res. 2023-58)

- (b) **Service Pension.** Because of varying circumstances in each member's retirement planning, optional benefit payment methods are offered. Selection should occur after consultation with a tax consultant, financial planner, or an attorney. Each member meeting the requirements of Article 6, Section 1(a), hired before January 1, 2019, and separating service before January 1, 2022, shall be entitled to choose either a monthly service pension as set forth in Section 1 (i), joint and 100%, or 50%, monthly service pension as set forth in 6.1(j), or lump sum service pension as set forth in Section 1(m). All members hired after January 1, 2019 or separating service after December 31, 2022, shall be entitled to only the lump sum service pension set forth in Section 1(m). At the time of application for retirement, a qualified member shall be entitled to payments from the Special Fund according to the following tables attached as Addendum A:

Table	M1-22
Table	LS1-22

Table

LS1-24

(Amended **B.** Res. 1990-42; **C.** Res. 1990-158; **D.** Res. 1992-174; **E.** Res. 1994-55; **G.** Res. 1994-355; **H.** Res. 1996-36; **J.** Res. 1997-253; **K.** Res. 1999-239; **L.** Res. 2001-191; **M.** Res. 2002-219; **N.** Res. 2003-179; **O.** Res. 2005-187; **U.** Res. 2012-12; **X.** Res. 2014-206; **Z.** Res. 2018-213; **AA.** Res. 2020-171; **CC.** Res. 2021-215; **EE.** 2024-9)

- (c) **Notice of Intent to Take Distribution.** Each member who intends to take distribution of a service pension, including a deferred service pension, from the Association must file a Notice of Intent to Take Distribution. Such Notice of Intent to Take Distribution will be in writing, and will be filed with the Secretary not less than 90 days prior to the intended date of distribution. Upon receipt of the Notice of Intent to Take Distribution, the Secretary will provide to the applicant an Application for Distribution and any forms or notices required by Federal or State law. No Notice of Intent to Take Distribution is required for ancillary benefits. (Amended Y. Res. 2018-128)
- (d) **Application.** Applications for service pensions shall be made in writing on forms supplied by the Secretary. The application shall be submitted via U.S. mail, electronically, or delivered personally to the Board of Trustees at a regular or special meeting of the Board. Applications shall be verified by an oath of the applicant and shall state the applicant meets each of the eligibility requirements set forth in 6.1(a). (Amended Y. Res. 2018-128)
- (e) **Acceptance of Application, Approval of Benefits.** Applications for service pensions shall not be approved until they are complete, including all required documentation as specified in the application. It shall be the duty of the Board to approve applications for service pensions if the applicant meets all of the eligibility requirements set forth in 6.1(a). It shall also be the duty of the Board not to approve the application if any of the eligibility requirements are not met. If an application is not approved, the Board shall return the application to the applicant within 30 days, noting thereon, with particularity, which requirements the applicant does not meet. Thereafter, the applicant shall be furnished the opportunity to be heard by the full Board, within the next 30 days, on the question of whether the applicant meets all of the eligibility requirements. The service pension shall be payable at the rates set forth in 6.1(b). Payment shall be made from the Special Fund. (Amended Y. Res. 2018-128)
- (f) **Deferred Service Pension.**
- (1) A member of the Association who separates from active service as a firefighter in the Apple Valley Fire Department and who has served at least 5 years of active service if commencing active service prior to 1/1/2010, or who commenced active service after 1/1/2010 must have served at least 10 years of active service as a firefighter in the Apple Valley Fire Department, and served at least five years of active membership in the Association, shall be entitled to a deferred service pension to commence upon reaching at least the age of 50 years and upon making a valid written application to the Association.
 - (2) The deferred service pension shall be payable as set forth in 6.1(b) except that:
 - (a) Deferred members selecting the lump sum service pension as set forth in 6.1(1) shall have the lump sum payment based on the Lump Sum table in effect at the time of separation.
 - (b) No interest will accumulate or be compounded on a lump sum service pension as of December 31, 2020.

