

**ORDINANCE AMENDING CHAPTER 50, ARTICLE II,  
SECTIONS 50-32 ENTITLED “DEFINITIONS”,  
AND 50-62, OF THE CITY CODE ENTITLED  
“COMPOSITION; TERM OF REPRESENTATIVES; VACANCIES”**

**BE IT ORDAINED** by the Winston-Salem City Council as follows:

Section 1. Section 50-32. – Definitions. is amended, effective as of March 26, 2018, by replacing the definition of Member with the following:

“Member means an employee included in the retirement plan. For the avoidance of doubt, any employee included in the retirement plan shall remain a member until all distributions under the retirement plan shall have been made, or all benefits under the retirement plan are otherwise forfeited.”

Section 2. Section 50-62. - Composition; term of representatives; vacancies, is amended, effective as of March 26, 2018, to read as follows:

“Sec. 50-62. – Composition; term of representatives; vacancies.

(a) *Composition.* The commission shall be comprised of the following representatives:

(1) *Voting representatives.*

- (a) A representative appointed by the city council from the membership of the finance committee of the city council;
- (b) ~~A representative appointed by the city council who has retired from the employment of the city (including early retirement and disability retirement) and is receiving retirement benefits under the plan;~~ Two-Three representatives elected by the members of the plan from ~~their number;~~ employees or retirees participating in the plan; and
- (c) A representative who is a citizen of the city not officially connected with the governing body of any municipality or entitled to participate in the benefits of the plan, who shall be appointed by the city council and shall be chairperson of the commission.

(2) *Alternate representatives.* Two alternate representatives elected by the members of the plan from ~~their number~~ employees or retirees participating in the plan. Such alternate representative shall be entitled to attend and to participate in discussions at all meetings of the commission, but shall be entitled to vote at any such meeting only in the absence of one or ~~both of the two~~ more of the three voting representatives elected by the members of the plan.

(3) *Nonvoting representatives.*

- (a) The chief financial officer of the city, or his designee, who shall be the administrator and shall act on behalf of the commission in all matters and respects between regular and special meetings;
- (b) The director of human resources of the city;
- (c) A representative appointed by the trustee charged with the investment, care and administration of the trust fund under the plan; and
- (d) A representative appointed by the actuary servicing the plan.

(b) *Election of representatives by members of the plan.* The election of the ~~two~~three voting representatives (including successor representatives) by the members of the plan shall be carried out under the supervision of the director of human resources of the city at the time of such election, in such manner and subject to such procedures as may be from time to time prescribed by the commission and subject to the provisions of subsections (c) and (~~k~~j) of this section.

(c) *Term of finance committee representative.* The representative appointed by the city council from the membership of the finance committee of the city council shall serve at the pleasure of the city council.

~~(d) *Term of retired employee representative.* The representative required to be a retired employee appointed by the city council shall be elected for a term of three years.~~

~~(d)~~ (e) *Term of the representatives elected by members of the plan.* The ~~two~~three representatives elected by the membership of the plan shall be elected to serve a term of four years. Such representatives shall be elected so that their terms shall not be coterminous. In order to initiate this requirement, at the next election in 1996 of these representatives, the representative receiving the highest votes shall serve a term of six years. Thereafter the representatives elected by the membership shall be elected in alternating two-year elections and serve for overlapping terms of four years.

~~(e)~~ (f) *Term of nonaffiliated representative.* The representative who is a citizen of the city not officially connected with the governing body of any municipality or entitled to participate in the plan shall be appointed to serve a term of two years.

~~(f)~~ (g) *Term of nonvoting representatives appointed by trustee and actuary.* The nonvoting representatives appointed by the trustee and the actuary shall serve at the pleasure of the trustee and actuary, respectively.

~~(g)~~ (h) *Term of alternate representatives.* The two alternate representatives shall be the persons with the second highest number of votes in each biennial election for the representatives elected by the membership of the plan, and the term of an alternate representative shall correspond with the term of such representative elected at the same election. In order to initiate this requirement, at the next election in 1996 of these representatives, the representative receiving the third highest number of votes shall serve a term of four years. Thereafter the alternate representatives elected by the membership shall be elected in alternating two-year elections and serve overlapping terms of four years.

~~(h)~~ (i) *Successive terms.* Each representative, except for the ~~two~~three elected by the membership of the plan, may succeed himself. Such representative elected by the membership of the plan shall be ineligible to serve again on the commission until at least two years have elapsed following the expiration of his term of office.

~~(i)~~ (j) *Termination of membership.* Any elected representative on the commission who changes his office, position, membership, citizenship or residence so that he is no longer a proper representative of the group from which he was elected shall automatically thereupon cease to be a representative on the commission.

~~(j)~~ (k) *Vacancies.* Notwithstanding any provision of this section to the contrary, when any representative shall cease to be a representative on the commission by death, resignation or otherwise, his successor shall be elected or appointed in the same manner as the

predecessor to fill out his unexpired term; provided that the alternate representative shall fill out the unexpired term of a representative elected by the membership of the plan, and a successor alternate representative shall be selected in such manner and subject to such procedure as may be prescribed by the commission. Such alternate representative may be elected for the succeeding four-year to succeed himself as a representative elected by the membership plan, but only if the period of such unexpired term during which the alternate serves is less than two years.

Section 3. This ordinance shall become effective upon adoption.