

ORDINANCE

AN ORDINANCE OF THE BOROUGH OF WEST WYOMING, LUZERNE COUNTY, PENNSYLVANIA, PROVIDING FOR THE ADOPTION OF A PENSION PLAN FOR THE POLICE OFFICERS OF THE BOROUGH PURSUANT TO THE REQUIREMENTS OF ACT NO. 600 OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA APPROVED THE 29th DAY OF MAY, 1956, P. L. 1804, AS AMENDED; PROVIDING FOR THE CONTRIBUTION BY THE POLICE TO THE POLICE PENSION FUND AS ESTABLISHED AND FOR APPROPRIATIONS TO BE MADE THERETO BY THE BOROUGH.

WHEREAS the Act of May 29, 1956, P. L. 1804, (Act No. 600) as amended and supplemented (hereinafter referred to as The Act) allows certain municipalities, including the Borough of West Wyoming, to provide a Police Pension Fund or Annuity for the benefit of their police officers;

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOROUGH OF WEST WYOMING aforesaid, and it is hereby ordained and enacted by authority of the same, pursuant to and in compliance with The Act as follows:

SECTION 1: The Borough of West Wyoming does hereby adopt a police pension plan to become effective the 5th day of December, 1977.

SECTION 2: The plan adopted is hereby designated to be and shall be known as "Pension Plan for Police Officers of the Borough of West Wyoming" (hereinafter known merely as Police Pension Fund). It shall comply with all statutes and regulations.

SECTION 3: The Borough Secretary is hereby directed to file any additional records with the Auditor General's Department of the Commonwealth of Pennsylvania as may be necessary to insure the approval

of the insurance contracts included in the program.

SECTION 4: Contributions to Police Pension Fund are required from members of the Police force by The Act. Should Police Pension Fund hereafter at any time or from time to time require contributions from the Borough, the proper officers of the Borough shall appropriate such amounts, at such times and in such manner as required or authorized by this ordinance or by law.

SECTION 5: The expenses of administering this act, including the compensation of an actuary and the custodian of the fund, exclusive of the payments of retirement allowances shall be paid by the Borough by appropriations made by the Borough.

SECTION 6: All funds heretofore or hereafter paid to the Treasurer of this Borough by the Commonwealth for police pension purposes from proceeds of the State tax on foreign casualty insurance company premiums or otherwise shall be deposited in a special bank account or fund designated "West Wyoming Borough Police Pension Fund".

SECTION 7: Such payments by the State Treasurer to the Borough Treasurer from the monies received from taxes paid upon the premiums of foreign casualty insurance companies for purposes of pension retirement shall be used in the following order:

- (a) To reduce the unfunded liability, if any;
- (b) To apply against the annual obligation of the Borough for future service costs, or to the extent that the payment may be in excess of such obligation;
- (c) To reduce member contributions.

SECTION 8: To comply with all statutory requirements and regulations this Borough, to the extent made possible by said Commonwealth payments, enters into contract/s with the Columbia Life Insurance Company for pension annuity contract/s on the lives of its present or any future Borough policemen who are employed and paid on a full-time basis; ownership of any and all rights under said contract/s, together with the right to exercise all options, privileges and other rights provided therein, except the right to designate the beneficiary, to change the beneficiary and to receive the retirement benefits thereunder, to be vested in this Borough; custody of said contract/s to be held by the Borough Secretary; and the Borough officers, from time to time, being directed to execute the necessary applications for such contracts, together with any other documents necessary or incidental to full utilization and enjoyment thereof for their intended purpose, and to pay the premiums for the same as they become due, solely from the aforementioned Police Pension Fund, all without any further special authorization by the Council.

SECTION 9: Police Pension Fund shall be used to provide the required benefits under this ordinance and under law for such full-time members of the police force of Borough as shall receive honorable discharge therefrom by reason of age and service as provided by this ordinance and by law and for no other purpose.

SECTION 10: Members of the police force enjoying a probationary status shall not be included in the Police Pension Fund.

SECTION 11: The minimum period of total service required for retirement under Fund of Borough shall be the aggregate of twenty-five (25) years service with Borough and the attainment of age fifty-five (55). If the Borough later desires to lower the age of retirement and/or to reduce the number of years of service necessary, and the law of the Commonwealth so allows, then same may be accomplished by resolution.

SECTION 12: Widows or surviving children of members of the police force or of members retired on pension are granted no rights, privileges or interests whatsoever to any benefits in this Ordinance, except such return of contribution only as they might receive in their capacity as legal designees or distributees of a deceased member, and then only to the extent that same are specifically available under Section 18 hereof.

SECTION 13: No cost of living increase shall be provided by this Ordinance. If the Borough determines that such a cost of living increase in benefits is required, it may be provided for by resolution pursuant to the Act.

SECTION 14: No length of service increment is authorized by this Ordinance. If the Borough later determines that said length of service increment should be granted, then it may be provided by resolution.

SECTION 15: Benefits shall be computed at one-half the monthly average salary of such member during the last thirty-six (36) months of employment. The only benefits payable under this provision shall be a Straight Life Annuity payable only until the death of the retiree.

