

**INSTRUCTION SHEET
ADDITIONS TO MILWAUKEE CITY CHARTER**

SUMMARY

This supplement incorporates changes to the Milwaukee City Charter enacted by the following Common Council files:

- 141569 A substitute charter ordinance relating to retirement benefits for employees represented by the Milwaukee Police Association
- 151896 A substitute charter ordinance relating to the funding of benefits for members and beneficiaries of the Policemen's Annuity and Benefit Fund.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
Remove <u>old</u> MEMO (Suppl. #178)				v-vi	v-vi
35-01-12-e	cr	151869	8/30/2016	191-192	191-192
36-08-7-b	am	141569	8/10/2016	347-348	347-348
36-15-1-e-5	rp	151869	8/30/2016	363-364	363-364

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For questions concerning the content of the Milwaukee Code or Ordinances contact the Legislative Reference Bureau, Research Section, (414) 286-2297.

Abbreviations:

am=amended
cr=created

ra=renumbered and amended
rc=recreated

rn=renumbered
rp=repealed

Revised 6/14/2016
Suppl. #179

MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through June 14, 2016.

Revised 6/14/2016
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following the certification. (*Ch. Ord. 459, File #77-2120, May 2, 1978.*)

c. Actuarial Review. In each 5-year period there shall be an actuarial review of the above stated actuarial assumptions to determine whether revision in these assumptions are required by the experience of the preceding 5 years. A copy of the actuarial review shall be filed with the retirement board and the city clerk's office. (*Ch. Ord. 356, File #69-224-c, June 17, 1969; Par. c am., File #970052, October 14, 1997, eff. December 30, 1997.*)

d. Effective Ordinance. All ordinances or parts of ordinances contravening the provisions of this charter ordinance are repealed except Milwaukee Charter ordinance 346 passed December 6, 1968, but it is not intended by this charter ordinance that any vested or contractual right shall attach to the provisions of said charter ordinance 346. (*Ch. Ord. 357, File #69-224-e, June 17, 1969.*)

e. The foregoing requirements of this subsection shall no longer be in effect from and after August 30, 2016. Beginning on or after January 1, 2017, the city shall make a monthly contribution to the annuity and benefit fund in an amount sufficient to pay the current monthly annuities payable in accordance with the provisions of this chapter. (*Par. e cr, File #151869, June 14, 2016; eff. August 30, 2016.*)

13. DEFINITIONS. The following words and terms as used in this section shall mean as follows, respectively. (*S. 1, Sub. 13, Intro., Ch. 589, L. 1921.*)

a. "Policeman." Any person who is or shall be employed by the police department of such city, even though such person does not perform the duties of a police officer and even though the duties of such person are not hazardous. The term "policeman" shall include the terms "member" and "employee" of the police department as well as police officers employed by the board of park commissioners of such city. Emergency employees shall not be included. Any person who has been a contributor, participant, member, annuitant or beneficiary in the fund no matter what such person's duties in the police department heretofore have been, shall be considered a policeman within this definition. (*S. 4, Ch. 439, L. 1947.*)

b. "Future entrant." Any policeman who shall be employed for the first time on or after the first day in the month of January of the first year after the year in which this section shall come into effect in such city, as a policeman of such city, or as an employe in any other branch of the service of such city whose service is

recognized as service for the purposes of this section as provided in subsection 44 of this section.

c. "Present employe." Any policeman who shall be employed on the thirty-first day in the month of December of the year in which this section shall come into effect in such city, as a policeman in the service of such city, or as an employe, in any other branch of the service of such city, whose service is recognized as service for the purposes of this section, as provided in subsection 44 including all such persons who may be absent from duty, for any cause, on said date.

d. "Disability." A condition of physical or mental incapacity on the part of a policeman to perform the duties of his position in the service.

e. "Discharge." Complete separation from the service.

f. "Assets." The total value of cash and other property held. Bonds shall be held at their book values.

g. "Age" shall mean age at latest birthday. (*S. 1, Sub. 13 b thru g, Ch. 589, L. 1921.*)

h. "Annuity" shall mean annual payments for life. All annuities shall be paid in equal monthly installments. When the annuity begins after the first day of the month or ends before the last day of the month the pro rata amount shall be paid for that month.

