ORDINANCE NO. 58

AN ORDINANCE ESTABLISHING A POLICE PENSION FUND FOR REGULAR FULL TIME MEMBERS OF THE POLICE FORCE OF OHIO TOWNSHIP, SPECIFYING SOURCES OF REVENUE FOR THE ESTABLISHMENT AND MAINTENANCE OF SAID FUND; PROVIDING FOR THE MANAGEMENT THEREOF AND FOR THE PURCHASING OF ANNUITY OR RETIREMENT INCOME POLICIES TO PROVIDE THE REQUIRED PENSION AMOUNTS; ESTABLISHING MINIMUM TOTAL SERVICE AND AGE REQUIREMENTS FOR RETIREMENT; REQUIRING ANNUAL PAYMENTS INTO SAID FUND BY MEMBERS THEREOF AND BY OHIO TOWNSHIP AND ESTABLISHING PARTICIPANTS' BENEFITS.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Ohio Township acting under the authority granted by the Act of May 29, 1956, P.L. Act No. 600, as amended, and it is hereby ordained and enacted by and with the authority of the same.

Section 1. That a Police Pension Fund for the exclusive benefit of such regular full time members of the police force of Ohio Township (as defined in the Act of May 12, 1943, P.L. 259, as amended) as shall receive honorable discharge therefrom by reason of age and service as herein provided, shall be, and the same is hereby, created and established.

Section 2. The Police Pension Fund hereby created and established shall derive the revenue necessary to maintain its operation in conformity with law from the following sources:

(a) A charge against each regular full time member of the police force in the amount hereinafter set forth.

(b) Annual appropriations made by Ohio Township in the amounts required by law.

(c) Payments made by the State Treasurer to the Treasurer of Ohio Township from the moneys received by the latter Treasurer from taxes paid upon premiums by foreign casualty insurance

companies for purposes of retirement pensions for policemen.

(d) Any money or property, real, personal or mixed, in trust for the benefit of such fund, received by the fund through gift, grant, devise or bequest.

The total of all moneys or property derived from the sources hereinabove specified, together with the insurance contracts hereinafter authorized to be purchased therewith, shall constitute the Police Pension Fund of Ohio Township.

Section 3. A separate account to be known as the Police Pension Fund Account shall forthwith be established and thereafter maintained at an official Township depository designated by the Board of Supervisors and all moneys belonging to said Account as herein provided shall be therein deposited forthwith.

The operation and management of said Police Pension Fund shall be conducted by the Board of Supervisors under such rules and regulations as may be established by it from time to time.

Section 4. It is hereby determined that the pensions required hereunder and by law shall be provided partially through the purchase of annuity, or retirement income policies from insurance companies approved by the Board of Supervisors and partially by payments from the Police Pension Fund; provided that the Board of Supervisors may enter into an agreement with an insurance company approved by them whereby an actuarially determined fund may be established, from the principal and income of which fund the insurance company shall be required to pay any portion of the pension benefits not payable by annuity or retirement

income policies. The terms of such an agreement shall be determined by the Board of Supervisors and may be amended from time to time provided the same is in accordance with this Ordinance and the Acts of Assembly relating to police pensions. By reason thereof, said Board of Supervisors shall be, and it is hereby, authorized and directed to apply, on account of any premiums or premium deposit accounts due to any such approved insurance companies, such principal or income in said Police Pension Fund as may be required to fully pay such premiums or premium deposit accounts, so that said insurance contracts may be kept at all times in full force and effect until no longer required by law, and to deposit such other principal and income in said Police Pension Fund with an insurance company under a depository agreement as hereinabove referred to.

It shall be the duty of said Board of Supervisors to hold all funds received by the Fund in trust exclusively for the purposes set forth in this Ordinance. Excess funds on deposit in the Police Pension Fund may be invested at any time in securities guaranteed by the United States of America, or other legal investments as defined and authorized by the Fiduciaries Investment Act of the Commonwealth of Pennsylvania.

Section 5. To qualify for a pension under the terms hereof, a regular full time member of the Police Department of Ohio Township shall have a twenty (20) year minimum period of total service as a police officer of Ohio Township and shall have attained the age of sixty (60) years. In computing qualification under such minimum service provision, full credit for military service shall be given in accordance with statutes providing for same. When any Ohio Township police officer shall have so qualified,both as to period of service and age, such officer may retire from active duty, but such officers 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 unfitted for such service, at which time they may be fully discharged by reason of age or disability.

Any new full time employee of the Police Department of Ohio Township, during his six (6) month probationary period of service, shall not be entitled to participate in the pension program of the Police Pension Fund hereby created and during this period, his contributions, as hereinafter required, shall be held in a separate fund by Ohio Township until he is appointed to the regular full time police force. At the time such policeman is appointed to the regular full time police force, such separate contributions made by him shall then be transferred to the Police Pension Fund and he shall be included in any pension annuity or insurance contract on the next succeeding anniversary date of the policy or policies theretofore purchased by the Board of Supervisors for police officers qualified for pension benefit. Upon such anniversary date, the name of such appointee shall be added to the list of police officers qualified to participate in the insurance program of the Police Pension Fund and such appointee shall thereafter be entitled to full participation therein.

Section 6. Positions covered by the Police Pension Fund being presently included in an Agreement under the Federal Social Security Act, participants in said Fund, as well as newly appointed officers during their six month probationary periods, shall pay into, or have set aside for payment into, the Fund monthly, an amount equal to Two (2%) per cent of that portion of monthly compensation on which Social Security allowances are payable and Five (5%) per cent of any monthly compensation in excess of that on which Social Security allowances are payable. The remainder of the needed annual contributions, determined

actuarially, shall become the obligation of the Township of Ohio and shall be paid by it into the Police Pension Fund through annual appropriations therefor.

The payments made by the State Treasurer to the Treasurer of Ohio Township from the moneys received from taxes paid upon premiums by foreign casualty insurance companies for purposes of pension retirement or disability benefits for policemen shall be used, as follows:

(1) To reduce the unfunded liability, or, after such liability has been funded.

(2) To apply against the annual obligation of Ohio Township for future service cost or to the extent that the payment may be in excess of such obligation.

(3) To reduce member contribution.

Any other moneys paid into the Police Pension Fund shall be applied equally against the member and the Township portions of the future service cost.

Section 7. Monthly pension or retirement benefits payable from the Fund hereby created, following retirement of any member of the police force meeting the service and age qualifications herein established, shall be one-half (1/2) 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 police officer may be eligible because of age; and

(3) Benefits from the Police Pension Fund hereby established to the extent necessary to bring the total benefits

in any month up to the required one-half (1/2) of the aforesaid monthly average salary.

Section 8. Any member of the police force of Ohio Township who, for any reason whatsoever shall be ineligible to receive a Pension after having contributed any charges to the Police Pension Fund hereby established, shall be entitled to a refund of all such moneys paid by him into the Fund immediately upon discontinuance of his employment with the police force of Ohio Township. If such discontinuance is due to death, such moneys shall be paid to his designated beneficiary or, in the absence thereof, to his estate.

No such refund amount, or any pension payment provided for under the terms of this Ordinance, shall be subject to attachment, execution, levy, garnishment or other legal process, but shall be payable only to the member or his designated beneficiary and shall not be subject to assignment or transfer.

ORDAINED AND ENACTED this 20 day of February, 1962.

ATTEST:

E. J. Stephenson
Secretary

Robert C. Rossman
President Board of Supervisors.