

TOWNSHIP OF WASHINGTON  
COUNTY OF NORTHAMPTON  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 183

AN ORDINANCE PROVIDING FOR COMPREHENSIVE AMENDMENTS TO THE WASHINGTON TOWNSHIP PENSION FUND, AN ORDINANCE REESTABLISHING A MUNICIPAL PENSION FUND FOR THE TOWNSHIP OF WASHINGTON, AN ORDINANCE AMENDING ORDINANCE NO. 152, AND ITS AMENDMENTS IN THEIR ENTIRETY, AND AN ORDINANCE PROVIDING FOR THE REGULATION AND ADMINISTRATION OF THE POLICE PENSION FUND, ESTABLISHING BENEFITS, PROVIDING FOR CONTRIBUTIONS BY THE MEMBERS OF THE TOWNSHIP POLICE FORCE, FOR APPOINTMENTS OF TRUSTEES, AND AN ACTUARY FOR THE EXPENSES OF ADMINISTRATION.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Washington Township, Northampton County, Pennsylvania, and by authority of same, the Washington Township Police Pension Fund Ordinance No. 152 enacted on December 30, 1968, and all subsequent amendments thereto, are abolished in their entirety, and

BE IT FURTHER ENACTED AND ORDAINED, that the Washington Township Comprehensive Police Pension Fund Ordinance is hereby adopted in their place, in manner and form following, to wit:

SECTION 1. Reestablishment of a Police Pension Fund of Washington Township.

A Municipal Police Pension Fund is hereby reestablished by Washington Township as provided by the Act of May 12, 1943, P.L. 259 (Act 120). In reestablishing the Police Pension Fund in accordance with Act 120, it is the intent of the Board of Supervisors of Washington Township to reestablish the Fund in accordance with the Amendments to Ordinance No. 152 of Washington Township which was duly enacted on May 14, 1979, April 13, 1983,

and April 11, 1990. It is expressly intended that the reestablished Police Pension Fund shall be governed by Act 120, since the existing police force of Washington Township consists of only two (2) full time officers, and will continue to be staffed in such a fashion for the foreseeable future.

SECTION 2. Administration.

The Police Pension Fund shall be administered under the direction and management of the Board of Supervisors of Washington Township as Trustees. The Trustees may appoint a corporate fiduciary to act with them as Co-Trustee. The Plan shall be managed and administered in compliance with Act 120, and all related Statutes.

Under Section 2, all assets presently held by the Board of Supervisors of Washington Township for the benefit of Police Pensions, whether derived from the Commonwealth of Pennsylvania, or otherwise, and whether consisting of cash, cash in the bank, insurance policies, or of any other nature, are hereby set aside and earmarked as assets of said Police Pension Fund.

SECTION 3.

The Fund is hereby authorized to receive all monies hereafter transmitted to the Board of Supervisors by the Commonwealth of Pennsylvania, and to take and hold any money or other property, real or personal, acquired by gift, grant, devise, bequest, or contribution, in trust, for the benefit of the full time police officers of the Township of Washington.

SECTION 4.

All full time, regular salaried members of the Police Department of the Township of Washington shall be members of the Fund, and entitled to each and every advantage accruing as a result of said membership.

SECTION 5. Eligibility For Benefits.

Any member of the police force of Washington Township who has served as a regular full time police officer for a minimum period of service of not less than an aggregate of twenty (20) years for the Township of Washington, and shall have attained the age of at least fifty (50) years of age, may retire from active duty, and such members as are retired shall be subject to service, from time to time, as police reserve, in the event of riot, tumult, or preservation of the public peace until deemed to be unfit for such service, when they may be finally discharged by reason of age or disability. Benefits from this Police Pension Fund may also be made payable to:

- (a) Police officers who have served in this Township for an aggregate total of at least twenty (20) years and who have attained the age of at least fifty (50) years, and, who, in the sole discretion of the Trustees, are determined to have become physically unfit for active duty;
- (b) A police officer who, in the sole discretion of the Trustees, is determined to have become permanently

disabled through no fault of his own while in the performance of his duties as a police officer of this Township;

- (c) Police officers, who, in the sole discretion of the Trustees, are determined to have become special cases of distress or necessity by reason of disability from injury or illness other than connected with service; and
- (d) A widow and child, or children, under age eighteen (18) of a police officer whose death, in the sole discretion of the Trustees, is determined to have resulted from injuries received while in the performance of his duties as a police officer of this Township.