i. "Accumulated sum" or "sum accumulated" shall mean the total amount credited to a policeman from deduction made from his salary or from sums contributed or to be contributed by the city together with regular interest and held for his benefit to produce annuities in accordance with this act.

j. "Pensioner." Any person receiving monthly payments in accordance with the provisions of subsection 55 of this chapter. (*S. 5, Ch. 439, L. 1947.*)

14. ADMINISTRATION COSTS. To provide the money necessary to defray the cost of administration of the annuity and benefit fund herein provided for, contributions to said annuity and benefit fund shall be made by the policemen employed in such city and by the city as follows:

a. If a retirement commission (as described in sub. 3 of this section) shall exist by authority of law in such city from and after the first day in the month of January of the first year after the year in which this section shall come into effect in such city, one-eighth of one percent of each payment of the salary of each policeman

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from whose salary deductions are made for age and service annuity purposes, as stated hereinafter, shall be deducted at the time that any payment of salary shall be payable to such policeman and shall be paid into such annuity and benefit fund, and the city shall contribute any additional amount required to defray the cost of such administration.

b. If a retirement commission (as described in subsection 3 of this section) shall not exist by authority of law in such city, the city shall contribute each year, beginning in the first year after the year in which this section shall come into effect in such city, an amount equal to one-eighth of one percent ($1/8$ of 1%) of the aggregate amount of the annual salaries of all policemen employed by such city on the first day in the month of January of such year from whose salaries, deductions are made for age and service annuity purposes, as stated hereinafter, and any additional amount required to defray the cost of such administration shall be contributed by such policemen during each such years as follows:

c. From and after the first day in the month of January of the first year after the year in which this section shall come into effect in such city, equal percentages of each payment of the salaries of all such policemen shall be deducted for such purpose. The percentages of such salaries to be deducted shall be such as to provide an amount each year which when added to the amount contributed by the city each such year will be sufficient to defray the cost of administration of the annuity and benefit fund herein provided for during each such year. (*S. 1, Sub. 14, Intro., a, b and c, Ch. 589, L. 1921.*)

d. At the end of each year the board may, upon advice of the actuary, transfer amounts accumulated in the various funds provided by this act to the annuity payment fund described in subsection 59-e to be used for the purposes described in said subsection 59-e. (*S. 6, Ch. 439, L. 1947.*)

e. From and after the first day of the month of January of the first year after the year in which this section shall come into effect in such city, the city shall pay the full annual amount required to defray the costs of administration. Any amounts accumulated in the expense fund described in sub. 59-b from and after the 1st day in the month of January of the 1st year after the year in which this section shall come into effect in such city shall be transferred to the annuity payment fund described in sub. 59-e. (*Cr. Ch. Ord. 459, File #77-2120, May 2, 1978.*)

15. ANNUAL SALARY. For all purposes of this section it shall be assumed that the annual salary of any present employe has been of the same amount throughout the entire period of service rendered by such employe prior to the first day in the month of January of the first year after the year in which this section shall come into effect in such city, that such salary shall be at 5 o'clock p.m. on the thirty-first day in the month of December of the year in which this section shall come into effect in such city. (*S. 1, Sub. 15, Ch. 589, L. 1921.*)

16. ANNUITY, FUTURE AND PRESENT EMPLOYES. Annuity to be known as "Age and Service Annuity" shall be provided for future entrants and for present employes. Except as provided in subsection 61, any such annuity shall consist of payments for life. Any such annuity shall be computed and paid in accordance with the provisions relating to "Annuity" in subsection 13. (*S. 7, Ch. 439, L. 1947.*)

17. FUTURE ENTRANT, CONTRIBUTIONS. To provide age and service annuities for future entrants, contributions to the annuity and benefit fund herein provided for shall be made by each future entrant and by the city as follows:

a. From and after the first day in the month of January of the first year after the year in which this section shall come into effect in such city, three percent of each payment of the salary of each future entrant shall be deducted and contributed to the annuity and benefit fund herein provided for. Such deductions shall be made at the times such payments of salary are payable and shall be continued while such future entrant shall be in the service until he shall attain an age of fifty-seven years, unless such future entrant shall not then have completed fifteen years of service, in which case the said deductions shall be continued until the end of the fifteenth year of his service.

