

NORTH CAROLINA GENERAL ASSEMBLY  
1963 SESSION

CHAPTER 995  
SENATE BILL 603

AN ACT TO AMEND CERTAIN PRIVATE LAWS RELATING TO POLICE AND  
FIREMEN'S PENSION FUNDS IN THE CITY OF WILMINGTON AND TO  
AUTHORIZE SAID CITY TO ESTABLISH A RETIREMENT OR PENSION  
FUND FOR CITY EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 55 of the Private Laws of 1915 is hereby amended by inserting a new Section therein, to be designated as Section 14½ and to read as follows:

"Sec. 14½. From and after July 1, 1963, the Police Pension Fund of the City of Wilmington shall be governed by the following provisions:

(1) Employees who are then retired and other persons drawing retirement benefits shall continue to draw such benefits in accordance with the other provisions of this Act;

(2) Employees who are then members of the retirement system may, at their option, upon written request, withdraw any contributions theretofore made to such system; provided, that no member who is removed for cause or is under suspension or disciplinary action of the City Council may withdraw any contributions. Employees who withdraw their contributions shall no longer be subject to any provision of this Act and may not thereafter again become members of this retirement system;

(3) As to persons who are members of this retirement system on July 1, 1963, and who do not withdraw contributions to the system theretofore made by them, as authorized herein, all provisions of this Act shall continue in full force and effect;

(4) No person thereafter employed by the City shall be eligible for membership in this retirement system."

Sec. 2. Chapter 26 of the Private Laws of 1937 is hereby amended by inserting a new Section therein, to be designated as Section 11½ and to read as follows:

"Sec. 11½. From and after July 1, 1963, the Firemen's Pension Fund of the City of Wilmington shall be governed by the following provisions:

(1) Employees who are then retired and other persons drawing retirement benefits shall continue to draw such benefits in accordance with the other provisions of this Act;

(2) Employees who are then members of the retirement system may, at their option, upon written request, withdraw any contributions theretofore made to such system; provided, that no member who is removed for cause or is under suspension or disciplinary action of the City Council may withdraw any contributions. Employees

who withdraw their contributions shall no longer be subject to any provision of this Act and may not thereafter again become members of this retirement system;

(3) As to persons who are members of this retirement system on July 1, 1963, and who do not withdraw contributions to the system theretofore made by them, as authorized herein, all the provisions of this Act shall continue in full force and effect;

(4) No person thereafter employed by the City shall be eligible for membership in this retirement system."

Sec. 3. (a) The City Council of the City of Wilmington is hereby authorized, in its discretion, subject to the conditions hereinafter set out, to establish by ordinance a retirement or pension fund, to be known as the Wilmington Employees' Retirement Fund, to provide for the payment of benefits to employee members of said Fund, or to their beneficiaries, in the following cases:

- (1) Retirement, because of age;
- (2) Disability;
- (3) Death.

(b) Membership shall include such officers and employees of the City as shall be designated in the ordinance. For the purposes of this Section the employees of the City of Wilmington are herewith classified into three groups as follows:

- (1) Eligible firemen;
- (2) Eligible police;
- (3) Other eligible city employees.

The retirement system or fund may be made applicable to any one group or combination of groups or all three groups as classified above; provided, however, such retirement system or fund shall not be made applicable to any group unless such applicability is approved by a majority of those in the group. In order to be eligible within the meaning of this Section, a policeman, fireman or other City employee must not belong to any other City of Wilmington retirement or pension system or fund, but this does not prevent firemen or policemen or other employees from withdrawing from other Wilmington systems or funds in order to participate in the fund provided for by this Section. The City shall contribute to the Fund in such amounts as shall be stated in the ordinance, in order to meet the liabilities accruing against such fund because of personal services rendered to the City by the members after the establishment of such Fund; provided, however, that the ordinance may also provide benefits which are based, partly or entirely, upon personal services rendered to the City prior to the establishment of the Fund, and the City may contribute the entire cost of benefits based on any such prior service. The ordinance may provide that employees who are members of the Fund shall share in the cost of financing the same, upon terms provided in the ordinance. The expense of administering the Fund shall be paid as provided in the ordinance, and the City Council shall appropriate each year sufficient revenue to provide for the expense of the administration.

(c) The Wilmington Employees' Retirement Fund shall be maintained on a solvent actuarial reserve basis for all benefits beginning at the inauguration date of the Fund, excepting the present value of benefits based on prior service.

(d) The contribution required to cover the cost of benefits based on prior service, if any, shall be sufficient to fund the liability for such prior service in not more than forty (40) years from the date of establishment of the Fund.

(e) The ordinance may provide for the appointment or election of a retirement board or board of trustees, and for the delegation to such board of such powers and duties as may be deemed necessary to carry out the intent and purpose for which the Fund is established. If such a retirement board or board of trustees is provided for by ordinance, the said board shall consist of a member or members of the City Council, an employee or employees entitled to participate in the Fund, and one or more citizens of the City not officially connected with the City nor entitled to participate in the Fund.

(f) The City may provide for the payment of one or more of the benefits enumerated in subsection (a) of this Section by contracting with the governing body of any other municipality or municipalities in the State, with the United States government or any of its agencies or departments, with the State of North Carolina or any of its agencies or departments, or may contract with any insurance company or other corporation for the performance of any service in connection with the establishment of such Fund, or for the investment, care, or administration of such Fund, or for any other service relating thereto.

The City, or any other governing body, agency, insurance company, person, or corporation contracting with the City for the investment, care or administration of said Fund may invest and reinvest the funds constituting the said Fund in one or more of the types of securities or other investments authorized by Section 58-79 of the General Statutes of North Carolina, as heretofore or hereafter amended, and by other State law, for the investment of assets of domestic life insurance companies.

(g) Nothing in this Section shall be construed so as to prohibit the City of Wilmington from providing or continuing to provide Old Age and Survivors' Insurance, or Social Security coverage, for its officers and employees as the same may be authorized by Federal and State laws, either separately, or in addition to the Fund authorized herein or any other retirement or pension plan or fund authorized by general law or local act.

(h) Nothing in this Section shall be construed so as to invalidate or to repeal any Act relating to the Police Pension Fund or the Firemen's Pension Fund of the City of Wilmington, nor to relieve the City of liability for any benefits payable under the said Funds or under the acts establishing the said Funds or any acts amendatory thereof.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 5. This Act shall become effective on July 1, 1963.

In the General Assembly read three times and ratified, this the 19th day of June, 1963.