(Amended **C.** Res. 1990-158; **K.** Res. 1999-239; **N.** Res. 2003-179; **Q.** Res. 2007-185; **T.** Res. 2011-26; **W.** Res. 2013-35; **Y.** Res. 2018-128, **AA.** Res. 2020-171)

- (g) **Year of Service.** For the purpose of computing benefits, a "Year of Service" shall be defined as a period of 12 full months of active duty in the Apple Valley Fire Department, beginning on the anniversary date when the member became an active member of said Fire Department. Incomplete years of service, after the member's anniversary date, shall be prorated at the rate of 8.333% per complete month of active service, pursuant to Minn. Stat. § 424A.02, Subd. 1. If a member's period of active service is not continuous, parts of years may be added together to complete a full year.
(Amended E. Res. 1994-55; H. Res. 1996-36; I. Res. 1997-80; T. Res. 2011-26; W. Res. 2013-35)
- (h) **Surviving Spouse.** "Surviving Spouse" means any person who was the dependent spouse of a deceased member who was legally married to the member at the time of death.
(Amended H. Res. 1996-36; R. Res. 2009-26)
- (i) **Monthly Service Pension.** Each member hired before January 1, 2019 and separating service before January 1, 2022, meeting the requirements of Section 1(a) shall be entitled to select a monthly service pension. The monthly service pension determined in 6.1(b) shall receive postretirement increases as authorized by Minn. Stat. § 424A.02, Subd. 9 (a). The monthly service pension shall commence with payment the first day of the month following the date of receipt of a complete application that is approved by the Board of Trustees and shall cease the first day of the month following the retired member's death.
(Amended H. Res. 1996-36; O. Res. 2005-187; Q. Res. 2007-185; Y. Res. 2018-128; Z. Res 2018-213; CC. Res 2021-215)
- (j) **Joint Monthly Service Pension.**
 - (1) **Joint and 100% monthly service pension.** Each member hired before January 1, 2019 and separating service before January 1, 2022, meeting the requirements of Section 1(a) who selects the monthly service pension of Section 1(i) shall be entitled to choose a Joint and 100% monthly service pension. The monthly service pension, determined in Section 1(b), shall be modified by the following table:

Joint and 100% Conversion Factors

Age at Payment Commencement	Reduction Factor
50	.878
51	.872
52	.867
53	.861
54	.855
55	.849
56	.842
57	.836
58	.829
59	.822
60	.814
61	.806
62	.798
63	.789
64	.781
65	.772

payable to the retired member until death. Upon retired members death the payment would continue to the surviving spouse until their death. If the spouse should precede the retired member in death, the benefit level paid monthly to the retired

member shall revert to the regular monthly service pension as shown in 6.1(h) beginning with the first month following the death of the spouse.

(Amended M. Res. 2002-219; Z. Res 2018-213; CC. Res 2021-215)

- (2) **Joint and 50% monthly service pension.** Each member hired before January 1, 2019 and separating service before January 1, 2022, meeting the requirements of Section 1(a) who selects the monthly service pension of Section 1(i) shall be entitled to choose a Joint and 50% monthly service pension. The monthly service pension, determined in 6.1(b), shall be modified by the following table:

Joint and 50% Conversion Factors	
Age at Payment Commencement	Reduction Factor
50	.935
51	.932
52	.929
53	.925
54	.922
55	.918
56	.915
57	.911
58	.906
59	.902
60	.897
61	.893
62	.888
63	.882
64	.877
65	.871

payable to the retired member until death. Upon retired member’s death, 50% of the payment would continue to the surviving spouse until their death. If the spouse should precede the retired member in death, the benefit level paid monthly to the retired member shall revert to the regular monthly service pension as shown in 6.1(h) beginning with the first month following the death of the spouse.