The determination by the Trustees in each case shall be based upon the submission of such evidence as the Trustees shall require, and shall deem appropriate. The determination of the Trustees in each case shall be final and conclusive.

SECTION 6. Benefits.

Payments made under the provisions of this Ordinance shall not be a charge on any general fund, or other fund, in the treasury of the Township of Washington, or under its control, save the Police Pension Fund of Washington Township. The basis for determining any member of the force meeting the service and age qualifications of this Ordinance shall be as follows:

(a) Monthly pension or retirement benefits shall be seventy-five (75%) percent of the monthly average salary of such member during the last sixty (60) months of employment as a full time police officer of the Township of Washington. 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) Computation shall be exclusive of primary benefits under Federal Social Security Laws for which the officer may be eligible because of age, and it is expressly intended that no off-set in benefits for Federal Social Security payments shall apply. In the case of disability benefits created hereunder, it is expressly intended that no off-set in benefits for Workmen's Compensation payments shall apply in computing said benefits;
- (3) Benefits from the Police Pension Fund established pursuant to this Ordinance to the

extent necessary to bring the total benefits in any month up to seventy (75%) percent of the aforesaid monthly average salary. In the case of the payment of pensions for permanent injuries incurred in service, and to families of members killed in service, the amount and commencement of the payments shall be fixed by Rules and Regulations to be promulgated at said time by the Board of Supervisors of Washington Township; and

- (4) Benefits from the Police Pension Fund, in the event of the death of a retired member, shall be paid for the benefit of (i) widows, and if no widow survives, or if she survives and subsequently dies or remarries, then (ii) a child or children, under the age of eighteen (18) years, of members of the police force, or of members retired on pension. The widow of a member of the police force, or a member who retires on pension, who dies, or if no widow survives, or if she survives and subsequent dies or remarries, then the child or children, under the age of eighteen (18) years of age of

a member of the police force or a member who retires on pension who dies on or after the effective date of this Ordinance, may, during her lifetime, or so long as she does not remarry, in the case of a widow, or until reaching the age of eighteen (18) years in the case of a child or children, be entitled to receive a pension calculated at the rate of fifty (50%) percentum of the pension the member was receiving or would have been receiving had he been retired at the time of his death.

SECTION 7. Employment of Actuary.

The Board of Supervisors may employ an actuary and may fix his compensation in accordance with applicable Pennsylvania Statute. Expenses of management and administration of the Police Pension Fund of Washington Township, including the compensation of the Trustees and the actuary, shall be paid by the Township of Washington. For purposes of this Ordinance, Conrad M. Siegel, Inc., Consulting Actuaries, of Harrisburg, Pennsylvania, are hereby designated to be the actuaries of the Washington Township Pension Fund, as reestablished and reenacted hereby.

SECTION 8. Refund.

Any member of the full time police force of the Township of Washington, who, for any reason whatsoever, shall be ineligible to receive a pension after having contributed to the Police Pension Fund, shall be entitled to a refund of all such monies paid by him into such Fund immediately upon discontinuance. In the event of death, such monies would be paid to the officer's designated beneficiary, in the manner directed by him, or in the absence of said direction, to his Estate.

SECTION 9. Credit For Military Service.

Any member of the full time police force of Washington Township who has been a regularly appointed employee of the Township of Washington for a period of at least six (6) months, and who thereafter shall enter into the military service of the United States of America, shall have credited to his employment record for pension and 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 10.

Any payments herein provided shall not be subject to attachment, execution, levy, garnishment, or other legal process, and shall be payable only to the member officer, or his designated



beneficiary or beneficiaries, and shall not be subject to assignment or transfer.

SECTION 11. Chief Administrative Officer/Administration.

