ORDINANCE NO. 520

AN ORDINANCE OF BENTLEYVILLE BOROUGH, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, ELECTING TO CHANGE THE POLICE PENSION BENEFITS IT HAS IN 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 LAW AS AMENDED AND AS APPLICABLE TO MEMBER MUNICIPALITIES CHANGING BENEFITS UNDER THE PROVISIONS OF THIS ARTICLE: STATING WHICH OF CERTAIN OPTIONS PERMITTED UNDER THE SAID LAW ARE ACCEPTED BY THE BOROUGH. IT IS HEREBY ORDAINED BY BENTLEYVILLE BOROUGH, WASHINGTON COUNTY, AS FOLLOWS:

SECTION I. Bentleyville Borough, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its police pension benefits in that System as authorized by the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended, and does hereby agree to be bound by all the requirements and provisions of said Law, and to assume all obligations, financial and otherwise, placed upon member municipalities. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of 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 the Borough. 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 service toward the annuity of each original member shall begin to accrue upon the member's date of enrollment in the System or October 1, 1987, whichever is more recent.

SECTION IV. Payment for any obligation established by the adoption of this ordinance and the agreement between the System and Bentleyville Borough shall be made by the Borough in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

SECTION V. As part of this ordinance, the Borough agrees that the System shall provide the benefits set forth in the agreement between the Board and Bentleyville Borough, dated July 19, 2006. The passage and adoption of this ordinance by Borough is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. Bentleyville Borough hereby assumes all liability for any unfundedness created or which may be created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

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

SECTION VII. Bentleyville Borough intends this ordinance to be the complete authorization of the Borough's police pension plan and it shall become effective and specifically repeal Ordinance Number 394 either immediately or on January 1, 2006, which is the effective date of the amended agreement dated July 19, 2006, between the Pennsylvania Municipal Retirement System and Bentleyville Borough, whichever is later.

SECTION VIII. 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 pension plan of Bentleyville Borough in the Pennsylvania Municipal Retirement System shall be effective the first day of October, 1987 with the revised plan structure reflected in the agreement dated July 19, 2006, effective the first day of January, 2006.

ORDAINED this 19th day of July, 2006

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ATTEST:

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