

AN ORDINANCE OF THE TOWNSHIP OF PYMATUNING, MERCER COUNTY, PENNSYLVANIA, ELECTING TO JOIN THE PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM UNDER ARTICLE IV OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW; AGREEING TO BE BOUND BY ALL PROVISIONS OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAWS, AS AMENDED, AND AS APPLICABLE TO MEMBER MUNICIPALITIES JOINING UNDER THE PROVISIONS OF THIS ARTICLE; STATING WHICH OF THE CERTAIN OPTIONS PERMITTED UNDER THE SAID LAW ARE ACCEPTED BY THE TOWNSHIP; AUTHORIZING THE EXECUTION OF A PENSION PLAN AGREEMENT WITH THE PENNSYLVANIA MUNICIPAL RETIREMENT BOARD; AND REPEALING PYMATUNING TOWNSHIP RESOLUTION NO. 5 OF 1973, WHICH ESTABLISHED THE PREVIOUS POLICE PENSION PLAN.

WHEREAS, more than seventy-five (75%) percent of the full-time police officers who are members of the Pymatuning Township Police Department have indicated their willingness and desire to enroll in the Pennsylvania Municipal Retirement System; and

WHEREAS, the Board of Supervisors of the Township of Pymatuning desire to establish a pension plan for their police officers in accordance with the aforesaid Act of February 1, 1974, P.L. 34, No. 15, and have negotiated an optional retirement plan contract with the Pennsylvania Municipal Retirement Board;

NOW, THEREFORE, in order to provide for retirement benefits of its full-time police officers and for the proper administration of the police pension fund in accordance with the aforesaid Pennsylvania Municipal Retirement System and the authority of the Act of February 1, 1974, P.L. 34, No. 15, Section 401, et seq. (53 P.S. §881.401, et seq.), as amended, the Pymatuning Township Board of Supervisors does hereby ordain as follows:

SECTION I. The Board of Supervisors of Pymatuning Township, hereinafter sometimes referred to as "Township", hereby elects to enroll its full-time police officers in the Pennsylvania Municipal Retirement System, established by the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended, with the express purpose of having the Pennsylvania Municipal Retirement System, hereinafter sometimes referred to as "System", administer the pension plan established by the Board of Supervisors for the full-time police officers of the Township. The Township of Pymatuning does hereby agree to be bound by all the requirements and provisions of the Pennsylvania Municipal Retirement Law and the amendments thereto and to assume all obligations, financial and otherwise, placed upon member municipalities. All references hereafter shall be based on benefits negotiated between the Pennsylvania Retirement Board, and the Township, pursuant to an agreement between the said Township and the Pennsylvania Retirement Board which the Pymatuning Township Supervisors are hereby authorized to execute and date January 1, 1988.

SECTION II. Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all permanent full-time Township police officers, hereinafter sometimes referred to as "Member".

Section III. Credit for prior service for original employees is granted for each year or partial year thereof that the member was employed by the Township from original date of hire. Benefits provided to members in the agreement to be executed and dated January 1, 1988, shall accrue based on all credited service granted and earned in accordance with this section.

SECTION IV. The Township of Pymatuning hereby assumes all liability for any unfundedness created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

SECTION V. Payment for any obligation established by the adoption of this Ordinance and the agreement between the System and the Township of Pymatuning shall be made by the Township in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act, and any amendments thereto.

SECTION VI. As part of this Ordinance, the Township agrees that the System shall provide the benefits set forth in the agreement between the Pennsylvania Municipal Retirement Board and the Township of Pymatuning, to be executed and dated January 1, 1988. The passage and adoption of this Ordinance by the Board of Supervisors of the Township of Pymatuning is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package.

SECTION VII. By adoption of this Ordinance, the Township agrees to terminate, upon the effective date of membership in the Pennsylvania Municipal Retirement System, any previously maintained police pension program applicable to those employees identified as members in Section II of this Ordinance and to transfer any assets from any existing plan to offset the established liability. The Board of Supervisors also hereby acknowledges that an affirmative vote representing at least seventy-five (75%) percent of the previous plan members indicated the members were in agreement with the establishment of the plan with the Pennsylvania Municipal Retirement System.

SECTION VIII. The Township of Pymatuning intends this Ordinance to be the complete authorization of the Township's police pension plan and, therefore, specifically repeals Resolution Number 5 of 1973 of the Township of Pymatuning which established the previous police pension plan. Any other Ordinances, or part or parts of any other Ordinance are hereby repealed insofar as the same are inconsistent or conflicting with this Ordinance.

SECTION IX. A duly certified copy of this Ordinance and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the police officers of the Township of Pymatuning in the Pennsylvania Municipal Retirement System shall be effective the first day of January, 1988.

SECTION X. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION XI. As used in this Ordinance, whenever the context so indicates, the masculine, feminine or neuter gender, and the singular or plural number, shall each be deemed to include the other.

ORDAINED AND ENACTED this 29th day of December, 1987, in lawful session, duly assembled.

ATTEST:

PYMATUNING TOWNSHIP BOARD OF SUPERVISORS

Spinda Lakman
Township Secretary

By *William C. Blak*

Jeff A McHeath

James L. ...
Supervisors