



Fwd: MSMA UC Trust Amendments - Need to be Approved

Nadeau, Meredith <mnadeau@capeelizabethschools.org>
To: Scott Wyman <swyman@capeelizabethschools.org>

Thu, Apr 9, 2015 at 11:04 AM

----- Forwarded message -----

From: **Doug Burdin** <DBurdin@msmaweb.com>
Date: Thu, Apr 9, 2015 at 10:37 AM
Subject: MSMA UC Trust Amendments - Need to be Approved
To: Doug Burdin <DBurdin@msmaweb.com>

Maine School Management Association

Unemployment Compensation Trust Fund

49 Community Drive, Augusta, ME 04345

1-800-660-8484



To: Members of the MSMA Unemployment Compensation Trust Fund
From: Doug Burdin
Date: April 9, 2015
RE: Amendment to the MSMA UC Declaration of Trust

Over the past several months, MSMA has had all of our insurance trust documents reviewed and updated by Counsel. The review of the trust documents for the MSMA Unemployment Compensation Trust Fund resulted in two recommended changes to the Declaration of Trust. The basis of the change is to allow MSMA to act on behalf of the Trust when executing certain documents or instruments, in particular, investments. The Fund Trustees have voted to accept these changes. These minor change will have no impact on our member units. We do need a set of documents approved by all members unit.

As a member of the MSMA Unemployment Trust Fund, I would ask that you review the following documents, execute, and return to MSMA by fax at 626-2968, or by email at dburdin@msmaweb.com , no later than June 1, 2015.

Attached are a "sample resolution" to serve as a **template** for your use when preparing to vote as well as an Amendment to the Declaration of Trust that needs to be signed by the Superintendent of Schools following the school committee's vote.

We recommend you refer to your own organizational policies to verify that the template does not need to be modified.

If you have any questions, please contact me at your convenience.

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Meredith Nadeau
Superintendent of Schools
Cape Elizabeth School District
320 Ocean House Road
Cape Elizabeth, ME 04107
[\(207\) 799-2217](tel:(207)799-2217)

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Open Minds and Open Doors

3 attachments

 **UcTrustAmendment.pdf**
75K

 **UC-Board Vote Trust Amendment.doc**
24K

 **image001.emz**
4K

TEMPLATE ONLY – SHOULD BE REVIEWED BY EACH MEMBER

MEMBER RESOLUTION TO AMEND DECLARATION OF TRUST

Motion: I move that the Vote entitled, “Vote to Authorize Amendments to M.S.M.A. Unemployment Compensation Declaration of Trust” be adopted in form presented to this meeting and that a copy of said Vote be filed with the minutes of this meeting.

Vote to Authorize Amendments to M.S.M.A. Unemployment Compensation Declaration of Trust

Be it hereby voted as follows:

RESOLVED: That Maine School Administrative District No. ____ (the “District”), as a participant in the Maine School Management Association Unemployment Compensation Insurance Trust Fund (the “Fund”), hereby consents to certain amendments to the Fund’s Declaration of Trust described in the attached document entitled Amendment of Declaration of Trust for Maine School Management Association Unemployment Compensation Trust Fund (the “Declaration of Trust Amendment”);

RESOLVED: That the District be, and it hereby is, authorized to execute and deliver the Declaration of Trust Amendment, and any and all other documents and instruments as may be required from time to time to consummate the transactions contemplated by the Declaration of Trust Amendment, and that the execution, acknowledgment and delivery of such Trust Documents in the name of and on behalf of the District is hereby approved in all respects; and

RESOLVED: That _____ be, and hereby is, authorized to execute and deliver the Declaration of Trust Amendment and such other documents, certificates, agreements and instruments as may be reasonably required, and to perform such further and additional actions as may be necessary or convenient in order to effectuate the foregoing resolutions.

A true copy, attest:

Secretary

Maine School Administrative District # _____

AMENDMENT OF
DECLARATION OF TRUST FOR MAINE
SCHOOL MANAGEMENT ASSOCIATION UNEMPLOYMENT COMPENSATION TRUST
FUND

WHEREAS, the undersigned Member is a participant in and a party to the Declaration of Trust for the Maine School Management Association Unemployment Compensation Trust Fund dated January 29, 1981 (the "Trust"); and

WHEREAS, the Trustees of said Trust have given their unanimous consent to certain amendments to said Declaration of Trust as set forth hereunder and authorized the execution of this Amendment of Declaration of Trust; and

WHEREAS, the governing body of the undersigned participate has consented to said amendments and authorized the execution of this Amendment of Declaration of Trust;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained in said Trust and pursuant to the provisions of Article XI of said Trust, the undersigned participant and the Trustees hereby agree that said Trust is amended as follows:

1. Section 5.1 of the Trust is hereby amended by deleting subsection (k) in its entirety and substituting therefor the following:

"(k) To make, execute and deliver as Trustees in respect of the Trust Assets any and all deeds, leases, mortgages, advances, contracts, waivers, releases, or other instruments (collectively, the "Documents") in writing necessary or proper in connection with the exercise and implementation of the foregoing powers, and to delegate in writing to MSMA the power to make, execute and deliver, on behalf of the Trustees and the Trust, any and all such Documents;"

2. Section 5.1 of the Trust is hereby further amended by adding the following as new subsection (t):

"(t) To delegate in writing powers or duties of the Trustees to or among any one or more of the Trustees or to MSMA;"

This Amendment may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, but such counterparts together shall constitute one and the same instrument.

Dated: 1/22, 2014-2015

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands and seals the day and year above written.

Participant's name

By: _____
Authorized Signatory for Participant

WITNESS

WITNESS

WITNESS

Carle F. Toluhema
WITNESS

WITNESS

WITNESS

M. H. Be

Fund Trustee

Isaac Oger

Fund Trustee

Amisali

Fund Trustee

Fund Trustee

Fund Trustee