

**423B.05 INCORPORATION, GOVERNMENT BY BOARD.**

Subdivision 1. **Members, terms, elections.** (a) The association must be incorporated. It must be governed by a board of nine members. The Minneapolis City Council shall appoint two persons to serve as members. Those members must be appointed for a term of two years. All city appointments are effective from January 1 in the odd-numbered years through December 31 in the even-numbered years. The other members of the board must be elected by the members of the association. Board members elected from the active membership have a term of five years. Board members elected from the retired or surviving spouse membership must have a term of three years. An elective member of the board holds office until the person's successor is elected and has qualified. A vacancy in the office of an elective member of the board must be filled by a special election called for that purpose. There are three classes of board members, consisting of a class comprised of active board members, a class comprised of retired board members, and a class comprised of surviving spouse board members. Active members of the relief association may only vote for active board member positions. Retired members of the relief association may only vote for retired board member positions. Surviving spouse members of the relief association may only vote for the surviving spouse board member positions. Once established, a retired board member position and a surviving spouse board member position must remain as such.

(b) In 1994, for the election for board member seat G, the board member position must be filled by a surviving spouse member. In 1995, for the regular election for board member seat C, previously held by an active member, the board member position must be filled by a retired member. In 1999, for the regular election for board member seat B, previously held by an active member, the board member position must be filled by a retired member.

(c) The following sets forth the schedule for the election of the seven elected board member positions on the Minneapolis Police Relief Association Board:

|      | Active board<br>member position | Retired board<br>member position | Surviving spouse board<br>member position |
|------|---------------------------------|----------------------------------|-------------------------------------------|
| Year | five-year term                  | three-year term                  | three-year term                           |
| 1992 |                                 | seat C                           |                                           |
| 1993 | seat A                          | seat E                           |                                           |
| 1994 | seat B                          | seat F                           | seat G                                    |
| 1995 |                                 | seats C and D                    |                                           |
| 1996 |                                 | seat E                           |                                           |
| 1997 |                                 | seat F                           | seat G                                    |
| 1998 | seat A                          | seats C and D                    |                                           |
| 1999 |                                 | seats B and E                    |                                           |
| 2000 |                                 | seat F                           | seat G                                    |
| 2001 |                                 | seats C and D                    |                                           |
| 2002 |                                 | seats B and E                    |                                           |
| 2003 | seat A                          | seat F                           | seat G                                    |
| 2004 |                                 | seats C and D                    |                                           |

|      |        |               |        |
|------|--------|---------------|--------|
| 2005 |        | seats B and E |        |
| 2006 |        | seat F        | seat G |
| 2007 |        | seats C and D |        |
| 2008 | seat A | seats B and E |        |
| 2009 |        | seat F        | seat G |
| 2010 |        | seats C and D |        |

(d) As long as there remains at least one active member on active duty with the Minneapolis Police Department, there must be a member of the board of directors from the active ranks in accordance with the election procedures outlined in this section.

Subd. 2. **Articles of incorporation.** The affairs of the association must be regulated by its articles of incorporation and bylaws.

Subd. 3. **Continuation of board.** Notwithstanding the provisions of section 423A.01, subdivision 2, or any other law, the board of trustees and its successors established under subdivision 1 shall continue to govern the association until there are no more than 225 members of the police pension fund. The fund thereafter must become a trust fund in accordance with section 423A.01, subdivision 2.

Subd. 4. **Right to participate by mail-in ballot.** Active members, retired members, and surviving spouse members of the relief association have the right to participate in the election of board members of the association by mail-in ballot.

Subd. 5. **Mail-in referendum on voting by mail.** (a) The board of the association is authorized to submit the following question in a binding member referendum to be conducted by mail:

"Shall the bylaws of the Minneapolis police relief association be amended to allow future proposed amendments to the bylaws of the relief association to be approved by a vote of relief association members by mail?"

Yes .....

No ....."

(b) The board of the relief association shall conduct the referendum by mailing a printed copy of the referendum question and of the ballot to all active members, retired members, and surviving spouse members in accordance with the voting procedures that the board of the relief association used in the most recent board election prior to March 1, 2001.

(c) Before submitting the referendum question to a vote by the relief association membership, the relief association board shall solicit the opinions of relief association members for the question and against the question. The solicitation for member comments must be included in the next regular relief association communication to relief association members following the proposal of the bylaw amendment and on the Web site of the relief association. The comment period continues for 30 days. The executive director of the relief association shall prepare a summary of the comments of relief association members for and against the question in a fair and impartial manner. A draft of the summary document must be placed on the Web site of the relief association for five days. If a relief association board member challenges the objectivity of the draft summary,

the draft summary must be reviewed by a neutral third party. The neutral third party must be an accredited professional mediator. The relief association executive director shall include the recommendations of the neutral third party in the final summary document. The written summary prepared by the relief association executive director must be included with the question and the ballot mailed to relief association members.

(d) Balloting procedures must be designed to maintain secrecy as to the identity of voting members. The receipt of returned ballots and the counting of those ballots must be conducted by an accounting firm designated by the relief association board to perform those functions.

(e) For adoption, the question must receive favorable votes from two-thirds of the relief association members who return ballots on the question.

(f) If the question in paragraph (a) is approved in the referendum, future bylaw amendments must be conducted in the same manner as provided in this subdivision.

**History:** 1992 c 471 art 1 s 5; 1Sp2001 c 10 art 14 s 1,2; 1Sp2005 c 8 art 11 s 9