

ARTICLE IV. MISCELLANEOUS PROVISIONS OF THE GENERAL RETIREMENT SYSTEM

Sec. 47-4-1. Assignments prohibited.

The right of a person to a pension, annuity, or retirement allowance, the return of accumulated contributions, the pension, annuity, or retirement allowance itself, to any optional benefit, to any other right accrued or accruing to any person under the provisions of this Code, and to the monies in the various funds of the Retirement System shall not be assignable and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law, or any other process of law whatsoever, except as specifically provided in this chapter of the Code or by an *Eligible Domestic Relations Order* of a lawful court. (Ord. No. 29-01, § 1, 11-30-01)

Sec. 47-4-2. Protection against fraud.

A person who, with intent to deceive, makes any statements or reports required under this Chapter of the Code that are untrue, or who falsifies or permits to be falsified any record or records of this Retirement System, or who otherwise violates, with intent to deceive, any terms or provisions of this Chapter of the Code, shall be subject to prosecution under applicable law. (Ord. No. 29-01, § 1, 11-30-01)

Sec. 47-4-3. Enforcement; Civil action.

A civil action for relief against any act or practice which violates the state law, the 1997 Detroit City Charter, 1984 Detroit City Code or the terms of this Plan, may be brought by:

- (1) A Plan Participant who is or may become eligible to receive benefit;
- (2) A Beneficiary who is or may become eligible to receive a benefit;
- (3) A Plan fiduciary, including a Trustee;
- (4) The Finance Director, on behalf of the City as Plan sponsor. (Ord. No. 29-01, § 1, 11-30-01)

Sec. 47-4-4. Amendments; Termination.

The City reserves the right to amend this Chapter 47 and the Plans created hereunder at any time; such amendments may include termination of the Plan; provided, however, that no such amendment or termination shall deprive any Participant, former Participant or Beneficiary of any then vested benefit under the Plan. The City shall make

no amendment or amendments to the Plan and this ordinance which causes any part of the Trust fund to be used for, or diverted to, any purpose other than the exclusive benefit of Participants, former Participants or their Beneficiaries; provided, that the City may make any amendment necessary, with or without retroactive effect, to comply with applicable federal law. Any amendment of the Plan which alters any term in this Chapter 47, requires an amendment of this ordinance approved by the Council. (Ord. No. 29-01, § 1, 11-30-01)

Sec. 47-4-5. Errors.

If any change or error in the records results in any person receiving from the Retirement System more or less than the person would have been entitled to receive from the System had the records been correct, the Board shall correct such error, and as far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which such person was correctly entitled shall be paid. (Ord. No. 29-01, § 1, 11-30-01)

Sec. 47-4-6. Limitation of other statutes.

No other provision of law, charter, or ordinance, which provides pensions or retirement benefits wholly or partly at the City expense, exclusive of federal Social Security old-age and survivors' insurance benefits for City employees, their surviving spouses and other dependents, shall apply to Members, Retirees or Beneficiaries of the Retirement System, their surviving spouses or other dependents. (Ord. No. 29-01, § 1, 11-30-01)

Sec. 47-4-7. Construction.

Words in the singular should be read and construed as though used in the plural, and words in the plural should be read and construed as though used in the singular, where appropriate. The words "hereof", "herein", and "hereunder" and other similar compounds of the word "here", shall mean and refer to the entire ordinance and not to any particular provision or section thereof. Article and section headings are included for convenience of reference, and are not intended to add to, or subtract from, the terms of the Plans created hereunder.

Secs. 47-4-8--47-4-10. Reserved.
