

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 209
HOUSE BILL 508

AN ACT TO PROVIDE SUPPLEMENTAL RETIREMENT FUNDS FOR MEMBERS
OF THE CITY OF SHELBY FIRE DEPARTMENT AND TO MODIFY THE
APPLICATION OF G.S. 118-5, G.S. 118-6, AND G.S. 118-7 TO THE CITY OF
SHELBY.

The General Assembly of North Carolina enacts:

Section 1. Disbursements. Notwithstanding, the provision of G.S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Shelby shall as soon as practicable after January 1 of each year, but in no event later than July 1, divide the income earned in the preceding calendar year upon investments of funds belonging to the local Firemen's Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 2 of this act.

Sec. 2. Supplemental Retirement Benefits. (a) Each retired full-time member of the City of Shelby Fire Department who retires with 20 years service or more as a member of the City of Shelby Fire Department and who retired subsequent to attaining the age of 55 years, shall be entitled to and shall receive an annual supplemental retirement benefit equal to one share for each full year of service as a member of the City of Shelby Fire Department; provided, in no event shall any retired member of the City of Shelby Fire Department be entitled to or receive in any year an annual benefit in excess of twelve hundred dollars (\$1,200).

(b) Each retired member of the City of Shelby Fire Department Volunteers who retires with 20 years service or more as a member of the City of Shelby Fire Department Volunteers, and who retired subsequent to attaining the age of 55 years, shall be entitled to and shall receive an annual benefit equal to one quarter of one share for each full year of service as a member of the City of Shelby Fire Department Volunteers; provided, in no event shall any retired member of the City of Shelby Fire Department Volunteers be entitled to or receive in any year an annual benefit in excess of four hundred dollars (\$400.00).

(c) Any former member of the City of Shelby Fire Department who is not otherwise entitled to supplemental retirement benefits under this section, shall nevertheless be entitled to such benefits in any calendar year in which the Board of Trustees makes the following written findings of fact:

- (1) that they initially retired from their position as a member of the City of Shelby Fire Department because of their inability, by reason of sickness or injury, to perform the normal duties of an active member of the City of Shelby Fire

- Department; and
- (2) that, within 30 days prior to or following their initial retirement as a member of the City of Shelby Fire Department at least two physicians licensed to practice medicine in North Carolina certified that they were at such time unable, by reason of sickness or injury, to perform the normal duties of an active member of the City of Shelby Fire Department; and
 - (3) that, at the time of their initial retirement as a member of the City of Shelby Fire Department, there was not available to them in the fire department or in any other department of the City a position of employment with normal duties that they were capable of performing; and
 - (4) that, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that they remain unable, by reason of sickness or injury, to perform the normal duties of an active member of the City of Shelby Fire Department; and
 - (5) that there is not available to them in the fire department or in any other department of the City a position of employment with normal duties after initially making the findings of fact specified in subdivisions (1), (2), and (3) of this subsection.

The Board of Trustees need not specify these findings in subsequent calendar years.

Sec. 3. Intention. It is the intention of Sections 1 and 2 of this act to authorize the disbursements as supplemental retirement benefits only of the income derived in any calendar year from investments of funds belonging to the Local Firemen's Relief Fund.

Sec. 4. Investment of Funds. The Board of Trustees is hereby authorized and directed to invest all of the funds of the Local Firemen's Relief Fund in one or more investments named in or authorized by G.S. 159-30, or G.S. 159-31.

Sec. 5. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Firemen's Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in their control, payable to the Board of Trustees, and conditioned upon the faithful performance of their duties; such bond shall be in lieu of the bond required by G.S. 118-6. The Board of Trustees shall pay from the Local Firemen's Relief Fund the premiums on the bond of the Treasurer.

Sec. 6. None of the provisions of this act shall create a liability for the Shelby Local Firemen's Relief Fund unless sufficient current assets are available to pay fully for the liability.

Sec. 7. If any provisions of this act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Sec. 8. All laws and clauses of laws in conflict with this act are repealed.

Sec. 9. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 20th day of May, 1985.