

ORDINANCE NO. 131

AN ORDINANCE OF THE TOWNSHIP OF MILFORD, BUCKS COUNTY, PENNSYLVANIA ELECTING TO CHANGE THE 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; AND TO STATE WHICH OF CERTAIN OPTIONS PERMITTED UNDER THE LAW ARE ACCEPTED BY MILFORD TOWNSHIP

BACKGROUND:

A. Pursuant to Milford Township Ordinance No. 91, Milford Township is currently a member of the Pennsylvania Municipal Retirement System ("PMRS" or "System"), and has benefits for a non-uniform pension plan;

B. Milford Township, being a member municipality of the PMRS, elects to change its member benefits in the System as authorized by the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended (the "Law"), and does hereby agree to be bound by all the requirements and provisions of the Law, and to assume all obligations, financial and otherwise, placed upon member municipalities;

C. All references in this ordinance shall be based on benefits negotiated by the Pennsylvania Municipal Retirement Board (the "Board") and Milford Township under the provisions of Article IV of the Law; and

D. The proposed ordinance have been advertised, considered, and reviewed in accordance with applicable state law.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby ENACTED AND ORDAINED by the Board of Supervisors of Milford Township, Bucks County, Pennsylvania, as follows:

Section 01: Membership in the System shall be mandatory for all full-time municipal employees of Milford Township. Persons who become elected officials, part-time employees, employees hired on a temporary or seasonal basis, and individuals paid only on a fee basis after July 1, 2005 and who are not already members of the System, shall be prohibited from becoming members in the System.

Section 02: All existing part-time employees who are members of Milford Township's non-uniform plan in the System shall remain members of the Township plan in the System unless he employee elects to withdraw from the pension plan. A member

election to withdraw from the plan must be made in writing and received by Milford Township before July 1, 2005, and shall be irrevocable.

Section 03: All existing part-time employees who are not enrolled in the Township plan in the System may join the Township plan in the System if the employee (a) makes a written election to join the Township plan in the System which must be received by the Township before July 1 2005; and (b) makes the required payment of all member contributions plus regular interest that would have been credited to those contributions had they participated in the System from their date of hire. The election, once made, is irrevocable. Failure of the part-time employee to make the required contributions and regular interest payments as determined by the System shall be considered the same as if the part-time employee had chosen not to participate in the System.

Section 04: Credited service for original members shall accrue from the effective date of the member's enrollment in any Township plan established prior to the enrollment in the System. For original members who were excluded from membership in the previous plan, credited service shall begin to accrue from December 15, 1992. Benefits provided to members in the agreement dated June 21, 2005 shall accrue based on all credited service granted and earned in accordance with this section.

Section 05: Payment for any obligation established by the adoption of this ordinance and the agreement between the Board and Milford Township shall be made by the Township in accordance with the Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act, as amended.

Section 06: As part of this ordinance, the Township agrees that the System shall provide the benefits set forth in the agreement between the Board and Milford Township dated June 21, 2005. The passage and adoption of this ordinance by Milford Township is an official acceptance of the agreement and the financial obligations resulting from the administration of the benefits package. Milford Township hereby assumes all liability for any unfundedness created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

Section 07: Milford Township intends this ordinance to be the complete authorization of the Township's municipal pension plan and simultaneously with its effective date specifically repeals Ordinance No. 91.

Section 08: A duly certified copy of this ordinance and the referenced agreement shall be filed with the PMRS of the Commonwealth of Pennsylvania. Membership for the municipal employees of Milford Township in the PMRS was effective December 15, 1992, with the revised plan structure reflected in the agreement dated and effective June 21, 2005.

Section 09: In addition, all inconsistent provisions of other ordinances or resolutions are repealed to the extent of the inconsistency. All other provisions of the ordinances of Milford Township shall remain in full force and effect.

Section 10: The provisions of this ordinance are declared to be severable. If any provision of this ordinance is declared to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall have no effect on the remaining provisions of this ordinance.

Section 11: This Ordinance shall be effective five (5) days after its adoption.

ORDAINED and ENACTED this 21 day of June, A.D., 2005.

BOARD OF SUPERVISORS OF
MILFORD TOWNSHIP

ATTEST:

-S-
Jeffrey A. Vey, Manager

-S-
Charles Strunk, Chairman

-S-
Robert B. Mansfield

-S-
Timothy Damiani