b. Concurrently with each such deduction from the salary of any future entrant, the city shall contribute a sum equal to nine percent of each payment of the salary of such future entrant. In case it shall not be possible or practicable for the city to make any such contribution at the same time that any such deductions shall be made, the city shall make such contribution as soon as possible and practicable thereafter with interest thereon at the rate of four percent per annum to the time

mortality, separation, morbidity and retirement tables as have been adopted by the board. The normal contribution shall be determined by the actuary after each valuation. (*Subd. 1 am Ch. Ord. 489, File #80-225, June 17, 1980. Subd. 1 am. File #921978, Apr. 8, 1993; eff. June 16, 1993. Par. a rc. File #991585, April 11, 2000; eff. Jan. 19, 2001. Par. a-1 am. File #991585, April 11, 2000; eff. Jan. 19, 2001.*)

a-2. Any difference between the actuarial accrued liability as defined in subd. 1, and the sum of the actuarially determined value of the assets of the retirement fund plus any unamortized bases established under this par. in prior valuations, shall be amortized over a period which will not exceed 30 years from the valuation date on which such difference is established; provided that as part of the valuation next following a fiscal year in which the city and city agency contributions are zero due to application of the 100% funded status limitation of this par. the actuary may eliminate any previously established amortization schedules and bases and shall recalculate a new "fresh-start" amortization schedule. Future payroll growth may be taken into account in the amortization process. (*Subd. 2 rc. File #942017, July 14, 1995; eff. Sept. 27, 1995. Subd. 2 rc. File #991585, April 11, 2000; eff. Jan. 19, 2001.*)

b. Firemen and Policemen's Survivorship Fund. There shall be paid annually into the firemen and policemen's survivorship fund the amount required under s. 36-05-8-d. Notwithstanding the foregoing, effective January 1, 2000 no contributions shall be made to the firemen and policemen's survivorship fund by or on behalf of participants in the combined fund. (*Par. b am. File #991585, April 11, 2000; eff. Jan. 19, 2001. Par c rp. File # 991585, April 11, 2000; eff. Jan. 19, 2001. Par. d cr. File #942017, July 14, 1995; eff. Sept. 27, 1995.) Pars. c and d rp. File #991585, April 11, 2000; eff. Jan. 19, 2001.*)

e. On or before September 1 in each year, the board shall certify to the common council or other governing body, and city agencies, the amounts which will become due and payable during the year next following to each of the funds of the retirement system. The amount so ascertained shall be included by the common council or other governing body and city agencies in their budgets and shall be appropriated and paid to the retirement system by the city and city agencies in January of the fiscal year next following. (*Par. d rn. to e File #942017, July 14, 1995; eff. Sept. 27, 1995.*)

f. In order to meet the requirements of this act, the common council or other governing body or city agency is authorized to levy a tax annually, which tax shall be in addition to all other taxes such common council or other governing body or city agency has been authorized to levy upon all taxable property, real and personal. Such tax shall be levied and collected at the same time and in the same manner as other city or city agency taxes are levied and collected according to law. (*Par. e rn to f File #942017, July 14, 1995; eff. Sept. 27, 1995.*)

g. Such city agencies not authorized by law to levy a tax upon taxable property shall upon the direction of the board include the necessary amounts so needed in their respective budgets. (*Par. f rn. to g File #942017, July 14, 1995; eff. Sept. 27, 1995.*)

h. Combined Fund.

h-1. Beginning with the contribution due on January 31, 2014, on account of members, retired members, survivors and beneficiaries who are participants in the combined fund, the city and city agencies shall pay annually into the combined fund for the preceding year an amount equal to the product of the actuarial contribution rate applied to the sum of the covered compensation. The actuarial contribution shall be based on separately calculated rates for policemen, firemen, and general city employees and shall be applicable for a 5-year period. The actuary shall, consistent with actuarial standards of practice, set the actuarial contribution rate at a percentage sufficient to fund the entire amount of the employers' share of the normal cost, to amortize any unfunded past service liability and to maintain the solvency of the combined fund to meet benefit obligations for retired lives.

