

67A.560 Board officers -- Treasurer -- Legal adviser -- Actuarial assistance -- Rules and regulations -- Legislative intent to conform with applicable federal statutes, regulations, and published guidance.

- (1) The officers of the board shall consist of a president, vice president, and a secretary. The president shall be the chief executive officer of the board, shall preside at all meetings and shall appoint all necessary committees. The vice president shall serve as president in the absence of the president.
- (2) The board shall designate a secretary who may be a member of the board and shall fix the secretary's compensation. The secretary shall keep a full account of all proceedings of the board and shall give notice of all meetings and give effect to all resolutions, orders, and directives of the board. The secretary shall be in charge of the detailed affairs of administration of the fund; shall keep the record of proceedings of all meetings; shall keep all books, files, records, and accounts of the fund; shall receive all applications for annuities, benefits, and refunds; shall prepare periodic reports relative to the financial operations of the fund for the information of the board and its membership; shall compile all statistics pertinent to the operations of the fund; and shall answer all correspondence received by the board.
- (3) The commissioner of finance shall be ex officio treasurer of the board and custodian of the fund. The commissioner shall have custody of all cash and securities of the fund, subject to the authority and directives of the board, and shall keep such accounts and records as may be prescribed by the board. These accounts and records shall be subject to inspection of the board or any member thereof.
- (4) The commissioner of finance shall, within ten (10) days after his or her selection, execute a bond to the board, with good surety, in such penal sum as the board directs, to be approved by the board, conditioned upon the faithful performance of the duties of the office, and that the commissioner shall safely keep and shall truthfully account for all money and properties that come into his or her hands as treasurer of the fund, and that upon the expiration of his or her term of office, he or she shall deliver to his or her successor all securities, unexpended moneys, and other properties that come into his or her hands as treasurer of the fund. The bond shall be filed with the secretary of the board, and suit thereon may be filed in the name of the board for use of the board or any person injured by its breach. The premium on said bond may be paid out of the fund.
- (5) The commissioner of law of the government shall serve as legal adviser to the board, except that the board shall have the power to hire independent counsel, the cost of such independent counsel to be borne by the pension fund.
- (6)
 - (a) The board shall employ actuarial assistance from time to time to advise it in matters relating to the technical aspects of operations of the fund, to assist in the preparation of the periodic financial reports, to conduct the annual actuarial valuation of the fund, to determine the government's contribution as provided by KRS 67A.520, and to make periodic analyses of the operation of the fund.
 - (b) Within six (6) months after the establishment of an urban-county form of government, an actuarial study shall be made for the purpose of

recommending rates, mortality, disability, retirement, separations from service, and other essential factors.

- (c) Beginning with the fiscal year ending June 30, 2013, and each fiscal year thereafter, an actuarial valuation of the fund shall be completed by the actuary employed by the fund. The valuation shall include a description of the actuarial assumptions used and descriptive statistics on the actuarial health of the fund, and shall determine the government's contribution in accordance with KRS 67A.520. Actuarial assumptions used in the fund's valuation shall be reasonably related to the experience of the fund and represent the actuary's best estimate of anticipated experience.
 - (d) At least once every five (5) years, the board shall cause an actuarial experience study of the fund to be completed by the actuary employed by the board. The actuarial experience study shall include a review of actuarial assumptions, actuarial tables, and actuarial funding methods used in the actuarial valuation. Based upon the results of the experience study, the actuary employed by the fund shall recommend the actuarial assumptions, actuarial tables, and actuarial funding methods to be adopted by the board.
 - (e) In the event the actuarial valuation or actuarial experience study is not undertaken as provided by this subsection, any member of the fund or any annuitant may obtain an injunction or mandamus requiring the actuarial valuation or actuarial experience study be completed, or may obtain the appointment of a person or persons to complete the actuarial valuation or actuarial experience study, from the Circuit Court of any county in which the government is located.
- (7) The board shall establish rules and regulations to implement the provisions of KRS 67A.360 to 67A.690 which shall not be inconsistent therewith. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that the provisions of KRS 67A.360 to 67A.690 conform with federal statutes or regulations and meet the qualification requirements under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance. Provisions of KRS 67A.360 to 67A.690 which conflict with federal statutes or regulations or qualification under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance shall not be available. The board shall have the authority to promulgate regulations to conform with federal statutes and regulations and to meet the qualification requirements under 26 U.S.C. sec 401(a).

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 103, sec. 6, effective July 15, 2020. -- Amended 2013 Ky. Acts ch. 7, sec. 15, effective March 14, 2013. -- Amended 2006 Ky. Acts ch. 144, sec. 10, effective April 4, 2006. -- Amended 2000 Ky. Acts ch. 484, sec. 8, effective July 14, 2000. -- Amended 1990 Ky. Acts ch. 189, sec. 6, effective July 13, 1990. -- Amended 1984 Ky. Acts ch. 24, sec. 4, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 297, sec. 4, effective July 15, 1982. -- Created 1974 Ky. Acts ch. 106, sec. 21, effective July 1, 1974.