

ORDINANCE #12.

A RESOLUTION ESTABLISHING AND REGULATING A POLICE PENSION FUND FOR THE TOWNSHIP OF SOUTH HUNTINGDON TO BE MAINTAINED BY ANNUAL APPROPRIATIONS RECEIVED FROM TAXES PAID BY FOREIGN-CASUALTY INSURANCE COMPANIES, BY APPROPRIATIONS, GIFTS, GRANTS, DEVISES, OR BEQUESTS GRANTED TO THE PENSION FUND: PROVIDING FOR THE TRANSFER OF ANY AND ALL FUNDS FROM THE EXISTING POLICE PENSION FUND AND PROVIDING FOR THE PURCHASE OF PENSION ANNUITY CONTRACTS TO BE PAID ANNUALLY BY THE TOWNSHIP SECRETARY FROM FUNDS APPROPRIATED FOR THE POLICE PENSION FUND: AND FURTHER AUTHORIZING AND EMPOWERING THE PROPER OFFICERS OF THE TOWNSHIP OF SOUTH HUNTINGDON TO EXECUTE AND DELIVER ON BEHALF OF THE TOWNSHIP OF SOUTH HUNTINGDON SUCH DOCUMENTS AS THE SOLICITOR OF THE TOWNSHIP SHALL DETERMINE TO BE NECESSARY AND PROPER TO EFFECTUATE AND IMPLEMENT THE POLICE PENSION FUND HEREBY ESTABLISHED.

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP ROAD BOARD of the Township of South Huntingdon, Westmoreland County, Pennsylvania and it is hereby ordained and enacted by the authority of the same.

SECTION 1. The Township of South Huntingdon hereby establishes an insured Police Pension Fund to be funded through the insured Pension Annuity Contracts to be purchased through J.J. Markotan, Police Pension Planning & Service, Pittsburgh, Pa.

SECTION 2. The fund is to be maintained by payments made by the State Treasurer to the Township of South Huntingdon from the monies received from taxes paid on premiums by foreign-casualty insurance companies for the purposes of pension, for policemen, and by gifts, grants, devises or bequests granted to such pension fund.

SECTION 3. Such Police Pension Fund shall be under the direction of the Road Board of the Township of South Huntingdon and shall be applied under such regulations as the Road Board of the Township of South Huntingdon, may, by Ordinances or Resolution, prescribe for the benefit of such members of the Township of South Huntingdon Police force as shall receive honorable discharge therefrom, by reason of age and service, or disability and the families of such as may be killed in the Service. Where a Township is liable to pay disability benefits to a member under any previous Act or Acts pertaining to such disability, any amount received from disability contracts shall be integrated as part of such Township liability.

SECTION 4. The Township of South Huntingdon is hereby authorized to take by gift, grant, devise, or bequest, any money or property real, personal, or mixed, in trust for the benefit of such fund and the care, management, investment and disposal of such trust funds or property shall be vested in the Township of South Huntingdon Road Board, the person, Agent and the Company having the management of such Police Pension Fund, and the said trust funds shall be governed thereby subject to such directions not inconsistent therewith as the donor of such funds and property may prescribe.

SECTION 5. The Township of South Huntingdon hereby prescribed a minimum period of total service not less than an aggregate of twenty (20) years in the

Township of South Huntingdon, and shall fix the age of the members of the force at sixty-five (65) years after which they may retire from active duty, and such members as are retired shall be subject to service, from time to time, as a police reserve, in case of riot, tumult or preservation of the public peace until unfit for such service, when they may be finally discharged by reason of age or disability.

SECTION 6. Any member of the police force employed by the Township of South Huntingdon, who has been a regular appointed employee of the Township of South Huntingdon, 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 7A. Payments made under this Resolution shall not be in a charge on any other fund in the Treasury of the Township of South Huntingdon or under its control, save the police pension fund herein provided for. The basis for determining any pension payable under this resolution, following retirement of any member of the force meeting the service and age qualifications of this ORDINANCE shall be as follows:

Monthly pension or retirement benefits shall be not less than one-half the monthly average salary of such member during the last sixty (60) months of employment. Such pension or retirement benefits for any month shall be computed as the sum of : (1) Any pension benefits from pension plans heretofore established by a private organization or association for the members of the police force; (2) Primary benefits under Federal Social Security laws for which the officer may be eligible because of age; and (3) benefits from the police pension fund established pursuant to this resolution to the extent necessary to bring the total benefits in any month up to one-half the aforesaid monthly average salary. In the case of the payment of disability pensions, or payments of death benefit to the member's beneficiaries, the amounts and terms of such payments shall be fixed in the member's individual pension Annuity Contract.

SECTION 7B. The retirement pensions are payable for as long as the member lives.

SECTION 8. The actuary to be employed by the Township of South Huntingdon with respect to the Police Pension Fund hereby established shall be provided by the Insuring Company.

SECTION 9. The assets and liabilities of the existing Township of South Huntingdon Police Pension Fund shall be transferred to the fund established by this Resolution.

SECTION 10. No person participating in a police pension fund established pursuant to the provisions of this resolution who becomes entitled to receive a benefit therefrom, shall be deprived of his right to an equal proportionate share therein upon the basis upon which he first became entitled thereto.

SECTION 11. Any member of a police force of the Township of South Huntingdon, who for any reason whatsoever shall be ineligible to receive a pension after having contributed any charges to a police pension fund established pursuant to the provisions of the Resolution, shall be entitled to a refund of all such monies paid by him into such funds immediately upon discontinuance of his employment with the police force. If such discontinuance is due to death, refund or such monies or death benefit as may be due from Pension Annuity Contract shall be paid to his designated beneficiary, or in the absence thereof, to his estate.

SECTION 12. 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 13. The Township of South Huntingdon hereby authorizes and directs the Township Secretary to make regular annual payments on the before-mentioned Pension Annuity Contracts when due.

SECTION 14. That the procedure hereinbefore set forth expressing the intent to purchase Pension Annuity Contract or make new applications hereafter on the lives of the same or other Policemen of the Township from time to time and from year to year may be carried into effect with the necessary and desired factual changes without the necessity to pass any new Ordinance or resolution authorizing such purchase.

SECTION 15. The Police Pension Fund provided for herein is hereby established immediately.

SECTION 16. The proper officers of the Township of South Huntingdon are hereby authorized and empowered to execute and deliver on behalf of the Township such

documents as the Solicitor of the Township shall determine to be necessary and proper to effectuate and implement the Police Pension Fund hereby established.

SECTION 17. Any resolution or part of resolution conflicting with the provisions of this resolution are hereby repealed.

RESOLVED AND ENACTED into law, this 5th day of July 1960.

TOWNSHIP OF SOUTH HUNTINGDON

By: S/Frank L. Forsythe
President of Road Board.

ATTEST:

S/ Mike Ritz, Secretary.