IT IS HEREBY ORDAINED AND ENACTED that the Chairman of the Board of Supervisors of the Washington Township shall be designated as the Chief Administrative Officer of the Police Pension Fund of Washington Township. Further, authorization for release of payment of administrative and actuarial fees from the Fund shall be by recommendation of the Chief Administrative Officer, for the Police Pension Fund, and by Resolution of the Board of Supervisors of Washington Township, from time to time.

SECTION 12.

All life and health insurance benefits available to the participants in the Police Pension Fund shall be paid by the Township of Washington from a general fund. No portion of the said life and health insurance benefits shall be paid in whole or in part from the funds designated as Police Pension Funds.

SECTION 13. Vesting.

After ten (10) years of credited service as a full time officer of the Township of Washington, a full time member of the Police Department may file an application to vest by filing said application with the Chief Administrative Officer for the Police Pension Fund within ninety (90) days of separation from employment

with the Township. Authorization for approval of said application for vesting shall be by recommendation of the Chief Administrative Officer for the Police Pension Fund, and by Resolution of the Board of Supervisors of Washington Township. Under no circumstances shall vesting be permitted if said vesting would impair the actuarial soundness of the Police Pension Fund of Washington Township. Provided further, that the vesting provision herein created shall not be inconsistent or incompatible with the provisions of Act 120.

SECTION 14. Cost Of Living Increases.

Subject to recommendation by the Chief Administrative Officer, and subject to Resolution by the Board of Supervisors of Washington Township, all retirees under the Washington Township Police Pension Fund shall be entitled to cost of living increases for all benefits payable to members of the police force receiving said retirement benefits. Provided, however, that said cost of living increase shall not exceed the percentage increase in the Consumer Price Index from the year in which the Police member last worked. Provided, further, that in no case shall the total Police Pension benefits exceed seventy-five (75%) percent of the salary for computing retirement benefits, and provided, further, that the total cost of living increase shall not exceed thirty (30%) percent. Under no circumstances shall a cost of living increase be granted which would impair the actuarial soundness of the Police

Pension Fund of Washington Township. Provided, further, that under no circumstances shall the cost of living increase in any given calendar year be inconsistent or incompatible with the provisions of Act 120, or with the provisions of this Ordinance.

SECTION 15.

Insofar as the provisions of this Ordinance are the same as statutory provisions, especially, but not limited to, the provisions of Act 120, they shall be subject to change or repeal to comply with any future statutory provisions, and the provisions of this Ordinance may be amended or rescinded if statutory restrictions or mandates are eliminated and discretion vested in the Board of Supervisors of Washington Township.

SECTION 16.

To the extent that this Ordinance is inconsistent with any previous Ordinances or Resolutions of the Township of Washington, said previous Ordinance or Resolutions are hereby repealed and abolished in their entirety.

SECTION 17. Validity.

Should any section or provision of this Ordinance be declared by any Court of any competent jurisdiction to be invalid, or should any section or provision of this Ordinance be declared to be invalid by a final determination of the Office of the Auditor General of the Commonwealth of Pennsylvania, or by any other State agency of competent jurisdiction, such decision or determination

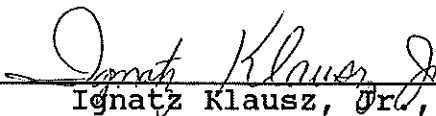
shall not affect the validity of this Ordinance as a whole, or of any other part thereof.

Section 18. Effective Date.

This Ordinance shall become effective five (5) days after enactment hereof.

ENACTED AND ORDAINED by the Supervisors of the Township of Washington, County of Northampton and Commonwealth of Pennsylvania, into an Ordinance this 12th day of October, 1994.

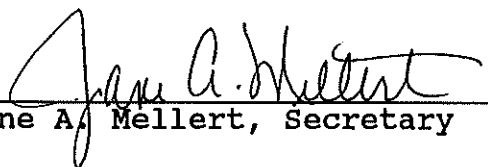
WASHINGTON TOWNSHIP BOARD OF SUPERVISORS

By:   
Ignatz Klausz, Jr., Chairman

By:   
Clayton D. Rutt

By:   
David Hess

ATTEST:

By:   
Jane A. Mellert, Secretary