(Amended M. Res. 2002-219; Z. Res 2018-213; CC. Res 2021-215)

- (k) **Monthly Service Pension Survivor Benefit.** Upon the death of a member of this Association, receiving a monthly service pension, prior to January 1, 2003, the sum equal to the 10-year retirement benefit level, or actual benefit earned if under 10 years of service, per month shall be paid to the spouse, if any, during the remainder of the spouse's natural life. A sum not exceeding the 5-year retirement benefit level per month shall be added to this amount for the benefit of each surviving child of the deceased member under the age of 18, but in no event shall the total pension paid to the spouse and surviving children exceed the sum equal to one and one-half times the 10-year retirement benefit level per month.

(Amended C. Res. 1990-158; F. Res. 1994-226; H. Res. 1996-36; I. Res. 1997-80, L. Res. 2001-191; M. Res. 2002-219)

- (l) **Surviving Children's Monthly Service Pension.** Upon the death of the surviving spouse of a deceased member receiving a monthly service pension, or if the deceased member leaves no spouse, the sum equal to the 5-year benefit level per month shall be paid to each of the surviving children, if any, under the age of 18 until each such child reaches the age of 18, but in no event shall the total amount paid to the surviving children exceed the sum equal to one

and one-half times the 10-year benefit level per month.

(Amended C. Res. 1990-158; F. Res. 1994-226; H. Res. 1996-36)

(m) **Lump Sum Service Pension.** Each member meeting the requirements of Section 1(a) shall be entitled to select a lump sum service pension. Alternate payment methods shall include:

- (1) A single lump sum check payment payable to the eligible retiree.
- (2) Upon written request, the Association shall directly transfer the eligible member's lump sum pension to the member's individual retirement account under Section 408(a) of the Internal Revenue Code, as amended.

(Amended H. Res. 1996-36)

(n) **Supplemental Benefit.** As described in Minn. Stat. § 424A.10, the Association must pay a supplemental benefit to individuals who receive a lump sum distribution of pension or retirement benefits for service performed as a volunteer firefighter at the time that the lump sum benefit is paid. The supplemental benefit is calculated as ten percent of the regular lump sum distribution, but not to exceed \$1,000.

- (1) Upon the payment of a lump sum survivor benefit to the survivor of a deceased active or deferred member, a supplemental survivor benefit will be paid to the legally married surviving spouse or, if none, to the surviving child or children. The survivor supplemental benefit is calculated as twenty percent of the survivor benefit distribution, but not to exceed \$2,000.

(Amended Q. Res. 2007-185)

Section 2 ANCILLARY BENEFITS. “Ancillary Benefit” means a benefit other than the service pension. Upon the death of an active or deferred member of this Association there shall be paid a survivor or death benefit. Pursuant to Minn. Stat. § 424A.02, Subd. 9 (2), the sum of the ancillary benefit shall be calculated as of the date the active or deferred member died.

(Amended K. Res. 1999-239; R. Res. 2009-26; S. Res. 2010-34)

(a) **Active Member Survivor or Death Benefit.** Pursuant to Minn. Stat. § 424A.05, Subd. 3 (3), a survivor benefit must be paid to a surviving spouse of an active member, or if none, to surviving children regardless of age at time of death, or if none, to designated beneficiaries. In the case of no designated beneficiary, a death benefit must be paid to the estate. The sum shall be calculated using the Lump Sum Service Pension benefit level in effect at the time of death as listed in 6.1(b), times the years of service as determined in 6.1(f), without regard to minimum or partial vesting requirements but in no case shall be less than five times the benefit level per year of service in effect on the date of death.

(Amended I. Res. 1997-80; J. Res. 1997-253; K. Res. 1999-239; L. Res. 2001-191; R. Res. 2009-26; S. Res. 2010-34; T. Res. 2011-26)

(b) **Deferred Member Survivor or Death Benefit.** Pursuant to Minn. Stat. § 424A.05, Subd. 3 (3), a survivor benefit must be paid to a surviving spouse of a deferred member, or if none, to surviving children regardless of age at time of death, or if none, to designated beneficiaries. In the case of no designated beneficiary a death benefit must be paid to the estate. The sum shall be calculated using the Lump Sum Service Pension table in effect at the time of separation as listed in 6.1(b), using years of service as determined in 6.1(f). The total benefits paid under 6.2(b) cannot exceed the benefit earned by the member.

