

RESOLUTION 24-16

AN ORDINANCE AMENDING PARTS OF THE ST. CLAIR COUNTY EMPLOYEES' RETIREMENT SYSTEM ORDINANCE

Recitals

A. St. Clair County provides retirement benefits to its retirees pursuant to the terms of the of the St. Clair County Employees' Retirement System Ordinance (the "Retirement System Ordinance").

B. Due to the need to update the Retirement Ordinance to reflect that the defined benefit plan is closed to newly hired employees including those employees of bargaining units who rights were recently restored under Michigan Public Act 312 of 1969, to reflect plan distribution applicable age as outlined in the amendments to the Internal Revenue Code through SECURE 2.0 Act of 2022 and to remove clerical duplication error under Board of Trustee Composition.

THEREFORE, IN CONSIDERATION OF THE FOREGOING, IT IS ORDAINED:

1. Article I, Section 1.2 of the Retirement System Ordinance shall be revised to indicate the defined benefit plan remains closed to newly hired employees whose Michigan Public Act 312 of 1969 rights were restored after plan closure as follows:

Section 1.2 Effective January 1, 2009, the defined benefit plan of the Retirement System was closed to all newly hired employees for all benefit groups of the Retirement system except for those employees of bargaining units that at such time were subject to Michigan Public Act 312 of 1969. The exact date and terms of the defined benefit plan closures for each employee and benefit group are determined and controlled by applicable collective bargaining agreements and county policies.

2. Article XIV, Section 14.4(g) shall be revised to indicate the applicable age pursuant to IRC 401(a)(9) removing the previously defined age of 70 1/2 as follows:

Section 14.4(g)

Distributions. Distributions from the Plan will comply with the requirements of Internal Revenue Code 401 (a) (9) and the regulations there-under, including requirements regarding the beginning date for distributions and the period over which a member's interest in the retirement system will be distributed.

A member's interest in the trust must begin to be distributed by the later of
(i) April 1 of the calendar year following the calendar year that the

employee attains the applicable age pursuant to IRC 401 (a) (9), or (ii) April 1 of the calendar year the member retires. With respect to distributions under the Plan made for calendar years beginning on or after January 1, 2001, the Plan will apply the minimum distribution requirements of IRC 401 (a) (9) in accordance with the regulations under IRC 401 (a) (9) that were proposed in January 2001, notwithstanding any provision in the Plan to the contrary. This amendment shall continue in effect until the end of the last calendar year beginning before the effective date of final regulations under 401 (a) (9) or such other date as may be specified in guidance published by the Internal Revenue Service.

Section 14.4(g)(6)(i)

(i) If the member's surviving spouse is the member's sole designated beneficiary, then, except as provided in the Plan, distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by December 31 of the calendar year in which the member would have attained the applicable age pursuant to IRC401(a), if later.

3. Article XII, Section 12.2(g) shall be revised to remove duplicate language for Community Mental Health Authority elected member during previous language revision and renumber as follows:

Section 12.2(i) Remove duplicate language, (i) A member elected by the active members of the Mental Health Authority, under the same provisions as the County Road Commission employee representative and the other two employee member representatives are elected under Article XII, Section 12.2 and Section 12.3.

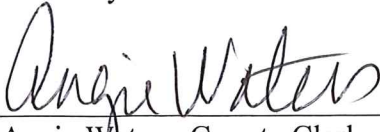
Except as amended by this Ordinance, the Retirement System Ordinance shall remain in full force and effect.

This Ordinance shall become effective September 19, 2024

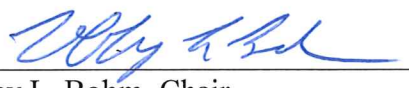
Date of Adoption: September 19, 2024

Effective Date: September 19, 2024

Authority: St. Clair County Board of Commissioners Resolution 24-XX



Angie Waters, County Clerk



Jeffrey L. Bohm, Chair
Board of Commissioners