

AN ORDINANCE OF THE TOWNSHIP OF PYMATUNING, COUNTY OF MERCER, COMMONWEALTH OF PENNSYLVANIA, BY WHICH THE TOWNSHIP ELECTS TO CHANGE THE POLICE PENSION BENEFITS AS AUTHORIZED BY THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW; AGREEING TO BE BOUND BY ALL PROVISIONS OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW, AS AMENDED, AND AS APPLICABLE TO MEMBER MUNICIPALITIES CHANGING BENEFITS UNDER THE PROVISIONS OF ARTICLE IV OF SAID LAW; STATING WHICH OF CERTAIN OPTIONS PERMITTED UNDER THE AFORESAID LAW ARE ACCEPTED BY THE TOWNSHIP; AND SPECIFICALLY REPEALING TOWNSHIP ORDINANCE NOS. 139, 146 AND 150.

BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF PYMATUNING, MERCER COUNTY, PENNSYLVANIA, AND IT IS HEREBY ENACTED AND ORDAINED BY THE AUTHORITY OF SAME AS FOLLOWS:

SECTION I. The Township of Pymatuning, Mercer County, Pennsylvania, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its police pension benefits provided in the said System as authorized by the Pennsylvania Municipal Retirement Law Act of February 1, 1974, P.L. 34 No. 15, as amended, and does hereby agree to be bound by all the requirements and provisions of Article IV of the Pennsylvania Municipal Retirement Law, as well as any amendments thereto, and to assume all obligations, financial and otherwise, placed upon member municipalities by the said Pennsylvania Municipal Retirement Law and any amendments thereto. All references hereinafter shall be based upon benefits negotiated between the Pennsylvania Municipal Retirement Board and Pymatuning Township as provided under the aforementioned Article IV of the Pennsylvania Municipal Retirement Law.

SECTION II. Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all full-time police officers of Pymatuning Township. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis.

SECTION III. Credit for prior service for original employees is granted for each year or partial year that the member was employed by the Township of Pymatuning from the original date of hire. Benefits provided to members in the Agreement between the Pennsylvania Municipal Retirement Board and the Township of Pymatuning to be dated February 11, 1993, the terms and provisions of which are incorporated herein by reference, shall accrue based on all credited service granted and earned in accordance with this section.

SECTION IV. Payment for any obligation established by the adoption of this Ordinance and the Agreement between the Pennsylvania Municipal Retirement Board and Pymatuning Township, shall be made by the Township of Pymatuning in accordance with the Pennsylvania Municipal Retirement Law referred to above and the Municipal Pension Plan Funding Standard and Recovery Act No. 205 of 1984.

SECTION V. As part of this Ordinance, the Township of Pymatuning agrees that the Pennsylvania Municipal Retirement System shall provide the benefits set forth in the aforesaid Agreement entered into between the Pennsylvania Municipal Retirement Board and Pymatuning Township to be dated February 11, 1993, and the Pymatuning Township Board of Supervisors and any other appropriate Township officials are hereby specifically authorized to execute said Agreement and any other documents necessary to effectuate the provisions of the Agreement and this Ordinance. The passage and adoption of this Ordinance by Pymatuning Township is an official acceptance of the aforesaid Agreement between the Township and Pennsylvania Municipal Retirement Board and the financial obligations resulting from the administration of the benefit package referred to therein. Pymatuning Township hereby assumes all liability for any unfundedness created due to the acceptance of the benefit structure outlined in the above-referenced Agreement.

SECTION VI. Pymatuning Township hereby acknowledges that an affirmative vote representing at least seventy-five (75%) percent of the plan members indicated that the members were in agreement with the benefit change in the police pension plan being administered by the Pennsylvania Municipal Retirement System.

SECTION VII. It is the intent of the Township that this Ordinance be the complete authorization of Pymatuning Township's Police Pension Plan and, therefore, the previous agreements entered into between the Township and the Pennsylvania Municipal Retirement Board as well as Pymatuning Township Ordinance Nos. 139, 146 and 150 are hereby specifically repealed. All other ordinances, or parts of ordinances inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed.

SECTION VIII. A duly certified copy of this Ordinance shall be filed with the Pennsylvania Municipal Retirement Board of the Commonwealth of Pennsylvania. Membership with regard to the police pension plan of Pymatuning Township in the Pennsylvania Municipal Retirement System shall be effective the first day of January, 1988, with the revised plan structure reflected in the Agreement referred to above, and to be dated the 11th day of February 1993, shall be effective January 1, 1993.

SECTION IX. The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional or illegal, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a Legislative intent that this Ordinance would have been adopted had such unconstitutional or illegal provision not been included herein. Invalidity of any section, clause, sentence or provision contained in this Ordinance shall not affect the validity of any other section, clause, sentence or provision of this Ordinance which can be given effect without such invalid part or parts.

SECTION X. This Ordinance shall become effective five (5) days after its adoption as required by law.

ENACTED AND ORDAINED into law this 11th day of February, 1993.

ATTEST:

**PYMATUNING TOWNSHIP BOARD
OF SUPERVISORS:**

Joyce E. Leventy
Township Secretary

By:

Joseph L. Sebastian
Greg J. Fields Jr.
George W. Lusciano

(SEAL)