(Amended I. Res. 1997-80; J. Res. 1997-253; K. Res. 1999-239; R. Res. 2009-26; S. Res. 2010-34; T. Res. 2011-26; W. Res. 2013-35)

Section 3 LIMITS ON BENEFITS.

(a) **Domestic Relations Order.** A qualified domestic relations or domestic relations order that complies with the provisions of Minn. Stat. §§ 518.58, 518.581, or 518A.53, shall be distribution made pursuant to a domestic relations order shall be treated as made pursuant to qualified domestic relations order as specified by Internal Revenue Code 414(p)(11), as

amended. No benefits shall be paid under a domestic relations order which requires the plan to provide any type or form of benefit, or any option, not otherwise provided under the plan or under state law. The only benefit available to a former spouse of a member pursuant to a qualified domestic relations order is that of a lump sum service pension, which is distributable pursuant to the terms and conditions of Article VI herein. When a qualified domestic relations order is submitted to the Apple Valley Firefighters Relief Association Board for review and/or consideration, it must be accompanied with an administrative fee of \$500.00.

(Amended H. Res. 1996-36; P. Res. 2007-55)

- (b) **Garnishment, Judgment, or Legal Process.** No service pension benefits paid or payable from the Special Fund of the relief association to any person receiving or entitled to receive a service pension shall be subject to garnishment, judgment, execution, or other legal process, except as provided in Minn. Stat. §§ 518.58, 518.581, or 518.611.

(Amended H. Res. 1996-36)

- (c) No person entitled to a service pension from the Special Fund of a relief association may assign any service pension benefit payments, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.

(Amended H. Res. 1996-36)

- (d) No provision which places limits on benefits as contained within Section 415 of the Internal Revenue Code shall be exceeded. Plan participants cannot receive an annual benefit greater than the amount specified in Section 415 of the code as may be subsequently amended.

(Amended H. Res. 1996-36)

ARTICLE VII
AMENDMENTS

Section 1 AMENDMENTS. The Bylaws of this Association may be amended at any regular or special meeting of the Association by a favorable vote of two-thirds of the members present and voting, providing a quorum is present; and provided further that notice of any proposed amendment or amendments has been mailed to each member at their last known address not more than 31 days preceding the date upon which such amendment or amendments are to be acted upon, and not less than 10 days prior to the scheduled date of such meeting; and provided further, that if such amendment or amendments shall change the amount of benefits or pensions, approval of the City Council of Apple Valley must be obtained, as required by law.

(Amended H. Res. 1996-36, L. Res. 2001-191)

ARTICLE VIII
MUNICIPAL RATIFICATION

Section 1 RATIFICATION. The adoption of, or any amendment to the Articles or Bylaws of this Association which increases or otherwise affects the retirement coverage provided by, or the service pensions or retirement benefits payable from the Special Fund of this Association, shall not be effective until it is ratified by the City Council of the City of Apple Valley.

- A. At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did adopt on the 12th day of February, 1989, the foregoing *CODE OF BYLAWS*, said *Code* consisting of eleven (11) pages, including this page, with the stamp FEBRUARY 12, 1989, being on each page. Which *Bylaws* were approved by the Apple Valley City Council on the 23rd day of March, 1989; Resolution No. 1989-60.
- B. At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 11th day of February, 1990, the foregoing *CODE OF BYLAWS*, said *Code* consisting of eleven (11) pages, including this page, with the stamp FEBRUARY 11, 1990, being

on each page. Which amendments were approved by the Apple Valley City Council on the 22nd day of February, 1990; Resolution No. 1990-42.