SECTION 16: Members shall pay into the Police Pension Fund, monthly, an amount equal to eight percent (8%) of monthly compensation. If an actuarial study shows that the condition of the Police Pension Fund of the Borough is such that payments into the Police Pension Fund by members may be reduced below the percentage herein prescribed, or eliminated, and that if such payments are reduced or eliminated, contributions by the Borough will not be required to keep the Police Pension Fund actuarially sound, the Borough Council may then, on an annual basis, by ordinance or resolution, reduce or eliminate payments into the Police Pension Fund by members.

SECTION 17: Any "extra compensation", including, but not limited to, overtime, lunch allowances, etc., shall not be included in computing a member's monthly compensation.

SECTION 18: If for any reason whatsoever any member of the Fund, shall be ineligible to receive a pension, such member shall be entitled to a refund pursuant to the Act, being the amount of member contribution only, with simple interest at five per centum (5%) per year. If such ineligibility is due to death, such monies shall be paid to his designated beneficiary or, in the absence thereof, to his estate.

SECTION 19: In computing the benefits payable under this Ordinance, none, (0%), of the primary benefits under federal social security laws for which an officer may be eligible because of age shall be included in the sum of benefits. The Borough, in its discretion, retains the right, by resolution, to elect to increase, up to seventy-five percent (75%), the amount of primary benefits under

the federal social security laws for which the officer may be eligible because of age, to be included in the sum of benefits. Said election, when taken, would reduce the benefits payable under this Ordinance. No member shall have any vested right to benefits as now computed under the zero (0%) percent provisions of this section unless he shall have first been duly retired in conformance to the provisions of this Ordinance and been entitled to payment hereunder.

SECTION 20: Members of the police force that were previously employed in the Borough under a Federal Program shall, if the Borough desires to continue their employment after the Federal Program ends, become members of this Police Pension Fund. Such members may elect to participate in the Fund retroactively to the date of their original employment, or to any full six month period of their employment, in the Borough under the Federal Program. If such an election is made, they shall first be required to make contributions to the Police Pension Fund in such an amount as to equal their possible contributions had they been employed by the Borough and been members of the Police Pension Fund at the time of their employment under a Federal Program.

SECTION 21: Any member of the police force employed by the Borough who has been a regular appointed policeman of the Borough for a period of at least six (6) months and who thereafter shall enter into the military service of the United States, shall have credited to his employment record for pension or retirement benefits all of the time spent by him in such military service, if such person returns or has heretofore returned to his employment within six (6) months after his separation from the service.

SECTION 22: The pension payments, herein provided for, shall not be subject to attachment, execution, levy, garnishment, or other legal process, and shall be payable only to the member or his designated beneficiary and shall not be subject to assignment or transfer.

SECTION 23: The Borough may take by gift, grant, devise or bequest, any money or property, real, personal or mixed, in trust, for the benefit of such Police Pension Fund and the care, management, investment and disposal of such trust funds or property shall be vested in Borough, and the said trust funds shall be governed thereby subject to such directions not inconsistent therewith as the donors of such funds and property may prescribe.

SECTION 24: The Budget Committee of Borough shall include within the budget for each year such amounts as shall be required as contributions from Borough to Police Pension Fund.

SECTION 25: The books and records of Police Pension Fund shall be open for inspection by any interested parties, and the accounts shall be audited as the Council shall direct.

SECTION 26: Any officer or member of the police force aggrieved by any ruling or action regarding Police Pension Fund and his relation thereto shall have the right to a hearing before the Council upon his written request therefor. Such requests shall contain in clear language the objection being presented, and said Council shall require the attendance of any witnesses on behalf of the objecting party by subpoena.

SECTION 27: The Borough has elected not to grant any of the optional benefits available under the law. Any and all benefits or

options not specifically granted by this Ordinance which are discretionary under the Act shall be deemed denied to members of the Police Pension Fund. The enumeration of options excluded in this Ordinance shall not in any manner imply, warrant, suggest or import the inclusion of options not specifically excluded. This election by the Council at this time shall not prevent the Borough in the future, by resolution, from granting any additional benefit or benefits that it deems appropriate under the law.

SECTION 28: Any statute which may be hereinafter enacted by the Commonwealth of Pennsylvania or any proper regulation which may be properly promulgated hereinafter by said Commonwealth which shall affect this Ordinance shall be considered as an amendment to this Ordinance and all actions taken hereunder shall be subject thereto.

SECTION 29: All officers of Borough be and are hereby directed and authorized to do and perform all acts and things necessary to put said Police Pension Fund into effect as of December 5, 1977 and thereafter to maintain it in force.

SECTION 30: Any ordinance or part of any ordinance conflicting with the provisions of this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

ENACTED AND ORDAINED this 5th day of December, 1977.

BOROUGH COUNCIL OF WEST WYOMING,  
LUZERNE COUNTY, PENNSYLVANIA

  
\_\_\_\_\_  
President

ATTEST:

  
  
\_\_\_\_\_  
Borough Secretary

Approved this 5th day of December, 1977.