h-2. Commencing with the contribution due on January 31, 2019, the actuary shall reset the actuarial contribution rate every 5 years in conjunction with a 5-year experience review of the employees' retirement system. The actuary shall, consistent with standards of actuarial practice, base the reset rate on the current interest, mortality, separation, morbidity and retirement tables as adopted by the board.

h-3. The actuary shall submit the annual contribution amounts payable each year based on the actuarial contribution rate to the board no later than August 15. (*Par. h cr. File #991585, April 11, 2000; eff. Jan. 19, 2001. Par. h-2 am. File #091274, March 2, 2010; eff. May 18, 2010. Par. h rc File #121417, April 30, 2013; eff. July 16, 2013.*)

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7. MEMBER CONTRIBUTIONS. Member contributions to the system shall be deposited in the member's account as follows:

a. Members who are not firemen, policemen or elected officials shall contribute or have contributed on their behalf, 5.5% of the members' earnable compensation. Subsequent to and commencing with the first pay period of 1970, the city shall contribute on behalf of a general city employe 5.5% of such member's earnable compensation. Members employed by city agencies participating in the system shall contribute 5.5% of their earnable compensation less any contribution made on their behalf as determined by the governing bodies of such agencies. Notwithstanding the foregoing, subsequent to and commencing with the first pay period following the effective date of this charter ordinance, all members who are not firemen, policemen or elected officials and were enrolled as members of the retirement system prior to January 1, 2014, shall contribute 5.5% of their earnable compensation. General city employes who enroll as members in the retirement system on or after January 1, 2014, shall contribute 4% of their earnable compensation. (*Par. a rc., Ch. Ord. 375, File #71-1754, Dec. 7, 1971. Par. a ra. to a-1, File #090613, Sept. 22, 2009; eff. Dec. 9, 2009. Par. a-1 am. File #121701, May 21, 2013; eff. Aug. 10, 2013; Par. a-1 am. File #110740, Nov. 7, 2014; eff. 1/26/2015.*)
(*Par. a-2 cr, File #090613, Sept. 22, 2009; eff. Dec. 9, 2009. Par. a-2 am. File #090951 Dec. 1, 2009; eff. Feb. 16, 2010. Par. a-2 am. File #091068, Dec. 22, 2009; eff. March 10, 2010. Par. a-2 am. File #091214, Jan. 20, 2010; eff. April 5, 2010. Par. a-2 am. File #091308, March 2, 2010; eff. May 18, 2010. Par. a-2 am. File #091530, March 24, 2010; eff. June 1, 2010. Par. a-2 am. File #091609, May 25, 2010; eff. August 10, 2010. Par. a-2 am. File #100173, June 15, 2010; eff. August 25, 2010. Par. a-2 am. File #100241, July 7, 2010; eff. Sept. 22, 2010. Par. a-2 am. File #100574, Sept. 21, 2010; eff. Dec. 6, 2010. Par. a-2 am. File #101070, Jan. 19, 2011; eff. March 29, 2011. Par. a-2 am. File #101418, April 12, 2011; eff. June 28, 2011. Par. a-2 am. File #101246, July 26, 2011; eff. Oct. 11, 2011. Par. a-1 ra. File #110740, Nov. 7, 2014; eff. Jan. 26, 2015*)
(*Par. a-3 cr. File #121701, May 21, 2013; eff. Aug. 10, 2013. Pars. a-2 & 3 rp. File #110740, Nov. 7, 2014; eff. Jan. 26, 2015.*)

b. Except for members of the system, who are initially employed as firemen or policemen on or after October 3, 2011, the employer shall have the obligation to contribute the percentages set forth in this section.

Members who are firemen shall have contributed for them by the employer 7% of such firemen's earnable compensation. Members who are policemen shall have contributed by the employer, commencing with the 1st pay period of 1971, 6% of such policemen's earnable compensation; policemen shall contribute 1% of their earnable compensation. Members who are policemen shall have contributed by the employer commencing with the first pay period of 1990, 7% less \$1 of such policemen's earnable compensation. Commencing in 1990, policemen, excluding sergeant of police, detective lieutenant and ranks above same, shall contribute \$1 of their longevity in rank pay, if any, payable at the close of the year. Notwithstanding the foregoing, commencing with the 1st pay period of 2016, policemen who are represented by the MP SO or the MPA and were enrolled as members in the retirement system before October 3, 2011, shall contribute 7% of their earnable compensation. Members of the system who are initially employed as firemen or policemen on or after October 3, 2011, shall contribute 7% of their earnable compensation.

