

TOWNSHIP OF SOUTH BEAVER

ORDINANCE NO. 27

AN ORDINANCE OF THE TOWNSHIP OF SOUTH BEAVER, BEAVER COUNTY, PENNSYLVANIA,
CREATING A POLICE PENSION PROGRAM FOR FULL-TIME POLICEMEN.

The Supervisors of the Township of South Beaver, County of Beaver and Commonwealth of Pennsylvania, under authority of the Second Class Township Code pursuant to Act of 1956, May 29, P.L. (1955) 1804, as amended commonly referred to as Act 600 hereby enacts the following:

SECTION 1. A police pension program for full-time policemen of the Township of South Beaver is hereby created, with the terms of eligibility, benefits, contributions and vesting being applicable as follows:

A. Eligibility:

1. Each policeman employed on a full-time basis will be included in this program as a participant. A participant, upon having attained twenty-five (25) years of continuous service and fifty-five (55) years of age, shall upon honorable discharge be entitled to retirement benefits as hereinafter set forth; and a participant becoming totally and permanently disabled in the performance of his duties and determined to be disabled by the Federal Social Security program shall be entitled to retirement benefits as hereinafter set forth.
2. The surviving widow of a policeman who has fulfilled requirements for retirement hereunder, so long as said widow does not remarry, shall be entitled to benefits as hereinafter set forth.

3. The surviving child or children under the age of eighteen (18) years of age of a policeman who has fulfilled requirements for retirement hereunder, so long as such policeman is not survived by a widow, or if survived by a widow and said widow subsequently dies or remarries, shall be entitled to the benefits as hereinafter set forth.

B. Benefits:

1. Retiring policemen, whether by reason of age and length of service or due to service connected disability, shall receive a retirement benefit equal to one-half (1/2) the average monthly salary of such participant during the last sixty (60) months of his employment, or lesser number of months if he was not employed for such period of time; the said one-half (1/2) monthly sum shall be derived and computed from
 - (a). not more than seventy-five (75%) percent nor less than fifty (50%) percent of the primary benefits which the participant is entitled to receive under Federal Social Security laws (the applicable percentage of off-set of Federal Social Security benefits shall be set by Resolution of the Board of Supervisors); and
 - (b). the moneys or sums due from the funds established hereunder to the extent necessary to bring the total retirement benefit to the aforesaid one-half (1/2) monthly average salary when added to the off-set amount of primary Federal Social Security benefits in (a) above.

2. A widow eligible to receive benefits by reason of survivorship shall receive a benefit calculated at the rate of fifty (50%) percent of the pension or benefit the policeman was receiving or eligible to receive at the time of his death.
3. A child or children, as a single class, eligible to receive benefits by reason of survivorship shall receive a benefit calculated at the rate of fifty (50%) percent of the pension or benefit the policeman was receiving or eligible to receive at the time of his death.
4. Incidental benefits may be supplemented hereto by resolution from time to time, which incidental benefits may include pre-retirement death benefits with the beneficiary thereto being designated by a participant and a length of service increment for service in excess of twenty-five (25) years with limitations as set forth in said Act 600, as same now exists or as same may be hereafter amended.

C. Contributions:

1. Each policeman covered by this plan shall contribute monthly into the fund established hereunder a maximum amount equal to the sum of:
 - (a). an amount determined by multiplying the participant's monthly compensation on which Federal Social Security is payable by a percentage factor determined by subtracting five (5%) percent from the product obtained by multiplying three (3%) percent against

the percentage of primary benefits under Federal Social Security laws used in determining the retired participant's benefits hereunder, and

- (b). an amount determined by multiplying the amount of monthly compensation, if any, in excess of that on which Federal Social Security is payable by five (5%) percent.

All such contributions are to be deducted from the participant's salary, and may be reduced or eliminated by resolution from time to time.

- 2. Any balance of contributions needed shall be the obligation of the Township.
- 3. Any payments made by the Commonwealth of Pennsylvania, or funds from any other source, may be used to reduce:
 - (a) policeman's contributions;
 - (b) funding requirements of the Township; or
 - (c) if in excess of funding requirements, to be applied against service costs.

- D. Vesting. The Township subject to the terms hereof shall be the owner of all moneys or properties paid into the fund created, and of annuities or policies of insurance purchased, and no policeman prior to retirement shall have any right or title therein; except, however, he shall have the right to designate a beneficiary, and in the event of termination or discontinuance of his employment with the Township for reasons other than retirement or death, he shall be entitled to return of the total amount of contributions paid by him hereunder, with interest at the rate of not less than three (3%) percent per annum.

SECTION 2. The administration of this pension program, subject to such rules and regulations as may be adopted from time to time by resolution by the Supervisors, shall be under the direction of the Supervisors, or by such committee or persons as the Supervisors may from time to time designate by resolution, as Trustees. Such Trustees shall have full responsibility for administration of the program and shall hold, invest and re-invest and distribute all funds or other property received pursuant hereto in trust for the purposes of this Ordinance, having full power and authority by a majority either directly or through designated representatives to do all acts, execute, acknowledge and deliver all instruments, and shall have any and all powers and discretions necessary to implement and effectuate this Ordinance, including but not limited to:

- A. Hold, invest and re-invest all funds received in such legal investments as authorized under the laws of the Commonwealth of Pennsylvania;
- B. Enter into contracts or deposit agreements with one or more insurance companies, in order to provide the pension and other benefits herein set forth, and to pay premiums and deposits required by the purchase of said contracts.
- C. Make distribution of the moneys of the fund in accordance with the terms of this Ordinance or regulations adopted relative hereto.

SECTION 3. All funds, assets or contracts of insurance, and payments as herein provided, shall not be subject to attachment, execution, levy, garnishment or other legal process, and shall be payable only to the participant or his designated beneficiary. No participant or his beneficiary shall have the right to alienate, encumber or assign any assets of this fund except as specifically provided herein.

SECTION 4. The expense of administering this pension fund program shall be

paid by the Township from funds other than held under this program to provide benefits hereunder.

SECTION 5. If any section, paragraph, sentence or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect; for this purpose the provisions of this Ordinance are declared to be severable.

ENACTED AND ADOPTED this 27th day of May, 1980.

ATTEST:

TOWNSHIP OF SOUTH BEAVER:

Carol Miller
Secretary

Caul Hogan
Supervisor

Robert R. Miller
Supervisor

Donald H. Hume
Supervisor