

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 986
SENATE BILL 416

1 AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF THE CITY OF
2 ALBEMARLE TO ESTABLISH BY ORDINANCE A RETIREMENT OR PENSION
3 FUND FOR THE EMPLOYEES OF THE CITY OF ALBEMARLE.
4

5 The General Assembly of North Carolina do enact:
6

7 **Section 1.** The retirement or pension fund which may hereafter be established by
8 the Board of Commissioners of the City of Albemarle under the provisions of this Act shall be
9 known, and is hereafter referred to, as Albemarle Employees Retirement Fund.

10 **Sec. 2.** The Board of Commissioners of the City of Albemarle may establish, by
11 ordinance, a retirement fund which provides for the payment of benefits to employee members
12 of the Albemarle Employees Retirement Fund or to their beneficiaries, in the following cases:

- 13 (1) Retirement because of age;
- 14 (2) Disability;
- 15 (3) Death.

16 Membership shall include such officers and employees of the City of Albemarle as
17 shall be so designated in the ordinance. The ordinance may provide that each employee who is
18 a member of the retirement plan shall contribute to the retirement fund by payroll deduction a
19 percentage of the compensation paid by the City of Albemarle for service rendered, the amount
20 of said percentage deduction to be stated in the ordinance. The City of Albemarle shall
21 contribute to the Albemarle Employees Retirement Fund in such amounts as shall be stated in
22 the ordinance, in order to meet the liabilities accruing against such fund because of personal
23 service rendered to said city by such members after the establishment of such fund: Provided,
24 however, that the ordinance may provide benefits which are based, partly or entirely, upon
25 personal services rendered to the City of Albemarle prior to the establishment of said fund, and
26 the municipality may contribute the entire cost of benefits based on any such prior service.

27 The expense of administering the fund shall be paid as designated in the ordinance,
28 and the board of commissioners of said city shall provide and appropriate each year sufficient
29 revenue to cover the expense of the administration.

30 **Sec. 3.** The Albemarle Employees Retirement Fund shall be maintained on a
31 solvent actuarial reserve basis for all benefits beginning at the date of the inauguration of the
32 fund, excepting the present value of benefits based on prior service.

33 **Sec. 4.** The contribution required to cover the cost of benefits based on prior service
34 shall be sufficient to fund the liability for such prior service in not more than twenty-five years
35 from the date of the establishment of such fund. The ordinance may provide for the
36 appointment of a board of trustees by the Board of Commissioners of the City of Albemarle,
37 and for the delegation to such board of such powers and duties as may be deemed necessary to
38 carry out the intent and purpose for which said fund is established. If such board of trustees is
39 provided for by ordinance, the said board shall consist of a member of the Board of
40 Commissioners of the City of Albemarle, and two or more residents of the City of Albemarle
41 not officially connected with the City of Albemarle or entitled to participate in the benefits of
42 said fund.

1 **Sec. 5.** The City of Albemarle is authorized to provide for the payment of one or
2 more of the benefits enumerated in Section 2 of this Act by contracting with State departments
3 or other competent agencies, or with any insurance company, person or other corporation for
4 the performance of any service in connection with the establishment of said fund, or for the
5 investment, care or administration of said fund, or for any other service related thereto. The
6 City of Albemarle, or any agency, insurance company, person or other corporation contracting
7 with the City of Albemarle for the investment, care or administration of said fund may invest
8 and reinvest the funds constituting the said fund in one or more of the types of securities or
9 their investments authorized by Section 58-79 of the General Statutes of North Carolina, as
10 heretofore or hereafter amended, and by other State law, for the investment of assets of
11 domestic life insurance companies.

12 **Sec. 6.** After the effective date of the ordinance which may hereafter be adopted
13 under and by virtue of the authority of this Act, the officials of the City of Albemarle shall not
14 be prohibited from providing or continuing to provide for the officers' retirement fund or
15 pension, or from providing or continuing to provide Old Age and Survivors' Insurance
16 coverage, or Social Security coverage, for its officers and employees as the same may be
17 authorized by Federal and State laws.

18 **Sec. 7.** All laws and clauses of laws in conflict with this Act are hereby repealed.

19 **Sec. 8.** This Act shall be in full force and effect from and after its ratification.

20 In the General Assembly read three times and ratified, this the 17th day of June,
21 1961.