- C. At a duly called special meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 30th day of July, 1990, the foregoing *CODE OF BYLAWS*, said *Code* consisting of twelve (12) pages, including this page, with the stamp JULY 30, 1990, being on each page. Which amendments were approved by the Apple Valley City Council on the 9th day of August, 1990; Resolution No. 1990-158.
- D. At a duly called special meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 8th day of June, 1992, the foregoing *CODE OF BYLAWS*, said *Code* consisting of twelve (12) pages, including this page, with the stamp JUNE 8, 1992, being on each page. Which amendments were approved by the Apple Valley City Council on the 25th day of June, 1992; Resolution No. 1992-174.
- E. At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 13th day of February, 1994, the foregoing *CODE OF BYLAWS*, said *Code* consisting of thirteen (13) pages, including this page, with the stamp FEBRUARY 13, 1994, being on each page. Which amendments were approved by the Apple Valley City Council on the 24th day of February, 1994; Resolution No. 1994-55.
- F. At a duly called special meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 10th day of July, 1994, the foregoing *CODE OF BYLAWS*, said *Code* consisting of fourteen (14) pages, including this page, with the stamp JULY 10, 1994, being on each page. Which amendments were approved by the Apple Valley City Council on the 28th day of July, 1994; Resolution No. 1994-226.
- G. At a duly called special meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 9th day of October, 1994, the foregoing *CODE OF BYLAWS*, said *Code* consisting of thirteen (13) pages, including this page, and Addendum A, consisting of five (5) pages, with the stamp OCTOBER 9, 1994, being on each page of the *Code* and Addendum A. Which amendments were approved by the Apple Valley City Council on the 8th day of December, 1994; Resolution No. 1994-355.
- H. At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 11th day of February, 1996, the foregoing *CODE OF BYLAWS*, said *Code* consisting of thirteen (13) pages, including this page, and Addendum A, consisting of five (5) pages, with the stamp FEBRUARY 11, 1996, being on each page of the *Code* and Addendum A. Which amendments were approved by the Apple Valley City Council on the 22nd day of February, 1996; Resolution No. 1996-36.
- I. At duly called regular meetings thereof, the *Apple Valley Firefighters Relief Association* did amend on the 9th day of February, 1997, and the 13th day of April, 1997, the foregoing *CODE OF BYLAWS*, said *Code* consisting of thirteen (13) pages, including this page, and Addendum A, with the stamp APRIL 13, 1997, being on each page. Which amendments were approved by the Apple Valley City Council on the 24th day of April, 1997; Resolution No. 1997-80.
- J. At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 12th day of October, 1997, the foregoing *CODE OF BYLAWS*, said *Code* consisting of thirteen (13) pages, including this page, and Addendum A, with the stamp OCTOBER 12, 1997, being on each page. Which amendments were approved by the Apple Valley City Council on the 25th day of November, 1997; Resolution No. 1997-253.
- K. At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 7th day of February, and on the 10th day of October, 1999, the foregoing *CODE OF BYLAWS*, said *Code* consisting of thirteen (13) pages, including this page, and Addendum A, with the stamp OCTOBER 10, 1999, being on each page. Which amendments were approved by the Apple Valley City Council on the 28th day of October, 1999; Resolution No. 1999-239.
- L. At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 7th day of October, 2001, the foregoing *CODE OF BYLAWS*, said *Code* consisting of thirteen (13) pages, including this page, and Addendum A, with the stamp OCTOBER 7, 2001, being on each page. Which amendments were approved by the Apple Valley City Council on