(*Par. b am. Ch. Ord. 556, File #85-769, Dec. 4, 1985; eff. Feb. 17, 1986. Par. b am. File #890633, July 25, 1989; eff. Oct. 14, 1989. Par. b, am. File #910901, Sept. 24, 1991; Dec. 10, 1991. Par. b am. File #110347, July 26, 2011; eff. Oct. 11, 2011. Par. b am. File #151113, Dec. 15, 2015; eff. Feb. 29, 2016. Par. b am. File #141569, May 24, 2016; eff. Aug. 10, 2016.*)

c. Members who are elected officials shall contribute or have contributed on their behalf 7% of the members' earnable compensation, and in respect to such members subsequent to and commencing with the 1st pay period of 1971 the city shall contribute 7% of earnable compensation. Notwithstanding the foregoing, subsequent to and commencing with the first pay period following the effective date of this charter ordinance, elected officials who were enrolled in the retirement system prior to January 1, 2014, and whose accrual rate is 2.5% under s. 36-05-1-g, shall contribute 7% of their earnable compensation and elected officials who were enrolled as members in the retirement system prior to January 1, 2014, and whose accrual rate is 2% under s. 36-05-1-g, shall contribute 5.5% of their earnable compensation. Elected officials who enroll as members in the retirement system on or after January 1, 2014, shall contribute 4% of their earnable compensation. (*Par. c rc. Ch. Ord. 375, File #71-1754, Dec. 7, 1971. Par. c am. File #121701, May 21, 2013; eff. Aug. 10, 2013.; par. c am. File #110740, Nov. 7, 2014; eff. Jan. 26, 2015.*)

d. The annuity and pension board is authorized to perform administrative work necessary to implement the provisions of s. 34-06, provided it is compensated by the city for the actual cost of the work performed.

(Par. d cr. File #041513, March 16, 2005; eff. May 31, 2005.)

e. **Policemen's Annuity and Benefit Fund.**

e-1. The annuity and pension board is authorized to exercise all powers and duties vested in the policemen's annuity and benefit fund board of trustees by ch. 35.

e-2. The annuity and pension board is authorized to invest the assets of the policemen's annuity and benefit fund provided it accounts for the assets separately from the assets of the combined fund.

e-3. All cost and expenses incurred by the annuity and pension board to manage, administer, or operate the policemen's annuity and benefit fund shall be paid by the city of Milwaukee.

e-4. The city of Milwaukee shall indemnify and hold harmless the board members, officers, directors and employes of the annuity and pension board and the employes' retirement system from any liability, damages, or injury arising out of the management, administration, investment or operation of the policemen's annuity and benefit fund.

e-6. The annuity and pension board annually shall conduct a meeting, or direct its staff to conduct a meeting, to report on the status of the fund and answer any inquiries of retirees or widows. The annuity and pension board shall give all retirees and widows at least 30 days' notice of the time and location of the meeting. *(Par. e cr. File #050744, Oct. 18, 2005; eff. Jan. 3, 2006. Par e-5 rp. File #151869, June 14, 2016; eff. August 30, 2016.)*

2. MEMBERSHIP. The membership of the board shall consist of the following:

a-1. Three members to be appointed by the president of the common council subject to the confirmation of such common council for a term of 4 years.

a-2. Commencing in 1997, when terms expire for members appointed by the common council president, members shall be appointed for terms expiring the 3rd Tuesday of April 2000. Thereafter the common council president shall appoint members for a term of 2 years within 60 days of the commencement of a new common council term, and then within 60 days following 2 years of the commencement of a common council term. If a vacancy occurs in a board position, the president shall appoint within 60 days after the vacancy occurs.

