


**Town of Johnston  
State of Rhode Island  
Ordinance 2024- 2**

**ADOPTED**  
DATE 3/11/24  
JOHNSTON TOWN COUNCIL  
ATTEST: 

**AN ORDINANCE AMENDING § 47-39 AND § 47-41 OF CHAPTER 47 ENTITLED, "FIREFIGHTER AND POLICE OFFICER PENSION FUND." OF THE TOWN OF JOHNSTON CODE OF ORDINANCES**

The Town Council of the Town of Johnston hereby ordains:

An Ordinance amending Chapter 47 of the Town of Johnston Code of Ordinances by adding thereto:

**§ 47-39 Retirement Board established; composition; terms; vacancies; oath; general management of Fund.**

A. The fund created by this article shall be construed to be a trust, separate and distinct from all other entities. The responsibility for the direction and operation of the fund and for making effective the provisions thereof is hereby vested in a Retirement Board (hereinafter the "Board"). The Board shall consist of seven members, who shall be elected according to the rules of election to be adopted by the Board, as follows:

- (1) One member representing the Town, who shall be the Director of Finance.
- (2) One police officer who is a member of the IBPO, Local 307, having at least five years of credited service, and shall be selected by the IBPO, Local 307.- Such member shall be a member of the Firefighter and Police Officer Pension Fund.  
[Amended 6-14-2011 by Ord. No. 2011-5]
- (3) One firefighter who is a member of the IAFF, AFL-CIO, Local 1950, having at least five years of credited service, and shall be selected by the IAFF, AFL-CIO, Local 1950.- Such member shall be a member of the Firefighter and Police Officer Pension Fund.  
[Amended 6-14-2011 by Ord. No. 2011-5]
- (4) Two members shall be designees of the Town Council.
- (5) Two members shall be designees of the Mayor.
- (6) Any member who has experience in the private sector investment service industry may not be associated directly or indirectly with the advisors that provide investment and consulting services to the Board. Said member may not in any way directly or indirectly manage town assets during the time of their membership on the Board and for two (2) years following the conclusion of their service on the Board.

B. Each member of the Board shall serve for two years and shall continue in office until his/her successor is appointed and qualified. Upon the initial appointment, one appointee of the Mayor and one appointee of the Town Council will serve a one-year term, and the second appointee will serve a two-year term. Any member who is a firefighter or police officer shall be disqualified to serve in that capacity upon termination of service with the Town. If a vacancy occurs for a member's position on the Board, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

C. Each member shall take an oath that, so far as it devolves upon him/her, he/she will diligently and honestly administer the affairs of the Board and that he/she will not knowingly or willfully permit to be violated any of the provisions of this article applicable to the fund. Such oath shall be subscribed by the member making it, certified by

the officer before whom it is taken and immediately filed with the Town Clerk. A member shall be deemed to have qualified for membership on the Board when such oath shall have been filed.

**D.** Subject to the limitations of the pension plans, the Board shall, from time to time, establish rules and regulations for the administration of the fund and to implement the provisions of this article as may be required. It shall hold regular meetings at least quarterly in each year and such special meetings as may be necessary. The annual meeting shall be held in the month of January of each year. All meetings shall be open to the public, and a record of the proceedings of all meetings shall be kept by the Board.

**E.** Each member shall be entitled to one vote on the Board, and the concurrence of four members shall be necessary for a decision at any regular or special meeting.

~~**F.** No members shall be employed in the actuarial or investment service industry.<sup>HH</sup>~~

[1]

*Editor's Note: Former Subsection G, providing the Board exclusive original jurisdiction, which immediately followed this subsection, was repealed 2-10-2014 by Ord. No. 2014-1.*

**§ 47-40 Retirement Board officers; duties.**

The Board shall have the following officers, whose duties shall be prescribed by the bylaws to be adopted by the Board:

**A.** A Chair, Vice Chair and Secretary shall be elected from among its members;

**B.** The Director of Finance shall be the Treasurer of the fund and have custody of its monies and securities; all disbursements by the fund shall be made by the Director of Finance upon authorization of the Board;

**C.** The Town Solicitor, ex officio, shall be legal counsel to the Board and shall represent the Board in all litigation affecting the fund and shall be responsible for conducting any and all investigations regarding administration of the fund and its members;

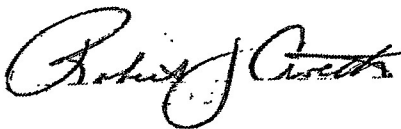
**D.** A medical director shall be appointed to advise the Board on medical questions pertaining to claims received by the Board and on any other matters requiring medical advice that may arise in the administration of the fund. The medical director shall not be a resident of the Town of Johnston.

**§ 47-41 Authority to engage actuarial, investment and other services.**

(a) The Board may engage such actuarial, investment, administrative and other services as may be required or deemed advisable to transact the business of the fund, subject to the advice and consent of the Town Council.

(b) Based on a fiscal year the Board shall require a quarterly report, and conduct a quarterly meeting to review the financial performance of the fund with the financial advisor of the Trust Funds.

This Ordinance shall take effect immediately upon its passage.



\_\_\_\_\_  
Councilperson

Approved to form:

  
\_\_\_\_\_  
Town Solicitor

**Ordinance 2024-2**

*Date of passage* **March 11, 2024**

Aye

Linda L. Folcarelli-Councilwoman  
*District 1*

Aye

Lauren A. Garzone - Vice-President  
*District 2*

Aye

Alfred T. Carnevale -Councilman  
*District 3*

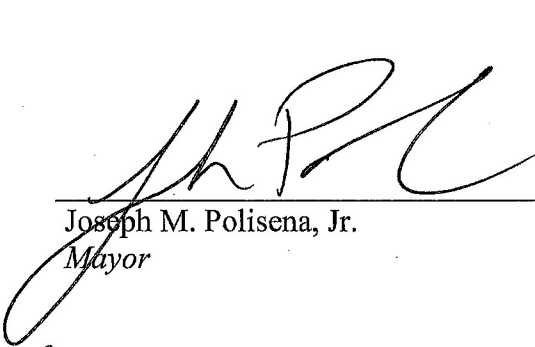
Aye

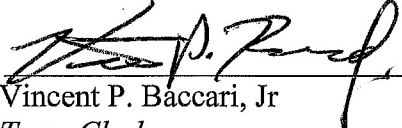
Robert J. Civetti - Councilman  
*District 5*

Aye

Robert V. Russo -President  
*District 4*

Approve  Veto

  
Joseph M. Polisena, Jr.  
*Mayor*

Attest:   
Vincent P. Baccari, Jr  
*Town Clerk*

Date 3/12/24