

ORDINANCE NO 739

AN ORDINANCE OF FOUNTAIN HILL BOROUGH, LEHIGH COUNTY, COMMONWEALTH OF 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 PENNSYLVANIA MUNICIPAL RETIREMENT LAW AS AMENDED AND AS APPLICABLE TO THE MEMBER MUNICIPALITIES CHANGING BENEFITS UNDER THE PROVISIONS OF THIS ARTICLE: STATING WHICH OF THE CERTAIN OPTIONS PERMITTED UNDER SAID LAW ARE ACCEPTED BY THE BOROUGH. IT IS HEREBY ORDAINED BY FOUNTAIN HILL BOROUGH, LEHIGH COUNTY, AS FOLLOWS:

SECTION I. Fountain Hill Borough, being a member municipality of the Pennsylvania Municipal Retirement System, hereinafter referred as "PMRS", hereby elects to change its member benefits in that System as authorized by the Pennsylvania Municipal Retirement Law, as amended, and does hereby agree to be bound by all of the requirements and provision of said Article and the Law, as the case may be, and to assume all obligations, financial and otherwise, placed upon member municipalities by said Amendment, as the case may be. All references hereafter shall be based on benefits negotiated between the Pennsylvania Municipal Retirement Board and the Municipality under the provisions of Article IV of the Pennsylvania Municipal Retirement Law.

SECTION II. Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all full-time municipal employees of the Borough. Membership for elected officials, part-time employees, and employees hired on a temporary or seasonal basis is optional. The election by elected officials, part-time employees, and employees hired on a temporary or seasonal employees to join the System must be made within one year after the official or employee first enters the service of the Borough. Membership for individuals paid only on a fee basis is prohibited.

SECTION III. Credit for prior year service for original members is granted for each year or partial year thereof that the member was employed by the Borough from original date of hire. Benefits provided to members in the agreement dated December 1st, 2008 shall accrue based on all credited service granted and earned in accordance with this section.

SECTION IV. Payment for any obligation established by the adoption of this ordinance and the agreement between the Board and Fountain Hill Borough shall be made by the Borough in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

SECTION V. As part of this Ordinance, the Borough agrees that System shall provide the benefits set forth in the Agreement between the Board and Fountain Hill Borough, dated December 1st, 2008. The passage and adoption of this Ordinance by Fountain Hill

Borough is an official acceptance of said agreement and the financial obligation resulting from the administration of said benefit package. Fountain Hill Borough hereby assumes all liability for any unfundedness created or which may be created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

SECTION VI. Fountain Hill Borough intends this Ordinance to be the complete authorization of the Borough's municipal pension plan and it shall become effective and specifically repeal Ordinance No. 724 either immediately or on January 1, 2009, which is the effective date of the Agreement dated December 1st, 2008, between the Pennsylvania Municipal Retirement System and Fountain Hill Borough, whichever is later.

SECTION VII. A duly certified copy of this ordinance and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the municipal employees of Fountain Hill Borough in the Pennsylvania Municipal Retirement System shall be effective the first day of March, 1968, with the revised plan structure reflected in the agreement dated December 1st, 2008, effective the first day of January 2009.

ORDAINED this 1st day of December, 2008.

TALLY OF VOTES- ____ YEAS ____ NAYS

BY: _____
Lawrence E. Rapp, President of Council

ATTEST: _____
Barbara Merkle, Acting Executive Secretary