- the 25th day of October, 2001; Resolution No. 2001-191.
- M.** At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 13th day of October, 2002, the foregoing *CODE OF BYLAWS*, said *Code* consisting of fourteen (14) pages, including this page, and Addendum A, with the stamp OCTOBER 13, 2002, being on each page. Which amendments were approved by the Apple Valley City Council on the 26th day of November, 2002; Resolution No. 2002-219.
- N.** At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 12th day of October, 2003, the foregoing *CODE OF BYLAWS*, said *Code* consisting of fourteen (14) pages, including this page, and Addendum A, with the stamp OCTOBER 12, 2003, being on each page. Which amendments were approved by the Apple Valley City Council on the 23rd day of October, 2003; Resolution No. 2003-179.
- O.** At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 10th day of October, 2005, the foregoing *CODE OF BYLAWS*, said *Code* consisting of sixteen (16) pages, including this page, and Addendum A, with the stamp OCTOBER 10, 2005, being on each page. Which amendments were approved by the Apple Valley City Council on the 27th day of October, 2005; Resolution No. 2005-187.
- P.** At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 11th day of February, 2007, the foregoing *CODE OF BYLAWS*, said *Code* consisting of fifteen (15) pages, including this page, and Addendum A, with the stamp FEBRUARY 11, 2007, being on each page. Which amendments were approved by the Apple Valley City Council on the 22nd day of March, 2007; Resolution No. 2007-55.
- Q.** At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 8th day of October, 2007, the foregoing *CODE OF BYLAWS*, said *Code* consisting of fifteen (15) pages, including this page, and Addendum A, with the stamp OCTOBER 8, 2007, being on each page. Which amendments were approved by the Apple Valley City Council on the 25th day of October, 2007; Resolution No. 2007-185.
- R.** At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 8th day of February, 2009, the foregoing *CODE OF BYLAWS*, said *Code* consisting of fifteen (15) pages, including this page, and Addendum A, with the stamp FEBRUARY 8, 2009, being on each page. Which amendments were approved by the Apple Valley City Council on the 26th day of February, 2009; Resolution No. 2009-26.
- S.** At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 7th day of February, 2010, the foregoing *BYLAWS*, said *Bylaws* consisting of fifteen (15) pages, including this page, and Addendum A, with the stamp FEBRUARY 7, 2010, being on each page. Which amendments were approved by the Apple Valley City Council on the 25th day of February, 2010; Resolution No. 2010-34.
- T.** At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 13th day of February, 2011, the foregoing *BYLAWS*, said *Bylaws* consisting of sixteen (16) pages, including this page, and Addendum A, with the stamp FEBRUARY 13, 2011, being on each page. Which amendments were approved by the Apple Valley City Council on the 24th day of February, 2011; Resolution No. 2011-26.
- U.** At a duly called special meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 19th day of December, 2011, the foregoing *BYLAWS*, said *Bylaws* consisting of sixteen (16) pages, including this page, and Addendum A, with the stamp DECEMBER 19, 2011, being on each page. Which amendments were approved by the Apple Valley City Council on the 12th day of January, 2012; Resolution No. 2012-12.
- V.** At a duly called special meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 12th day of February, 2012, the foregoing *BYLAWS*, said *Bylaws* consisting of sixteen (16) pages, including this page, and Addendum A, with the stamp FEBRUARY 12, 2012, being on each page. Which amendments were approved by the Apple Valley City Council on the 22nd day of March, 2012; Resolution No. 2012-67.
- W.** At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 10th day of February, 2013, the foregoing *BYLAWS*, said *Bylaws* consisting of seventeen (17) pages, including this page, and Addendum A and Addendum B with the stamp

FEBRUARY 10, 2013, being on each page. Which amendments were approved by the Apple Valley City Council on the 28th day of February, 2013; Resolution No. 2013-35.