a-3. Three members to be appointed by the mayor subject to the confirmation of the common council. For members appointed by the mayor in 2014, they shall be appointed for terms expiring on the 3rd Tuesday of April, 2016. Thereafter, the mayor shall appoint, within 60 days of the commencement of the mayor's regular term of office, members for a term of 2 years to the board. If a vacancy occurs in a board position, the mayor shall appoint a member within 60 days after the vacancy occurs.

b. The city comptroller ex-officio.

c. Three employe members who shall be members of the retirement system and who shall be elected by the members of the retirement system for a term of 4 years according to such rules and regulations as the board shall adopt to govern such election. Notwithstanding the foregoing, the employe members shall consist of one policeman in active service, one fireman in active service, and one general city employe in active service, which shall be determined in the following manner:

c-1. For the member term that expires on December 31, 2014, or at the date the position is vacated, if earlier, a fireman in active service shall be elected to the member position and only a member who is a fireman in active service shall be allowed to vote for this member position.

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c-2. For the member term that expires on December 31, 2016, or at the date the position is vacated, if earlier, a general city employe in active service shall be elected to the member position and only a member who is a general city employe in active service shall be allowed to vote for this member position.

c-3. For the member term that expires on December 31, 2017, or at the date the position is vacated, if earlier, a policeman in active service shall be elected to the member position and only a member who is a policeman in active service shall be allowed to vote for this member position.

d. One member to be elected by the vote of persons who had been members but who have retired from the retirement system and receive a retirement allowance, to serve for a term of 4 years. The election of such person shall be conducted in the same manner as is the election of an employe member under par. c except, however, that only retirees as herein described shall be allowed to vote in such election. Nothing herein contained shall preclude any member elected to the board from succeeding himself or herself. *(Sub. 2 am. Ch. Ord. 486, File #79-869-a, Mar. 13, 1980. Sub. 2-a ra. to 2-a-1 File #960237, June 4, 1996; eff. Aug. 20, 1996. Sub. 2-a-2 cr. File #960237, June 4, 1996; eff. Aug. 20, 1996. Sub. 2-c am. File #960237, June 4, 1996; eff. Aug. 20, 1996. Sub. 2-d am. File #960237, June 4, 1996; eff. Aug. 20, 1996. Sub 2-a-3 cr. File #131162, Dec. 17, 2013; eff. March 10, 2014. Sub 2-c-0 am. File #131162, Dec. 17, 2013; eff. March 10, 2014. Sub 2-c-1 to 3 cr. File #131162, Dec. 17, 2013; eff. March 10, 2014.)*

3. VACANCY. If a vacancy occurs in the office of a board member, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

4. OATH OF OFFICE. Each member of the board shall, within 10 days after his appointment or election, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the board and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the retirement system.

5. DECISION VOTE. Each member of the board shall be entitled to one vote in the board. A majority of members present shall be necessary for a decision by the members of the board at any meeting of the board. (Sub. 5, am. Ch. Ord. 544, File #84-1168, Dec. 11, 1984.)

6. RULES AND REGULATIONS. Subject to the limitations of this act and with the advice of the city attorney the board shall, from time to time, establish rules and regulations for the administration of the funds created by this act, for the transaction of its business and in order to carry out the provisions of this act. All rules and regulations promulgated by the board shall be filed with the city clerk within 30 days after they have been approved by the board and revocation of such rules or amendments thereto shall be filed in the same manner.

7. OFFICERS AND EMPLOYES; EXPENSES. The board shall elect from its membership a chairman and vice chairman and shall by a majority vote of all its members appoint a secretary, who may be, but need not be, one of its members. It shall appoint an executive director and shall engage such actuarial and other service as shall be required to transact the business of the retirement system. The compensation of all persons engaged by the board and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board shall approve. *(Sub. 7 rn. to 7-0, File #950077, July 14, 1995; eff. Sept. 27, 1995.)*

a. It shall be the duty of the secretary and executive director of the retirement system to maintain records respecting the amount of system funds invested in common stocks and preferred stocks and such secretary and executive director shall function under direction of the annuity and pension board and shall be appointed by such board under civil service procedure with civil service status; the incumbent secretary and executive director shall have civil service status with the enactment of this section. In the event of a vacancy in the office of secretary and executive director, such office shall be filled by the board under civil service procedures and thereafter such secretary and executive director shall have civil service status, subject to the rules and