- X. At a duly called special meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 17th day of November, 2014, the foregoing *BYLAWS*, said *Bylaws* consisting of seventeen (17) pages, including this page, and Addendum A and Addendum B with the stamp NOVEMBER 17, 2014, being on each page. Which amendments were approved by the Apple Valley City Council on the 23rd day of December, 2014; Resolution No. 2014-206.
- Y. At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 11th day of February, 2018, the foregoing *BYLAWS*, said *Bylaws* consisting of eighteen (18) pages, including this page, and Addendum A, with the stamp FEBRUARY 11, 2018, being on each page. Which amendments were approved by the Apple Valley City Council on the 13th day of September, 2018; Resolution No. 2018-128.
- Z. At a duly called special meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 3rd day of December 2018, the foregoing *BYLAWS*, said *Bylaws* consisting of eighteen (18) pages, including this page, and Addendum A and Addendum B with the stamp DECEMBER 3, 2018, being on each page. Which amendments were approved by the Apple Valley City Council on the 27th day of December, 2018; Resolution No. 2018-213.
- AA. At a duly called special meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 5th day of December 2020, the foregoing *BYLAWS*, said *Bylaws* consisting of eighteen (18) pages, including this page, and Addendum A with the stamp DECEMBER 5, 2020, being on each page. Which amendments were approved by the Apple Valley City Council on the 22nd day of December, 2020; Resolution No. 2020-171.
- BB. At a duly called special meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 5th day of December 2020, the foregoing *BYLAWS*, said *Bylaws* consisting of eighteen (18) pages, including this page, and Addendum A with the stamp DECEMBER 5, 2020, being on each page. Which amendments were approved by the Apple Valley City Council on the 11th day of February, 2021; Resolution No. 2021-17.
- CC. At a duly called regular meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 4th day of December 2021, the foregoing *BYLAWS*, said *Bylaws* consisting of eighteen (18) pages, including this page, and Addendum A with the stamp DECEMBER 4, 2021, being on each page. Which amendments were approved by the Apple Valley City Council on the 21st day of December, 2021; Resolution No. 2021-215.
- DD. At a duly called special meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 27th day of March 2023, the foregoing *BYLAWS*, said *Bylaws* consisting of eighteen (18) pages, including this page, and Addendum A with the stamp March 27, 2023, being on each page. Which amendments were approved by the Apple Valley City Council on the 13th day of April, 2023; Resolution No. 2023-58.
- EE. At a duly called special meeting thereof, the *Apple Valley Firefighters Relief Association* did amend on the 30th day of December 2023, the foregoing *BYLAWS*, said *Bylaws* consisting of eighteen (18) pages, including this page, and Addendum A with the stamp December 30, 2023, being on each page. Which amendments were approved by the Apple Valley City Council on the 11th day of January, 2024; Resolution No. 2024-9.

President

Secretary

Mayor

City Clerk

Table M1-22

(Amended EE. Res. 2024-9)

MONTHLY SERVICE PENSION

EFFECTIVE JANUARY 1, 2022

\$47.00 BENEFIT LEVEL

Formula (Years X Level X Percentage)

<u>Years of Service</u>	<u>\$ Level</u>	<u>Percentage</u>	<u>Amount Per Month</u>
5	\$47.00	40%	\$94.00
6	\$47.00	44%	\$124.08
7	\$47.00	48%	\$157.92
8	\$47.00	52%	\$195.52
9	\$47.00	56%	\$236.88
10	\$47.00	60%	\$282.00
11	\$47.00	64%	\$330.88
12	\$47.00	68%	\$383.52
13	\$47.00	72%	\$439.92
14	\$47.00	76%	\$500.08
15	\$47.00	80%	\$564.00
16	\$47.00	84%	\$631.68
17	\$47.00	88%	\$703.12
18	\$47.00	92%	\$778.32
19	\$47.00	96%	\$857.28
20	\$47.00	100%	\$940.00
21	\$47.00	100%	\$987.00
22	\$47.00	100%	\$1,034.00
23	\$47.00	100%	\$1,081.00
24	\$47.00	100%	\$1,128.00
25	\$47.00	100%	\$1,175.00
26	\$47.00	100%	\$1,222.00
27	\$47.00	100%	\$1,269.00
28	\$47.00	100%	\$1,316.00
29	\$47.00	100%	\$1,363.00
30	\$47.00	100%	\$1,410.00
No maximum years of service			

Table LS1-22

(Amended EE. Res. 2024-9)

LUMP SUM SERVICE PENSION

EFFECTIVE JANUARY 1, 2022

\$11,000 BENEFIT LEVEL

Formula (Years X Level X Percentage)

<u>Years of Service</u>	<u>\$ Level</u>	<u>Percentage</u>	<u>Amount</u>
5	\$11,000	40%	\$22,000
6	\$11,000	44%	\$29,040
7	\$11,000	48%	\$36,960
8	\$11,000	52%	\$45,760
9	\$11,000	56%	\$55,440
10	\$11,000	60%	\$66,000
11	\$11,000	64%	\$77,440
12	\$11,000	68%	\$89,760
13	\$11,000	72%	\$102,960
14	\$11,000	76%	\$117,040
15	\$11,000	80%	\$132,000
16	\$11,000	84%	\$147,840
17	\$11,000	88%	\$164,560
18	\$11,000	92%	\$182,160
19	\$11,000	96%	\$200,640
20	\$11,000	100%	\$220,000
21	\$11,000	100%	\$231,000
22	\$11,000	100%	\$242,000
23	\$11,000	100%	\$253,000
24	\$11,000	100%	\$264,000
25	\$11,000	100%	\$275,000
26	\$11,000	100%	\$286,000
27	\$11,000	100%	\$297,000
28	\$11,000	100%	\$308,000
29	\$11,000	100%	\$319,000
30	\$11,000	100%	\$330,000

No maximum years of service

Table LS1-24

LUMP SUM SERVICE PENSION

EFFECTIVE JANUARY 1, 2024

\$13,000 BENEFIT LEVEL

Formula (Years X Level)

<u>Years of Service</u>	<u>\$ Level</u>	<u>Amount</u>
10	\$13,000	\$130,000
11	\$13,000	\$143,000
12	\$13,000	\$156,000
13	\$13,000	\$169,000
14	\$13,000	\$182,000
15	\$13,000	\$195,000
16	\$13,000	\$208,000
17	\$13,000	\$221,000
18	\$13,000	\$234,000
19	\$13,000	\$247,000
20	\$13,000	\$260,000
21	\$13,000	\$273,000
22	\$13,000	\$286,000
23	\$13,000	\$299,000
24	\$13,000	\$312,000
25	\$13,000	\$325,000
26	\$13,000	\$338,000
27	\$13,000	\$351,000
28	\$13,000	\$364,000
29	\$13,000	\$377,000
30	\$13,000	\$390,000
	No maximum years of service	

CITY OF APPLE VALLEY
RESOLUTION NO. 2024-9

A RESOLUTION APPROVING AN AMENDMENT TO BYLAWS OF THE APPLE VALLEY
FIREFIGHTERS RELIEF ASSOCIATION

WHEREAS, new Bylaws of the Apple Valley Firefighters' Relief Association were adopted and approved on March 23, 1989, and amended by City Council approval on February 22, 1990; August 9, 1990; June 25, 1992; February 24, 1994; July 28, 1994; December 8, 1994; February 22, 1996; April 24, 1997; November 25, 1997; October 28, 1999; October 25, 2001; November 26, 2002; October 23, 2003; October 27, 2005; March 22, 2007; October 25, 2007; February 26, 2009; February 25, 2010; February 24, 2011; January 12, 2012; March 22, 2012; February 28, 2013; December 23, 2014; September 13, 2018; December 27, 2018; December 22, 2020; February 11, 2021; and December 21, 2021; and April 13, 2023; and

WHEREAS, the Board of Trustees recommended and the membership of the Apple Valley Firefighters Relief Association approved amendments to the Bylaws at a special meeting on December 30, 2023, a copy of which are attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Apple Valley, Dakota County, Minnesota, that the amendments to the Bylaws of the Apple Valley Firefighters Relief Association, attached hereto as Exhibit A, are hereby approved.

BE IT FURTHER RESOLVED that a copy of the Bylaws is directed to be filed with the Minnesota State Auditor pursuant to Minnesota Statutes 424A.02, Subd. 10.

ADOPTED this 11th day of January, 2024.

Clint Hooppaw, Mayor

ATTEST:

Pamela J. Gackstetter, City Clerk